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# Memorandum

**To:** LUPC Commissioners

**From:** Hugh Coxe, Senior Planner

Samantha Horn Olsen, Planning Manager

**Date:** December 27, 2012

**Re:** Community-Guided Planning and Zoning (CGPZ), Letter of Interest selection process

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## Background

Recent efforts to improve the effectiveness of managing land use in the unorganized and deorganized areas of Maine have focused in part on the need for more prospective or proactive planning for these areas, particularly in identifying areas for development. The 125<sup>th</sup> legislature passed *An Act To Reform Land Use Planning in the Unorganized Territory* (LD 1798) which, among other things, contained a directive for the newly formed Land Use Planning Commission to initiate prospective zoning in the unorganized areas of the state, allocate staff time to undertake prospective zoning, coordinate prospective zoning with local and regional planning efforts, and report to the legislature in January 2013 on where prospective zoning has begun and a timeline for completion.

In August, the Commission reviewed a series of steps for moving forward with a regional CGPZ approach where regions self-select. Those considerations for how to define a region, and for regional self-identification, were based on the staff's initial outreach with various stakeholders. While there was general agreement that some of the details about each regional process would be left to the particular region to develop, the Commission discussed that there will need to be some guidance as to who must participate, the role of the Commission throughout the process, and the basis for the Commission to decide what is an acceptable product.

The Commission agreed the following basic principles (developed from the initial outreach and prior Commission discussions) should guide this process:

- Locally driven process
- Broad participation
- Property owner equity
- Balance regional uniqueness with consistency in regulatory structure and predictability for property owners
- Consistent with statutory purpose and scope

In October, the Commission authorized staff to finalize and send a request for Letters of Interest. The request was widely distributed later that month with a deadline for receiving letters of December 14<sup>th</sup>. The next phase is to review those letters and select one or more regions to participate in facilitated discussions intended to produce an agreement about process, funding and participation that will meet the needs of the region and reflect the basic principles that the Commission outlined.

### **Letters of Interest Submitted**

We received fifteen letters of interest along with one letter of support. The letters varied significantly in length, detail and content but all the letters of interest included all of the required information. Seven submissions included maps of the proposed region. The letters proposed regions which included all, or parts of each, of the eight counties that contain the bulk of the LUPC jurisdiction, except for Penobscot County. None of the proposals included the four counties that contain only a single plantation or township within the LUPC jurisdiction.

Three county governments, five nonprofit organizations involved with planning and/or economic development, two representatives of property owners, three private citizens (two apparently as representatives of larger citizen groups), one citizen group, and one resource agency submitted letters.

Six letters expressed an interest in running or managing some or all of the process, while eight others primarily indicated an interest in participating in whatever process moves forward. One letter suggested an alternative approach apart from CGPZ.

Six distinct regions emerged from the letters of interest. Four of the proposed regions include all the land within LUPC jurisdiction for a particular county and one or the proposed regions includes several particular townships. These five proposed regions include:

- a) All land in **Aroostook County** subject to LUPC jurisdiction
- b) All land in **Hancock County** subject to LUPC jurisdiction
- c) All land in **Piscataquis County** subject to LUPC jurisdiction
- d) All land in **Washington County** subject to LUPC jurisdiction
- e) The townships of Albany, Mason and Milton in **Oxford County**

The sixth proposed region that emerged from the letters covers portions of the **Western Mountains** region of the state, but with variations in proposed boundaries among the six submissions that focused on this geographic area. In general, the proposed boundaries for the Western Mountains region cover substantial portions of **Franklin and Somerset Counties**. We will provide a map at, or before, the January Commission meeting depicting the boundary proposals for this region.

### **Selection Process**

The Commission has indicated that the initial selection process, in which the Commission identifies a region or regions to participate in regional workshops, will be based largely on how prepared a region appears to be to address the overarching principles and key considerations the Commission has identified as important to address in a community-guided planning and zoning process. In the Request for Letters of Interest, the Commission described the selection process as follows:

*The Commission will consider all submitted Letters of Interest, however, identification of a region or regions to participate in and help lead a community-guided planning and zoning effort will be at the discretion of the Commission. The Commission anticipates working with interested parties as part of the selection process. The Commission's identification of a region or regions will be based on the information included in any Letter of Interest,*

*other information available to the Commission, and resources available to the Commission to support each effort. The Commission may request additional information.*

The Request for Letters of Interest specified the requirements for submitting a letter of interest, as well as suggested content. **Required information** included contact information, a description and rationale for the proposed region, and a summary of the submitting person's or entity's interest in the jurisdiction, desired level of involvement and qualifications or experience if relevant. **Suggested additional information** included ideas for participation by others with an interest in the region, a description of the financial or technical resources the region has available or is interested in pursuing, and a summary of current or recent planning, economic development, or conservation efforts encompassing the proposed region.

