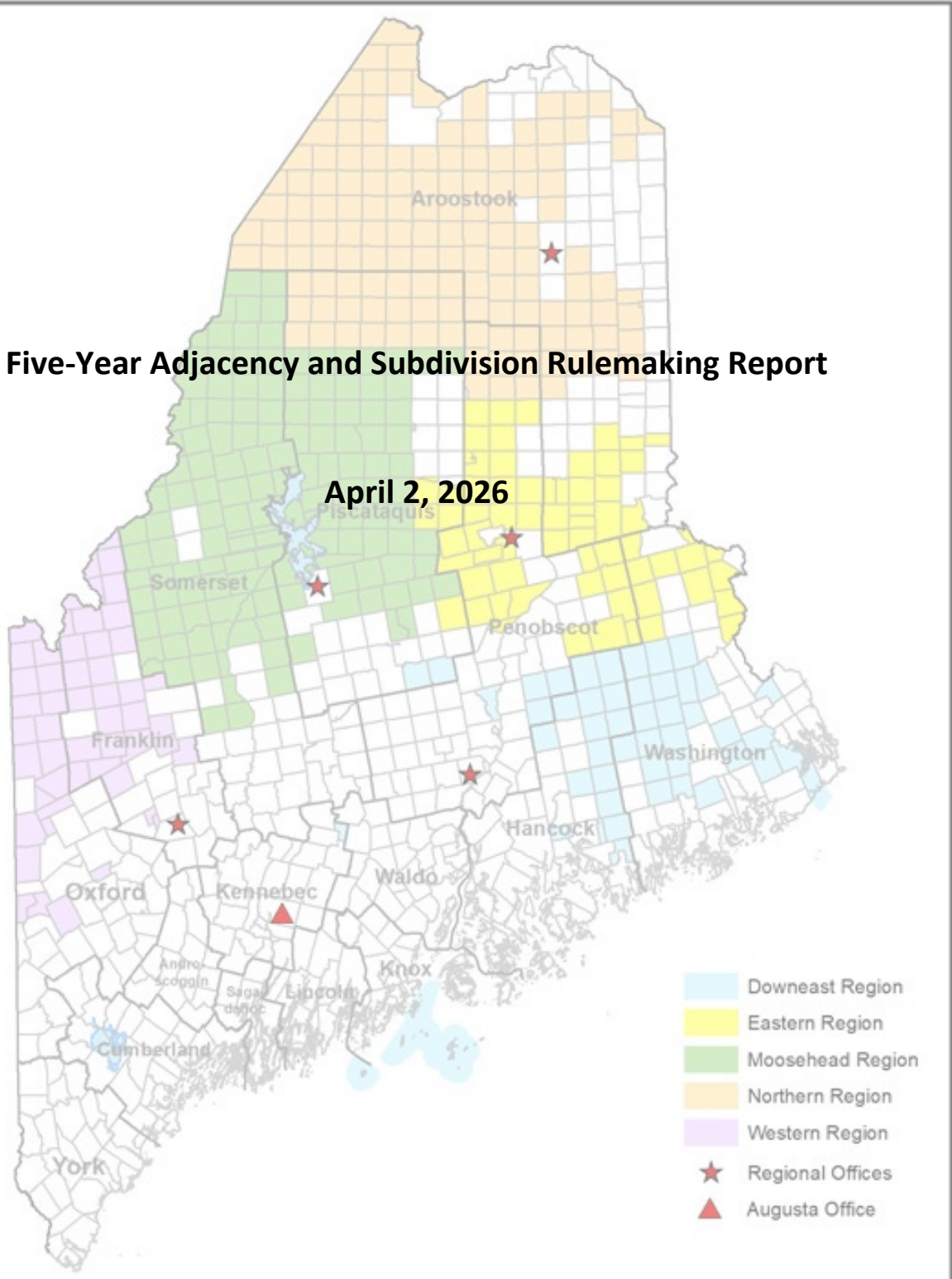




### Five-Year Adjacency and Subdivision Rulemaking Report

April 2, 2026



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## Executive Summary

### Overview

This *Five Year Adjacency and Subdivision Rulemaking Report* compiles information gathered over the reporting period and analyzed according to the *Adjacency and Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN*. The report examines location of development, subdivision activity and design, hillside development, wildlife passage, and major home-based businesses.

### Methods

The report was compiled by the Land Use Planning Commission (LUPC or the Commission) staff, who analyzed LUPC permits and application materials, interviewed interested parties including municipal officials in rural hubs, analyzed subdivisions and municipal reports to better understand development activity, completed field work to document as-built development in areas that meet the definition of a hillside, and completed additional legal and other research as needed.

### LUPC Permitting Activity

During the period covered by this report, the Commission approved:

- Ten relevant zoning petitions for development, Two relevant subdivision permits (both for a single M-GN Subdivision), and three relevant permits for non-residential resource-based commercial development
- 82 permits for development authorized under new standards that were part of the 2019 rulemaking (development on hillsides, wildlife corridor requirements, and home-based businesses)

### Conclusions and Recommendations

1. There was minimal rezoning and permitting activity related to the location of development, subdivision, wildlife passage, and major home-based business standards during the period covered by this report. Therefore, it is difficult to make broad conclusions about the effectiveness of the 2019 Adjacency and Subdivision Rulemaking.
2. Residential subdivision activity in the rural hubs was highly variable during the reporting period, ranging from a high of 13 actions in one rural hub to one action in 11 rural hubs and zero actions in 10 rural hubs, but on average was 20% greater than in the LUPC's service area. It is not clear if the LUPC subdivision standards are disincentivizing development, but their complexity, along with the disparity in the level of activity in the rural hubs, has raised preliminary concerns.
3. Based on review of the permitting activity that has occurred to date, no significant problems have been identified with the operation of the rulemaking.
4. This report will feed into the Commission's planned update of the Comprehensive Land Use Plan (CLUP), which will identify and prioritize needed rule changes.

5. Staff will provide a report on the Adjacency and Subdivision Rulemaking to the Commission in 2030, covering the period from 2019 to 2029.

## I. The 2019 Location of Development and Subdivision Rulemaking

### A. Overview

The Maine Land Use Planning Commission's (LUPC or Commission) 2019 Adjacency and Subdivision Rulemaking (Rulemaking) was based on two multi-year, public stakeholder processes.<sup>1</sup> The Subdivision rulemaking process began in 2014 and included a public survey, a workshop with invited experts on subdivision rules, and multiple public meetings. The Adjacency rulemaking process included three years of planning, public meetings, public comment periods, a public survey, and a public hearing, among other aspects. In October of 2018, the Commission voted to combine the two processes into a single rulemaking package. That rulemaking:

- Made changes to the 'adjacency principle'
- Improved subdivision standards
- Added other standards regarding an impact-based approach for residential and non-residential development, home- and farm-based businesses, scenic byways, and hillside development

At the conclusion of the rulemaking process, the *Adjacency & Subdivision Implementation Tasks: Reporting System Workplan* (Workplan; See Appendix G) was developed to guide monitoring, assessing, and reporting on the outcomes of the rulemaking. It includes goals and strategies to evaluate the effectiveness of the rule changes and describes data collection and analysis tasks to be completed during reporting periods. Goal 1 of the Workplan requires a review of the effectiveness of the rulemaking five years after adoption. Annual reports based on the Workplan were compiled for 2020 through 2023. This report includes data generally from June 2019 through August 2025 and provides additional analysis and conclusions.

This report is divided into seven major sections:

1. This Overview
2. Location of Development, including:
  - *A summary of rezoning activity during the reporting period and comparison with historical trends*
  - *Discussion of whether these rezonings were likely to have been approved under the one mile rule of thumb adjacency screen*
  - *Discussion of provision of services*
3. Subdivision Activity and Design Standards, including:
  - *A summary of subdivision activity during the reporting period and comparison with historical trends*
  - *An analysis of subdivision activity in municipal rural hubs during the reporting period and comparison with subdivision activity in the Commission's service area*

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<sup>1</sup> See [LUPC Location of Development \(Adjacency\) - Land Use Planning Commission](#)

- *An analysis of subdivision regulation in municipal Rural Hubs with the Commission’s subdivision standards*
4. Resource-based Commercial Uses
  5. New Development Standards for Hillside Resources
  6. New Development Standards for Wildlife Passage
  7. Major Home-based Businesses

***B. Location of Development Policy Background: The Adjacency Principle***

Since its inception as the Land Use Regulation Commission (LURC), the Commission has sought to fulfill its statutory charge by fostering patterns of development that protect the service area’s principal values. A guiding policy in this endeavor has been to encourage certain types of new development in and adjacent to existing developed areas. Due to the size and diversity of the Commission’s service area, prospective zoning of development zones was not applied when LURC adopted zoning and development standards in the early to mid-1970s. Instead, a rezoning process was created along with policies to guide the location of development, including that “..most future development should take place within or adjacent to existing patterns of compatible development” (1983 CLUP, p. 82), “particularly near towns and communities” (1997 CLUP, p. 122).

Prior to 2019, the Commission generally interpreted this adjacency policy to mean that most rezoning for development should be no more than one mile by road from existing, compatible development while recognizing that a greater or lesser distance may be appropriate in some circumstances (the “one-mile rule of thumb”). However, difficulties with the adjacency policy and its application were identified as far back as the 1976 Comprehensive Land Use Plan (CLUP) and were expanded upon in the 1983 and 1997 CLUPs. This culminated with the 2010 CLUP designating “guiding the location of development” as the Commission’s highest priority issue. Following the plan and guidance provided in the 2010 CLUP, the Commission initiated a location of development rulemaking process in 2016, which became part of the Adjacency and Subdivision Rulemaking and was ultimately adopted in 2019.<sup>2</sup>

***C. Overview of Location of Development Rule Changes***

The Adjacency/Location of Development portion of the rulemaking established locational criteria for certain development zones through revisions to section 10.08 of the Commission’s rules and the addition of section 10.08-A. These rule changes included:<sup>3</sup>

- Designating 39 communities as “Rural Hubs,” most (38) of which are municipalities
- Establishing a “Primary Location” as:

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<sup>2</sup> For discussion of the Adjacency Policy in past CLUPS, see the following (page numbers refer to PDF file pagination): 1976 CLUP, pages 8, 24, 61, and 72; 1983 CLUP, pages 52 and 84; 1997 CLUP, pages 122-140, 148, and 154.

<sup>3</sup> The list is intended to present the rule changes at a high level and as a result involves simplifications and omissions. Consult sections 10.08 and 10.08-A of the [Commission’s Chapter 10, Subchapter I](#) for the complete rules.

- Land within seven miles of the boundary of a rural hub that also is within one mile of a public road,
  - Land within certain townships, plantations, and towns that is also within one mile of a public road, or
  - Land within 700 feet of most Management Class 3 lakes (MC 3 = lakes potentially suitable for development; see [Chapter 2](#), 128)
- Establishing a “Secondary Location” as land in a town, township, or plantation bordering a rural hub that also is within three miles of a public road and outside the primary location
  - Requiring proposed Commercial-Industrial Development (D-CI) and General Development (D-GN) subdistricts to be located in a primary location
  - Requiring proposed Low-Density Development (D-LD)<sup>4</sup> subdistricts and most Residential Development (D-RS) subdistricts to be located in a primary or secondary location
  - Requiring demonstration of availability of emergency services, compatibility with other land uses and resources, and maintenance of the character of an area as important criteria for demonstrating consistency with the CLUP’s policies on location of development
  - Requiring legal right of access for certain rezonings

The rulemaking also allowed land uses that must be conducted near a natural resource to locate away from existing development by:<sup>5</sup>

- Establishing the Resource-Dependent Development Subdistrict (D-RD)<sup>6</sup>
- Allowing recreation-based subdivisions around Management Class 4 and 5 lakes [MC 4 = high value, developed lakes (see [Chapter 2](#), 129); MC 5 = heavily developed lakes (see [Chapter 2](#), 130)]; around certain Management Class 7 lakes (MC 7 = lakes which are not in one of the other six lake Management Classes); and around certain trailheads

#### ***D. Overview of Changes to Subdivision Standards***

In addition to the criteria for rezoning, the Adjacency and Subdivision rulemaking revised land use standards to improve flexibility and suitability for residential subdivisions proposed in the Commission’s service area. A primary goal of the changes to the subdivision rules was to encourage lot creation through the permitted subdivision process, rather than through the exempt lot process. The high-priority policy issues relating to subdivision layout and design included:

- The appropriateness of the standards for the area served by the Commission
- Making the standards clearer while incorporating more flexibility
- Allowing more design options for different areas/different regions of the UT
- Determining where community-centered design or the grouping of lots should be required

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<sup>4</sup> The Low-Density Development Subdistrict (D-LD) was created in the 2019 Adjacency and Subdivision rulemaking.

<sup>5</sup> Note that Commission rules in place prior to 2019 allowed development tied to a specific resource to locate away from existing development: for example, the Planned Development (D-PD) subdistrict.

<sup>6</sup> See [Chapter 10](#), Section 10.21, K.

- Provisions for the creation of large lot subdivisions to meet market demand
- Deciding when back lots or shared water frontage should be encouraged or required.

The Subdivision portion of the rulemaking established new subdivision design criteria (in Chapter 10, Section 10.25,Q,2 through 5), subdivision road standards (in 10.25,D), and the Low-Density Development Subdistrict (D-LD; 10.21,F). These changes were in response to stakeholder feedback that the subdivision standards needed to be clearer, more flexible, and allow more design options. Three additional layout options were also added.

### ***E. Overview of Other Changes***

#### *Hillside Resources*

In the Rulemaking, the Commission adopted its first standards specific to hillside development. These standards are found in Section 10.25,E (Natural Character and Cultural Resources). The standards allow development on hillsides while ensuring that such development is designed and constructed to maintain the scenic character of an area and prevent erosion. The rules define a hillside as “an area of two or more contiguous acres having a sustained slope of 15 percent or greater” (Chapter 2, 103). The Hillside Resources standards seek to meet the resource protection goals through requirements for all types of development on hillsides regarding:

- Stormwater management
- Ridgeline protection
- Clearing of vegetation
- The design and orientation of structures and linear infrastructure
- Construction materials

Additional information on the standards is provided in Section V on Hillside Resources.

#### *Wildlife Passage*

Due to concerns that the Adjacency rule change would foster development blocking movement of wildlife, the Commission instituted a wildlife passage standard for the following development activities:

- New businesses in primary locations and in new development subdistricts established after the rule change
- New residential subdivisions

The wildlife passage standards for both certain new businesses and new subdivisions require suitable open space for wildlife passage of at least 500 feet in width. To the extent practicable, the wildlife passage must be located, in order of preference, along the side of flowing waters or wetlands, in a way that links high-value wildlife habitats on or off the property, along the property line of any abutting conserved land, or adjacent to one of the boundary lines of the lot. Applicants are required

to submit a plan for maintaining the open space for wildlife passage. The Commission developed the wildlife passage standard after consultation with wildlife biologists, including those working for the federal government, state government, the University of Maine, and non-profit organizations. The consensus was that 500 feet would provide a sufficient width for passage of most wildlife species in Maine, considering potential impacts from adjacent human activity, especially through the edge effect in which native species can be adversely affected nearer the boundary between undeveloped areas and developed human areas (such as lawns and roads).

The Commission also included exceptions to the wildlife passage requirement:

- Cases where proposed development constitutes in-fill development such that designated open space for wildlife passage would be an isolated pocket providing little long-term value
- Cases where suitable wildlife passage exists within one-quarter mile of the project site and which will be protected over the long-term
- Cases where a site-specific resource assessment shows that the wildlife passage goal will otherwise be met on or within one-quarter mile of the project site

#### *Major Home-Based Business*

The 2019 Adjacency and Subdivision Rulemaking revised the Commission's rules for home-based businesses (HBB) by modestly increasing the amount of floor area that may be used by the business to 50% of the total floor area of the dwelling or of the total combined floor area of the dwelling unit and accessory structure(s) in which the business is conducted. The intent of the increase was to provide more opportunity for business activity without incurring more development.

Home-based business includes two types:

- Major HBBs, which may occupy up to 2,500 square feet of floor area; may have no more than two people from outside the resident family working on the premises at any one time; and typically require a permit from the Commission
- Minor HBBs, which may occupy up to 1,500 square feet of floor area; may not have regular employees outside of the resident family; and are allowed without a permit subject to the standards described in Chapter 10, Section 10.27,N

All HBBs are subject to regulations regarding nuisances, traffic, parking, exterior effects, equipment storage, and hazardous waste.

[**Note:** To understand the LUPC's permit types, permit numbering conventions, and range of permit dispositions, it may be helpful to refer to Appendix A, Description of Permit Types, and Appendix B, Description of Disposition Types. Permit types, numbering, and dispositions are referred to extensively in this report.]

## II. Location of Development

### A. Relevant Rezoning and Permitting Activity Since 2019

#### *Summary of Zoning Petitions (ZPs) and General Management (M-GN) Subdivisions*

Ten rezonings to subdistricts affected by the rulemaking were approved by the Commission during the reporting period, June 2019 through August 2025 (Table 1; Figure 1). These included three large-scale solar facilities, two commercial auto repair garages, one subdivision, a restaurant and reception hall, a Cannabis cultivation facility, a storage facility, and a fire station. Information about each action comes from the Commission's Geographically Oriented Action Tracker (GOAT) database, applications and other project materials, internal LUPC staff comments, and the annual reports produced in accordance with the Workplan.

The majority of these actions were for non-residential development in a variety of development subdistricts. Of the non-residential development actions, large-scale solar facilities were most prevalent and utilized both the D-CI (available in primary locations) and D-RD subdistricts (available in "resource-based locations" that include areas outside of primary or secondary locations when other criteria are met). See Appendix C for a list of additional zoning actions that occurred during the reporting period but did not qualify for this report because they were not subject to the location of development criteria. No rezonings occurred in secondary locations during the reporting period.

Two permits for one individual M-GN Subdivision were also authorized during the reporting period and analysis of these actions is included in this section of the report. Proposals for M-GN Subdivisions are allowed by permit in the M-GN subdistrict, provided they satisfy specific locational criteria, including being within a primary location, proximity to a public road, and proximity from resources such as wetlands and waterbodies [Chapter 10, Section 10.25,Q,3,a,(2)].

