

Adjacency and Subdivision Rulemaking: 5-Year Report Draft

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Overview

- Location of Development
- Subdivision
- Resource-Based Commercial
- Hillside Standards
- Wildlife Passage
- Major Home-Based Businesses

Adjacency - Location of Development

Questions

- Is new development being sited appropriately?
 - Close to existing development
 - Can services can be provided efficiently
 - Affects on surrounding resources (resource-based development)
- Are there emerging patterns of development related to the rule change with long-term implications for the service area?

Methods

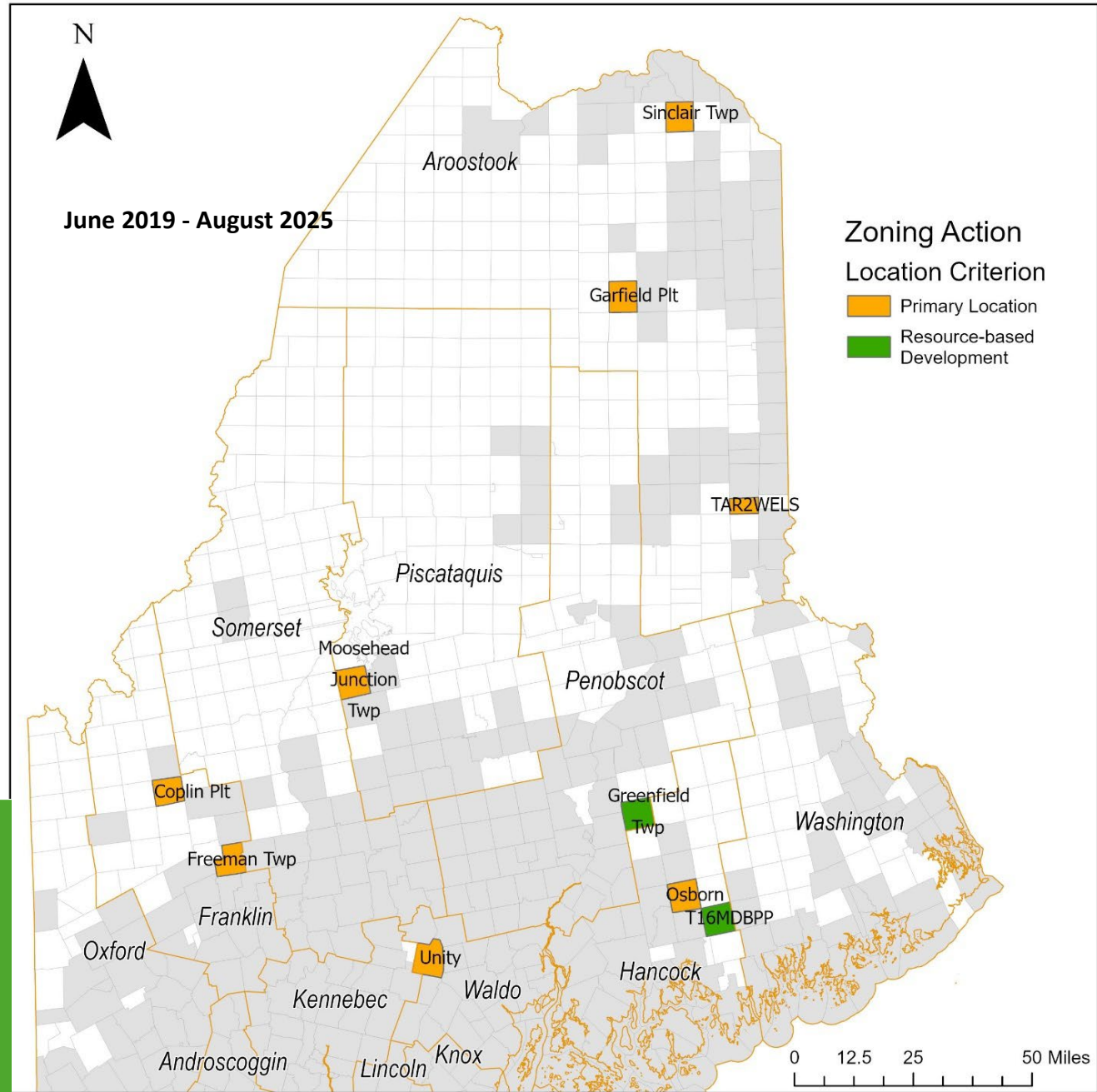
- GOAT zoning and permitting records
- Outreach
- Interviews with staff



Rezoning and M-GN Subdivisions

- 10 qualifying rezonings
 - 8 Primary location
 - 0 Secondary location
 - 2 Resource-dependent
- 1 M-GN subdivision (2 permits; not shown)
- Nonresidential development most common
 - 7 D-zone to D-zone rezonings
 - 2 D-RD rezonings for solar
 - No new residential subdivisions through rezoning
 - No D-LD rezonings

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



Analysis of Rezoning Under Prior Regulations

One-Mile-By-Road Rule of Thumb

- 6 rezonings likely to have been approved
 - 1 large-scale solar
 - 3 businesses: Auto repair, Storage facility, Restaurant
 - 1 government facility: Fire station
 - 1 commercial lot to a residential lot in a mixed-use subdivision
- 4 rezonings unlikely to have been approved
 - 2 large-scale solar
 - 2 commercial businesses: Cannabis cultivation and production, Auto repair
- M-GN subdivision permit would have been approvable under prior regulations