The Request for Letters of Interest also provided an appendix setting out **key considerations** the Commission felt were important to address in a community guided planning and zoning process. These include a list of the basic principles for this process, guidance on the minimum participants for a valid process, a list of factors that are relevant to identifying a region for this process, guidance on the criteria for rezonings, general discussion about the expected products from a CGPZ process, guidance about the Commission's involvement and review, and discussion about funding and resources. The goal of the Commission, as stated in the cover letter to recipients of the Request for Letters of Interest, "is to foster the best possible chance for a successful outcome regardless of how the process evolves within a region."

In reviewing the letters of interest received, staff found that some of the information was relatively tangible to assess. Factors such as the qualifications and experience of the person or entity submitting the proposal or the resources the submitter has secured for this process can, to some extent, be compared with those of other submitters. Other information was of a less tangible nature and generally may need more exploration to understand what tradeoffs may be involved. For example, the rationale for a particular region may include certain geographic or political boundaries the submitters felt are important to include, but by doing so may describe a region of a size that could be difficult to address at an appropriate level of detail in the initial CGPZ process.

Considerations for these sorts of tradeoffs are the types of issues that likely will be part of the facilitated workshop process. How such considerations are presented in the letters of interest are relevant and may influence the Commission's assessment of how prepared a region may be to address the overarching principles and key considerations for CGPZ. However, because those less tangible types of issues will be part of the facilitated workshop process, the Commission should be mindful that factors such as the proper regional boundaries, or the process structure and roles, may evolve in the facilitated workshop process.

## **Discussion & Recommendations**

### Two Groups of Submissions

After review and consideration of each of the fifteen letters and related materials, and identification of six regions, staff separated the six regions into two groups. That separation was based on the totality of the submissions and discussions with many of the submitters, both before and after the submissions. Staff made this separation into two groups with the goal helping the Commission best utilize its finite time by focusing its discussion on the regions that, based on the submission and other information available, appear to be better prepared to address the overarching principles and key considerations the Commission has identified as important. For those regions in the group that staff recommends not yet be considered for the initial CGPZ, we hope to work with them to try to provide some interim solutions or opportunities based on their needs.

While the selection of the two groups was not based on any numeric scoring system or formula, staff did consider the amount of substantive discussion and preparation reflected in each submission. The more prepared regions often identified financial resources, partnered with other organizations, talked with potential partners or participants, are already involved in compatible or complimentary processes in the same or overlapping regions, or have staff that can be immediately tasked with the project. They also self-identified early and consulted with LUPC staff. Those that were separated into the second group all expressed interest in participating in CGPZ, but generally offered less indication that they have the ability at this time or the preparedness to move forward immediately.

The regions that appeared to staff to fit into the first group are:

- Aroostook County (letters submitted by County of Aroostook Commissioners and Northern Maine Development Corporation (NMDC))
- Washington County (letter submitted by County of Washington Commissioners in conjunction with Washington County Council of Governments (WCCOG))
- Western Mountains (letters submitted by Androscoggin Valley Council of Governments (AVCOG), Fletcher Mountain Outfitters, Friends of the Highland Mountains, Somerset Economic Development Corporation (SEDC) in conjunction with Kennebec Valley Council of Governments (KVCOG), Wagner Forest Management, and We Have Our Own Answers (WHOOA))

The first group of regions was the subject of 10 of the 15 letters received.

The regions that did not appear to staff to be in the first group, but which staff recommends working with to try to provide some interim solutions or opportunities based on their needs, are:

- Hancock County (letter submitted by Hancock County Planning Commission)
- Oxford County (letter submitted by Oxford County Commissioners)
- Piscataquis County (letters submitted by Piscataquis County Economic Development Council and Piscataquis County Soil and Water Conservation District)

**Recommendation:** Consider each of the three regions in the first group identified by staff in greater depth and hold off on entering into a CGPZ effort with the others until we have learned from the first CGPZ effort(s) and have the resources to conduct additional CGPZ efforts.

#### Analysis of the First Group of Regions and Proposals

All of the regions in the first group provided submissions and information that demonstrated a preparedness to address the overarching principles and key considerations the Commission has identified as important to a successful effort. Moreover, each region appears to have opportunities to enhance their proposals and to make adjustments to their process to meet the needs of their particular effort.