Three Rivers Solar amended the boundaries of a pre-existing D-CI Subdistrict and changed the zoning designation to a Resource-Dependent Development (D-RD) Subdistrict. The original facility was rezoned as a D-CI, but the Rulemaking established large-scale solar facilities as a use in the new Resource-Dependent Development (D-RD) Subdistrict. The D-RD subdistrict is more suited to large-scale solar development. It includes specific locational criteria and a reversion clause and is intended to accommodate resource-dependent development in areas outside of primary locations (Chapter 10, Section 10.21,K,2,b). The Three Corners Solar Facility exists in two towns, as well as Unity Township. In the Commission's service area, portions of the site were rezoned to the D-CI subdistrict. Unity Township is entirely within the primary locations and otherwise meets the relevant locational criteria for the D-CI, which also allows large-scale solar development.

Several rezoning actions involved going from one type of development subdistrict to another to accommodate a development proposal. For example, ZP 794 proposed residential development in Coplin Plantation, but the proposal was to change an existing, undeveloped D-CI to a D-RS to match the surrounding neighborhood and allow for the development of a single-family home and home-based business. Similarly, ZP 793 expanded the boundary of a D-CI Subdistrict to accommodate the expansion of a self-storage facility.

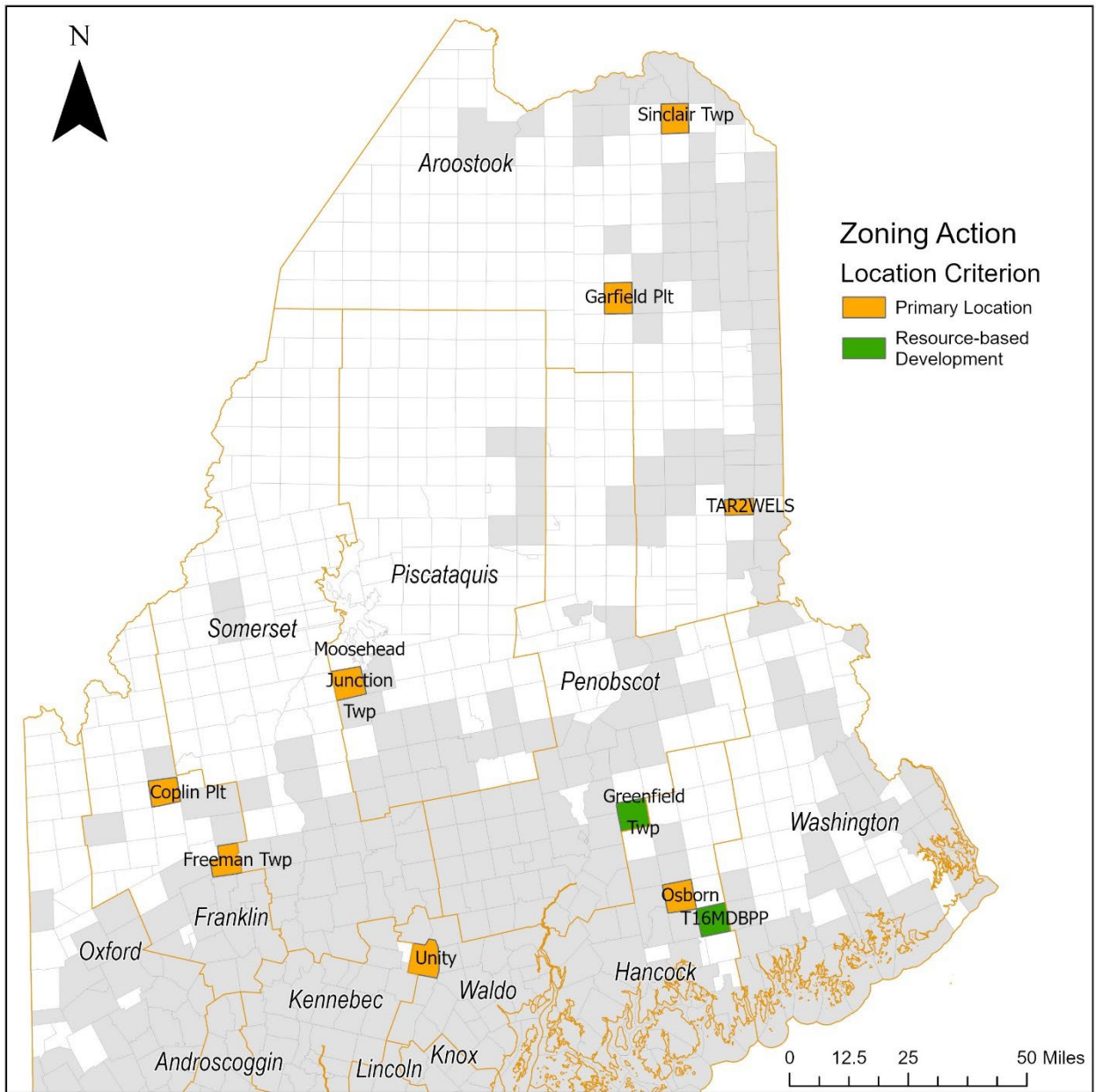
There were no rezoning actions relevant to this report that created new residential subdivisions. However, during the reporting period, residential subdivision activity occurred or is in the process of occurring in two Planned Development Subdistricts (D-PD) owned and operated by Saddleback

Maine Resort and Hammond Ridge LLC. Planned Development Subdistricts are established around specific resources and have their own locational criteria that are applied outside of the application of the adjacency principle.

**Table 1. Relevant Approved Zoning Petitions and General Management Subdivisions, June 2019-August 2025: Development Purpose, Sub-district, Size, Location, and Location Criteria.**

Zoning Petition	Year	Development Purpose	Sub-district	Acres	MCD	County	Location Criteria (10.08 & 10.08-A)
ZP 777	2020	Cultivation and retail sale of medical marijuana, staff housing	D-CI	6.75	TA R2 WELS	AR	Primary Location
ZP 781	2021	Commercial automobile repair	D-GN	1	Town of Osborn	HA	Primary Location
ZP 772A	2022	Large-scale solar project (3 Rivers)	D-RD	696	T16 MD BPP	HA	Resource-based development
ZP 783A	2022	Large-scale solar project (Cross Road)	D-RD	46	Greenfield Twp	PE	Resource-based development
ZP 776A	2022	Large-scale solar project (3 Corners)	D-CI	43	Unity Twp	KE	Primary Location
ZP 792	2023	Fire station	D-GN	7.96	Sinclair Twp	AR	Primary Location
ZP 793	2024	Storage facility Expansion	D-CI	1.44	Moosehead Junction Twp	PI	Primary Location
ZP 794	2024	Residential subdivision (expansion for 1 lot)	D-RS	1	Coplin Plt	FR	Primary Location
ZP 799	2024	Restaurant and reception hall	D-GN	2.27	Garfield Plt	AR	Primary Location
ZP 802	2025	Commercial automobile repair	D-GN	3.24	Freeman Twp	FR	Primary Location
SP 4100	2021	M-GN Subdivision (10 lots)	M-GN	15.83	Wyman Twp	FR	Primary Location

**Figure 1. Locations of Relevant Rezoning, June 2019 – August 2025**



Rezoning in Primary Locations	Resource-Based Rezoning
<ul style="list-style-type: none"> <li>• TA R2 WELS – to D-CI, Medical marijuana</li> <li>• Osborn – to D-GN, Auto repair</li> <li>• Unity Twp – to D-CI, Large-scale solar</li> <li>• Sinclair Twp – to D-GN, Fire station</li> <li>• Moosehead Junction Twp – to D-CI, Storage facility</li> <li>• Coplin Plantation – to D-RS, Residential subdivision</li> <li>• Garfield Plantation – to D-GN, Restaurant and hall</li> <li>• Freeman Twp – to D-GN, Auto repair</li> </ul>	<ul style="list-style-type: none"> <li>• T16 MD BPP – to D-RD, Large-scale solar</li> <li>• Greenfield Twp – to D-RD, Large-scale solar</li> </ul>

*Zoning Activity Since the Rulemaking Compared to Historic Patterns*

From GOAT, Commission staff obtained rezoning records from 1999 to June 2019 to compare with rezoning activity since the rulemaking. This sample of rezonings and rezoning amendments to D-CI, D-GN, and D-RS represents those that were approved during the time period and added new area to the zone. For example, rezonings to D-RS represent those that were approved and created new subdivisions or expanded the area of existing subdivisions by adding new lots. Approved Level Two Subdivisions, which were established in rule in 2004 and on which the General Management (M-GN) Subdivision type is based, are also shown in the summary.<sup>7</sup>

The frequency of relevant actions (Table 2), particularly for residential subdivisions, follows a pattern consistent with the economic forces in the country over the past 25 years: higher rezoning frequency in the early 2000s, with a decrease, potentially corresponding to the 2007 recession and its long recovery time that may have been extended by the COVID-19 pandemic beginning in 2020. The last five years are comparable in terms of level of activity to previous five-year intervals. Notably, the number of rezonings for residential subdivisions continues to be low. Additionally, no rezonings were authorized for the new Low Density Development Subdistrict (D-LD), which was created as part of the 2019 rulemaking and was intended to accommodate larger lot size options for subdivision designs.

**Table 2. Historic Rezoning Trends Compared with Rezoning Activity Following the 2019 Rulemaking.**

<b>Period</b>	<b># Qualifying Actions (ZPs, Level 2/M-GN Subdivisions)</b>					
	<b>D-CI</b>	<b>D-GN</b>	<b>D-RS</b>	<b>D-RD</b>	<b>M-GN Sub./Lvl 2 Sub.</b>	<b>Total Actions</b>
1999-2003	11	12	6	N/A	N/A	29
2004-2008	4	8	11	N/A	4	23
2009-2013	3	5	3	N/A	1	12
2014- June 2019	4	5	1	N/A	0	10
June 2019 – August 2025	3	4	1	2	1	11

<sup>7</sup> Level Two Subdivisions had slightly different locational criteria than General Management Subdivisions because they were allowed only in close proximity to public roads and within certain minor civil divisions. These pre-identified eligibility areas are similar to primary locations but do not align exactly.

### *Analysis of Approved Rezoning: Comparison with the Adjacency Screen Under the One-Mile Rule of Thumb*

*“The Commission has generally interpreted adjacency to mean that most rezoning for development should be no more than one mile by road from existing, compatible development—i.e., existing development of similar type, use, occupancy, scale, and intensity to that being proposed, or a village center with a range of uses for which the proposed development will provide complementary services, goods, jobs, and/or housing” (CLUP Page 61).*

Commission staff analyzed whether the 10 qualifying rezonings approved since the Rulemaking were likely to have been approved under the one-mile rule of thumb adjacency screen. This analysis involved using aerial imagery and other information to determine if development compatible (defined above) with the proposed rezoning existed within one mile by road.

Four of the rezoning actions authorized during the reporting period were unlikely to have been approved under the one-mile-by-road rule of thumb, with the remaining six actions potentially likely to have been approved (Table 3).

Two of the four rezonings unlikely to have been approved were for large-scale solar facilities: ZP 772-A (Three Rivers Solar) and ZP 783-A (Cross Road Solar), each of which was located farther than one mile by road from existing compatible development. Prior to 2018, the Commission had no specific use listings or rezoning system for large-scale solar development. It would have been challenging to say what type of development is similar to and compatible with a large-scale solar farm. Additionally, locating large-scale solar through the strict application of the one-mile-by-road rule of thumb may have resulted in facilities being closer to denser development patterns and potentially consuming land that could be used for other purposes, such as housing. However, ZP 776-A (Three Corners Solar) is an amendment to ZP 776 which was approved under the one mile rule of thumb. Three Corners Solar is located in Unity Township within one mile of other commercial development, within one mile of LUPC D-CI and D-GN subdistricts, and approximately one mile from another solar facility.

The remaining two rezoning actions that were unlikely to have passed the one-mile-by-road rule of thumb were for commercial businesses: ZP 777 (cannabis cultivation/production) and ZP 802 (auto repair garage). Both proposals were near municipalities and historic development patterns, but farther than one mile by road from non-residential development. ZP 777 was on the boundary of the town of Linneus, while ZP 802 was located between the towns of Strong and Kingfield and near a residential development subdistrict. Both locations were on public roads.

Beyond rezoning, Subdivision Permit SP 4100 authorized a new General Management Subdivision that was first proposed for seven lots (six residential lots and one road lot), and then later expanded to a total of ten residential lots (SP 4100-A). This subdivision is in a location that would have been approvable as a Level Two Subdivision and is in a primary location in Wyman Township near Route 27.<sup>8</sup>

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<sup>8</sup> For additional analysis of qualifying subdivision activity, see Section III.

**Table 3. Relevant Approved Zoning Petitions, June 2019-Augusta 2025: One-Mile Rule-of-Thumb Analysis and Permitting for Subsequent Build-Out**

Zoning Petition	Year	Development Purpose	Sub-district	Approvable Under One-Mile Rule-of-Thumb Rule?	Subsequent Permitting (Permit # and Year)
ZP 777	2020	Cultivation and retail sale of medical marijuana, staff housing	D-CI	Unlikely	None (as of 8/11/2025)
ZP 781	2021	Commercial automobile repair garage	D-GN	Likely	DP # 5094; issued 9/15/2021
ZP 772-A	2022	Large-scale solar project	D-RD	Unlikely	SLC-12-A; issued 9/30/2022
ZP 783-A	2022	Large-scale solar project	D-RD	Unlikely	DP # 5121; Issued 6/23/2023 DP # 5121-A; issued 11/6/2024
ZP 776-A	2022	Large-scale solar project	D-CI	Likely	SLC-16; issued 1/31/2022
ZP 792	2023	Fire station	D-GN	Likely	None (as of 8/11/2025)
ZP 793	2024	Storage facility	D-CI	Likely	SP-3237-C; issued 10/29/2024
ZP 794	2024	Residential subdivision	D-RS	Likely	BP 3369-B; issued 5/9/2025
ZP 799	2024	Restaurant and reception hall	D-GN	Likely	None (as of 8/11/2025)
ZP 802	2025	Commercial automobile repair garage	D-GN	Unlikely	N/A – approved 8/13/2025
SP 4100 & SP 4100-A	2019, 2021	M-GN Subdivision Permit and Amendment	M-GN	Likely approvable as a Level Two Subdivision	7 BPs issued 2019 - 2025

### *Buildout Status of Relevant Approved Actions*

Six of the ten rezoning actions authorized during the reporting period have been followed with approved permits. The remaining four (ZPs 777, 792, 799, and 802) have not yet been followed by permit applications, although two were recently approved by the Commission in 2025. ZP 777, which authorized the development of a cannabis production facility, is the oldest of the four and was approved in 2020.

The three large-scale solar facilities have been issued Site Law Certifications (SLC) (ZP 772-A, Three Rivers Solar; ZP 776-A, Three Corners Solar) or Development Permits (DP) (ZP 783-A, Cross Road Solar).

Seven building permits have been issued to date for residential lots approved in subdivision permits SP 4100 and SP 4100-A.

### ***B. Adjusting Primary or Secondary Locations***

In 2022, the Commission completed a rezoning process to replace the Plum Creek Moosehead Lake Region Concept Plan with a comparable zoning framework designed to accommodate community objectives around growth and resource protection. As a result of this process, the Commission adopted changes to the primary and secondary locations in the region based on feedback from the community and interested parties. Consistent with the intent expressed in the 2019 Adjacency and Subdivision Rulemaking Basis Statement, the revisions adjusting the Primary and Secondary Locations were proposed as the result of addressing the location of development through a balanced and comprehensive regional planning process. Processes such as Prospective Zoning and Community-Guided Planning and Zoning can consider both the protection of natural resources and the need for growth and development while ensuring landowner participation.

### ***C. Emergency Service Provision***

#### *Rezoning Requirements Related to Emergency Service Provision*

The Commission requires that applicants proposing to rezone for future development demonstrate that emergency services such as fire protection, police protection, and ambulance services are available and have sufficient capacity to accommodate the proposed development. This demonstration is accomplished by the applicant submitting a letter from each service provider as part of their application. During the rating period, all rezoning proposals included such letters indicating willingness and sufficient capacity to provide services.

Additionally, for most applications, Commission staff reached out directly to local officials in municipalities where services would originate to inquire whether the proposal raised concerns about capacity. Those discussions frequently reinforced the fact that local providers could adequately cover the proposed development. When municipalities requested more information, it was to allow either the code enforcement officer or the fire chief to review applications. It is difficult to say whether this outreach prompted additional comments or raised topics with service providers that they were not already considering. However, many officials who were contacted expressed their

appreciation for being looped in and frequently had other questions about the LUPC, with which staff could then assist.

*Distance Measurements from new zones to emergency service providers*

Table 4 shows the straight-line and travel distance measurements between the facilities proposed in the qualifying rezonings and the nearest rural hubs or the origin point for specific emergency services.

As noted, applicants provide letters from transporting ambulance services. In many cases, first responders were located much closer, even if the transporting ambulance is based farther away (for example: ZP 781 in Osborn).

Primary locations may be based on proximity to one rural hub, but in practice, emergency services may come from a different town or rural hub. For example, ZP 777 authorized a new cannabis production facility and was within a primary location based on proximity to the boundary of Oakfield. However, fire and ambulance services would come from Houlton because it is closer by road. The system for rezoning will not always perfectly capture all of the complexity and nuance of service provision in rural Maine, which is constantly changing and is influenced by factors other than land use (such as changes in who is awarded fire protection contracts by the counties).

There were not enough residential subdivision rezonings or M-GN subdivision permits to determine if service providers have any specific concerns about where subdivisions can be located. ZP 794 was the only rezoning and was located approximately 4.5 miles from first responders in Carrabassett Valley, but approximately 48 miles from the transporting ambulance in Farmington. Subdivision permit SP 4100 was also located in the same area within Wyman Twp, and at similar distances from service providers.