Rezoning Inquiries Incompatible with the Location of Development Standards

- Subdivision in Elm Stream Township
 - Parcel not within primary or secondary location
 - Not eligible for rezoning to D-RS or D-LD
 - Not eligible for M-GN Subdivision
 - Likely not approvable under the one-mile rule of thumb
- Subdivision in Riley Township
 - Preferred portion of parcel not within primary or secondary location
 - Not eligible for rezoning to D-RS or D-LD
 - Not eligible for M-GN Subdivision
 - Likely not approvable under the one-mile rule of thumb
- Commercial lodging in T7 R5 WELS
 - Parcel not within primary location
 - Not eligible for rezoning to a development subdistrict allowing commercial lodging
 - May have been approvable under the one-mile rule of thumb
 - Eligible for a recreational lodging facility

Historical Rezoning Patterns

<u>Period</u>	<u># Qualifying Actions</u>					
	<u>D-CI</u>	<u>D-GN</u>	<u>D-RS</u>	<u>D-RD</u>	<u>M-GN Sub./Lvl 2 Sub.</u>	<u>Total Actions</u>
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

Emergency Services

- All rezonings included letters indicating that service providers could cover the proposed development
- Emergency services may not originate in the rural hub on which a primary location is based
 - some primary locations based on multiple rural hubs
- Service provision influenced by factors not related to land use or proximity
 - changes in county contracts
- First responders often located much closer than transporting ambulance service
- Lack of data on service provision to subdivisions
- Increasing costs and shrinking pool of emergency responders
- Suggestions from outreach
 - Impact fees
 - Require water access and dry hydrants for waterfront subdivisions
 - Require universal locking system for gates to facilitate road access

[Service provision table](#)

Resource-Based Commercial Development

Permit	Summary	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	Recreation supply business: water skiing lessons; in P-GP	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	Wood waste outdoor processing facility; in M-GN	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	10.7-acre solar farm; in D-RD	Proximity to distribution lines	Nearby forestland	Old Town	12.8 miles	16.2 miles	16.5 miles

Resource-Based Commercial Development: Outcome Under Prior Regulations

- DP 5071, Recreation Supply – likely not permissible
 - Would have required rezoning to a Development Subdistrict
 - Likely would not have passed one-mile rule of thumb
 - Cost of rezoning
- DP 5085-B, Resource Processing – likely not permissible
 - Would have required rezoning to a Development Subdistrict
 - Probably would not have passed one-mile rule of thumb
- DP 5121, Large-scale solar – likely not permissible
 - Would have required rezoning to a Development Subdistrict
 - Probably would not have passed one-mile rule of thumb

Location of Development Conclusions

- No indication that development in the service area is particularly burdening service providers
- No indications of adverse impacts to resources
- Development is being sited appropriately
- No indication of development patterns with adverse long-term implications
- No changes recommended at this time

Subdivision

Question

- Have new subdivision design options affected lot creation through the subdivision process?
 - Subdivision activity since the rule change
 - Comparison with historical trends
 - Comparison with subdivision activity in the rural hubs

Subdivision

Methods

LUPC Service Area

- Search GOAT records for SPs, DPs, or SLCs that approved new or expanded subdivision footprints or number of dwelling units

Rural Hubs

- Search county deed registries for qualifying plans approved and registered June 2019 -December 2024
- For each qualifying plan, record:
 - Type of subdivision: land-based subdivision, dwelling unit-based, or a combination
 - Whether new or an expansion
 - Whether residential, commercial, or both
- For a subset of qualifying plans, collect detailed data on lot characteristics and layout

Subdivision Activity

June 2019 – August 2025

- 2 qualifying subdivision actions
 - A permit and its amendment: M-GN Subdivision in Wyman Township
 - Created ten residential lots
- 4 SP applications for new or expanded subdivisions received since October 2024

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	1.7 acres (residential) 1.6 acres (road lot)	Sell
SP4100-A	Inland	M-GN	High	Basic	4 Residential	1.1 acres	Sell

Historical Subdivision Patterns

	1999- 2003	2004-2008	2009-2013	2014-2019	2019-2025
Number of approved SP actions¹	19	32	11	5	2
Number of approved DP actions^{1,2}	0	4 ³	1 ⁴	0	0
Number of new land lots created (land-based)	198	393	98	23	10
Number of new dwelling units (dwelling unit-based)	0	114	6	28	0

¹ Actions involving new subdivisions or subdivision expansions.