Staff has not identified differences among the submissions of the first group of regions that would cause us to rank one above another at this time. Therefore, the following analysis is intended to summarize the essential content of the primary submissions (the submission from the entity that has proposed to take a lead role in convening the CGPZ process) for each region and provide staff's analysis of the challenges and opportunities presented by each region. Those challenges and opportunities may provide an initial list of topics to be addressed during the facilitated workshops involving selected regions.

## **Aroostook County**

### *Primary Submission & Partnerships*

NMDC provided the primary submission for this region and proposes to partner with the County of Aroostook Commissioners.

### *Description of Role*

NMDC proposes to “manage the proposed community planning program” and the County of Aroostook would “assist with the day to day oversight of the project.”

### *Rationale for Proposed Region*

NMDC proposes that the planning effort include the unorganized townships located in Aroostook County because this area aligns with NMDC’s service area, a newly aligned economic development district, a local workforce area, and an existing federally funded (HUD) regional planning initiative.

### *Participation/ Participants*

NMDC states that “other interested parties will be encouraged to take part in the planning process and will be engaged right from the project’s inception.” NMDC outlines some participation strategies including the use of technology (such as videoconferencing, e-mail, web site, social media and electronic surveys) and traditional outreach and information gathering (print, radio, television) “to gather input and views from a wide variety of participants... and to effectively communicate with all stakeholders.” NMDC states that its outreach efforts will be a “continuous process to ensure that anyone that wants to participate will have the opportunity.”

NMDC provided a list of potential participants (without limiting participants to this list) that include residents, property owners, tribes, industry associations, state agencies, environmental organizations, land trusts, local chambers of commerce, service providers and others.

### *Financial & Technical Resources*

NMDC provided an estimated budget of \$150,000 for a three year project. Funding is available through federal, state (DOT), and foundation sources. NMDC anticipates hiring a planner for this project and also dedicating some existing staff resources for mapping and other needs.

### *Current & Recent Planning Efforts*

NMDC describes two projects it believes would directly support a CGPZ effort – the GROWashington-Aroostook regional planning initiative and the Mobilize Maine process for northern Maine. In addition, NMDC lists numerous programs and grants it administers, or with which it participates, that relate to regional planning, economic and community development services, and similar matters.

### *Potential Challenges:*

- Providing appropriate level of detail in the planning process when addressing a geographically large region.
  - Rezoning decisions typically depend on relatively fine-scaled information about the area to be rezoned and the areas in close proximity. Can a CGPZ process for all of Aroostook County generate an adequate level of detailed information so that rezoning decisions are well informed and based on well supported rationale?
- Inclusion of a broad spectrum of interests in content decision making and the potential that policy recommendations that are part of the GCPZ process may be directed by the convener or the government partner, versus developed through a process that involves guidance of the broader

community. How should potentially competing policy goals of CGPZ participants be handled as part of the CGPZ process?

*Opportunities:*

- Substantial area of land within the LUPC jurisdiction that is also within close proximity to organized townships.
- Large interior area with little existing development.
- Identifiable and capable participants representing varied interests that appear to have worked together successfully in the past.

NMDC indicates it is willing to allow the facilitated workshop process to make changes to the proposed regional boundaries, the CGPZ process structure, and the roles of participants in the CGPZ process.

## **Washington County**

*Primary Submission & Partnerships*

The Washington County Commissioners provided the primary submission for this region and proposes to contract with the Washington County Council of Governments (WCCOG) to direct the planning process.

*Description of Role*

Washington County indicates the County Commissioners are considered the Selectmen of the unorganized territories within Washington County and that funding for this project would be the responsibility of the Washington County Government. WCCOG will direct the planning initiative and utilize that agency's expertise. Washington County's proposal indicates the County Commissioners will take an active role in the process and describes regional meetings for the planning process apparently convened by the County Commissioners.

*Rationale for Proposed Region*

Washington County proposes that the planning effort include the unorganized territories (34 townships and 3 plantation) of Washington County because this area aligns with the Washington County government's existing jurisdiction and WCCOG's service area, includes two labor market areas, coincides with the current GROWashington-Aroostook regional planning initiative, and the size of the planning area is manageable.

*Participation/ Participants*

Washington County states that "regional meetings for the planning process in the UT would be scheduled to hear from residents and property owners in townships of the UT on a regular basis." Public comment periods and professional facilitation are envisioned "to assist with airing and incorporation of the full spectrum of interests." The county proposes six regional public meetings to be publicized widely and anticipates significant involvement in the planning process from various organizations.

