

***Community Guided
Planning and Zoning and
Chapter 10 of the
Commission's Rules***

Presentation to Aroostook Region
Steering Committee

May 21, 2014

Part 1 of 3

Chapter 10: Land Use Districts and Standards

An overview of the LUPC's development review process

Parts of Chapter 10

- Subchapter I: General Provisions
- Subchapter II: Land Use Subdistricts
- Subchapter III: Land Use Standards

Using Chapter 10: In General

The LUPC's rules work a lot like land use ordinances in municipalities.

Zoning Petition or "ZP" process recognizes that LUPC zoning maps have not evolved to the same level of detail as in some municipalities

Using Chapter 10: Initial Questions

Ask same questions as in organized towns:

“What does the property owner want to do?”

“Where is the activity proposed?”

“In what subdistrict (i.e., zone) is this area located?”

Using Chapter 10: Initial Questions cont'

“Is the proposed activity – the land use – allowed in this subdistrict?”



Example: Convenience Store

“What does the property owner want to do and where?”

Convenience Store in Sinclair Twp:

- 30'x50' = 1,500 sq ft
- parking & sign
- 200+ feet road frontage
- no shore frontage
- 2 acre wooded lot

Example: Convenience Store

“In what subdistrict and is the use allowed in this location?”

Existing D-GN subdistrict

Commercial Use: Store up to 2,500 sq ft allowed as a “Use Requiring a Permit” 10.21,C,3,c(5)

c. Uses Requiring a Permit

The following uses may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g, h and i below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Commercial and industrial: Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses;
- (6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (7) Draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (9) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (10) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
- (11) Home occupations: Major home occupations;
- (12) Land management roads;
- (13) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C, and Level B mineral exploration activities;
- (14) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;
- (15) Recreation facilities: Public or private recreation facilities including, but not limited to, parks, playgrounds, and golf courses;
- (16) Recreational lodging facilities:
 - (a) Level B;
 - (b) Level C;
 - (c) Level C – Expanded Access; and
 - (d) Level D (inside geographic allowance area);
- (17) Residential: Single family dwellings, two-family dwellings, and multi-family dwellings;
- (18) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;

33. Commercial Sporting Camp:

A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and typically consists of, but does not have to include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (Section 10.27,Q,1). A resident, on-site attendant must be available on a full-time basis to meet the needs of guests.

34. Commercial Trailered Ramp, Hand-Carry Launch, or Dock:

A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.

35. Commercial Use:

The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or incidental sales of goods or services as may be allowed by permit or standard within a recreational lodging facility or forest management activities where such activities are otherwise exempt from review.

36. Commission:

The Maine Land Use Planning Commission.

37. Community Living Facility:

A housing facility for eight or fewer persons with disabilities that is approved, authorized, or certified by the State. A community living facility may include a group home, foster home, or intermediate care facility. Disability has the same meaning as the term “handicap” in the Federal Fair Housing Act, 42 USC §3602 [30-A M.R.S.A. §4357-A].

Residents of a community living facility cannot be using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 USC §802(6), or living in the facility as a result of a criminal offense.

38. Compatible Use:

A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

39. Compensation:

Replacement of a lost or degraded wetland function with a function of equal or greater value.

40. Conversion of Use:

The alteration of a use or structure such that the use or structure constitutes a different use listing or defined term.

Using Chapter 10: Land Use Standards

LUPC development review process both:

- municipal-like standards (e.g., dimensional requirements, shoreland zoning)
- state environmental review (e.g., NRPA), unless project is large enough to trigger DEP permitting

“Does the use, as proposed, meet all applicable standards?”