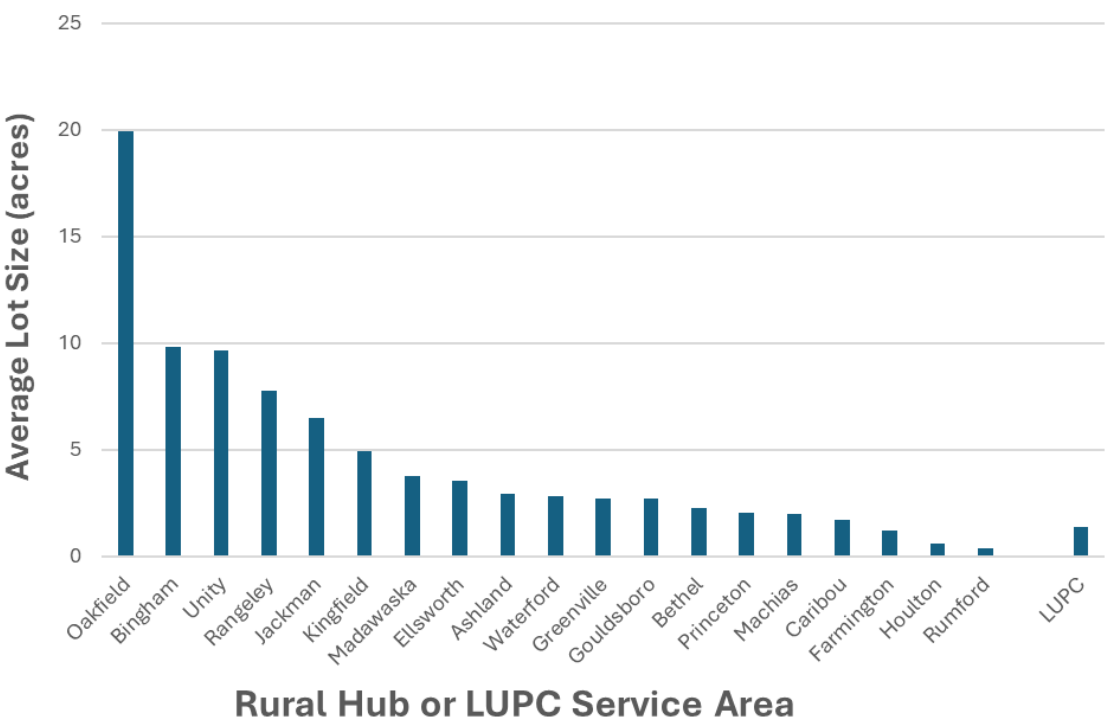
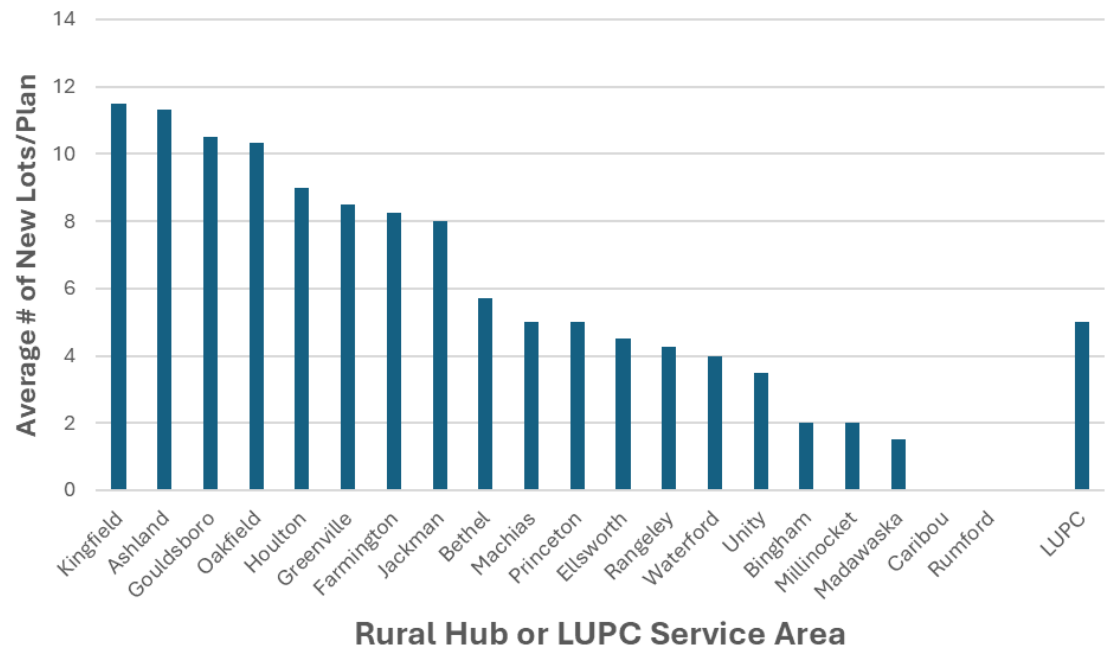
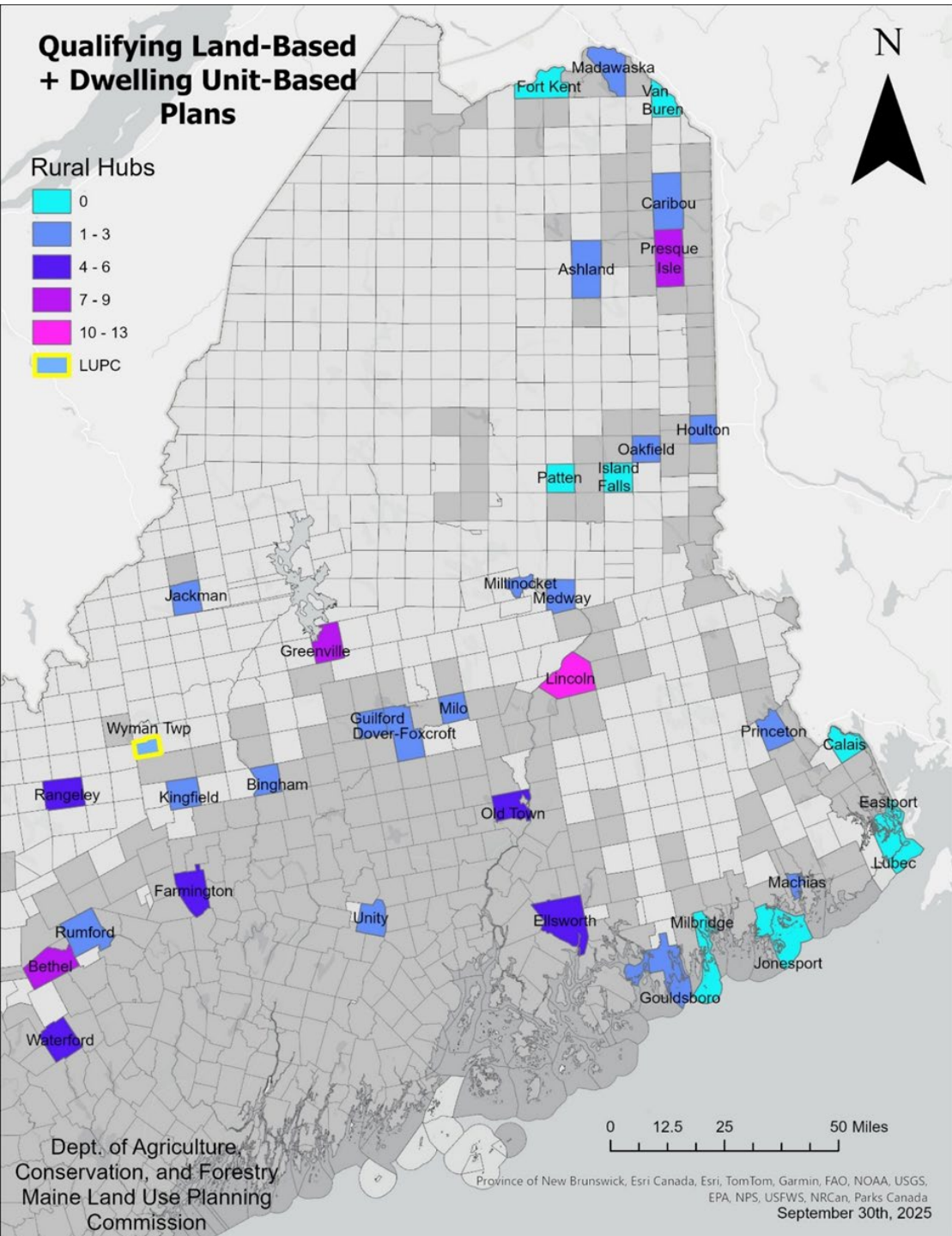
² Subdivision and condo development from 1999-2019 has been permitted with a DP only for the Saddleback D-PD