Washington County provided a list of organizations expressing an interest in participating that include residents, property owners, tribes, industry associations, state agencies, resource organizations, land trusts, organized municipalities, local chambers of commerce, economic development councils, service providers and others.

### *Financial & Technical Resources*

Washington County provided an estimated budget of \$35,000 funded by a Tax Increment Financing district from a wind power project. Washington County plans to contract with WCCOG which has comprehensive planning, economic development, and resource and conservation planning experience. WCCOG will sub-contract for GIS mapping and facilitation services. The county also plans to use some existing, in-house GIS experience and may be able to utilize mapping and data resources from some participating stakeholder organizations.

### *Current & Recent Planning Efforts*

Washington County describes numerous projects in collaboration with NMDC and Aroostook County it believes are relevant to a CGPZ effort, including the GROWashington-Aroostook regional planning initiative and the shared economic development and rural development districts. Other specific efforts identified included several recent strategic initiatives in conservation and natural resource planning and an ongoing scenic byway management plan.

### *Potential Challenges:*

- Inclusion of a broad spectrum of interests in content decision making and the potential that policy recommendations that are part of the GCPZ process may be directed by the convener/government participant, versus developed through a process that involves guidance of the broader community. How should potentially competing policy goals of CGPZ participants be handled as part of the CGPZ process?
- More narrowly focused decision making may not provide the balance desired by some participants.

### *Opportunities:*

- Planning area boundary is probably at a scale that allows for sufficient detail while covering a substantial size area.
- More narrowly focused decision making process may simplify the planning and result in a more efficient and speedier process.

Washington County indicates it is willing to allow the facilitated workshop process to make changes to the proposed regional boundaries, the CGPZ process structure, and the roles of participants in the CGPZ process.

## **Western Maine**

### *Primary Submissions & Partnerships*

This region has two primary submissions:

- 1) Androscoggin Valley Council of Governments (AVCOG), and
- 2) Somerset Economic Development Corporation (SEDC) in partnership with Kennebec Valley Council of Governments (KVCOG).

This region had a total of six letters of interest.

### *Description of Roles*

- 1) AVCOG proposes to serve as project leader for a CGPZ process.
- 2) SEDC proposes to take a lead role in partnership with KVCOG.

### *Rationale for Proposed Region(s)*

- 1) AVCOG proposes that the planning effort include the unorganized territories located in Franklin County with the exception of Perkins and Washington Townships. This area aligns with AVCOG's service area but AVCOG also suggests coordination with adjacent areas. AVCOG indicates this region would be appropriate for CGPZ because it is one of the fastest growing in the LUPC jurisdiction, is experiencing a shift from a wood product based economy to an outdoor recreation and tourism based economy, includes two important travel corridors, and builds on the Rangeley Prospective Zoning Plan.
- 2) SEDC proposes that the region be essentially the unorganized territories located in Somerset County because this area aligns with county boundaries and SEDC's service area, constitutes one economic development district, coincides with recent other work by SEDC, includes a National Scenic Byway, and is part of the Mobilize Maine/ Mobilize Kennebec Valley planning initiative.

### *Participation/ Participants*

- 1) AVCOG suggests forming an advisory committee of stakeholders representing diverse interests. It would also hold forums throughout the region, and use web and social media to solicit input and inform the public.

AVCOG provided a list of organizations it would work with to develop the CGPZ process, to frame issues, and to identify resources for the planning effort. This list includes County Commissioners, Franklin County Development Corporation Chambers of Commerce, Western Mountain Alliance and Rangeley Lakes Heritage Trust. AVCOG also identified a list of potential stakeholder interests to participate in the CGPZ process that includes property owners, industry associations, state agencies, resource agencies, land conservation interests, lake associations, organized municipalities, recreation interests, service providers and others.

- 2) SEDC and KVCOG plan to reach out to their network of individuals and organizations to assist in expanding participation from a broad spectrum of interested parties. They will hold informational meetings to inform participants about prospective zoning and to provide relevant planning information and data on topics such as demographics, economic data and land use. Based on input received, SEDC and KVCOG would plan additional meetings to address specific topics.

SEDC and KVCOG identify potential interested parties as including landowners, elected officials, conservation group, residents of the UT, businesses and others.