Using Chapter 10: Statutory Review Criteria

Section 10.24 contains statutory review criteria from 12 MRS § 685-B(4)

- Compliance with environmental laws
- Solid waste, odor, water supply
- Financial and technical capacity
- Traffic, parking
- No undue adverse impact
- Soils, septic

Using Chapter 10: Land Use Standards in Rule

Standards contained in:

- 10.25 – Development standards
- 10.26 – Dimensional requirements
- 10.27 – Activity-specific standards

Example: Convenience Store

- What are the parking requirements?
(10.25,D)
- Is the soil suitable for development here?
(10.25,G)
- What are the erosion and sediment control requirements during construction?
(10.25,M)

G. SOIL SUITABILITY

The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

1. Soil types shall be determined by a site-specific soil survey, according to the “Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping” (Maine Association of Professional Soil Scientists, 2004). The soil survey class shall be determined as follows, unless the Commission finds that a lower or higher intensity soil survey class is needed:
 - a. For level 1 subdivisions, a Class A high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class B soil survey may be used to identify soils elsewhere within the project area.
 - b. For level 2 subdivisions, a Class B high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class C soil survey may be used to identify soils elsewhere within the project area.
 - c. For new commercial, industrial and other non-residential development, a Class A high intensity soil survey shall be used to identify soils within any proposed disturbed area. A Class C soil survey may be used to identify soils elsewhere within the project area.

The Commission may waive one or more of the provisions of a Class A or B high intensity soil survey, including but not limited to the contour mapping requirement, where such provision is considered by the Commission unnecessary for its review.

2. Determination of soil suitability shall be based on the Natural Resources Conservation Service’s soils potential ratings for low density development. Soils with a low or very low development potential rating shall not be developed unless the Commission determines that adequate corrective measures will be used to overcome those limitations that resulted in a low or very low rating.
3. At least two test pits shall be dug within the boundaries of each subdivision lot proposed to be served by a combined septic system. At least one test pit shall be dug within the boundaries of each lot proposed to be served by a primitive septic system. The location of such test pits shall be shown on the subdivision plat.

Example: Convenience Store

- Is the lot big enough? (10.26,A)
- Do I have enough road frontage? (10.26,C)
- What are the setback requirements for buildings and parking? (10.26,D)
- Will I exceed maximum lot coverage? (10.26,E)
- What is the maximum height? (10.26,F)

C. MINIMUM ROAD FRONTAGE

1. Except as provided for in Section 10.26,C,6 below, the minimum road frontage shall be:
 - a. 100 feet per dwelling unit for residential uses, and
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
2. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
3. Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
4. Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
5. In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

6. Flexible Road Frontage Requirements In Prospectively Zoned Areas.

- a. Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
- b. Reductions in road frontage shall be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.

Example: Convenience Store

- How much vegetation can I clear along the road?(10.27,B)
- How big can my sign be? (10.27,J)

Familiarity with Chapter 10

- A general understanding of the structure and function of Chapter 10 can help inform the committee's prospective planning and zoning efforts
- Modification of Chapter 10 is just one option available to the committee

Part 2 of 3

What kind of changes can be made to chapter 10?

Aroostook CGPZ Regional Land Use Planning Products

Product	Measure of How Well Product Meets Goal to:			Measure of Effort & Resources Required to:		Measure of Utility
	Identify, Describe Land Use	Identify Appropriate Locations	Establish an Efficient and Fair Process	Develop Product	Integrate Product into LUPC Rules & Policies	
CHANGES TO WHAT IS ALLOWED IN PARTICULAR PLACES						
1 Rangeley-style Plan with prospective zoning	Hi	Hi	Hi	Hi	Hi	Hi
2 Rezoning: Broad rezoning for selected uses (multiple types in multiple locations)	Hi	Hi	Hi	Hi	Hi	Hi
3 Rezoning: Specific/ Targeted selected uses (A few key locations for targeted uses)	Med	Med	Med	Med	Med	Hi
CHANGES TO WHAT IS ALLOWED EVERYWHERE						
4 New or revised Land Use Subdistricts	Med	Med	Med	Med	Hi	Med
5 New or revised Land Use Standards	Med	Low	Med	Med	Hi	Med
RECOMMEND SPECIFIC FUTURE CHANGES						
6 Regional Land Use Plan: Generalized areas where development would be appropriate	Med	Med	Low	Med	Med	Med
7 Regional Land Use Plan: Set of criteria for identifying appropriate locations for development	Med	Med	Med	Med	Med	Med
RECOMMEND GENERAL FUTURE CHANGES						
8 Regional Comprehensive Plan	Med	Med	Low	Low	Low	Low
9 Sector specific plan & recommendations	Med	Med	Low	Low	Low	Low
PROVIDE RELEVANT IDEAS & BACKGROUND MATERIALS						
	Low	Low	Low	Low	Low	Low