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

⁴ Condominium units

Qualifying Land-Based + Dwelling Unit-Based Plans

Rural Hubs



Rural Hubs: Subdivision Layouts and Regulations

LUPC Layout	Number of Rural Hub Plans	% of Total
Basic	43	75.4%
Rural Lot	3	5.3%
Clustered	3	5.3%
FlexDesign	0	0
No direct fit	8	14.0%
Total:	57	100%

34 Rural Hubs Surveyed

- 9 follow statutory review requirements
- 25 with additional review and/or design criteria
 - 11 with Cluster/Open Space Design Option
 - 14 with additional review criteria only

Examples:

- Parking
- Road design
- Vehicle and pedestrian circulation
- Lighting

Subdivision Conclusions

- Two qualifying actions in the LUPC service area is consistent with activity levels in the majority of rural hubs
 - 76% of the 38 rural hubs had three or fewer qualifying subdivision plans during the reporting period
- Small number of LUPC data points make it challenging to meaningfully compare lot number and size between the LUPC and rural hubs
 - Lot numbers and sizes vary widely
- Basic layout is most common
 - Generally low number of lots being created
 - Many land-based subdivisions are linear and laid out along existing roads
- Low level of subdivision activity generally is likely due to several factors, including:
 - Overall economic climate in rural Maine
 - Surplus of unsold subdivision lots in the service area
 - Preference for using exempt lot creation
 - Minimize costs