### *Financial & Technical Resources*

- 1) AVCOG indicates there are no dedicated financial resources to take on CGPZ at this time but that it is willing to explore a variety of funding sources. AVCOG has technical resources it can offer and identifies other technical assistance resources including University of Maine at Farmington.
- 2) SEDC indicates it has funds of \$25,000 for this effort and is in the process of seeking a \$50,000 matching grant from the US EDA. It also identifies some funds for public information sessions. Experienced planning and economic development staff from both SEDC and KCOG would be available to assist with the project.

### *Current & Recent Planning Efforts*

- 1) AVCOG has assisted each municipality that abuts the region in preparing comprehensive plans and/or zoning and land use ordinances. AVCOG identified several other efforts that would be relevant to a CGPZ process including the recent development of a comprehensive economic development strategy for the region, Route 27 scenic byway planning, development of a Western Maine Regional Open Space policy in 2009, and the work of the Rangeley Lakes Heritage Trust.

- 2) SEDC and KVCOG discuss in detail recent efforts they have lead regarding an economic development plan and implementation strategy for the region and suggest that CGPZ and their previous efforts would be complimentary. The impetus for these recent efforts is the potential development of grid scale wind power and a proposed East/West Highway. They also identify several large conservation projects that help to define the future land uses of those areas.

*Potential Challenges:*

- Managing diverse interests and a wide variety of participants.
- Defining boundaries to the region that are logical and that do not unnecessarily exclude or alienate legitimate interests.

*Opportunities:*

- Existing energy in the area around specific proposals, as well as around current and past planning efforts
- Dynamic economy which is shifting from a forest products based economy to a more mixed economy that includes a growing outdoor recreation/ tourism based economy.

SEDC indicates it is willing to allow the facilitated workshop process to make changes to the proposed regional boundaries, the CGPZ process structure, and the roles of participants in the CGPZ process.

Level of Effort for the LUPC

An additional consideration for selecting a region or regions may be the amount of time and effort the Commission and the LUPC staff likely would need to dedicate for each regional effort. Prior to the January 4<sup>th</sup> meeting, staff will develop some broad estimates for each of the regions in the first group - taking into account likely Commission involvement, staff attendance at regional meetings, coordination with the lead regional convening entity, travel distances, primary focus of the planning effort, complexity of the issues likely to be addressed in each region, and other factors. At this stage in the selection process (prior to the facilitated workshops where many of the details of the process are likely to be worked out), any estimate of effort will necessarily be based on multiple assumptions, so will lack precision. Nevertheless, the estimates will serve to gauge the relative level of effort necessary for each region and the Commission, if it desires, will be able to use the estimates to make some judgments about how many regions, and which combination of regions, it would be comfortable selecting at this time<sup>1</sup>.

Final Analysis

As set out in the Request for Letters of Interest, identification of a region or regions will be “based on the information included in any Letter of Interest, other information available to the Commission, and resources available to the Commission to support each effort” but ultimately “will be at the discretion of the Commission.”

Two questions emerge that appear central to the selection process:

1. Which region(s) appear to be in a position to engage in a CGPZ process that results in a successful outcome?
2. How does the choice of a particular region affect apportionment of the LUPC’s resources?

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<sup>1</sup> For instance, the estimates may help the Commission weigh whether it should proceed with two moderately demanding regions or with one substantially demanding region.

When addressing the first question, the Commission has indicated that for a process to have a successful outcome it would need to adhere to the basic principles and address the key considerations set out in the Request for Letters of Interest. The basic principles and key considerations suggest that a successful outcome would:

- Be locally guided and supported
- Allow for broad and meaningful participation
- Be responsive to the unique features and needs of the region
- Achieve a plan that does, or can readily lead to, rezoning of identified areas
- Geographically distribute development subdistricts in a manner that is equitable to property owners
- Provide consistency in regulatory structure
- Provide predictability for property owners
- Meet the statutory and mission requirements of the Commission
- Be completed in a reasonable timeframe
- Build relationships that can carry into the future
- Stand the test of time

A successful outcome would strike a balance of competing interests in a manner that is fair, efficient, durable and responsive to the region.

### **Facilitation Services for Community Guided Planning and Zoning Regional Input Sessions**

Staff developed a Request for Proposals for Facilitation Services for Community Guided Planning and Zoning Regional Input Sessions. The purpose of the RFP is to secure independent, neutral facilitation services for the regional input workshops. Notice of this RFP was advertised and distributed during the first week of December and responses were due on December 20, 2012. We received three responses which we will evaluate over the coming weeks in order to select a provider.