Combinations of certain products may increase goal attainment, reduce overall resource requirements, and provide significant utility. Examples may include:

9 Sector specific plan & recommendations	Med	Med	Low	Low	Low	Low
7 Criteria to identify appropriate development locations	Med	Med	Med	Med	Med	Med
Combined	Hi	Hi	Med	Hi	Med	Med

In combination this sector specific plan could provide a rationale for siting new types of land uses, and the criteria could provide a methodology for evaluating the appropriateness of locations

OR

3 Rezoning: Specific/ Targeted selected uses	Med	Med	Med	Med	Med	Hi
4 New or revised Land Use Subdistricts	Med	Low	Med	Med	Hi	Med
Combined	Hi	Hi	Med	Hi	Hi	Hi

This combination could create new subdistricts for specific uses & rezone some land to the new subdistricts for those targeted uses.

The interaction of these products may provide results that accomplish more than what each product could provide separately.

Part 2: What kind of changes can be made to chapter 10?

	in multiple locations)						
3	Rezoning: Specific/ Targeted selected uses (A few key locations for targeted uses)	Med	Med	Med	Med	Med	Hi
CHANGES TO WHAT IS ALLOWED EVERYWHERE							
4	New or revised Land Use Subdistricts	Med	Med	Med	Med	Hi	Med
5	New or revised Land Use Standards	Med	Low	Med	Med	Hi	Med
RECOMMEND SPECIFIC FUTURE CHANGES							
6	Regional Land Use Plan: Generalized areas where development would be appropriate	Med	Med	Low	Med	Med	Med
7	Regional Land Use Plan: Set of criteria for identifying	Med	Med	Med	Med	Med	Med



Recreational Lodging Rulemaking

Heard from Recreational Lodging industry
& found from permitting experience:

- Expectations for more amenities/ more privacy/ more square footage
- Use listings not flexible enough for development trends
 - Examples: resorts, group/youth camps, Sporting Camps, backcountry huts, and campgrounds.

Rezoning couldn't be tailored to recreational use

Recreational Lodging Rulemaking

- Goals of Recreational Lodging project:
- Rules that efficiently and effectively regulate recreational lodging in LUPC's jurisdiction for the benefit of facility owners, visitors, and Maine residents, striking an appropriate balance between private enterprise and resource protection.