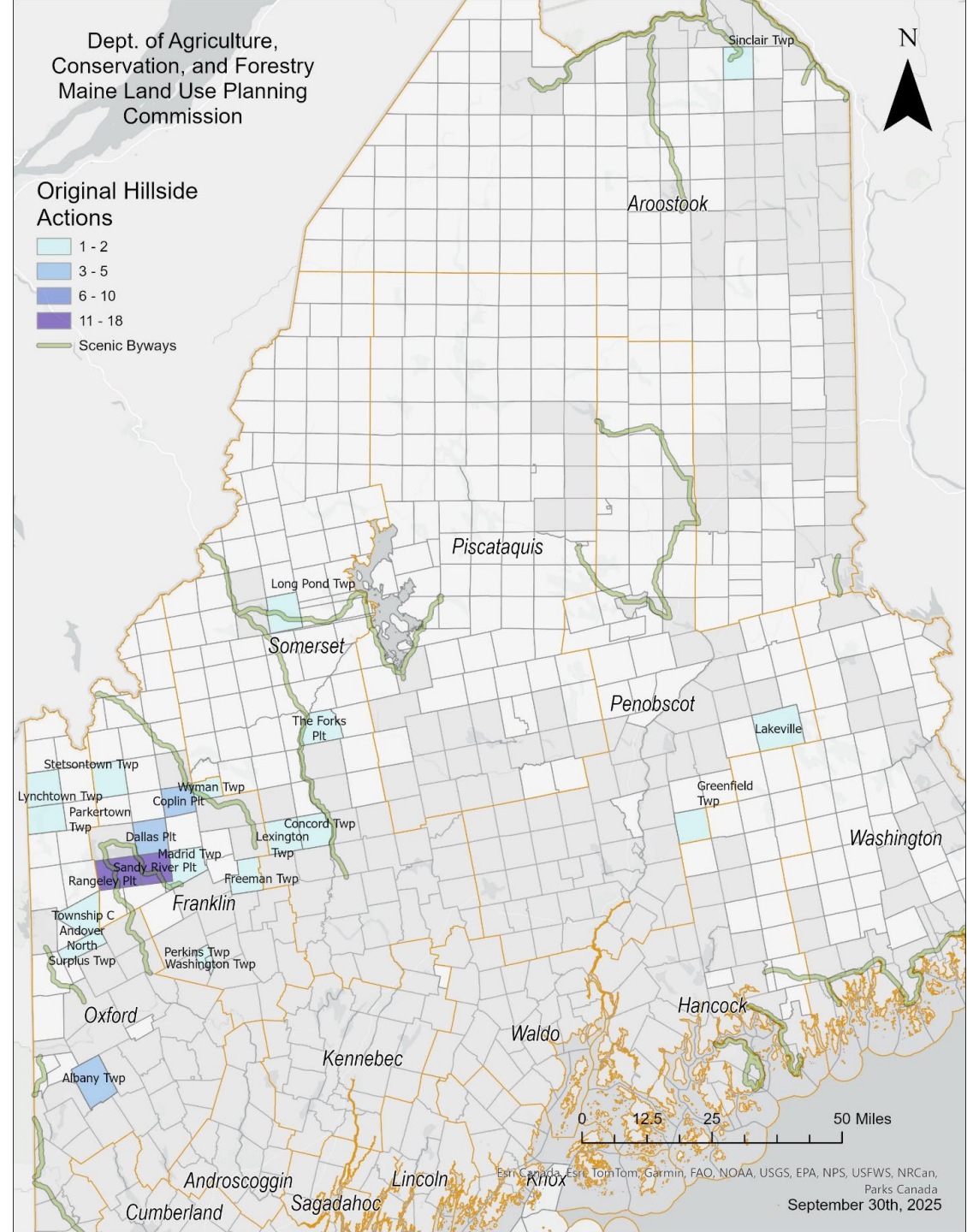
Subdivision Recommendations

- Continue to collect data on subdivision activities in the LUPC service area
- Prepare additional guidance documents for applicants and staff on navigating the LUPC subdivision standards and permitting process
- Explore additional incentives for creating subdivisions and ways of reducing potential regulatory barriers
- Identify and prioritize subdivision issues as part of the current effort to update the Comprehensive Land Use Plan

Hillside Resources Development Standards

- 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

- Concentrated in Franklin County (52 permits) near the Route 4 Scenic Byway (33 permits)
- Most issued in the residential development subdistricts (D-RS: 12 permits, D-RS2: 22, D-RS3: 8)
- Five scenic byways (portions of Routes 4, 6/15, 17, 27, and 201) are located within three miles of hillsides with permitted development



Field Survey and Permit Review

- Early phases of construction and planting generally
- Hillside and vegetation management plans
- Vegetative Buffering
- Stormwater
- Linear Infrastructure
- Building materials
- Ridgeline Protection

Conclusions

- Implementation has improved over time
- No concerns raised

Wildlife Passage

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

- 3 permits qualify
- All met in-fill exception
- No permits with wildlife passage implemented

Conclusions

- Staff determination of in-fill development consistent with DIFW determination on value of wildlife passage
- 500 ft wide wildlife passage requirement may be restrictive for small businesses locating on small lots near other development

Major Home-Based Businesses

Permit	Year	Type of Home-Based Business	Floor Area Needed and % of Total Floor Area	Zones	MCD	County
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

Conclusions

- Minor changes to application materials helpful
- No issues identified
- Continue to track complaints

Overall Conclusions

- Relatively little rezoning and permitting activity during the reporting period
 - Difficult to make broad conclusions about effectiveness
- Unclear if LUPC subdivision standards are disincentivizing development
 - Currently 4 subdivision permit applications in late 2024 - 2025
- No significant concerns identified at this time
- Analysis and outreach will continue in the CLUP update process