*(See next page for Table 4)*

**Table 4. Relevant Approved Zoning Petitions, June 2019-August 2025: Approximate Distance Measurements for D-CI, D-GN, and D-RS Rezonings Established Pursuant to 10.08,B**

Zoning Petition and Zone	Location Criteria (10.08 & 10.08-A)	Distance from Public Road	Nearest Rural Hub	Distance to Rural Hub Boundary		Travel Distance to Developed Center of Rural Hub	Travel Distance for Emergency Services		
				Straight Line	Travel		Fire	Medical First Responders	Transporting Ambulance
ZP 777 D-CI	Primary Location	On State Route 2-A	Oakfield (Houlton closer by road)	4.2 miles	7.3 miles	17.6 miles (12.1 miles to Houlton)	3.5 miles (Linneus)	10 miles (Houlton)	10 miles (Houlton)
ZP 781 D-GN	Primary Location	On State Route 179	Ellsworth <sup>9</sup>	10.1 miles	15 miles	19.8 miles	0.7 miles (Osborn)	0.7 miles (Osborn)	31 miles (Brewer)
ZP 776A D-CI	Primary Location	On Palmer Rd	Unity	0.5 miles	0.9 miles	4 miles	3.9 miles (Unity)	3.9 miles (Unity)	3.9 miles (Unity)
ZP 792 D-GN	Primary Location	On Shore Rd	Saint Agatha	2.5 miles	4.5 miles	12 miles	N/A <sup>10</sup>	N/A	N/A
ZP 793 D-CI	Primary Location	0.12 miles to Depot St	Greenville	0.3 miles	0.6 miles	2.0 miles	2.1 miles (Greenville)	1.1 miles (Greenville)	1.1 miles (Greenville)
ZP 794 D-RS	Primary Location	On State Route 27	Carrabassett Valley	3.1 miles	4.5 miles	7.0 miles	0.7 miles (Eustis)	0.7 miles (Eustis) <sup>11</sup>	48 miles (Farmington)
ZP 799 D-GN	Primary Location	On Cross Rd	Ashland	0.8 miles	1.7 miles	3.7 miles	3.7 miles (Ashland)	3.7 miles (Ashland)	3.7 miles (Ashland)
ZP 802 D-GN	Primary Location	On State Route 145	Kingfield	2.3 miles	3.3 miles	5.7 miles	6.8 miles (Kingfield)	6.8 miles (Kingfield) <sup>12</sup>	21.7 miles (Farmington)
SP 4100 & 4100-A	Primary Location	On State Route 27	Carrabassett Valley	1.5 miles	1.6 miles	10.3 miles to "Valley Crossing"	10.3 (Carrabassett Valley)	10.3 (Carrabassett Valley)	45.3 miles (Farmington)

<sup>9</sup> ZP781 is a rezoning in Osborn. Osborn includes primary locations because it is an organized town and not due to its proximity to a rural hub. The closest rural hub is Ellsworth.

<sup>10</sup> Not applicable (N/A) because the ZP792 rezoning is for subsequent development of a fire station and ambulance service.

<sup>11</sup> Eustis Fire and Rescue has a fully equipped ambulance but is not an authorized transporter.

<sup>12</sup> Kingfield Volunteer Fire Department has a fully equipped ambulance but is not an authorized transporter.

## *Fire and Ambulance*

All fire protection providers indicated they could provide services to the proposed development by submitting a letter as part of the rezoning application. In one instance, following review of ZP 783-A for Cross Road Solar, the Penobscot County Commissioners requested that the applicant contact the Orono Hazmat Team, and the Milton Fire Chief requested training and a site tour for first responders.

Transporting ambulance providers similarly indicated that they could adequately cover the proposed development despite the frequently long travel distances required to deliver a patient to the nearest hospital. However, while transporting ambulances may have long response times and distances to cover, first responders are often much closer and can deliver care faster. For example, in ZP 781 for an auto repair facility in Osborn, the local fire department is 0.7 miles away from the site, but the closest transporting ambulance service is around 30 miles away at the Brewer Fire Department. This is frequently the case in the Commission's service area, where development can be located distant from hospitals, which are typically in larger service center towns.

The Maine Forest Service (MFS) also provides some coverage in the Unorganized Territories and sometimes responds to structural fires when needed. However, MFS's mission is primarily to protect forest resources, and so its operational capabilities and equipment available to deploy can differ from those of municipal fire departments, which specifically train and are prepared for structural fires.

Several municipal officials provided additional feedback on this topic in response to staff outreach conducted in 2024-25. Interviewees agreed that the cost of providing services in general was increasing every year and was a concern for their town. Development occurring in the UT contributes to those increasing costs, especially when it comes to solid waste and fire or ambulance coverage. This was particularly the case for towns sharing a border with more than one minor civil division in the Unorganized Territories. One local official in a service center community provided an example where a large commercial facility generated 8-10 calls in a year, all for small issues like false fire alarm pulls. Each response costs the town approximately \$3,000. Their contract with the county helped defray some of the cost, but not all. Additionally, sometimes towns may contract with multiple county governments, as well as neighboring municipalities, which can add complexity to interlocal agreements and requests for reimbursement for services rendered. There were also concerns that rural areas do not have enough people who qualify or who can complete the necessary training. The result is a shrinking pool of emergency responders, even as calls for service increase.

Some interviewees recommended that the Commission consider an impact fee system to help defray the cost of providing services to development in more remote locations. Others suggested an expedited permitting process for infrastructure such as water access or dry hydrants and requiring both for waterfront subdivisions.<sup>13</sup> Additionally, requiring the use of Knox Box<sup>14</sup> or similar

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<sup>13</sup> Interviewees indicated it can take ~10,000 gallons to fight a structural fire and having a dry hydrant on site or nearby can be immensely helpful. They described an example response in Molunkus Twp where the department could not get necessary water from the lake because of insufficient access.

<sup>14</sup> Universal locking system for road gates that is accessible to emergency responders.

technology on gated roads would also facilitate access in an emergency.

### *Police*

County Sheriff's offices most often provide services to unorganized territories. While these services originate in each office, frequently co-located with county government in larger service center communities, police officers may be on patrol or located in a variety of places in the county, should there be a need for police response. The state police also may respond to a call, and could be coming from a variety of locations. There are also other law enforcement personnel working in the UT, such as game wardens or border patrol, and some municipalities have police departments that respond to events in the UT (for example, the Rangeley or Greenville police departments). These factors suggest that considering distances in miles between a development and the service point of origin could be only part of the picture. Much like fire and ambulance provision, who responds to an emergency is determined based on proximity and what is needed at the time. All rezoning petitions approved during the reporting period included letters from departments indicating they could provide coverage for the proposed development. No department indicated they could not adequately cover the proposed development.

During the outreach completed in 2024-25, staff attended several meetings hosted by the Maine Municipal Association that focused on an array of regional issues. Rural policing came up in several of these meetings, with participants pointing out that the cost of supporting police services and county jails is increasing steadily. Additionally, it is difficult right now for sheriff's offices and the Maine State Police (MSP) to attract trainees. MSP also recently changed the way it operates in rural Maine and may no longer provide the same geographic coverage in some rural counties as in the past. Instead, MSP units specialize in certain areas such as tactical response, K-9 units, etc., and assist local departments by responding all over the state, adding their expertise where needed. In response to this shift, some rural counties must now cover additional geographic areas (including portions of the UT), increasing the overall cost for county departments.

### ***D. Additional Analysis Required by the Workplan***

The Workplan requires that the five-year report include rezoning inquiries that did not make it to the application stage because of incompatibility, at least in part, with the Location of Development standards in 10.08,B. In the 2019-2024 period, staff did not report any rezoning proposals/inquiries for which incompatibility with the Location of Development standards in 10.08,B prevented a property owner from submitting a rezoning application.

In 2025 to date, there have been three reported:

#### *1. Elm Stream Twp – Subdivision Inquiry*

This proposal involved two parcels of interest that were zoned M-GN, P-FW, P-WL, and P-SL. P-FW, P-WL, and P-SL do not allow subdivisions. One parcel had 8.4 acres of M-GN, the other had over 250 acres of M-GN. Neither was eligible for rezoning to D-RS or D-LD, or for an M-GN Subdivision, because they are not within a primary or secondary location [10.25,Q,3,a,(2)].

This proposal likely would not have been approvable under the one-mile rule of thumb because there was not sufficient existing residential development within one mile by road and at a density providing the basis for rezoning for a residential subdivision.

### *2. Riley Twp – Subdivision Inquiry*

This was a proposal to develop 30-50 individual lots and homes at a high density on a 138-acre parcel which was zoned M-GN and P-SL. The developer's preferred route to access the development was Riley Road, via Monkey Brook Road, where there are several houses and significant development associated with Sunday River (e.g., Jordan Bowl ski area and lodge). The portion of the property within a primary location was not desirable for development because it was located lower on the slope with fewer views and longer distances from activity centers at Sunday River. The southern, more desirable portion of the property is not eligible for rezoning to a D-RS or D-LD subdistrict, or for an M-GN Subdivision, because it is not within a primary or secondary location.

This proposal likely would not have been approvable under the one-mile rule of thumb because there was not sufficient existing residential development within one mile by road and at a density providing the basis for rezoning for a residential subdivision. It is possible that the Commission may have considered proximity to existing development at Sunday River as a factor when considering how to apply the adjacency principle to a proposal such as this.

### *3. T7 R5 WELS – Commercial Lodging Inquiry*

This was a proposal for a commercial lodging facility on a lot zoned in the M-GN Subdistrict. The proposal would require rezoning from M-GN to a Development subdistrict allowing commercial lodging such as the General Development (D-GN) Subdistrict. However, the lot was not in a primary location and therefore would not meet the location of development criteria (10.08,B,2) put in place by the Rulemaking. The prospective purchaser would have had the option of applying for a permit for a recreational lodging facility but did not want to have an onsite attendant, preferring to simply rent units on a short-term basis.

This proposal may have been approvable under the one-mile rule of thumb because it is within one mile by road of an airstrip and scattered residences which the Commission may have considered compatible development.

## ***E. Discussion and Conclusions***

The 2019 Adjacency and Subdivision Rulemaking established a new, fundamentally different system for rezoning for the purpose of development.<sup>15</sup> Based on a review of the limited number of rezonings and the M-GN subdivision that occurred during the reporting period, the Commission staff believes the system is performing as expected and has not identified any changes that are needed at this time. While the specific work plan will expire after this report, the staff will continue to monitor the effects of rezoning on nearby municipalities and rural hubs and will continue to improve the way it communicates with interested parties during each rezoning process.

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<sup>15</sup> The 2019 rulemaking also incorporated and updated locational criteria for M-GN Subdivisions, formerly called Level II Subdivisions.

### III. Subdivision Activity and Design

#### A. Analysis of Subdivision Activity Since 2019 and Comparison with Historic Patterns

##### *LUPC Subdivision Permits: Qualifying Subdivision Activity*

To examine subdivision activity in the LUPC’s service area over the reporting period, staff searched GOAT records for subdivision actions that occurred from June 17, 2019 (the date the Rulemaking became effective) through July 2025. Depending on the size and circumstances, new or expanded subdivisions are permitted in one of the following ways:

- A Subdivision Permit (SP) for an individual subdivision or amendment to an existing, permitted subdivision
- An Development Permit (DP) if part of a larger project (such as a Resource Plan or Planned Development)
- A Site Location of Development permit from the Department of Environmental Protection with an LUPC Site Law Certification (SLC)

For this report, staff focused on those subdivision actions related to addressing the Rulemaking goal of encouraging more lot creation through subdivision rather than exempt lot creation. Therefore, qualifying subdivision actions are those approving new or expanded subdivision areas (footprint) through the addition of new lots (land-based activity), new dwelling units (dwelling unit-based activity), or both. Permitting actions that add lots are counted rather than subdivision projects per se to reveal year-to-year patterns and to facilitate comparisons with historical trends and with areas outside of the LUPC’s jurisdiction.

Subdivision actions excluded from qualifying include:

- Interior lot splits or lot line adjustments – these are uncommon, piecemeal, and are not counted if they do not change the subdivision layout or density classification.
- Expansions of existing lots – these are also uncommon, and it is difficult to know what constitutes a significant expansion of an existing lot for the purpose of comparing subdivision activity and the role of design criteria. Some expansions related to making pre-Commission lots more conforming.
- Subdivisions associated with Planned Developments (D-PDs) or Resource Plans (P-RPs) are developed at a landscape scale and are not directly comparable with individual and independent subdivision activities in terms of locational considerations or design standards.

Between 2019 and 2024, two qualifying Subdivision Permits (SPs) were approved and are summarized in Tables 5 and 6 below.<sup>16</sup> There were no disapproved qualifying actions (see Appendix D for a list of all other SP, DP, and SLC subdivision actions during the reporting period). Table 7

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<sup>16</sup> SP4098B was included in the 2023 LOD Report as a “relevant” subdivision action, but upon further review, it does not qualify for consideration because it was an internal lot split that did not change the subdivision footprint or the density classification.

summarizes historical subdivision activity in the LUPC’s Service Area. Note that the historical numbers in Table 7 include subdivision actions occurring within Planned Development (D-PD) subdistricts (such as Saddleback or Hammond Ridge) or within Resource Protection Plan (P-RP) areas (such as the First Roach Pond Concept Plan area).

The two qualifying subdivision actions during the reporting period were SP 4100 and SP 4100 Amendment A. SP 4100 was a general management subdivision in Wyman Township (Franklin Co.), creating six lots for single-family residential dwelling units and one road lot. SP 4100-A authorized four additional single-family residential dwelling lots. For the reporting period, ten new residential lots were created in the LUPC service area through qualifying subdivision actions. Note that the two permitting actions pertain to the same project.

**Table 5. Qualifying Subdivision Permits, June 2019 – October 2025**

Action	Year	Summary	Subdistrict	MCD	County	Disposition
SP4100	2020	New subdivision - 7 lot, General Management Subdivision	M-GN	Wyman Twp	Franklin	Approved
SP4100-A	2022	Expansion of existing M-GN Subdivision (4 additional lots for a total of 11)	M-GN	Wyman Twp	Franklin	Approved

**Table 6. Characteristics of Qualifying Subdivisions, June 2019 – July 2025**

Action	10.25,Q Locations	Subdivision Type	Density	Layout	Number of New Lots	Avg Lot Size of New Lots	Sell or Lease
SP4100	Inland	M-GN	High	Basic	6 Residential; 1 Road Lot	1.7 acres (residential); 1.6 acres (road lot)	Sell
SP4100-A	Inland	M-GN	High	Basic	4 Residential	1.1 acres	Sell

*Historical Trends in Subdivision Activity*

To compare subdivision activity since the Rulemaking with historical trends, staff searched GOAT records for qualifying subdivision actions that occurred from January 1999 through June 16, 2019. The results (Table 7) indicate a peak in subdivision activity between 2004 and 2008, during which a

significant number of lots and dwelling units were created through subdivision permits. The majority of these occurred in western Maine (near or part of Saddleback), in the Moosehead region (Rockwood and Tomhegan), and in Cathance Township. The recession following 2008 likely resulted in slowing sales of the lots created during this period, particularly in western Maine. This surplus of available lots may explain why fewer subdivisions were created in later time periods.

**Table 7. Qualifying Subdivision Activity in the LUPC Service Area from 1999 through August 2025**

	1999- 2003	2004-2008	2009-2013	2014-2019	2019-2025
Number of approved SP actions <sup>1</sup>	19	31	11	5	2
Number of approved DP actions <sup>1,2</sup>	0	4 <sup>3</sup>	1 <sup>4</sup>	0	0
Number of new land lots created (land-based) for residential development <sup>5</sup>	200	367	100	23	10
Number of new dwelling units (dwelling unit-based)	0	143	6	28	0

<sup>1</sup> Actions involving new subdivisions or subdivision expansions. Subdivisions in Resource Protection Plan areas (P-RP) are included.

<sup>2</sup> Subdivision and condo development from 1999-2019 has been permitted with a DP only for the Saddleback D-PD

<sup>3</sup> 1 action for a 22-lot subdivision, 2 actions for condominium units, and 1 action with both

<sup>4</sup> Condominium units

<sup>5</sup>Excluding community-center, open-space, and retained lots

### *Qualifying LUPC Subdivision Permits: Discussion*

The six-lot subdivision approved in SP 4100, and the four-lot expansion authorized in SP 4100-A, do not raise specific concerns about the functionality of the new standards for residential subdivision design. However, to effectively evaluate the functionality of the new standards for subdivisions, additional projects need to be reviewed and permitted under the new system. Anecdotally, property owners and permitting staff have expressed frustration with the complexity of the revised regulations. Staff have responded to numerous complex inquiries and issued several advisory rulings related to potential subdivisions in recent years.

### ***B. Comparing Subdivision Development: LUPC Service Area and Municipal Rural Hubs***

To better understand how subdivision trends in the LUPC service area compare with surrounding communities, staff collected data on subdivision activity in the 38 municipal rural hubs, focusing on activity since the 2019 Rulemaking.<sup>17</sup> As noted above, there are two ways in which subdivision occurs: through the platting of land into lots or through the placement of dwellings on a lot (for

<sup>17</sup> Rural Hubs are identified in Chapter 10, Section 10.08-A(B).

example, condominium units or rental apartments). This report refers to these subdivision activities as land-based and dwelling unit-based. Projects can include both types of subdivision activity.

#### *Data Collection and Analysis Methods*

To examine subdivision activity in the 38 municipal rural hubs, in mid-January 2025, staff searched the county deed registries for qualifying plans (see description in the previous section) approved and registered between June 17, 2019, and December 31, 2024. For each qualifying plan, staff recorded:

- Type of subdivision - land-based subdivision, dwelling unit-based, or a combination
- Whether a new or an expansion of an existing subdivision
- Whether residential, commercial, or both

Subdivision activity in the rural hubs was measured by counting actions in the same way it was measured for the LUPC's service area. For example, an approved plan creating lots and an amendment adding lots to that plan are counted as two subdivision actions. Each of those actions would have its own recorded plan.

Staff also looked for plans that were not qualifying plans but otherwise involved or indicated open space as part of a subdivision design (for example, an update to a plan that dedicated existing lots or portions of lots as open space, or an update to a plan involving open space covenants).

To examine subdivision design, staff further analyzed all qualifying plans from twenty of the municipal rural hubs<sup>18</sup> by documenting the following, as applicable:

- The count of new lots created and/or new dwelling units added (excluding retained land and lots for roads)<sup>19</sup>
- The area/size of each lot in land-based subdivisions and the average lot size for the subdivision
- How the range of lot sizes and the average lot size compare to the LUPC's subdivision density classes (low, moderate, and high)
- How the subdivision layout compares to the LUPC's layout types (Basic, Rural Lot, Clustered, FlexDesign)
- Special design aspects (for example: whether the plan included lots for open space, wildlife passage, subdivision amenities, etc.)