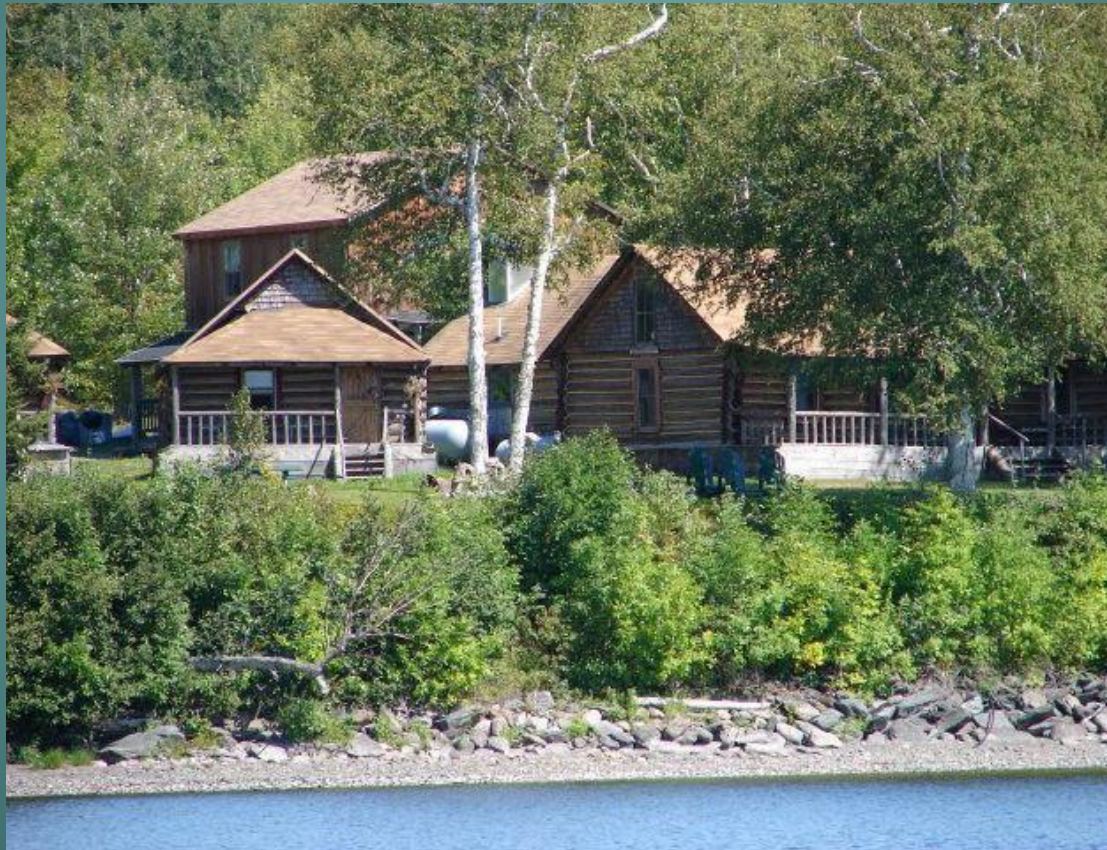
Recreational Lodging Rulemaking

- Feedback from Stakeholders:
- Facilities should be regulated based on:
 - Impact (to resources and traditional uses) AND
 - Location
- Relax regulations in light of new technology, new customer demands, and other realities
- Provide predictability AND flexibility
 - Within categories, allow for easy changes

Recreational Lodging Rulemaking

- New Policies & Regulations
- New definition (10.02) – *Recreational Lodging*
- Change to some existing use listings (10.21 - 23)
- New zones (10.21) – D-PR & D-RF
- New and revised standards (10.27,Q)
 - Recreational Lodging Categories
 - Floor Area Adjustment
 - Geographic Allowance Area

How do Recreational Lodging changes work? - Sporting Camp example



<http://www.eaglelakesportingcamps.com/>

T16 R6 WELS

Square
Lake

Eagle Lake



Existing 9,800 square foot
commercial sporting camp (CSC)



Blake Lake

Square Lake

Eagle Lake

Eagle Lake

T16 R6 WELS

T16 R6 WELS



Located
in M-GN

New Definition – Recreational Lodging Facilities

... building or group of buildings... used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes.

- ... primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based.
- ... includes, but is not limited to, **commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns**, or any combination of these types of uses that exhibit characteristics of a unified approach...

New Standards – Recreational Facility Levels

01-672 CHAPTER 10

10.27,Q

Table A: Facility Level Determination.