### **Maps**

Staff is in the process of creating an online GIS application that should be an improvement over the Google Earth mapping application. This would allow the Commission, and ultimately the participants of a CGPZ process, to view multiple layers of geographically oriented data for the region. In the interim, staff has produced a statewide map which is available in pdf format on our website at [http://www.maine.gov/doc/lupc/projects/community\\_guided\\_planning/statewide\\_small.pdf](http://www.maine.gov/doc/lupc/projects/community_guided_planning/statewide_small.pdf). Staff also has made available customized versions of this map for regions that express an interest.

### **Attachments:**

Request for Letters of Interest  
Letters of Interest received



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STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
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WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

October 22, 2012

Dear Interested Parties,

The Maine Land Use Planning Commission (Commission) is embarking on a community guided planning and zoning effort to proactively plan for land uses in Maine's unorganized and deorganized townships. The Commission has determined that the best way to approach this large-scale effort is region by region through a primarily locally-driven and broad based planning process.

We acknowledge that the scale of this effort will require a phased approach in order to cover the entire 10.4 million acres in the Commission's jurisdiction. In order to help the Commission identify a region or regions to begin this work, we are requesting **Letters of Interest** from potential regional participants such as county governments, regional organizations, or other interested individuals or organizations who want to actively participate in a community guided planning and zoning process. The request for Letters of Interest is attached and provides additional background information as well as the requirements and suggested content for submitted letters.

The Commission will consider all submitted Letters of Interest and may request additional information during the selection process. The Commission's identification of a region or regions will be based on the information included in any Letter of Interest, other information available to the Commission, and resources available to the Commission to support each effort. We encourage all submitters to talk with others in your region and coordinate your submissions to the extent possible.

Once a region has been initially selected, the Commission has secured funding for a series of local workshops to help determine overall regional interest and, if interest is confirmed, further develop a framework for the community guided planning and zoning process. If more than one region is selected, separate workshops will be held to ensure that each region's process meets its unique needs. Our goal with this approach is to foster the best possible chance for a successful outcome regardless of how the process evolves within a region. Ultimately, a successful outcome would result in zoning that best meets local goals while in keeping with the Commission's statutory purpose and guiding principles.

We are requesting that Letters of Interest be submitted by **Friday, December 14, 2012** and anticipate that the Commission will make a selection in early January. We encourage you to contact Commission staff if you have any questions or plan to submit a Letter of Interest.

Sincerely,

Gwen Hilton, Chair  
Maine Land Use Planning Commission

## **Maine Land Use Planning Commission**

### **COMMUNITY-GUIDED PLANNING AND ZONING for REGIONS WITHIN MAINE'S UNORGANIZED TERRITORIES**

#### **REQUEST FOR LETTERS OF INTEREST**

Recent efforts to improve the effectiveness of managing land use in the unorganized and deorganized areas of Maine have focused in part on the need for more prospective or proactive planning for these areas, particularly in identifying areas for development. In its early years, the major focus of the Land Use Planning Commission (formerly the Land Use Regulation Commission) was resource zoning and the identification and protection of the significant natural resources in the jurisdiction. Development subdistricts were identified as part of the initial zoning efforts, and were limited primarily to areas including or near existing development.

The Commission has long recognized that its mostly reactive approach of case by case rezoning for development is not workable over the long-term, and a more proactive plan for development within the jurisdiction has been needed. The 125<sup>th</sup> legislature passed *An Act To Reform Land Use Planning in the Unorganized Territory* (LD 1798) which, among other things, contained a directive for the Land Use Planning Commission (the LUPC or Commission) to initiate prospective zoning in the unorganized areas of the state, allocate staff time to undertake prospective zoning, coordinate prospective zoning with local and regional planning efforts, and report to the legislature in January 2013 on where prospective zoning has begun and a timeline for completion.

In order to achieve this, the LUPC is seeking Letters of Interest from county governments, regional organizations, residents, property owners, and other interested parties to participate in a community-guided planning and zoning effort. A letter may be submitted by an individual or individual entity desiring to participate or by a group of interested parties working collaboratively. The Commission intends to undertake this planning initiative on a region-by-region basis within the LUPC jurisdiction (as described further in the appendix). The Commission anticipates working closely with the selected region(s) to develop the process and parameters for the community-guided planning and zoning effort.