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<sup>18</sup> The 20 municipal rural hubs with qualifying plans analyzed included Ashland, Bethel, Bingham, Caribou, Ellsworth, Farmington, Gouldsboro, Greenville, Houlton, Jackman, Kingfield, Machias, Madawaska, Millinocket, Oakfield, Princeton, Rangeley, Rumford, Unity, and Waterford.

<sup>19</sup> Road lots were not included because: 1) LUPC Density classes do not consider road lots; 2) Many plans are for subdivisions off of existing roads with no new roads; 3) Some new roads are defined as a lot while others are mapped as a right-of-way over platted lots; and 4) The number and area of road lots are minor compared to lots for buildings/above-ground development.

To better understand how the Commission's subdivision rules compare with those in the rural hubs, staff also collected data on subdivision rules and review processes for the rural hubs. Staff evaluated whether the municipality has adopted the statutory minimums or has additional requirements for subdivision siting or design.

*Results: Counts, Types, and Uses of Qualifying Subdivision Plans*

Overall, 28 out of 38 municipal rural hubs had qualifying plans.<sup>20</sup> Ninety (90) qualifying subdivision plans were identified (72 land-based and 18 dwelling unit-based). Data are presented in Figures 2 and 3 below. Additional characteristics include:

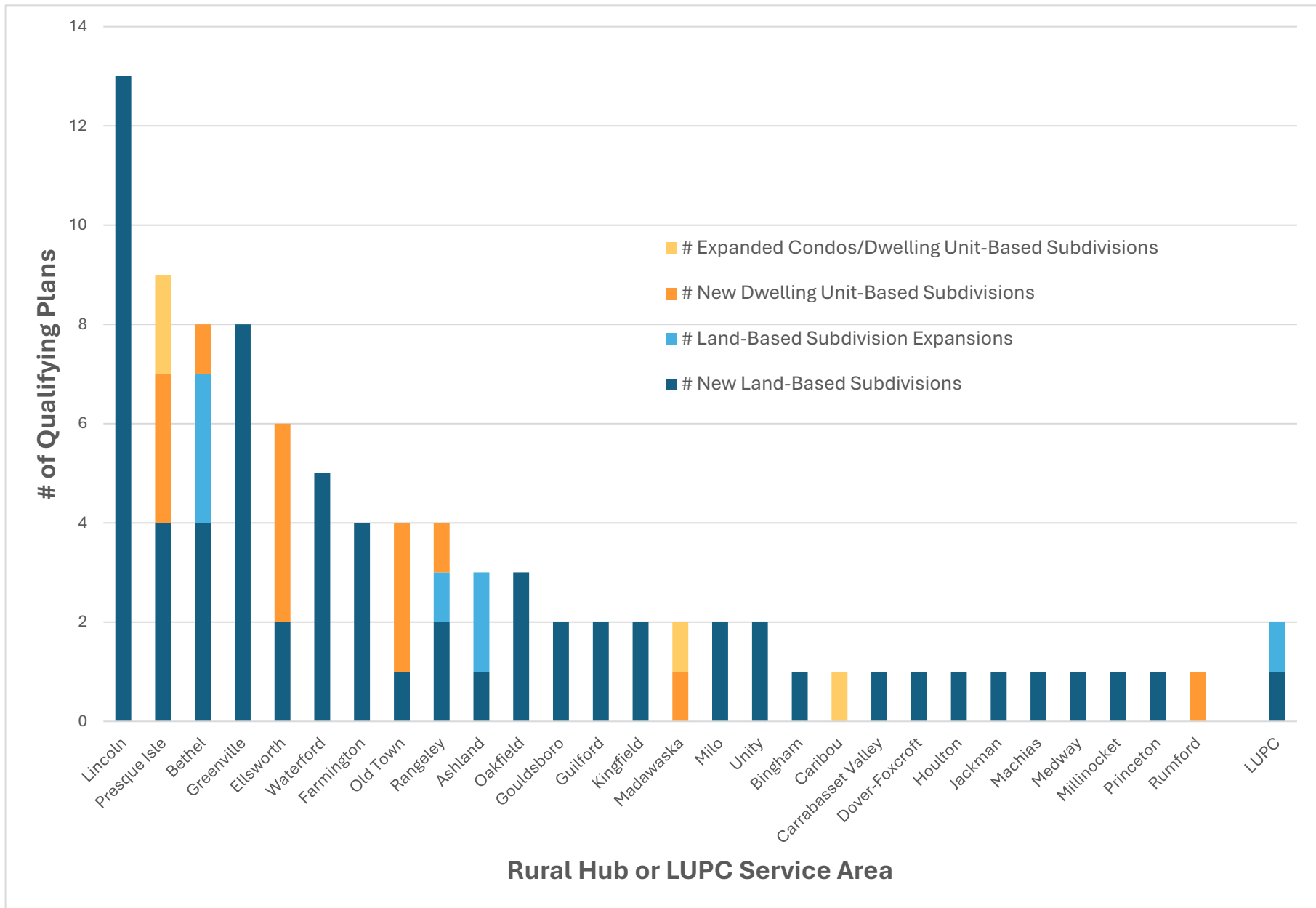
- Land-based: 66 of the plans were for new subdivisions; 6 were expansions of existing subdivisions.
- Dwelling unit-based: 14 of the plans were for new condo/dwelling unit-based subdivisions; 4 were expansions (new dwellings) of existing condo/dwelling unit-based subdivisions
- 83 of the qualifying plans were residential subdivisions, five were commercial, and two were mixed use.
- No non-qualifying plans that involved open space were identified.

*(See next page for Figure 2)*

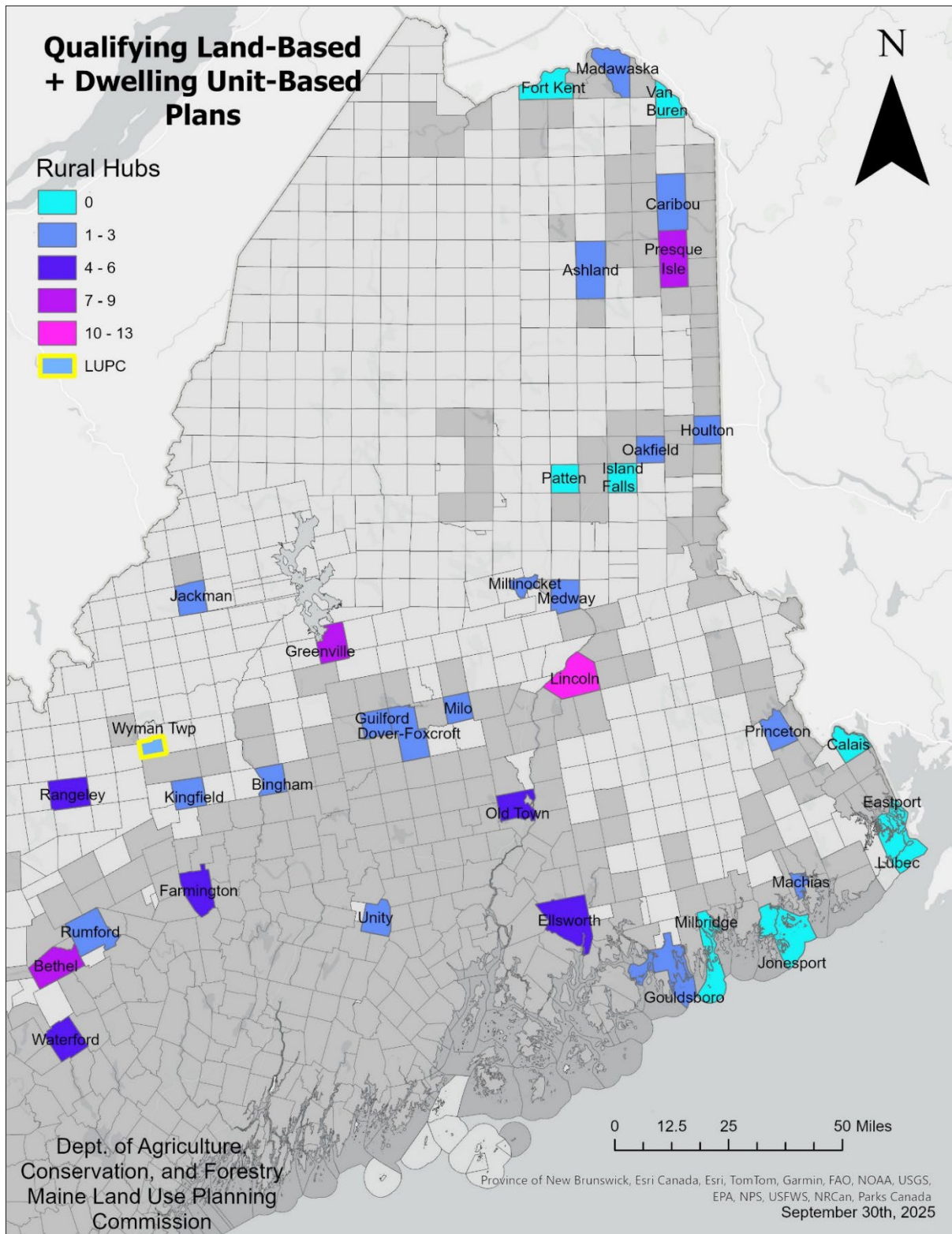
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<sup>20</sup> Ten (10) rural hubs had no qualifying plans: Calais, Eastport, Jonesport, Lubec, Milbridge (Downeast Region); Fort Kent, Islands Falls, St. Agatha, Van Buren (Northern Region); and Patten ( Eastern Region).

**Figure 2. Numbers of New and Expanded Land-Based and Dwelling Unit-Based Subdivisions, June 2019 - January 2025: 28 Rural Hubs that had Qualifying Subdivisions Compared with the LUPC Service Area**



**Figure 3. Number of Qualifying Subdivision Plans in the Municipal Rural Hubs and the LUPC Service Area Since the Rulemaking**



*Comparison of LUPC and Rural Hub Subdivision Size and Design*

The LUPC had two qualifying subdivision actions during the reporting period involving a General Management Subdivision in Wyman Township (Franklin Co.) that created a total of ten new residential lots. Six lots for single-family residential dwelling units were initially approved, with an additional four lots approved through an amendment to the SP. Size and design characteristics for these actions are presented in Table 8 below.

**Table 8. Size and Design Characteristics for Qualifying LUPC Subdivisions**

Action	Subdivision Type	Density	Layout	Number of New Lots	Range of New Lot Sizes	Avg Size of New Lots
SP4100	M-GN	High	Basic	6 Residential	1.17 acres to 2.6 acres	1.7 acres
SP4100A	M-GN	High	Basic	4 Residential	0.93 acres to 1.21 acres	1.1 acres

It is important to evaluate if the lack of subdivision activity in the LUPC service area is an isolated phenomenon, potentially linked to the rule requirements, or simply reflective of more general economic and development trends in Maine. To compare the Wyman subdivision size and design with activity in the municipal rural hubs, staff selected a subset of twenty (20) municipal rural hubs and analyzed all qualifying plans (57 plans).<sup>21</sup>

*Summary of Qualifying Plans from the Subset of 20 Municipal Rural Hubs*

Results from the additional analysis of qualifying plans from 20 rural hubs are summarized below.

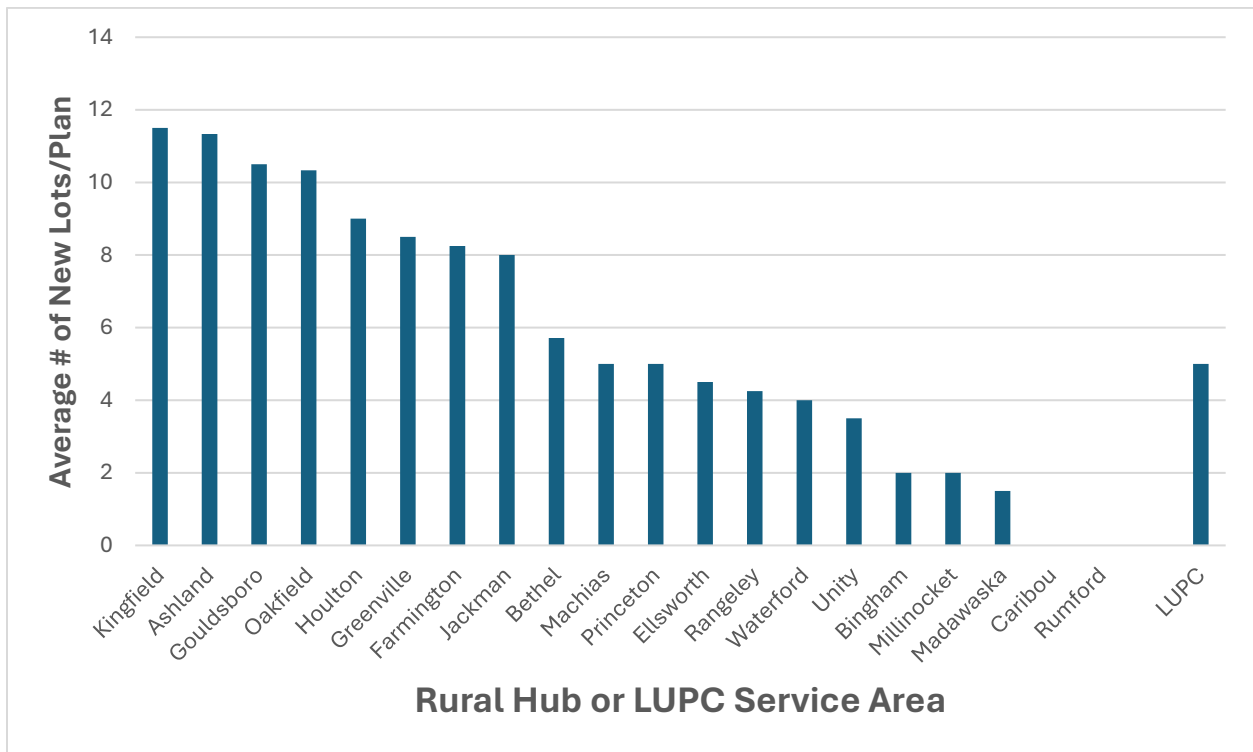
- Eighteen (18) of the 20 rural hubs with qualifying plans had plans that created new lots (Caribou and Rumford were the exceptions).
- Out of the 57 plans analyzed, 52 plans created new lots.
- The total number of new lots created across the 20 rural hubs was 347, ranging from a minimum of 1 to a maximum of 23. The median number of new lots created per plan was 5.
- 99% of the lots created were residential (344), and 1% were commercial (3).
- Among the rural hubs analyzed, five added over 30 new lots during the reporting period: Greenville (68), Bethel (40), Ashland (34), Farmington (33), and Oakfield (31).
- Among the rural hubs analyzed, five added fewer than 5 new lots during the reporting period: Madawaska (3), Bingham (2), Millinocket (2), Caribou (0), and Rumford (0)<sup>22</sup>.

<sup>21</sup> Eight municipal rural hubs with qualifying plans (33 plans) were not analyzed, including Carrabassett Valley, Lincoln, Presque Isle, Old Town, Milo, Dover-Foxcroft, Guilford, and Medway.

<sup>22</sup> Caribou and Rumford added four and 33 dwelling unit-based units, respectively.

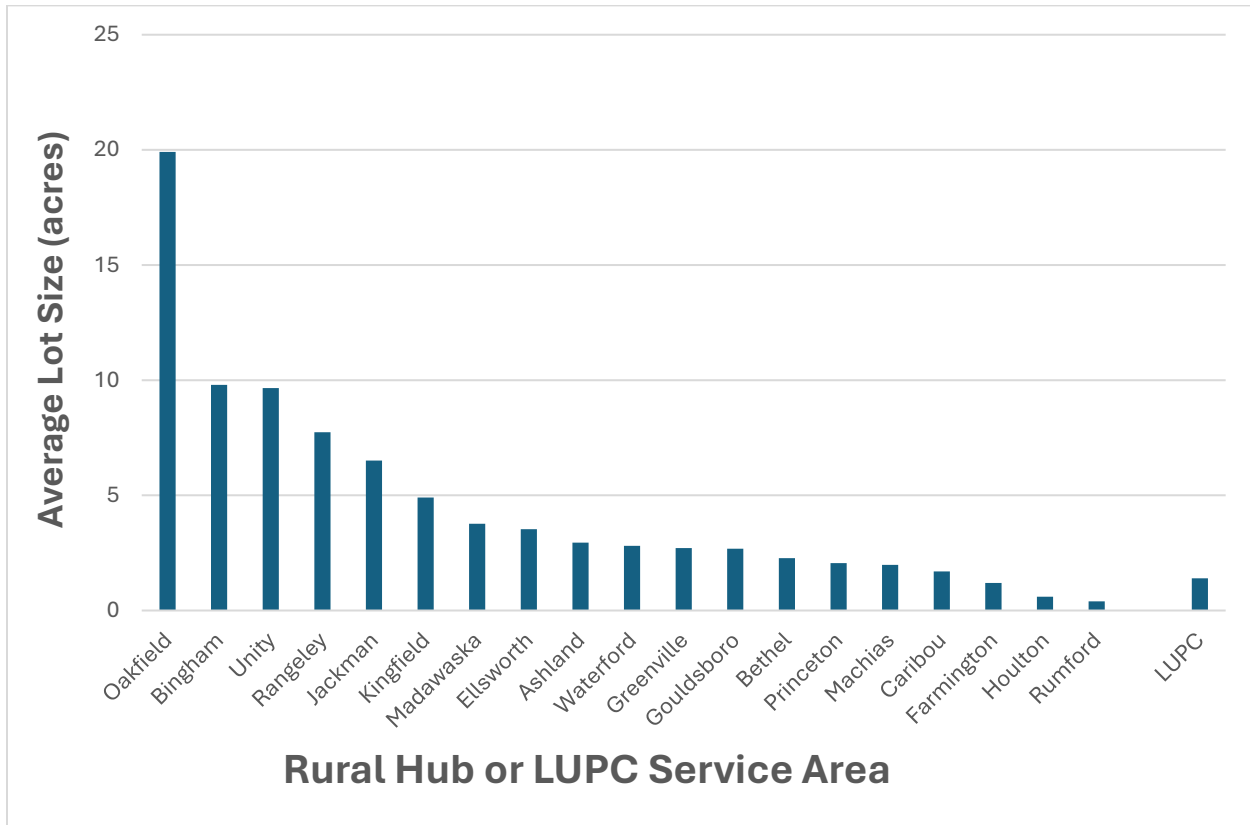
- Among the rural hubs analyzed, the average number of new lots per subdivision plan that created new residential lots ranged from 1.5 (Madawaska) to 11.5 (Kingfield). The average number of lots created for LUPC subdivision activity was 5 (see Figure 4).
- The average size of residential lots created in the rural hubs was 4.6 acres, with a range of 0.4 acres to 19.9 acres. The median was 2.8 acres. The average lot size for the LUPC subdivision activity was 1.4 acres (see Figure 5).
- The majority (75%) of the rural hub subdivision layouts evaluated are comparable to the LUPC Basic layout (Table 9 below). For eight qualifying subdivisions, it was not possible to classify how the subdivision layouts compared to the LUPC’s layout types because of the nature of the developments (for example, for the dwelling unit-based subdivisions).