Thank You



Resource Slides

2019 Rulemaking: Adjacency/Location of Development

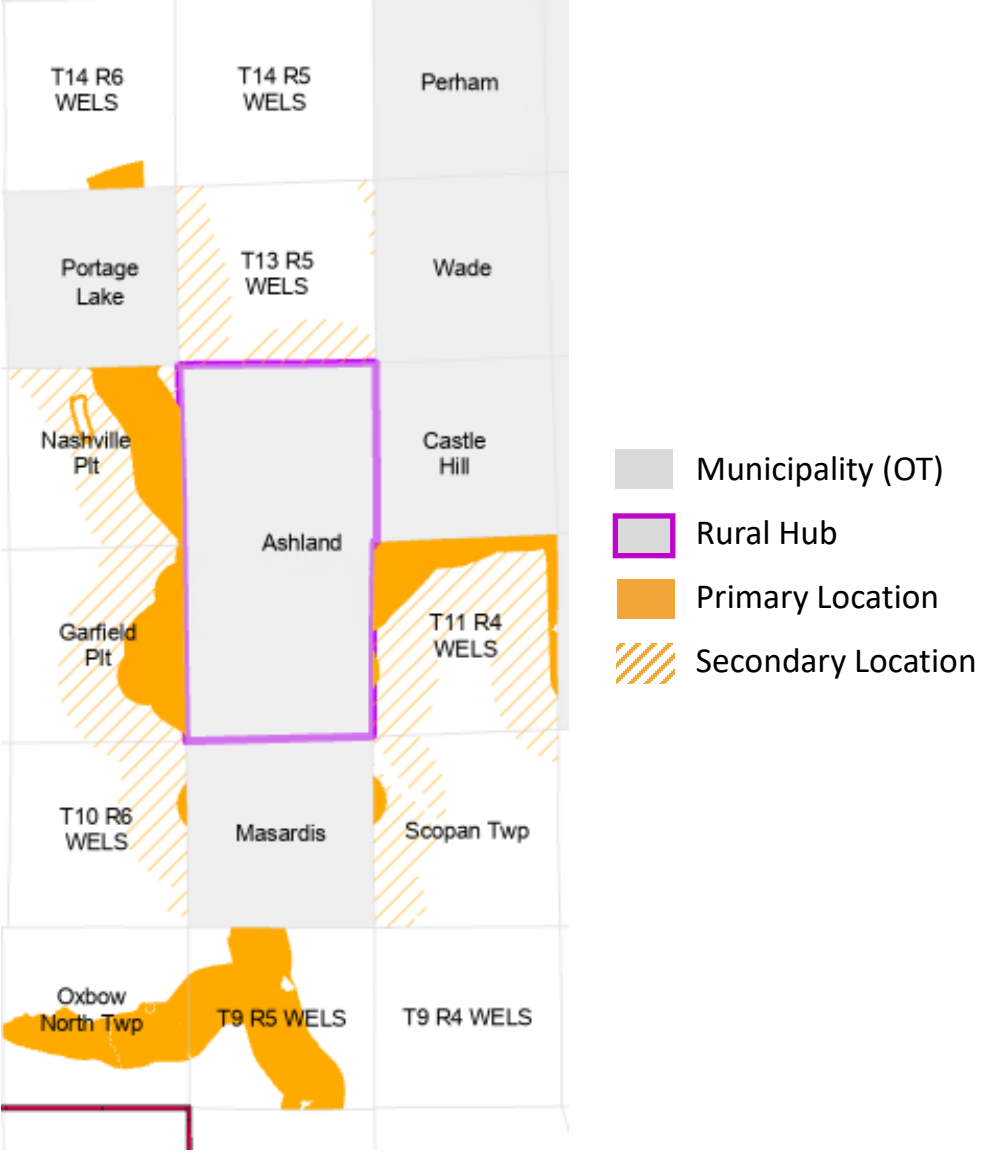
Goal: Encourage certain types of new development in and adjacent to existing developed areas.

- Designated 39 communities as Rural Hubs
- Established Primary Locations as land within:
 - seven miles of a rural hub boundary and within one mile of a public road, or
 - certain townships, plantations, and towns within one mile of a public road, or
 - 700 ft of MC 3 lakes

2019 Rulemaking: Adjacency/Location of Development

- Established Secondary Locations as land meeting three criteria:
 - in a township, plantation, or town bordering a Rural Hub and
 - within three miles of a public road,
 - and outside of a primary location

2019 Rulemaking: Adjacency/Location of Development



- D-CI and D-GN = Primary Location required
- D-RS and D-LD = Primary or Secondary Location required
- Emergency services
- Established Resource-Dependent Development Subdistrict (D-RD)
- Allowed recreation-based subdivisions around
 - MC 4 and 5 lakes
 - certain MC 7 lakes
 - certain trailheads

Travel Distances

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 ⁹	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 ¹⁰	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) ¹¹	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) ¹²	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)

footnotes on next slide

⁹ 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.

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

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

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

2019 Rulemaking: Subdivision

Goal: clearer, more flexible subdivision standards with more design options

- New subdivision design standards and options
 - Basic, Clustered, Rural Lot, Flex designs
 - Common open space requirements
 - Shoreland development requirements
- Subdivision road standards
 - roadway classification with associated design standards
 - Emergency egress
 - Road maintenance