#### **REQUIRED & SUGGESTED SUBMISSIONS**

The Letter of Interest is required to include:

1. Name of the individual or entity submitting the Letter of Interest along with contact information (phone, e-mail and mailing address) for a primary contact person.
2. A description of the proposed region (preferably with a map depicting the proposed region), and a rationale for why the region as defined makes sense for a community-guided planning and zoning effort; and
3. A statement summarizing the submitting person's or entity's interest in the jurisdiction and desired level of involvement. If the submitter is a professional planner or representing an organization, include a summary of any experience in regional or community planning, land use planning, economic development, resource

management, or other similar or related experience, a brief description of staff qualifications, and any examples of planning efforts they have lead or participated in and products or outcomes from those efforts.

The Commission suggests that, if possible, submitting parties include in the Letter of Interest the following<sup>1</sup>:

4. An outline of the submitter's ideas for participation by others with an interest in the region;
5. A description of the financial or technical resources the region has available or is interested in pursuing during the process, including an estimate of any staff resources that will be committed to a community-guided planning and zoning effort;
6. A summary of any current or recent (within 10 years) planning, economic development, or conservation efforts encompassing the proposed region, or substantial portions of the proposed region and a statement regarding how a community-guided planning and zoning process can build upon work to date.

Please refer to the attached appendix for other key considerations for the community guided planning and zoning process. Commission staff encourages questions regarding this Request and upon request will provide some preliminary data and mapping to assist in developing a proposal.

## SELECTION PROCESS

The Commission will consider all submitted Letters of Interest, however, identification of a region or regions to participate in and help lead a community-guided planning and zoning effort will be at the discretion of the Commission. The Commission anticipates working with interested parties as part of the selection process. The Commission's identification of a region or regions will be based on the information included in any Letter of Interest, other information available to the Commission, and resources available to the Commission to support each effort. The Commission may request additional information.

## SUBMISSION INFORMATION

The Commission looks forward to receiving and reviewing Letters of Interest and is excited about the potential of this community guided planning and zoning effort. Please submit your Letter of Interest to the Land Use Planning Commission by **5:00 PM on December 14, 2012**. Direct any questions and your submission to:

Hugh Coxe, Senior Planner  
Maine Land Use Planning Commission  
22 State House Station, Augusta, ME 04333-0022  
Email: [hugh.coxe@maine.gov](mailto:hugh.coxe@maine.gov)  
Telephone: (207) 287-2662  
TTY (hearing impaired): (888) 577-6690

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<sup>1</sup> Where the submitting party is providing a Letter of Interest in partnership with one or more other submitting parties, the parties are encouraged to coordinate their submissions to avoid duplicating efforts or unnecessarily providing duplicate suggested submission materials.

## APPENDIX

### KEY CONSIDERATIONS

The Commission believes the following considerations are important to address in a Community Guided Planning and Zoning process. Respondents to the Request for Letters of Interest are therefore urged to review these considerations prior to submitting their letter.

#### *Overarching Principles*

The Commission has adopted the following principles to guide any community-guided planning and zoning effort:

1. The process must be locally desired and driven;
2. The process must allow for broad participation by all with an interest in the region;
3. The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts both geographically and across large land holdings within a single ownership;
4. Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and
5. Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria<sup>2</sup>.

#### *Participation*

A successful community-guided planning and zoning effort will provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as allow for respectful consideration of divergent views.

The Commission will encourage a coordinated effort involving multiple organizations and interests and believes the minimum participants for a valid process are:

- Property owners – residents, individuals, families, seasonal owners, lessees, trusts, corporate owners
- County commissioners and officials
- Regional planning and economic development organizations
- Neighboring organized towns and service centers
- Service providers (road owners, solid waste disposal, emergency services, utility)
- LUPC (see *Commission Involvement and Review* below)

Other interests should also be allowed to weigh in, including but not limited to:

- State agencies (DACF, MaineDOT, IF&W, DECD)
- Chambers of Commerce
- Environmental organizations

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<sup>2</sup> 12 M.R.S. §§ 685-A(8-A). Criteria for adoption or amendment of land use district boundaries.

- Citizens from other locations in Maine
- Industry organizations

**Suggested submission:** When applicable, Letters of Interest should include a list of any other anticipated participants with whom the submitting party is working, or is planning to work, to develop the proposed region’s process. Submitting parties are also encouraged to indicate other likely stakeholder groups.

### *Defining a Region*

The Commission anticipates that regions will be based on factors relevant to a particular geography such as:

- County boundaries
- Township boundaries (a region should not divide a township)
- Transportation corridors
- Labor market areas
- Economic development district boundaries
- Regional planning organization boundaries
- Natural features such as mountain ranges, a lake or group of lakes, a river corridor or other watershed area, a ‘wood basket’ or forest complex, significant areas of prime farmland, or other elements of the landscape that suggest geographically distinct regions.
- Other characteristics that residents and property owners believe define their region

**Required submission:** The Letters of Interest should include a description of the intended region, and a rationale for why the region as defined makes sense for a community-guided planning and zoning effort.