**Figure 4. Comparison of Average Number of New Lots Per Subdivision Plan: 20 Rural Hubs and the LUPC Service Area**



(See next page for Figure 5)

**Figure 5. Comparison of Average Lot Size (Acres): 20 Rural Hubs and the LUPC Service Area**



**Table 9. Subdivision Layout Comparisons**

Layout	Number of Qualifying Plans	% of Total
Basic	43	75%
Rural Lot	3	5%
Clustered	3	5%
FlexDesign	0	0
No direct fit	8	14%
Totals:	57	100%

*Review of Subdivision Regulations in the Rural Hubs and Comparison with LUPC Subdivision Rules*

To compare the LUPC’s subdivision regulations with the subdivision regulations of the rural hubs, staff searched online for regulations for each of the 38 municipal rural hubs. Staff reviewed subdivision, land use, and/or zoning ordinances for regulations pertaining to subdivisions for 34 rural hubs. Four rural hubs had no town website, and regulations were not readily available.

Specifically, the regulations were reviewed to determine whether the town adopted review criteria and/or subdivision design standards in addition to the statutorily mandated review criteria. In those

cases where towns adopted additional criteria, staff noted these criteria and whether design or layout options were included. The results of this analysis are summarized below.

- Nine of the rural hubs follow the statutory review requirements outlined in [M.R.S. 30-A, Chapter 187, Sub-chapter 4](#).
- Twenty-five (25) rural hubs have additional review and/or design criteria.
- Eleven (11) have specific design options as follows:
  - Nine have a Cluster Design Option
  - Two have an Open Space Subdivision Design Option<sup>23</sup>
- Fourteen (14) have additional review criteria but not subdivision design options. The additional review criteria often relate to parking, vehicle and pedestrian circulation, road design, lighting, etc. These rural hubs are generally more populous and have more comprehensive land use ordinances, so the additional standards that apply are often general development standards.

Both Cluster and Open-Space design options involve setting aside dedicated open space. One takeaway from the review of municipal rural hub subdivision plans is that open space is rarely incorporated into subdivision designs. During the initial review of June 2019 through December 2024 subdivision plans in the deed registries, staff did not identify any non-qualifying plans that also included open space. Of the 90 qualifying plans staff found, only one included open space: Kelly Estates in Ellsworth includes a 10.1-acre area on the single lot that is maintained for the use of tenants. Approximately 9.3 acres of this area are undevelopable due to the presence of wetlands.

One caveat is that a plan may not directly indicate the proposed use of each lot, and staff did not review the permit documents to determine if specific conditions related to open space or common lots were referenced. However, statements on plans to the effect that all lots indicated are for single-family residential dwellings, mapping of test pit locations on all lots, or the presence of building envelopes on all lots indicate that open space lots are not intended (at least at the time the plan was created).

### ***C. Discussion and Conclusions***

On a rural hub by rural hub basis, the small number of qualifying subdivision actions in the LUPC service area during the reporting period is comparable to activity levels in the majority of rural hubs. Seventy-six percent (76%) of the 38 rural hubs had three or fewer qualifying subdivision actions during the reporting period (Table 10), compared to two for the LUPC. Rural hubs with significantly more subdivision activity, such as Lincoln, Presque Isle, Bethel, and Greenville, are generally larger municipalities that serve as regional service centers.

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<sup>23</sup> Cluster and Open Space design options may function very similarly; both involve setting aside dedicated open space (for a variety of purposes); density bonuses may be involved.

However, comparing the LUPC service area with the rural hubs as a whole during the reporting period indicates less subdivision activity within the service area than might otherwise be expected, particularly in areas near rural hubs. On average, the rural hubs experienced 20% more subdivision actions than the LUPC’s service area and created about 2.5 times more lots. In total, the rural hubs experienced 88 more subdivision actions and created at least 340 more lots through reviewed subdivision processes (based on the 20 rural hubs for which complete plan data were collected).

**Table 10. Number of Qualifying Plans per Rural Hub**

Number of Rural Hubs	Number of Qualifying Plans	% of Total Rural Hubs
10	0	26%
19	1-3	50%
5	4-6	13%
3	7-9	8%
1	10-13	3%
38		100%

In terms of lot sizes, the wide range of lot sizes and calculated averages, as well as the small number of LUPC data points, make it challenging to meaningfully compare lot size data from the LUPC and rural hubs. Until additional subdivisions with a variety of densities are permitted, it will be difficult to draw any conclusions about the impact of the rule revisions on lot sizes.

In terms of subdivision layouts, the basic layout is by far the most common layout observed in this analysis. This is likely due to several factors, including a low number of lots being created and the fact that many land-based subdivisions are linear and laid out along existing roads. It is expensive to build new internal roads for subdivisions, unless a significant number of lots are being created. With an average number of lots created in the five-acre range, the basic layout is often the most cost-effective for property owners.

The low levels of subdivision activity during the reporting period, both in the LUPC service area and many of the rural hubs, are likely due to several factors, including:

- The overall economic climate in rural Maine;
- A surplus of unsold subdivision lots in the service area (created during some of the more active periods in prior decades) that were available to meet the demand; and
- The preference for using exempt lot creation (2 in 5) because of the low cost associated with such divisions compared with the high costs associated with survey, design, site evaluations, and permitting associated with subdivision.

Municipal officials and others interviewed as part of the outreach for this project cited various factors as potentially influencing the location of subdivision development inside municipalities rather than in the LUPC’s service area, including:

- The existence of public water and sewer systems;

- Existing roads;
- Housing density allowances that are available to municipalities;<sup>24</sup>
- The desire of people to be nearer to services and amenities; and
- Level of complexity of, and commitment to, subdivision regulations.

In comparing development activity in the rural hubs and the LUPC's service area, it is also worth noting that the LUPC has statutory requirements, including those regarding purpose [12 § 681] and zoning [12 § 685-A (1)] that municipalities lack. Additionally, municipalities have a limited geographic scope, while the LUPC must account for many potentialities across its diverse service area. For example, one goal of the 2019 subdivision rulemaking was to steer residential development toward subdivisions and away from exempt lot creation through 2-in-5 processes, in part by providing additional layout options requested by the public during the rulemaking process. These factors contribute to the relative complexity of LUPC permitting processes compared to those in municipalities, particularly when rezoning and permitting processes are required for a proposal in the LUPC's service area.

The LUPC is currently (in 2025-26) experiencing an increase in subdivision proposals, both that would count as qualifying actions for this report and those that involve Planned Development (D-PD) and Resource Plan (P-RP) subdistricts. Since the cutoff date (July 31, 2025) for qualifying LUPC subdivision actions considered in this report, the LUPC has approved one new subdivision and one subdivision expansion and received one application for a new subdivision *outside of Planned Development and Resource Protection Plan areas*:

- SP 4101 – Approved a new four-lot, moderate- density, basic layout subdivision in Rangeley Plt (March 2026)
- SP 4089B – Approved a two-lot expansion to a high-density, basic layout General Management subdivision in Albany Twp (January 2026)
- SP 4103 – In-house application for a 13-lot, high density, basic layout subdivision in Coplin Plt (currently on-hold, awaiting information from the applicant)

There are also additional qualifying subdivision proposals for which pre-application or sketch-plan review meetings have been held or are scheduled, but for which no application has yet been received.

Subdivision actions and proposals in Planned Development (D-PD) subdistricts and Resource Protection Plan areas since the 2019 rule change include:

- DP 4131CC - Approved (March 2023) for a 14-lot moderate-density, flex-design subdivision in the Saddleback Planned Development subdistrict (D-PD) in Dallas Plt and Sandy River Plt
- SLC 21 – Approved (November 2025) for a 51-lot mixed use subdivision in the Hammond Ridge Planned Development subdistrict (D-PD) in T1 R8 WELS

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<sup>24</sup> See for example [Title 30-A §4364](#).

- DP 4131NN – In-house application for a 20-lot high density, basic layout subdivision in the Saddleback Planned Development subdistrict (D-PD) in Dallas Plt and Sandy River Plt (currently on hold at the applicant’s request)
- DP 4131OO – In-house application for 38 townhouse condominium units in the Saddleback Planned Development subdistrict (D-PD) in Dallas Plt and Sandy River Plt (currently under review)
- SP 4102 – In-house application for a 23-lot, high density, basic layout subdivision in the Fish River Chain of Lakes Concept Plan area (P-RP) in Van Buren Cove Twp (currently on-hold, awaiting information from the applicant)

Both the Saddleback D-PD and the Fish River Chain of Lakes P-RP subdistricts were in place prior to the 2019 Adjacency and Subdivision rulemaking.

Going forward, staff recommend the following:

1. Continue to record qualitative and quantitative data on subdivision activities in the LUPC service area, including comments and feedback from applicants and permitting staff reviewing applications;
2. Prepare additional guidance documents for applicants and staff on navigating the LUPC subdivision standards and permitting process;
3. Explore additional incentives for creating subdivisions and ways of reducing potential regulatory barriers, including consideration of rulemaking following the process to update the CLUP; and
4. Identify and prioritize subdivision issues as part of the current effort to update the Comprehensive Land Use Plan by:
  - a. Compiling data on recent subdivision activity and adding it to the data collected in this report;
  - b. Compiling data on the frequency and trends related to exempt lot creation in the service area;
  - c. Sharing data collected on the CLUP update website; and
  - d. Incorporating questions about the LUPC subdivision regulations in the upcoming public survey to get feedback on LUPC subdivision rules and subdivision activity in the service area.

#### **IV. Resource-Based Commercial Uses (DPs)**

This section of the report covers resource-based nonresidential development occurring since the 2019 Adjacency and Subdivision Rulemaking. These types of uses include natural resource extraction or processing, recreation day use facilities, recreation supply facilities, or large-scale solar energy generation facilities. Three permits for these types of facilities were issued over the reporting period (Table 11).

The 2019 Adjacency and Subdivision Rulemaking also introduced a system for allowing certain resource-dependent activities and development to occur in accordance with standards in Chapter 10, Section 10.27,S (for example, recreation supply and natural resource processing facilities in certain subdistricts). Because these activities do not require permits, the Commission has no way to track them and they are not included in this report. Similarly, the Commission issued many permits for non-resource-based nonresidential development over the same time period (see Appendix E for a list of examples).

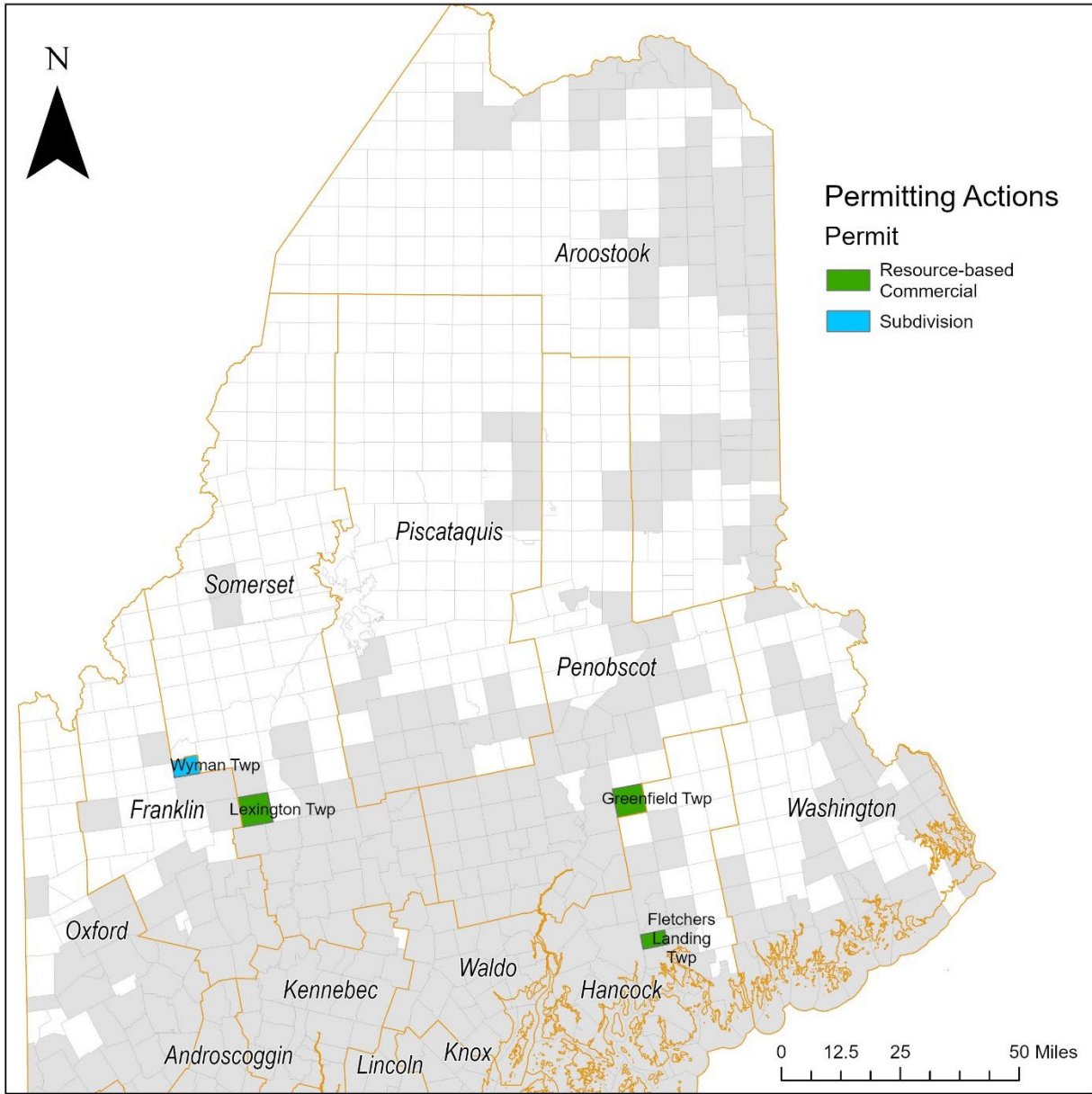
**A. Applicable Actions, 2019-August 2025**

The applicable actions are reported and summarized in Tables 11 and 12 and in Figure 6, all below.

**Table 11. Relevant Approved Resource-Based Commercial Development Permits, 2019-August 2025: Use, Purpose, Location, and Subdistrict**

<b>Action/ Permit</b>	<b>Reporting Year</b>	<b>Summary</b>	<b>Sub- district</b>	<b>Use</b>	<b>MCD</b>	<b>County</b>
DP 5071	2020	Recreation supply business: water skiing lessons	P-GP	Recreation Supply	Lexington Twp	SO
DP 5085B	2022	Wood waste outdoor processing facility	M-GN	Resource Processing	Fletchers Landing Twp	HA
DP 5121	2023	10.7-acre solar farm	D-RD	Solar – Large Scale	Greenfield Twp	PE

**Figure 6. Locations of Permits for Subdivisions and Resource-Based Businesses, June 2019 – August 2025.**



**Subdivision Permits**

- Wyman Twp – M-GN subdivision

**Resource-Based Commercial Permits**

- Lexington Twp – Recreation supply
- Fletchers Landing Twp – Resource processing
- Greenfield Twp – Large-scale solar

**Table 12. Relevant Approved Resource-Based Commercial Development Permits, 2019-August 2025: Resource Dependency and Distances**

Permit	Resource Dependency	Affected Resource	Rural Hub	Distance to Rural Hub Boundary	Travel Distance to Rural Hub Boundary	Travel Distance to Developed Center of Rural Hub
DP 5071	Dependent on access to a pond or lake	Indian Pond, private boat launch	Kingfield	1.1 miles	1.5 miles	4.0 miles
DP 5085 B	Proximity to forestlands and raw materials for wood waste processing	Nearby forestland	Ellsworth	Next to the Ellsworth boundary	N/A	4.8 miles
DP 5121	Proximity to distribution lines	Nearby forestland	Old Town	12.8 miles	16.2 miles	16.5 miles

***B. Resource Dependency***

There were three permits issued for relevant resource-dependent nonresidential development during the reporting period. Because so few were issued, included below is a short summary of each proposal:

- DP 5071, Recreation Supply – Water-Skiing Lessons:* DP 5071 was issued for a recreational supply facility proposed on land within ¼ mile of a private boat launch, which is the only access point on Indian Pond in Lexington Twp. Section 10.27,S requires recreational supply facilities to be within ¼ mile of a public boat launch, but this requirement can be exceeded with a permit. Indian Pond is listed in the Wildlands Lakes Assessment (Chapter 10, Appendix C) as Management Class 7, Resource Class 3, and is not rated significant or outstanding for any resource characteristics. In this case, there is no other access point on the pond, and the proposal otherwise would not result in undue adverse impacts on existing resources or uses.
- DP 5085-B, Resource Processing – Wood Waste Processing:* DP 5085, Amendment B authorized a wood waste processing facility consisting of a 2.9-acre gravel surface pad for storage and grinding of stumps, brush and limbs, and storage of resulting wood mulch. The materials for the facility would be sourced primarily onsite, with some raw materials being

transported there for processing from the applicant's construction jobs. Mulch will be primarily used at the applicant's job sites or sold wholesale (no retail at the site).