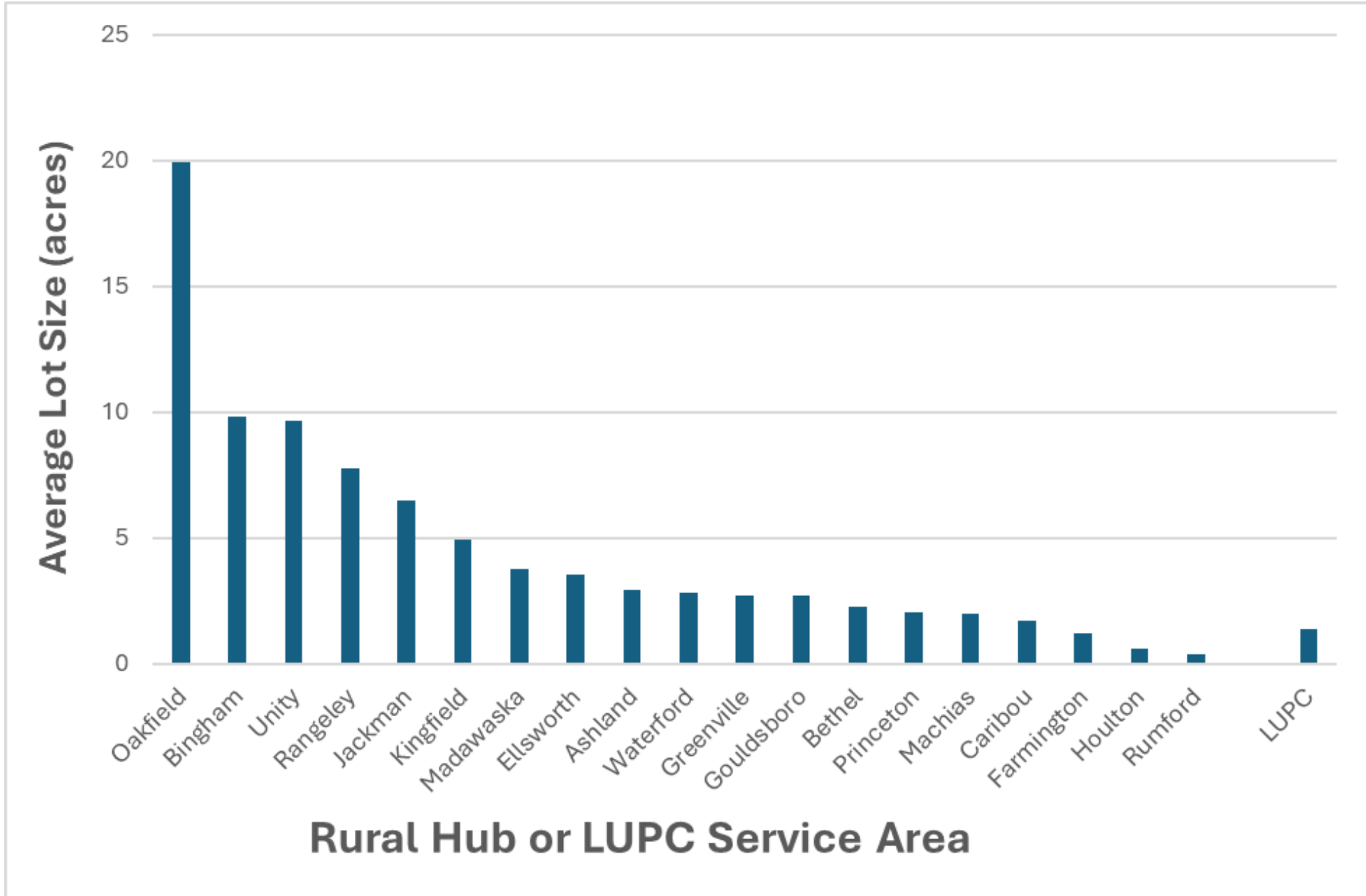
2019 Rulemaking: Subdivision

- Review Factors for Recreation-Based Subdivisions include:
 - Considering the capacity of the recreational resource, such as the parking capacity
 - Ensuring adequate access to the recreational resource for lot owners, while also
 - Preventing informal trail building to the resource
- Established the Low-Density Development Subdistrict (D-LD)

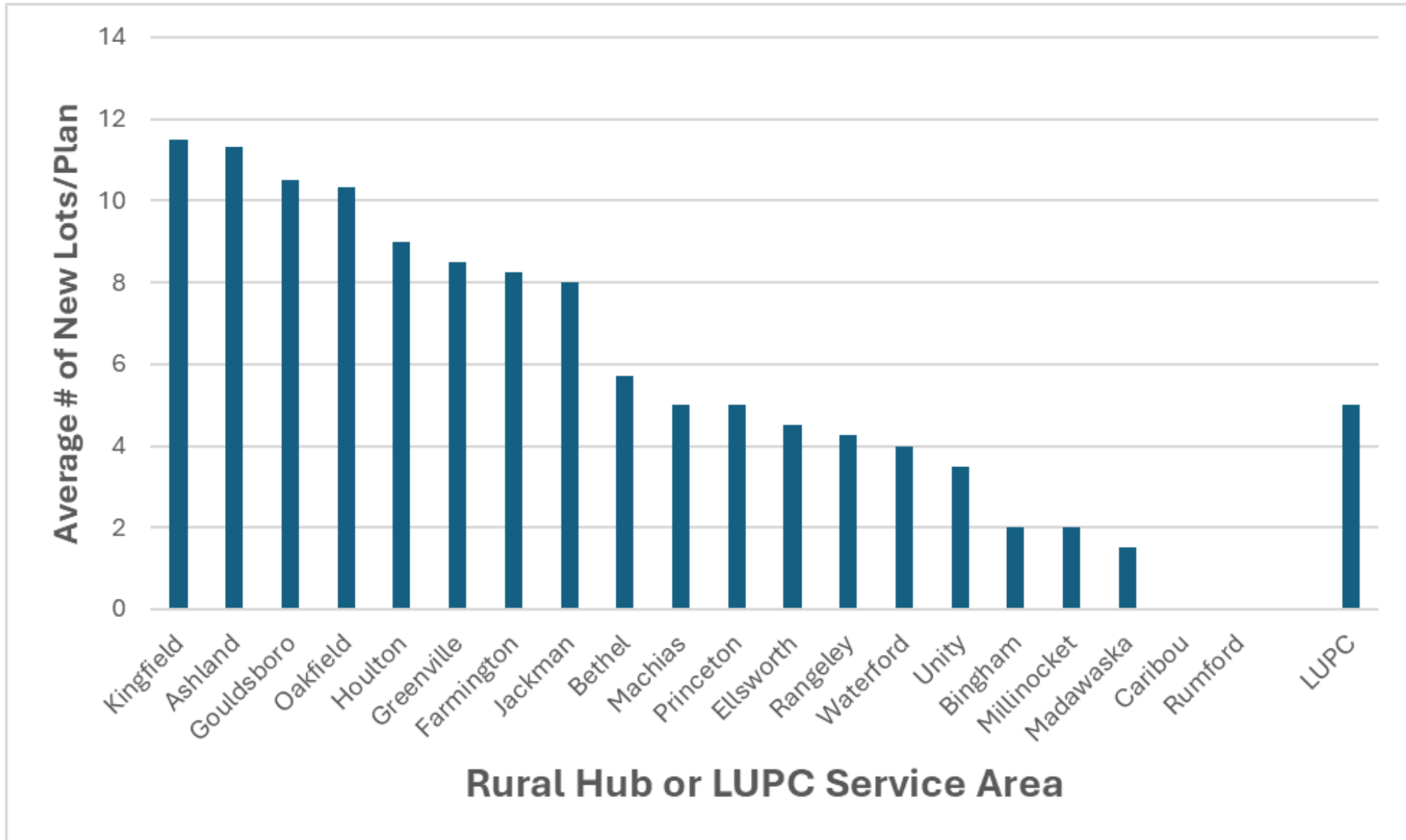
Table 10.25,Q-1. Location and Layout Overview