**Suggested submission:** Submitting parties should, to the extent they are able, include a summary of how the proposed region takes into consideration the regional configurations identified above. Where applicable, this may include a summary of any current or recent regional planning, economic development, or conservation efforts and suggestions regarding how a community-guided planning and zoning process can build upon that work.

### *Guiding Criteria*

The LUPC statute (12 M.R.S. §§ 681-689)<sup>3</sup>, Chapter 10 of the Commission’s rules<sup>4</sup>, and the Comprehensive Land Use Plan<sup>5</sup> provide the statutory, regulatory and policy framework for the Commission’s prospective zoning efforts.

<sup>3</sup> [LUPC statute](http://www.maine.gov/doc/lupc/reference/statute.html) - <http://www.maine.gov/doc/lupc/reference/statute.html>

<sup>4</sup> [Chapter 10: Land Use Districts and Standards](http://www.maine.gov/doc/lupc/reference/ch10.html) - <http://www.maine.gov/doc/lupc/reference/ch10.html>

<sup>5</sup> [LUPC Comprehensive Land Use Plan](http://www.maine.gov/doc/lupc/reference/clup.html) - <http://www.maine.gov/doc/lupc/reference/clup.html>

Community-guided planning and zoning efforts should be developed in a manner compatible with this framework, unless the region and the Commission determine that a non-traditional regulatory approach is a better option. The current LUPC regulatory framework includes a range of development, management, and protection subdistricts and specifies uses allowed in each subdistrict. Standards for specific types of uses also have been adopted. Examples of non-traditional approaches might include performance-based regulations or a significant departure from the types of subdistricts currently in place.

### *Planning Products*

The Commission anticipates accepting any one of the following products from a community-guided planning and zoning effort:

- A plan document including a future land use map with sufficient data analysis and public input to support proposed subdistricts (could introduce new subdistricts)
- Marked up zoning maps showing proposed subdistrict boundaries (based on current LUPC subdistricts)
- Both a plan and marked up zoning maps (could introduce new subdistricts)

### *Commission Involvement and Review*

Because the Commission ultimately will have to adopt changes to its rules to implement specific recommendations from a region, it is important that there is steady communication between the region and the Commission, and sufficient opportunity for Commissioners to comment on and provide feedback for ideas and proposals drafted as part of each community-guided planning and zoning effort. The minimum level of Commission and staff involvement in the planning process likely will include:

- Commissioner/staff attendance at some project planning meetings
- Commissioner/staff attendance at some public meetings
- Staff assistance to region as determined by interest of region for assistance and availability of resources
- Commission review and approval of preliminary plan components
- Commission review and approval of conceptual ideas if there is a significant departure from the current regulatory framework

The Commission will need to base its decision to adopt changes to its zoning maps to implement specific rezoning recommendations on its statutory criteria for adoption or amendment of land use district boundaries (12 M.R.S. §§ 685-A(8-A)). Those criteria include 1) that the rezoning is consistent with the standards for land use boundaries, the comprehensive land use plan, and the purpose, intent and provisions of the Commission's statute, and 2) that the proposed rezoning has no undue adverse impact on existing uses or resources. The Commission will base its decision to adopt any changes to its land use standards on its statutory criteria for amendment of land use standards (12 M.R.S. §§ 685-A(8-B)), which requires that the proposed standards serve the purpose, intent and provisions of the Commission's statute and that it be consistent with the comprehensive land use plan.

### *Funding and Resources*

The Commission does not have direct financial resources to offer regions at this time. LUPC staff will be assigned to each region undertaking community-guided planning and zoning and can provide technical assistance or help with coordination. In addition, staff from various divisions within the Department Agriculture, Conservation and Forestry can provide a variety of data and mapping services for each region.

The Commission is willing to partner with regions to seek public or private funding for a community-guided planning and zoning effort. Such funding might help cover meeting expenses, public outreach efforts, staff costs, or professional assistance in securing data, developing maps, developing a plan, or facilitation services.

**Suggested submission:** A submission should include, if such information is available, a summary of any financial or technical assistance resources the region has available or is interested in pursuing during the process. If the submitter is an organization, an estimate of any staff resources that would be committed to the proposed community-guided planning and zoning effort should be included.