- *DP 5121, Large Scale Solar:* DP 5121, Amendment B authorized construction of a 1.35 MW ground-mounted solar energy generation facility (Cross Road Solar), along with an access road and other relevant activities such as vegetation clearing, in Greenfield Township on 10.7 acres. Locational criteria in the Resource-Based Development Subdistrict require that large-scale solar facilities be located as closely as possible to transmission lines, and the point of interconnection must be within three miles. Cross Road Solar is directly adjacent to existing transmission lines (the point of interconnection is approximately 1,500 feet from the lines) and near the intersection of Cross Road and Greenfield Road.

Two of the three facilities were located near rural hubs and within five miles of the developed portion of rural hubs, with the third being almost 17 miles from the center of a rural hub. One of the three permitted facilities was located in a primary location in Fletchers Landing Township.

### **C. Outcomes Under Prior Regulations**

None of the three relevant resource-based nonresidential development permits would have been approvable under the one-mile rule of thumb adjacency policy.

*DP5071, Recreation Supply – Water-Skiing Lessons:* This proposal would not have been permissible prior to the 2019 Adjacency and Subdivision rulemaking because it would have required rezoning to a development subdistrict. The proposed location likely would not have passed the adjacency screen because there is no existing compatible development of a similar scale within one mile by road. Additionally, the expense of rezoning and then permitting such a business may have been prohibitive.

*DP5085-B, Resource Processing – Wood Waste Processing:* Prior to the 2019 Adjacency and Subdivision rulemaking this proposal would have required rezoning to a development subdistrict. In that case, the location likely would not have passed the adjacency screen because there is no existing compatible development of a similar scale within one mile by road. However, the site is on Route 179 and the Town of Ellsworth is under five miles away and has a range of services and uses including commercial, industrial, and residential development. These factors may have been considered in the Commission's application of the adjacency screen for this proposal had it been submitted before 2019.

*DP5121, Large Scale Solar:* Prior to the 2019 Adjacency and Subdivision rulemaking, this proposal would have required rezoning to a development subdistrict but may not have been approved under the one-mile rule of thumb because: 1) the Commission did not have a use listing for large-scale solar farms at the time and no precedent for determining what uses were similar types or intensities; and 2) the site is located approximately 1.5-2 miles from the nearest non-residential development, which includes an equipment storage and blueberry processing facility, a small church, a gas station, and a metal fabrication business. However, it is possible that the

Commission may have considered downtown Greenfield Township to be a village with a range of uses and so justified rezoning to a development zone outside of one mile by road in this instance.

#### ***D. Conclusions***

None of the three permits issued for resource-based nonresidential development raise concerns or issues with operation of the rules adopted for such uses in the 2019 Adjacency and Subdivision Rulemaking.

### **V. New Development Standards: Hillside Resources**

#### ***A. Background***

During the Adjacency and Subdivision Rulemaking process, the Commission determined that protecting scenic character, and particularly hillside resources, was a key issue necessitating detailed standards to achieve goals and policies of the 2010 CLUP, in particular:

- The Site Review goal of ensuring that development fits harmoniously into the natural environment, including policy provisions requiring the use of buffers, setbacks, height restrictions, design and material standards, and landscaping to maintain the scenic quality of shorelines, hillsides, ridgelines, and roadways (2010 CLUP, pg. 7).
- The Recreational Resources goal of conserving the natural resources needed to maintain the recreational environment of the service area, including policy provisions for protecting values that provide residents and visitors with a variety of recreational experiences, including high-value natural resources and remoteness (CLUP, pg. 17).

During the rulemaking, the Commission considered resources that may be negatively affected by changes to the scenic character of the surrounding landscape, whether or not that landscape includes hillsides. 10.25,E,1,a requires that structures be “located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, with attention to designated scenic byways; major water bodies; coastal wetlands; permanent trails; or public property.” The recognition given scenic byways was new for the Commission’s rules. The goal was not to limit development along scenic byways, many of which already have a fair amount of development, but to give special consideration to development near scenic byways and to work with applicants to reduce potential visual impacts to these scenic resources.

In the rulemaking, the Commission also included two exceptions where the standards for hillside resources would not apply (10.25,E,2,a):

- Features of structures within non-residential developments that contain no floor area such as chimneys, towers, ventilators, and spires; or to freestanding towers and turbines

- A development or portions of a development that will not be visible from existing roadways, major water bodies, coastal wetlands, permanent trails, or public property located within three miles of the project boundary

To qualify for the second exception, the Commission required that where views of proposed development would be blocked by natural features such as existing vegetation, an applicant must demonstrate that the obstructing features will not be materially altered in the future by any allowed uses. The Commission also retained discretion to increase the distance for determining applicability of the hillside standards in cases where the development will be visually intrusive or where there is a particularly sensitive resource more than three miles away.

## ***B. Hillside Resources Standards in Practice***

### *Permitting Process*

The permitting process involves a desktop site review by staff using GIS software to identify whether an area has slopes of 15 percent or greater and includes at least two contiguous acres. This hillside screen often occurs during a pre-application phase, particularly when areas known to include hillsides are involved. Many hillside resources are located in the Commission's Western Region (see Figure 7), and staff in that region report conducting the desktop screen for hillsides as early in the permitting process as possible. When staff determine that hillside resources are present, they provide applicants with guidance materials, an application exhibit requesting information specific to the hillside standards, and an example hillside and vegetation management plan. The guidance materials cover stormwater and vegetation management on hillsides and are also available on the Commission's website. These materials have been developed and refined over the years since the rulemaking to help the public and staff implement the hillside standards. When a project is located on a hillside, staff also conduct a desktop analysis to determine if a proposal would meet the exception that development would not be visible from resources located within three miles of the project boundary. This analysis does not preclude the applicant from providing more accurate information or their own analysis.

Applicants proposing new dwellings, commercial buildings, or other applicable structures requiring a permit and located on a hillside must submit a hillside and vegetation management plan. The plan must specify the composition, dimensions, and location of vegetative buffers and vegetative screening to be retained and include a site map or drawing illustrating the location of vegetation. The plan must also describe how projects will manage stormwater to prevent downgradient soil erosion; meet requirements regarding structure design and orientation as well as color and low reflectivity of building materials; and meet requirements to minimize the visibility of linear infrastructure. The management plan becomes part of the permit, which also includes a set of hillside-specific conditions. However, not all hillside resource standards are applicable for all projects (for example, the linear infrastructure standard would not apply to a proposal to enclose an existing deck on a hillside).

### *Permitted Development on Hillsides since 2019*

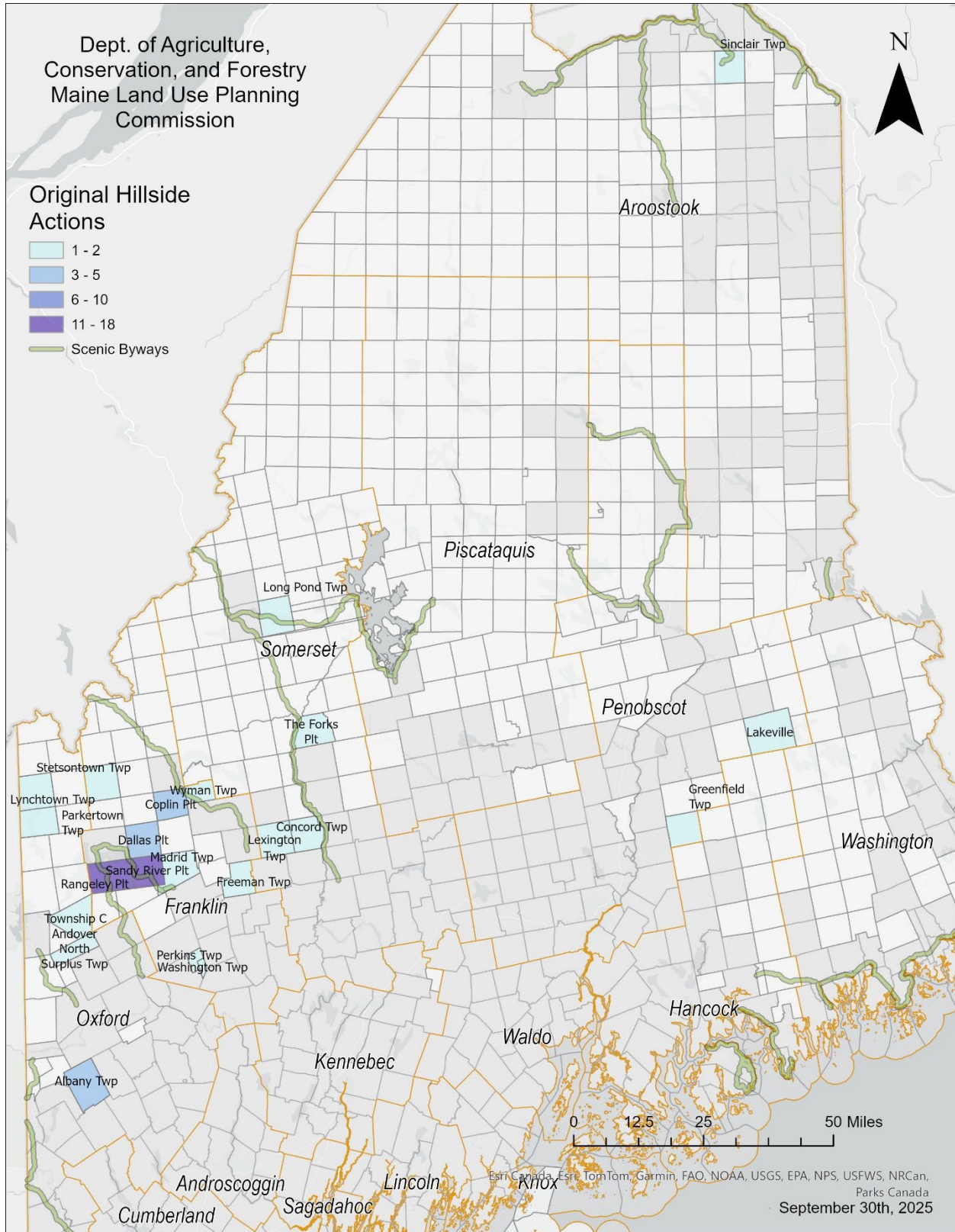
From June 2019 through September 2025, the Commission has issued 73 permits or certifications for development located on hillsides (see Appendix F for a complete list), including:

- 70 Building Permits (BPs) for single-family residential development
- 2 Development Permits (DPs) for nonresidential commercial development
- 1 Site Law Certification (SLC) for a wind power project

Permits for development on hillsides have been concentrated in Franklin County (52 permits) near the Route 4 Scenic Byway (33 permits; Figure 7). Most hillside permits (42 permits) have been issued in the residential development subdistricts (D-RS: 12 permits, D-RS2: 22, D-RS3: 8). These subdistricts are common within three miles of the Route 4 Scenic Byway in Franklin County. Overall, five scenic byways (portions of Routes 4, 6/15, 17, 27, and 201) are located within three miles of hillsides on which development was permitted. (Three miles was used as the relevant distance based on the rule in 10.25,E,2,a described above.) Figure 7 shows the geographic distribution of permits issued for development on hillsides and indicates Maine's scenic byways.

*(See next page for Figure 7)*

**Figure 7. Locations and Numbers of Original Permitting Actions for Development on Hillsides, June 2019 – August 2025. The permit count does not include subsequent actions under the same permit number. The map also shows Maine’s scenic byways.**



## Field Survey

To investigate the implementation and effectiveness of the hillsides standards, in August of 2024, staff visited Dallas, Rangeley, and Sandy River Plantations to view residential development located on hillsides and permitted since the hillside standards became effective. The survey involved visiting specific lots, discussion with homeowners if available, observations regarding implementation of the hillside standards, and photographs. Where possible, lots were also viewed from the Route 4 Scenic Byway and from the water in Greenvale Cove of Rangeley Lake.

18 lots were visited, although not all data could be collected for all lots given limited staff access and the fact that some lots were in the early stages of construction. Staff observations of the permits and of the development on the lots included the following:

- *Hillside and Vegetation Management Plan:* 12 permits contained thorough management plans, two permits had partial plans, and all permits contained conditions related to protection of hillside resources. Although a few applications lacked an explicit management plan, they were reviewed for consistency with the hillside standards. Generally, the hillside permits have improved over time with experience, staff training, and the development of the hillside application exhibit and guidance materials.
- *Vegetative Buffering:* 5 lots had been wooded and permittees had cleared to the limits established in the vegetation management plan limits, leaving appropriate vegetated buffers. On three lots, vegetative buffers were developing, although they did not appear to be fully planted. Seven lots involved pre-existing clearing requiring planting of a vegetative buffer, but buffers had not yet been planted, or immature plantings were not visible from the vantage point of staff.
- *Stormwater:* For 12 lots, stormwater runoff would not appear to be a concern given existing vegetation and siting and orientation of structures and driveways (either planned or constructed). For four lots, stormwater runoff would potentially be a problem if measures in the permitted hillsides and vegetation management plan were not implemented, including limits on mowing and discontinuing a longer driveway running perpendicular to the hillside slope.
- *Linear infrastructure:* 11 lots had driveways that were generally parallel to the hillside slope or were sited on a minimal incline. Three lots had driveways running perpendicular to the hillside slope due to site constraints, but these were short and/or overtopped by evergreen trees. One lot was recently permitted and had not yet constructed an alternative driveway meeting the standards, and one lot had a driveway that pre-dated the rule change.
- *Building materials (reflectivity and color):* Of the eight lots with structural development including siding and/or roofing, six used muted colors of browns, grays, and dark forest green blending well with the surroundings. One dwelling was a beige shade, and one used a light colored wood siding (that would likely darken over time) and was designed with large windows facing Rangeley Lake. However, both of these dwellings appeared to be screened when viewed from Greenvale Cove in Rangeley Lake, and staff did not notice color or

reflectivity issues from that vantage point at that time. No reflectivity concerns involving roofing materials or colors were identified.

- Ridgeline protection: All lots surveyed were located below ridgelines.

### **C. Additional Considerations**

#### *Vegetative Buffering Requirements in the Rangeley Plan Area*

In 2000, the Commission adopted the Prospective Zoning Plan for the Rangeley Lakes Region as an amendment to the CLUP. This plan led to the establishment of special vegetative buffering requirements in the 10 minor civil divisions included in the plan such as Rangeley Plantation, Sandy River Plantation, and Dallas Plantation. These three plantations also contain many hillside resources and during the reporting period made up nearly 50% of permits for development on hillsides. In the D-RS, D-RS2, and D-RS3 subdistricts in the minor civil divisions included in the plan, all principal and accessory structures are required to be screened from roadways by vegetative buffers from 30 ft to 50 ft wide and from property lines by vegetative buffers that are 15 ft wide (on each side of the property line). These requirements are typically conditions on Subdivision Permits issued within the Prospective Zoning Plan area, and staff have seen these requirements incorporated into the Declarations of Covenants and Restrictions of Homeowners Associations. Depending on lot size, the area on the lot proposed for development, the location of roads, and other factors, meeting the vegetative buffering requirements may mean that the vegetative clearing limits of the hillsides are also met or nearly met. Staff observed this phenomenon on some lots during the site visits.

#### *Vegetative Buffering Requirements in Subdivision Plans*

SP 4100 (discussed in Section III of this report) is located in Wyman Township on the Route 27 State-designated Scenic Byway. The permitted proposal includes plans to establish and maintain a vegetated buffer, where none currently exists, on an elevated berm between Route 27 and all building envelopes. Proposed deed language presented in the permit application covenanted where structural development and permanently maintained vegetative buffers and cleared areas may occur on each lot. This is a similar situation to the one described above in which vegetative buffering requirements to screen from scenic resources are incorporated into plans and deeds that a property owner would likely encounter, and have knowledge of, prior to applying for a residential Building Permit from the LUPC.

### **D. Discussion and Conclusions**

The Commission experienced a period of growth in implementing the standards for hillside resources. This was due to a combination of factors, including the need to develop guidance and application materials, train staff, and gain experience, as well as significant staff turnover in the period following the rule change. Review of permitting processes and permits for this report indicated that applicants are submitting detailed hillside and vegetative management plans, and that staff review of these plans and guidance to applicants have improved significantly. Permits issued for development on hillsides now routinely include the approved hillside and vegetation

management plan, a signed applicant statement acknowledging the plan, and the hillside conditions.

The hillside standards appear to have been generally effective, at least concerning residential development, with regard to stormwater management, minimizing the visibility of linear infrastructure, and building designs and construction materials that limit visibility. In situations where a property owner is clearing a wooded lot, the hillside vegetative clearing standards appear effective at screening development and minimizing views of development from a distance. In cases where vegetative screening or buffering needs to be planted, insufficient time has passed since the rule change to evaluate how effective such plans are at screening development. In many of these cases, vegetative screening had not yet been planted or was too young to adequately assess effectiveness.

## VI. New Development Standards: Wildlife Passage

### A. Permits Involving Wildlife Passage

Since the rule change, the Commission has approved two proposals for new businesses and one for a new subdivision that could be required to incorporate wildlife passage (Table 13). However, all three proposals met the exception for in-fill development (see discussion below). As a result, the Commission has not evaluated any projects in which wildlife passage has been implemented under the standard.

**Table 13. Approved permits potentially requiring wildlife passage, June 2019-August 2025**

Permit	Year	MCD	County	Activity	Wildlife Passage Required?
SP 4100 & SP 4100-A	2020 2022	Wyman Twp	FR	M-GN Subdivision	No, in-fill/ WP within ¼-mile
DP 5094	2021	Osborn	HA	Commercial auto repair	No, in-fill
DP 5121-B	2023	Greenfield Twp	PE	Large-scale solar	No, in-fill

*SP 4100 & SP 4100-A:* This permit authorized a General Management Subdivision with six residential lots in 2020 followed by an amendment in 2022 for four additional residential lots. Because the project site was a reclaimed gravel pit surrounded by residential development, staff determined that the project constituted in-fill development in a disturbed area largely surrounded by similar uses in which wildlife passage would be an isolated pocket providing little long-term value. In their review of the application, the Maine Department of Inland Fisheries and Wildlife (MDIFW) commented that the reclaimed gravel pit and the adjacent development along Route 27 limited the value of any potential wildlife passage through the affected parcels. MDIFW also

indicated that retained acreage along the northern edge of the property would serve as a buffer between the proposed development and adjacent wetland habitat, allowing space for wildlife passage.