Factors	Facility Level				
	A	B	C	D	E
(1) On-site recreation activities, features, and/or services ⁽ⁱ⁾	N	Low noise, odor Mostly screened		Some noise, odor Partially screened	Routine noise, odor Highly visible
(2) Utilities: May be served by public utilities and/or indoor plumbing or water and electric at campsites	N	Y	Y	Y	Y
(3) Floor area of principal buildings (in square feet) ⁽ⁱⁱ⁾ :	≤ 750	≤ 8,000	≤ 12,000	≤ 20,000	No limit
(4) Footprint of clearing within 250 feet of any body of standing water, tidal waters, or flowing waters downstream from the point where such waters drain 50 square miles or more. (in square feet) <i>Section 10.27,B still applies:</i>	≤ 3,000	≤ 24,000	≤ 36,000	≤ 60,000	No limit
(5) Retail (in square feet):	0	≤ 100	≤ 200	≤ 500	≤ 800
		or not more than 5% of floor area of principal buildings, whichever is larger			
(6) Dining amenities	N	Guests	Guests	Guests	Public
(7) Fuel sales	N	Guests	Guests	Guests	Public
(8) Recreation activities, features, and/or services ⁽ⁱ⁾	N	Guests	Guests	Guests	Public
(9) Overnight occupancy (in people):	≤ 80	≤ 100	≤ 150	≤ 250	No limit

New Use Listings – Recreational Lodging Facilities

A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campgrounds;~~
- ~~(2) Campsites, Residential;~~
- ~~(2) Commercial sporting camps having a total gross floor area of no more than 10,000 square feet for all principal buildings concerned;~~
- ~~(3) Recreational lodging facilities:
 - ~~(a) Level A;~~
 - ~~(b) Level B;~~
 - ~~(c) Level C;~~
 - ~~(d) Level D (inside the geographic allowance area); and~~
 - ~~(e) Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of [effective date of rule] may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of [effective date of rules];~~~~
- ~~(3) Remote rental cabins;~~

New Zoning Subdistricts – Recreational Facility Development

D-RF

- moderate intensity recreation facilities
- in locations that would not be suitable for other types of commercial development

Allows Level D facilities

- Allows Public Dining if impacts minimal

A map of the Eagle Lake area in Michigan, showing various lakes and land parcels. The map includes labels for Blake Lake, Eagle Lake, and Square Lake. A large body of water, Eagle Lake, is the central focus. A red circle highlights a specific location on the eastern shore of Eagle Lake. Text overlays provide information about recreational lodging rule revisions. The map also shows land parcels with labels like 'T16 R6 WELS' and 'T16 R5 WELS'.