Commercial, Industrial, and Residential Subdivisions²²	Allowed Subdivision Layouts			
	Basic	Clustered	FlexDesign	Rural Lot
	<i>High- and Moderate-Density</i>			<i>Low-Density</i>
Inland	Yes	Yes	Yes	Yes
Shoreland with Heavy Development (Lakes exceeding CLUP density guidelines ^{23,24})	No	Yes	Yes	No
Shoreland within 250 feet of Management Class 4 Lakes	No	Yes	Yes	No
Shoreland within 250 feet of all other major water bodies and coastal wetlands	Yes	Yes	Yes	No
General Management Subdivisions				
Inland	Yes	Yes	Yes	No

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

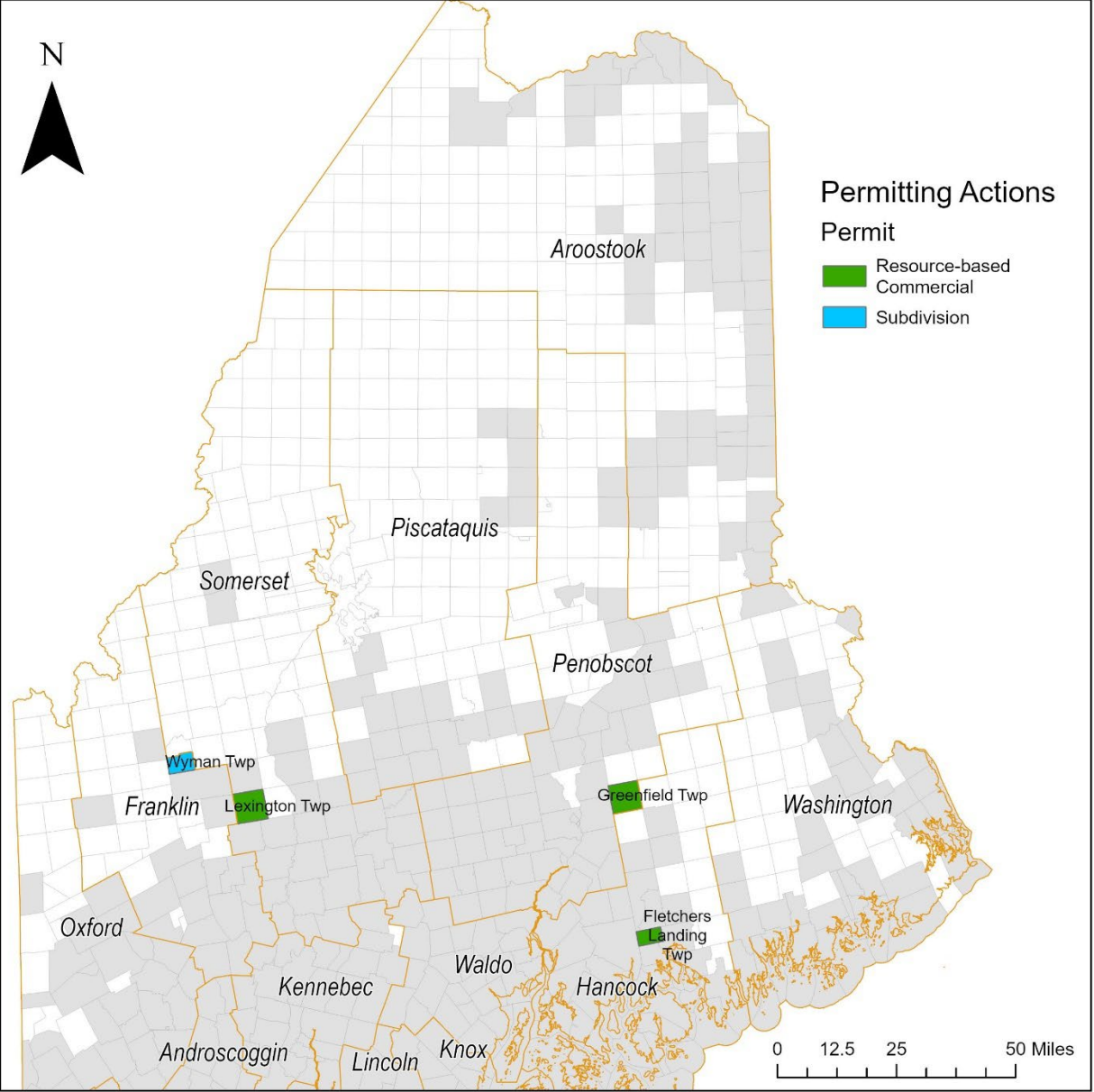


Comparison of Average Number of New Lots Per Subdivision Plan: 20 Rural Hubs and the LUPC Service Area



Resource-Based Commercial Permitting

Action/ Permit	Reporting Year	Summary	Sub- district	Use	MCD	County
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



2019 Rulemaking: Hillside Development & Wildlife Passage

Goals: 1) Protect natural character through harmonious fit on hillsides
2) Facilitate wildlife passage between habitat areas and across roads

- Hillside Development

- Ridgeline protection
- Vegetative screening and vegetation management plan
- Construction materials and colors
- Linear infrastructure
- Stormwater management

- Wildlife Passage

- 500-foot minimum corridor width
- Prioritize linking high value habitat on or off the property