*DP 5094:* This permit authorized conversion of a residential garage into a small-scale commercial repair garage in a General Development (D-GN) Subdistrict in a primary location approved by the Commission in 2021 in ZP 781. Wildlife passage was not required at the site because the proposal constituted in-fill development. In their review of the application, MDIFW commented that there would be minimal impact on wildlife habitat.

*DP 5121 – B:* This permit authorized a large-scale solar energy generation facility (Cross Road Solar) in a D-RD Subdistrict in a primary location approved by the Commission in 2022 (ZP 783). Commission staff determined that the characteristics of the site, which is located at the convergence of two public roads, constituted in-fill development because it was surrounded by other residential development. Any designated open space would have been an isolated pocket providing little long-term value for wildlife passage. During the rezoning in 2022, MDIFW commented that the proposal would not result in any known adverse impacts to Maine-listed Endangered or Threatened species or habitats in the vicinity. During the review of DP 5121, MDIFW recommended the installation of wildlife permeable fencing and a protocol to handle trapped ungulates and other larger animals. DP 5121 includes a condition requiring these measures.

### ***B. Discussion and Conclusions***

The three actions potentially requiring wildlife passage met exceptions to the wildlife passage requirement. Determinations by Commission staff that these projects constituted in-fill development for which wildlife passage would have little long-term value were consistent with MDIFW determinations regarding the value of wildlife passage. Although a small sample size, this finding suggests that the exception criteria are functioning well thus far. Unfortunately, there have not yet been projects for which the on-site implementation of wildlife passage can be evaluated. One potential issue is that the requirement for commercial businesses to have a 500-foot wide wildlife corridor may be too restrictive, especially for small rural businesses seeking to locate on smaller lots near other residential or commercial development. This is an issue the Commission will continue to track over time.

## **VII. Major Home-Based Businesses**

### ***A. Permitting of Major Home-Based Businesses***

During the reporting period, the Commission approved permits for six Major Home-Based Businesses (Table 14).

*(See next page for Table 14)*

**Table 14. Approved Major Home-Based Business Permitting Actions, June 2019 – August 2025, including the floor area involved.**

<b>Permit</b>	<b>Year</b>	<b>Type of Home-Based Business</b>	<b>Floor Area Needed and % of Total Floor Area</b>	<b>Zones</b>	<b>MCD</b>	<b>County</b>
BP 13490-A	2020	Arborist, landscaping, snow removal	672 sq ft 47%	D-RS P-WL	Coplin Plt	FR
BP 16624	2021	Wood products manufacturing	1500 sq ft 50%	D-RS	Molunkus Twp	AR
BP 17196-A	2023	Childcare for up to 12 children	780 sq ft 55%	D-RS	Freeman Twp	FR
BP 9050-A	2024	Sawmill with office and storage building	1408 sq ft 49%	M-GN	Cathance Twp	WA
BP 17500	2024	Drying and milling of logs salvaged from waterbodies	1440 sq ft 44%	D-RS M-GN	Blanchard Twp	PI
BP 17514-B	2024	Sawmill with storage building	792 sq ft 35%	M-GN	Perkins Twp	FR

*BP 13490-A:* The permit authorized a new dwelling and garage, driveway, and space for outdoor equipment storage, primarily in the Residential Development Subdistrict (D-RS), for an arborist/landscaping/snow removal business. The business occupied 672 sq ft of floor area (47% of the total floor area available), and the total area for outdoor equipment storage was 432 sq ft.

*BP 16624:* This permit authorized expansion of a wood products manufacturing business in the D-RS subdistrict. The proposed facility would utilize 1,500 sq ft of floor area (50% of the total floor area available) in an existing garage and have two employees. No area was required for outdoor equipment storage.

*BP 17196-A:* This permit authorized a new dwelling with a family childcare business for up to 12 children in the D-RS Subdistrict. The business would occupy 780 sq ft of floor area (55% of the total floor area available) in the residence, would not employ additional people outside of the family, and would not require outdoor equipment storage.

*BP 9050-A:* This permit authorized a sawmill with office and storage building in the General Management Subdistrict (M-GN). The proposed business would occupy 1,408 sq ft of the total floor area (49 % of the total floor area available). 400 sq ft was required for the outdoor storage of logs.

*BP 17500:* This permit authorized a salvaged log drying and sawmill facility in the D-RS and M-GN subdistricts. The proposed business would occupy 1,440 sq ft of the total floor area (44 % of the total floor area available). 1,950 sq ft of outdoor area was required for the business.

*BP 17514-B:* This permit authorized a sawmill and storage building in the General Management Subdistrict (M-GN). The proposed business would occupy 792 sq ft of the total floor area (35 % of the total floor area available). The amount of area required for outdoor storage of equipment or materials was not clear in the permit.

### ***B. Discussion and Conclusions***

The Commission approved six applications for Major HBBs since the rule change; one application was returned and not resubmitted. Review of application materials and permits suggests that some minor changes to applications may facilitate future review by staff. Commission staff should continue to track complaints in case any patterns emerge related to Major HBBs as they represent more intensive uses in a residential setting. However, according to the complaint tracking records in GOAT, which commence around 2021, there has only been one complaint associated with a Major HBB: a noise complaint regarding a dog daycare business.

## Appendix A. Description of Permit Types

Land use regulations stipulate which land uses and development activities are: allowed without a permit; allowed without a permit subject to standards; allowed with a permit; allowed by special exception; and those not allowed. For those uses and activities which require permit approval, the LUPC reviews those proposals for conformance with applicable rules and issue a decision (e.g., a permit). The Commission issues permits for a wide range of activities, examples include: camp additions, reconstruction of permanent docks, new garages, grid-scale wind energy facilities, restaurants, and maple sugaring operations.

### Permit database naming protocols

Given the range of activities allowed within the unorganized territories, the LUPC currently or formerly utilizes a variety of action types to identify and record various permitting actions. Each permit includes the action type and number (e.g., AR 95-001, BP 123, and ZP 456) at the top of the document and a corresponding entry in the LUPC’s permitting database – Geographic Oriented Action Tracker (GOAT). Amendments of previous actions are identified by the use of sequential letters (e.g., BP 123; BP123-A; and BP 123-B (the first permit action, the first amendment, and the second amendment respectively)). Variations on this primary naming convention include: AR 95-10 (i.e., the 10<sup>th</sup> advisory ruling issued in 1995); and SP 3206-16 (i.e., a Chapter 16 subdivision). The following summarizes the various types of actions included in this report:

Type (Acronym)	Permit Type (Name)	General Description
BP	Building Permit	Permits for activities associated with residential development that requires a permit (e.g., activities involving: a camp, a garage, porches, etc.).
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit (e.g., activities involving: a commercial sporting camp, retail store, warehouse, mill, wind turbines, campground, resort, etc.)
SLC	Site Law Certification	Certifications issued by the Commission for projects which trigger review by the Maine Department of Environmental Protection (DEP) according to Site Law. In these cases the Commission must certify i) that the use is allowed; and ii) whether or not the project conforms to its standards, which are not otherwise regulated by the DEP. Projects that typically trigger Site Law include: subdivisions, commercial development, and grid-scale wind development.
SP	Subdivision Permit	Permits to create new lots where the lot(s) do not qualify as exemptions, see Section 10.25,Q,1 of the Commission’s <i>Land Use Districts and Standards</i> .
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). See Section 10.08 of the Commission’s <i>Land Use Districts and Standards</i> .

## Appendix B. Description of Disposition Types

Each permit application and zoning petition received by the Maine Land Use Planning Commission is reviewed and results in a final action or disposition. Each type of disposition may be valuable to different data analyses (*e.g.*, approved and approved/disapproved in-part best illustrate authorized activities; withdrawn and returned applications may illustrate unrealized interest in development). Final action or disposition includes the following outcomes:

- *Approved* – The proposed activity meets the necessary standards; a decision (*i.e.*, permit) indicating approval is issued by staff or the Commission.
- *Approved / Disapproved in-part* – Parts of the proposed activity meet the necessary standards and are approved, and parts of the proposed activity do not meet the necessary standards and are disapproved. A decision (*i.e.*, permit) indicating the approved and disapproved components is issued by staff or the Commission.
- *Disapproved* – The proposed activity does not meet the necessary standards; a decision (*i.e.*, denial) is issued by staff or the Commission.
- *Application Withdrawn* – The applicant chooses to withdraw their application prior to final action by staff or the Commission. The application is returned, and no final action is issued by staff or the Commission.
- *Application Returned* – The application is incomplete, and the applicant has made insufficient effort to address the issue(s). The application is returned, and no final action is issued by staff or the Commission.

## Appendix C. Non-Qualifying Rezoning Actions

Summary table of rezoning actions with a final disposition during the June 2019 – August 2025 reporting period but which are not relevant to the analysis of the new rules

Final Disposition = Approved unless otherwise noted

<b>Year / ZP #</b>	<b>Description</b>
2019	
ZP 776	Rezone 748.1 acres to D-CI to develop Three Corners Solar 122.5 megawatt solar energy generation facility [Note: application submitted prior to rule change]
ZP 768	Fish River Chain of Lakes Concept Plan [Note: application submitted prior to rule change]
2020	
ZP 778	Atkinson deorganization
ZP 693 B	Rezone due to expiration of the Kingsbury Concept Plan
ZP 707 B	Rezone due to termination of the Moosehead Region Concept Plan
ZP 780	Rezone 4.5 acres from D-RS to M-GN to better match a pre-Commission recreational lodging facility
2021	
ZP 372 C	Enlarge Saddleback Mountain Ski Resort Planned Development Subdistrict (D-PD) and amend development plan to change uses allowed
ZP 175 A	Rezone 6.7 acres from D-CI to M-GN and P-WL2 for residential use [Application Returned]
ZP 782	Rezone 9 acres from D-RS and M-GN to D-RB for a commercial storage facility [Application Withdrawn]
ZP 659 B	Rezone due to expiration of the First Roach Concept Plan
ZP 779	Rezone to D-PD for the Pickett Mountain Mine [Application Withdrawn]
ZP 785	Rezone 0.77 acres from P-WL to M-GN following wetland delineation
ZP 784	Rezone 2.75 acres from D-RS and M-GN to D-RB for self-storage facility and blueberry stand [Application Returned]

<b>Year / ZP #</b>	<b>Description</b>
2022	
ZP 710-B	Rezone to D-PD for Hammond Ridge four-season recreational activities, lodging, and residences
ZP 783	Rezone 46 acres from D-GN, D-RS, and M-GN to D-RD for 5 MW AC ground-mounted solar photovoltaic array [Application Returned]
ZP - unassigned	Rezone 12.3 acres from P-GP and M-GN to D-GN for a marina [Application Returned]
ZP 224 D	Revise and renew St. John River Resource Plan P-RP
ZP 786	Rezone 0.6 acres from P-WL to M-GN and P-GP following a wetland delineation
ZP 787	Rezone 2.75 acres from P-WL1 to P-WL2 to better reflect existing conditions
ZP 788	Rezone 30 acres from P-FW to P-GP to better reflect deer wintering area
ZP 789	Rezone 20.5 acres from D-RS and M-GN to D-RF for legally existing, nonconforming, commercial sporting camp
ZP 784 A	Rezone 2.75 acres from D-RS and M-GN to D-RB for self-storage facility and blueberry stand
ZP 671 A	Rezone due to expiration of the Resource Protection Plan for the Lower West Branch of the Penobscot River
ZP 790	Rezone 1.8 acres from P-WL and P-SL to M-GN and P-SL to better reflect existing conditions
ZP 791	Rezone 503 acres total to D-GN and 533 acres to D-RS to implement the Moosehead Regional Planning package
2023	
ZP 155 E	Revise and renew the White Mountain National Forest Resource Protection Plan (P-RP)
ZP 532 F	Rezone due to termination of the Concept Plan for the Lands of Lowell & Co Timber Associates
ZP - unassigned	Rezone 59 acres from P-GP to D-RS for proposed campground [Application Returned]
ZP 710 C	Extension of deadline for submission of permit application for Hammond Ridge D-PD
ZP - unassigned	Rezone 0.5 acres from P-GP and P-WL to P-GP for proposed house site [Application Returned]
ZP 682 A	Rezone due to expiration of the Brassua Lake Concept Plan
ZP 795	Rezone 1.2 acres from M-GN to D-CI for expansion of one lot in a commercial subdivision for 2 self-storage units [Application Returned]

<b>Year / ZP #</b>	<b>Description</b>
2024	
ZP 779 A	Rezone to D-PD for the Pickett Mountain Mine [Disapproved]
ZP 754 A	Rezone 15 acres from D-RF to P-GP and M-GN for a land management camp
ZP 796	Edit Land Use Guidance Maps for 111 MCDs completing clerical edits referencing Flood Insurance Rate Maps and Flood Insurance Studies completed by FEMA
ZP 797	Rezone 4.8 acres from P-WL and P-SL2 to P-GP, P-SL2, and M-GN following a wetland delineation
ZP 798	Rezone 1.1 acres from P-FW to P-SL to better reflect deer wintering area
ZP 800	Rezone 3.5 acres from P-FP to P-SL1 to better reflect existing conditions
2025	
ZP 803	Rezone 1.4 acres from P-WL, P-RR, and P-SL to P-RR and P-SL following a wetland delineation

## Appendix D. Non-Qualifying Subdivision Actions

**Summary of Subdivision Permits (SP)/Subdivision-Related Development Permits (DP) and Site Law Certifications (SLC) with a final disposition during the June 2019 – August 2025 reporting period but which are not relevant to the analysis of the new rules.**

Final Disposition = Approved unless otherwise noted

Year / Permit #	Description
<i>2019</i>	
SP 3142-F	Modify permit condition to reduce waterbody setback [Application Returned]
SP 3049-C	Reconfigure two lots and refine road sideline
SP 4094-B	Remove prohibition on development in a portion of one lot based on results of an archaeological survey
SP 4097-B	Transfer subdivision permit to new owner [Application Returned]
<i>2020</i>	
SP 3028-G	Reduce the width of a subdivision road from 14' to 11'
SP 3239-C	Adjust lot line between two lots
SP 4097-C	Transfer subdivision permit to new owner
SP 4083-B	Modify permit for driveway on one lot and compensating change to phosphorus buffer
<i>2021</i>	
SP 4081-A & B	Increase dimensions of an existing building envelope to accommodate proposed development but limit potential impacts on Moosehead Lake and nearby wetlands [Amendment A Disapproved; Amendment B Approved]
SP 3172-C	Two-year extension to complete subdivision access road
SP 1016-E	Reconfigure subdivision design to eliminate spaghetti lots, reducing the number of developable lots from eight to five and increasing conformance with the Commission's subdivision design standards
SP 1016-G	Remove prohibition on development on one lot based on results of a soil survey
SP 3121-F	Divide one lot in an existing subdivision to separate two existing buildings onto separate lots
SP 4098-A	Transfer portion of one lot to abutters
SP 4079-A	Revise recorded survey notes to accommodate a new driveway design that reduces vegetation clearing and soil disturbance
SP 380-G	Reconfigure subdivision design to split one lot and enlarge another lot
SP 4097-D	Reauthorize previously approved 28-unit condominium subdivision in an existing development subdistrict

<b>Year / Permit #</b>	<b>Description</b>
DP 4131-Y	Staff housing and 22-unit condominium development within the Saddleback Mountain Ski Resort Planned Development Subdistrict (D-PD)
<i>2022</i>	
SP 3277-A	Increase the aggregate footprint and height of allowed outbuildings based on a phosphorus analysis
SP 3282-A	Increase the aggregate footprint and height of allowed outbuildings based on a phosphorus analysis
SP 3278-B	Transfer subdivision permit to a new owner
SP 4086-A	Change the location of a building envelope
SP 3194-D	Subdivide one lot
SP 1016-F	Combine two lots
SP 3157-D	Adjust lot line between two lots [Application Withdrawn]
SP 4097-E	Modify permit condition regarding financial requirements for future development [Application Withdrawn]
SP3183-C & D	Add one lot to an existing subdivision [Applications Returned]
<i>2023</i>	
DP 4131-CC	14 lot Flex Design subdivision within the Saddleback Mountain Ski Resort Planned Development Subdistrict (D-PD)
DP 4131-HH	Modify the boundary line between two lots
SP 3172-D	Complete Level C Road project in the subdivision
SP 4097-F	After-the-fact modification of a drinking water system for the condominium development; modify permit condition regarding financial requirements for future development
SP 4071-A	Modify permit and association covenants to allow for attached and detached garages and to reduce the minimum allowed dwelling size [Application Withdrawn]
SP 3208-H	Remove two subdivision lots [Application Returned]
SLC 19	17 lot medium-density, basic layout subdivision within the Fish River Chain of Lakes Concept Plan [Application Returned]
<i>2024</i>	
SP 940-C	Update SWDS location on one lot
SP 4055-A	Modify property line setback for one lot [Application Returned]
SP 3273-A	Increase the aggregate footprint and height of allowed outbuildings based on a phosphorus analysis
SP 3237-C	Expand one lot in commercial subdivision to allow additional development, modify property line setback and buffer requirements

Year / Permit #	Description
SP 4074-B	Remove shared driveway condition for two abutting lots
DP 4131-LL	High-density Flex Design condominium subdivision with 77 units within the Saddleback Mountain Ski Resort Planned Development Subdistrict (D-PD) [Application Withdrawn]
2025	
SP 4097-H	Modify driveway location for one unit [Application Returned]
SP 4055-B	Modify property line setback for one lot
SP 4097-G	Minor change to modify condominium declaration [Application Returned]
SLC 19-A	17 lot medium-density, basic layout subdivision within the Fish River Chain of Lakes Concept Plan
DP 5058-A	Convert from recreational lodging facility to residential subdivision; three cabins converted to dwellings

## Appendix E. Non-Qualifying Nonresidential Development Actions

There are too many non-qualifying nonresidential development actions during the reporting period to list. As an alternative, a list of examples of non-qualifying nonresidential development actions during the reporting period is provided.

### **Non-qualifying nonresidential development actions**

#### *In General:*

- Expansion of existing businesses in zones where the use is allowed with a permit (e.g., change of use or building a new structure)
- Development of new facilities in existing zones where use is allowed with a permit
- Permit transfers
- Small-scale solar development not requiring a rezoning.