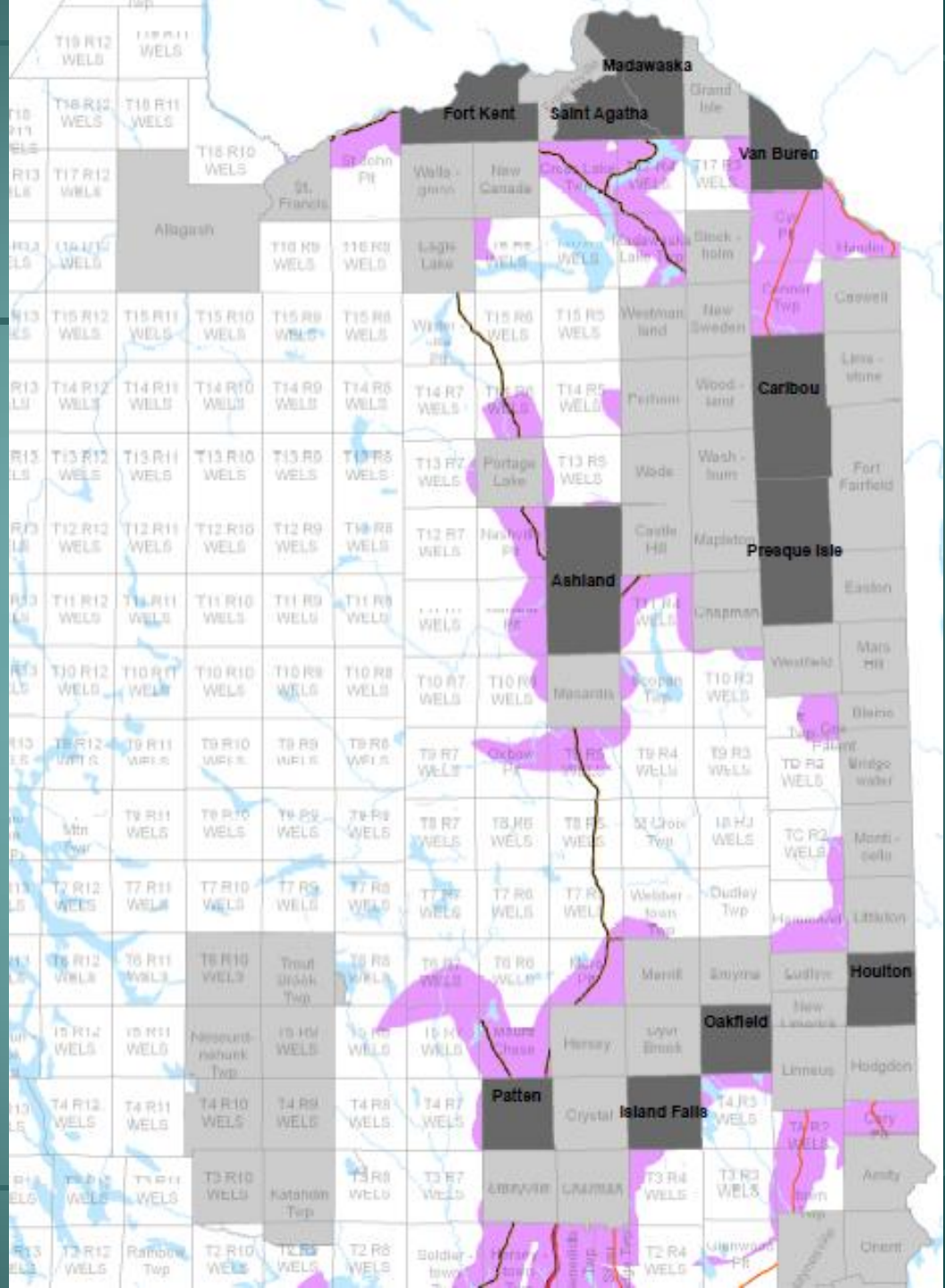
Recreational Lodging Rule Revisions

Before: CSC allowed up to 10,000 s.f.
Rezone to Development required for larger CSC.

After: Any recreational lodging allowed up to 12,000 s.f.
Rezone to Recreation Development allows up to 20,000 s.f. and potential for public services and dining

Located
in M-GN

Location Incentive - Geographic Allowance Area



Floor Area bonus

- Facility can have larger floor area if it
 - Provides additional vegetative buffer
 - Uses colors and surfaces that blend in
- Not a requirement – incentive for reducing visual impact

Part 3 of 3

Goal setting and implementation for locally driven planning and zoning initiative

Menu of possible products and integration
of eventual CGPZ product into the LUPC's
standards

CGPZ

What are the next steps?

What are the objectives of the CGPZ process in Aroostook County? Is there a vision for the region and what is the role of land use planning?

The Prospective Zoning Plan for the Rangeley Region is one example, but there are a range of products that could be produced depending on the selected focus.

Possible CGPZ Products

CHANGE WHAT IS ALLOWED IN PARTICULAR PLACES: Zoning		
1	Rangeley-style Plan with prospective zoning	
2	Rezoning: Broad rezoning for selected uses (multiple types in multiple locations)	
3	Rezoning: Specific/ Targeted selected uses (a few key locations for targeted uses)	
CHANGE WHAT IS ALLOWED EVERYWHERE: Rulemaking		
4	New or revised Land Use Subdistricts	
5	New or revised Land Use Standards	
RECOMMEND SPECIFIC FUTURE CHANGES: Regional Land Use Plan		
6	Generalized areas where development would be appropriate	
7	Set of criteria for identifying appropriate locations for development	
RECOMMEND GENERAL FUTURE CHANGES		
8	Regional Comprehensive Plan	
9	Sector specific plan & recommendations	
PROVIDE RELEVANT IDEAS & BACKGROUND MATERIALS		