#### *Examples:*

- Development of various components of the Saddleback Ski Area Planned Development Subdistrict (including a solar farm, staff housing, and a mid-mountain lodge)
- Water withdrawal for agricultural irrigation
- Communication towers
- Temporary meteorological towers
- Reconstruction of a non-hydropower dam
- Construction of new structures for existing maple sugaring facilities
- Re-establishment of an existing airstrip along the St. John River for limited recreational use
- Elevation of a plantation structure in a FEMA zone
- Conversion of recreational lodging facilities
- New plantation power plant, fuels tanks, and small-scale solar facility
- Construction of a plantation community building
- Plantation solid waste facility
- Snowmobile club facilities

## Appendix F. Hillside Actions

Approved residential single family dwelling projects (excluding Minor Changes to permits) from June 2019 through August 2025 in which at least a component of the project was located on a hillside. Projects may involve new dwellings, accessory structures, and/or driveways/parking areas.

<b>Permit/Year</b>	<b>Location</b>	<b>County</b>	<b>Zone</b>	<b>Scenic Byway Within 3 Miles</b>	<b>Field Survey</b>
<i>2020</i>					
BP16263	Albany Twp	OX	M-GN	None	
BP16372	Rangeley Plt	FR	D-RS2	Rte. 4	
BP16378	Coplin Plt	FR	P-AR	Rte. 27	
BP16423	Rangeley Plt	FR	D-RS2	Rte. 4	Y
BP16548	Sandy River Plt	FR	D-RS2	Rte. 4	
BP16552	Lexington Twp	SO	M-GN	None	
BP16558	Lakeville	PE	M-GN	None	
<i>2021</i>					
BP16632	Sandy River Plt	FR	D-RS3	Rte. 4	
BP16634	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP15726-B	Madrid Twp	FR	D-RS	Rte. 4	
BP16704	Elliotsville Twp	PI	M-GN	None	
BP4365-H	Sandy River Plt	FR	M-GN	Rte. 4	
BP16621	Coplin Plt	FR	D-RS	Rte. 27	
BP11337-C	Rangeley Plt	FR	D-RS2	Rte. 4	Y
<i>2022</i>					
BP17122	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP15961-A	Sinclair Twp	AR	D-RS	None	
BP17132	Rangeley Plt	FR	D-RS2	Rte. 4	Y
BP17109	The Forks Plt	SO	D-RS	Rte. 201	
BP16548-A	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP17001	Parkertown Twp	OX	D-RS2	None	
BP16961	Rangeley Plt	FR	D-RS3	None	
BP16956	Washington Twp	FR	M-GN	None	
BP16940	Sandy River Plt	FR	D-RS3	Rte. 4	
BP16934	Sandy River Plt	FR	D-RS2	Rte. 4	
BP16926	Sandy River Plt (Saddleback)	FR	D-PD	None	Y
BP16897	Freeman Twp	FR	M-GN	None	
BP17102	Township C	OX	P-GP2	None	
<i>2023</i>					

<b>Permit/Year</b>	<b>Location</b>	<b>County</b>	<b>Zone</b>	<b>Scenic Byway Within 3 Miles</b>	<b>Field Survey</b>
BP11043-A	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP17001-A	Parkertown Twp	OX	D-RS2	None	
BP17102-B	Township C	OX	P-GP2	None	
BP17175	Albany Twp	OX	M-GN	None	
BP17193	Long Pond Twp	SO	M-GN	Rte. 6/15	
BP17194	Dallas Plt	FR	D-RS2	Rte. 4	Y
BP17248	Coplin Plt	FR	D-RS	Rte. 27	
BP17256	Dallas Plt	FR	D-RS2	Rte. 4	Y
BP17258	Madrid Twp	FR	M-GN	None	
BP17270	Lynchtown Twp	OX	P-GP	None	
BP17299	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP17314	Sandy River Plt	FR	M-GN	Rte. 4	
BP17317	Dallas Plt	FR	D-RS2	Rte. 4	Y
BP17318	Andover North Surplus Twp	OX	M-GN	None	
BP17363	Rangeley Plt	FR	M-GN	Rte. 4	
BP3185-F	Rangeley Plt	FR	D-RS3	Rte. 4	Y
BP5608-A	Dallas Plt	FR	D-RS2	Rte. 4	Y
BP17381	Dallas Plt	FR	D-RS2	Rte. 4	Y
BP17411	Sandy River Plt	FR	D-RS3	Rte. 4	
BP17375	Rangeley Plt	FR	D-RS2	Rte. 4	Y
BP17406	Sandy River Plt	FR	D-RS2	Rte. 4	Y
BP15001-B	Rangeley Plt	FR	D-RS2	Rte. 4	Y
BP17393	Greenfield Twp	PE	M-GN	None	
BP17402	Monhegan Isle Plt	LI	D-RS	None	
BP17404	Albany Twp	OX	M-GN	None	
<i>2024</i>					
BP17570	Perkins Twp	FR	M-GN	None	
BP17427-A	Perkins Twp	FR	M-GN	None	
BP17539	Sandy River Plt (Saddleback)	FR	D-PD	None	
BP16291-B	Rangeley Plt	FR	D-RS3	Rte. 4	
BP17522	Sandy River Plt	FR	D-RS3	Rte. 4	
BP16621-A	Coplin Plt	FR	D-RS	Rte. 27	
BP17440	Concord Twp	SO	M-GN	Rte. 201	
BP17441	Wyman Twp	FR	M-GN	Rte. 27	
BP17423	Coplin Plt	FR	D-RS	Rte. 27	
BP17411-A	Sandy River Plt	FR	D-RS3	Rte. 4	
<i>2025</i>					

<u>Permit/Year</u>	<u>Location</u>	<u>County</u>	<u>Zone</u>	<u>Scenic Byway Within 3 Miles</u>	<u>Field Survey</u>
BP17175-B	Albany Twp	OX	M-GN	None	
BP17711	Stetsontown Twp	FR	P-GP	None	
BP17734	Freeman Twp	FR	M-GN	None	
BP17742	Sandy River Plt	FR	D-RS2	Rte. 4	
BP11768-A	Rangeley Plt	FR	D-RS	Rte. 4	
BP17709-A	Sandy River Plt	FR	D-RS	Rte. 4	
BP17792	Parkertown Twp	OX	D-RS	None	
BP17677	Coplin Plt	FR	D-RS	Rte. 27	

Approved nonresidential projects from June 2019 through August 2025 in which at least a component of the project was located on a hillside.

<u>Permit/Year</u>	<u>Location</u>	<u>County</u>	<u>Zone</u>	<u>Description</u>	<u>Scenic Byway Within 3 Miles</u>
<i>2020</i>					
DP4341-B	Rangeley Plt	FR	D-GN2	Marijuana Processing & Retail Sales	Rte 17
<i>2021</i>					
DP4131-X	Sandy River Plt	FR	D-PD	Saddleback Ski Resort: Mid-Mountain Lodge	None
SLC14	T18 and T24 MD BPP	HA	M-GN	Linear Development Associated with the Downeast Wind Project	None

### Appendix G. Adjacency & Subvision Reporting System Workplan

See next page.

**Adjacency & Subdivision Implementation Tasks:  
REPORTING SYSTEM WORKPLAN  
(January 13, 2021)**

**INTRODUCTION**

The following describes the LUPC staff proposed workplan to summarize and assess outcomes of what was referred to as the 2019 Adjacency & Subdivision rulemaking. That rulemaking:

- made changes to the ‘adjacency principle;’
- improved subdivision standards; and
- added other standards regarding an impact-based approach for residential and non-residential development, home- and farm-based businesses, scenic byways, and hillside development.

Due to a number of factors, not all outcomes or aspects of performance can be measured or assessed quantitatively. In some instances, the workplan describes other information or assessments that may be informative substitutes.

Workload

This workplan includes an assessment of the workload anticipated to achieve each research and assessment task. While the Commission previously committed to certain tasks, and the additional tasks are valuable and appropriate, it will require the devotion of time and resources. Specifically, anticipated workloads are indicated as one of three levels:

Workload	Description
+	<u>Negligible effect on LUPC workload:</u> information is already collected by the LUPC; summaries are easily achievable;
+ +	<u>Some increase to LUPC workload:</u> data collection or analysis will require a moderate amount of backfilling, summary, or linking of data; or additional staff time will be required on a regular basis;
+ + +	<u>Significant increase to LUPC workload:</u> significant staff time or agency resources will be necessary to complete the task.

Experience implementing the rules and carrying out this workplan will further inform the Commission’s perspective, provide perspective on the workload, and may suggest whether refinements are appropriate.

## CHALLENGES AND LIMITATIONS TO COLLECTING OR INTERPRETING DATA

This workplan and the related assessments are and will be influenced or otherwise limited by a number of factors. In order to provide context and to inform expectations, the following items describe several factors.

1. A number of changes included in the 2019 rulemaking do not warrant specific data collection or assessment. Examples include but are not limited to: basic change in terminology (e.g., home-based business, common open space); new defined terminology; format of citations and basic restructuring of the rule. These elements will be monitored for issues consistent with the agency's normal administrative responsibilities and efforts.
2. Assessment of some portions of the rule are not feasible, often due to the absence of data. Examples include but are not limited to:
  - a. Assessing the success or failure of some standards based on a ratio of approvals versus denials is constrained because it is not always possible to know the number of people who did not apply due to their knowledge of the applicable standards; and
  - b. Effects on the rate of parcelization<sup>1</sup> and exempt lot creation is limited due to the lack of any data<sup>2</sup> and limits to agency authority.

Whenever possible, other data will be considered provided that the data is viewed as a valuable substitute or proxy (in-part or in-whole).

3. To varying degrees, outcomes from current or prior rules may be influenced by outside factors, such as direct or indirect markets, landowner goals, and other regulatory programs. These factors are not within the Commission's purview and often change or fluctuate over time. Ultimately, assessment of any and all data should consider applicable factors to the extent possible.
4. Comparisons to historical permitting trends can become less informative as the Commission's rules evolve regularly. Further, in some instances, comparing recent outcomes to past trends may not offer valuable perspective due to the number of variables.
5. Impacts and benefits from development often occur at a slower rate than anticipated.
6. Development review and the approval process may occur in stages – zoning approval, subdivision approval, and development approval.
7. Construction activity and completion of any one site may take months, while full buildout may not occur for several years.
8. Habitation and regular use will likely be sporadic and indistinct.
9. Affects to local or regional resources, or the strain on community services, could be subtle or abrupt, but attributing impacts to a single cause or source likely will be difficult.

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<sup>1</sup> The LUPC has limited access to parcel data in municipalities or plantations within its service area, who are not required by law to share parcel data with the LUPC.

<sup>2</sup> When a property owner uses a subdivision exemption(s) to create a lot division(s), there is no requirement to report the action to LUPC. While such divisions are recorded in the registry of deeds, currently the LUPC does not have the capacity to research, either periodically or on an ongoing basis, when and how exempt lots are created. (See Chapter 10, Section 10.25,Q,1,g for the list of exemptions.)

**PURPOSE**

To monitor, assess, and report on the outcomes of the 2019 rule revisions concerning adjacency and subdivision.

**GOAL 1: Periodically assess the effectiveness and outcomes of the rulemaking<sup>3</sup>.**

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Strategies:

- a. Review rule revisions at predetermined intervals [see letter (i), below] with attention to emerging patterns of development and any potential long-term implications.

Predetermined review intervals/research and assessment tasks:

Workload

Task

- |       |       |   |
|-------|-------|---|
| + +   | (i)   | Conduct a review of the effectiveness of the revised application of the adjacency principle: <ul style="list-style-type: none"><li>- Five years after adoption (<i>i.e.</i>, 2024).</li><li>- Following the approval of five petitions for rezoning to create new, or expand existing, development subdistricts in any single county. Group by resource-based and non-resource-based development [excluding certain resource dependent zones (D-PD, D-PR, and D-RF), deorganizations, and FEMA map revisions].</li><li>- Conduct a review of the effectiveness and effects following the approval of 100 residential lots created through subdivision (excluding lots created in a concept plan).</li></ul> |
| + + + | (ii)  | Survey rural hub towns potentially impacted by new development activity (e.g. located near, or serving, new development), and other municipalities as needed, to identify any long-term implications of the revised rules.  |
| + + + | (iii) | Identify and describe the status or buildout of residential subdivisions or commercial development in subdistricts established after the effective date of the revised rules.   |
| + +   | (iv)  | Summarize permitting and rezoning data in five-year increments, or in other date ranges if applicable and as needed.  |
| + + + | (v)   | Assess whether the hillside development standards effectively minimize views of development from scenic resources.  |

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<sup>3</sup> “The Commission is committed to monitoring the effects of this policy change. In addition to collecting data about rezoning and permit approvals as part of the normal course of work, the Commission will initiate a review of the effectiveness of the application of the adjacency policy: five years after the adoption of the rules; upon the approval of five petitions for rezoning to create new, or expand existing, development subdistricts in any single county; or upon the approval of 100 residential subdivision lots outside of concept plans, whichever comes first.” June 17,2019 Chapter 10 basis statement, page 25.

- b. Annually track and report relevant development activity, with focus on identifying specific locations that may experience rezoning or permitting activity, flagging any issues that may emerge, and capturing lessons learned along the way.

Annual research and assessment:

<u>Workload</u>	<u>Task</u>
++	(i) Regardless of whether the rate and location of development triggers a formal review, as described above in strategy a,(i), staff will summarize outcomes to the Commission, and will likely include a summary in the annual performance report to the Legislative Committee on Agriculture, Conservation and Forestry.
++	(ii) Maintain a general summary of other outreach conducted by staff.
++	(iii) Work to measure or otherwise describe the number of potential projects that do not result in a permit application or zoning petition. Including:
++	- On a quarterly basis, check in with staff for anecdotal information regarding pre-application meetings / discussions that likely will not result in an application or petition; and
+	- Monitor use of the Commission’s mapping and informational resources.
+++	(iv) Analyze travel distances for emergency services from point of origin to new development zones. If applicable and practicable, also analyze distances by road and in a straight line from new development subdistricts to: the boundary of the nearest rural hub; and the center of the nearest rural hub.
++	(v) Reach out to potentially impacted rural hubs or municipalities during active permitting or rezoning processes to solicit comments, and then summarize feedback in annual reports.
++	(vi) Analyze implementation of the new wildlife corridor requirements, for residential subdivision designs and certain commercial development, to determine if wildlife corridors are being incorporated into designs as intended.
+	(vii) Share reports with stakeholders and the public.
+++	(viii) As appropriate or needed, the staff will check in with stakeholders.

**ADDITIONAL GOALS, STRATEGIES, and TASKS**

**GOAL 2: Guide development subdistricts to appropriate locations, siting most development where there is existing development and where services can be provided efficiently.**

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Strategies:

- a. Replace the one-mile rule of thumb with a more refined and predictable system to locate non-resource-based commercial and non-recreation-based residential subdivision development closest to services.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all petitions processed for new or expanded (non-resource dependent) development zones. List to indicate:
+	- permit number, acres, Minor Civil Division (MCD), county, subdistrict, purpose, locational criterion (primary, secondary), lake management classification, disposition; and
++	- existing and resulting lake shoreline and area density calculations, and distance to the nearest rural hub;
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;
+++	(iii) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes; and
++	(iv) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.

- b. Allow subdistricts for resource dependent commercial uses to be located away from services, provided they do not undermine the quality of the surrounding natural or recreational resources, and do not create a burden for service providers.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List of all petitions processed for new or expanded resource dependent development zones. List to indicate: permit number, acres, MCD, county, subdistrict, purpose, locational criterion (resource or feature development is located near), and disposition;
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;

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- + + (iii) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes;
  - + + (iv) Identify and describe any adverse impacts on natural or recreational resources that have been identified;
- c. Allow subdistricts for recreation-based subdivisions near certain management class lakes that are already developed, and near permanent trails serving motorized vehicles, nonmotorized vehicles, or equestrian users.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all petitions processed for new or expanded D-RS subdistricts for recreation-based subdivisions. List to indicate:
+	- permit number, acres, MCD, county, subdistrict, purpose, applicable resource (lake or trail), lake management classification, disposition; and
+ +	- existing and resulting lake shoreline and area density calculations, distance to the nearest rural hub, and distance from a public road.
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;
+ +	(iii) Assess the likelihood that the outcomes for approved and denied zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes;
+ +	(iv) If applicable, describe outcomes of any approvals or denials that have sparked reason for concern.

**GOAL 3: Revise land use standards to improve flexibility and suitability for residential subdivisions proposed in the Commission’s rural service area.**

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Strategies:

- a. Encourage more lot creation through subdivision, rather than through exempt lot creation, by updating and broadening options for subdivision designs.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all subdivisions processed. List to indicate: permit number, acres, MCD, county, subdistrict, net change in lots, purpose (for lease or sale), subdivision layout, and disposition;

- + (ii) Summarize approved subdivisions, by county and locational criterion, and by layout and density;
- + (iii) Comparison to historic data (20-year annual average of the net change in lots approved through subdivision); and
- + + (iv) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.

**GOAL 4: Increase flexibility for resource-based development in locations that do not undermine the quality of the surrounding natural or recreational resources or create a burden on the service providers in the region while simultaneously limiting the potential for similar development in locations near sensitive resources.**

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Strategies:

- a. Establish detailed and customized standards for new and existing allowed uses that accomplish or otherwise improve existing protections of natural and cultural resources. (For example, standards that protect views from development on hillsides, provide for wildlife passage and road associations, and require deeded access by road, etc.)

Annual Research and Assessment:

Workload

Task

- + (i) Summarize the number of applications (BPs, DPs, or SPs) where Section 10.25,E,2 (Hillside standards) applied; and
- + + (ii) Summarize the amount and type of hillside development that occurred near scenic byways.

- b. Allow new, and continue to allow existing, resource-based commercial uses to be located away from services, provided they do not undermine the quality of the surrounding natural or recreational resources, and do not create a burden for service providers.

Annual Research and Assessment:

Workload

Task

- (i) List all applications for resource-based uses processed. List to indicate:
  - + - permit number, MCD, county, subdistrict, use, resource dependency, general characterization of the type of activity (new site/use, expanded site/use, other), disposition; and
  - + + - distance to the nearest rural hub.
- + (ii) Summarize the number and type of permits by Use Listing: (i.e., natural resource processing, natural resource extraction, recreation

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supply, recreation day use, home-based businesses, agricultural processing, agritourism). For each use listing, identify each business type (e.g., peat extraction; canoe rental)

- + (iii) Summarize approved permits, by use, county and resource;
- + + (iv) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes.
- + + (v) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.