



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

PAUL R. LEPAGE
GOVERNOR

Memorandum

To: LUPC Commissioners
From: Tim Beaucage, Senior Planner
Samantha Horn Olsen, Planning Manager
Date: May 6, 2015
Re: Recreational Lodging & Revegetation Standards– Draft Rule and Basis Statement

Introduction

In the fall of 2013 the Recreational Lodging rulemaking went into effect after a productive stakeholder process. Generally, the rules are providing the expected benefits and are working well; however, the cleared area categorization factor is proving to be too small, particularly for existing facilities. Further, when the comprehensive revisions were adopted, both the Commission and staff committed to a subsequent cleanup of the rules, particularly once the provisions were implemented and tested.

Background

Last summer staff conducted several field visits focused on reviewing vegetative buffers and cleared openings of various sizes, configurations, and settings. Specifically, staff observed and analyzed sites with a variety of clearings, vegetative buffers, development, and resources, from the perspective of the user of a water body. Staff sought to learn whether existing standards are appropriate, particularly when larger clearings are involved.

Staff determined that visual impact is influenced by a number of factors (*e.g.*, vegetative buffer, site context, topography, vantage point, building size and color, ridgeline breaks or protrusions, and unnaturally straight lines in the forest openings). However, site topography and the integrity of the vegetative buffer appear to be the most influential of the factors.

The key question was how to allow more clearing but still address the Commission's decision criteria with regard to impacts on existing uses and resources.

Rule Revisions

In reviewing recreational lodging permit applications, staff identified revisions that will improve the rules. Generally the revisions address:

1. Administrative corrections, such as correcting and completing citations
2. Clarifications
 - Definition of residential campsite – number per lot, pressurized water, and size of structures
 - Conversion of facilities from recreational lodging to another use – regarding dimensional requirements in general and those that must be met in the aggregate
 - Minimum dimensional requirements for campsites and residential campsites

3. Expand allowable cleared areas (Section 10.27,Q,1,Table A,(4)).
 - Expand the limits for each facility category when certain requirements for slope and buffer are met, and provide more options for facilities that do not meet the standards. The higher thresholds will accommodate most facilities that have adequate buffers in place. Further, the options for analysis and mitigation provide flexibility in cases where a facility may have substantial pre-existing clearing or unusual site conditions.
4. Standards for revegetation – the Commission’s revegetation standards are general in nature. The DEP has more specific standards that may be helpful in administering revegetation of cleared areas for mitigation plans, or as part of settlements of enforcement actions generally. While the proposed standards largely represent the DEP’s standards, they also include additional flexibility.

Process

The Commission posted the proposed rule revisions to a 30-day comment period and 7 day rebuttal period. Four letters of comment were submitted, which are reflected in the attached Basis Statement.

Staff has reviewed and fully considered each comment received and as a result, has drafted the following documents for your review and consideration:

- Draft Basis Statement
In accordance with state law, the attached Basis Statement summarizes the comments and presents draft responses. The Basis Statement is organized by sections of the rule, then by topic.
- Draft Rule
This draft rule incorporates revisions that were posted for the public comment period, and revisions that are proposed in response to all public comments received during the public comment period.

Staff Recommendation

Staff recommends that the Commission adopt the Recreational Lodging and Revegetation Standards rule revisions and basis statement.

Attachments:

Draft Basis Statement
Draft Rule

MAINE LAND USE PLANNING COMMISSION

Department of Agriculture, Conservation and Forestry



BASIS STATEMENT and SUMMARY OF COMMENTS

For AMENDMENTS to

CHAPTER 10: LAND USE DISTRICTS and STANDARDS REGARDING RECREATIONAL LODGING and REVEGETATION STANDARDS

May 6, 2015

STATUTORY AUTHORITY: 12 M.R.S. §§ 685-A(3), 685-A(7-A), and 685-C(5)

EFFECTIVE DATE OF THE RULE AMENDMENT:

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT:

The Maine Land Use Planning Commission adopts rule changes in the Chapter 10 Land Use Districts and Standards regarding: i) recreational lodging, ii) revegetation standards, and iii) administrative corrections and clarifications. Specifically, the rule changes expand clearing limits for recreational lodging facilities; add procedures for exceeding those limits; establish dimensional requirements for campsites and residential campsites; and correct and simplify the definition of Residential Campsite. The amended rule clarifies, in cases where recreational lodging facilities are converted to another use, which dimensional requirements apply in general and those that must be met in the aggregate. This rule replaces existing general revegetation provisions with standards that are consistent with those administered by the Maine Department of Environmental Protection, as well as addresses several administrative corrections and clarifications, such as unifying terms used and the format of citations.

PUBLIC NOTICE OF RULEMAKING

On January 4, 2015, the Commission voted to hold a 30-day comment period. Notice of this rulemaking appeared in the weekly consolidated rulemaking notice on March 18, 2015. The record remained open until Friday, April 17, 2015, to allow interested persons to file written statements with the Commission, and for an additional 7 days until Friday, April 24, 2015, to allow interested persons to file written statements in rebuttal of statements filed up to April 17, 2015.

COMMENTS AND RESPONSES:

The Commission received four letters of comment, and no letters of rebuttal comments. Comments included numerous comments on various themes. In accordance with state statute and Commission policy, this basis statement summarizes all comments received. These comments are organized into six topics, some include sub-categories on that larger topic. Further, this basis statement identifies various themes or core ideas, identifies the comments involved, and a response to the comments.

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A. Definitions

1. Residential Campsites – Definition

[Section 10.02,177]

Part of the revisions proposed to Section 10.02,177 could be construed to mean that every lot, whether conforming or not, could contain a residential campsite (*i.e.*, “Each lot may contain one residential campsite designed to contain not more than one (1) camping site...”). However, the intent is that a lot may contain only one residential campsite, and that such a campsite is allowable with or without a dwelling on the property.

Staff recommend clarifying the definition by revising Section 10.02,177, “...Each A single lot may contain only one residential campsite, whether or not a dwelling is present, designed to ...”.

This is a clarification of the intent of the original rule, and there is no change in how the Commission is applying the provision.

Commenter(s): Land Use Planning Commission Staff

Response: The Commission concurs with the comment, in that the rule should be as clear as possible and should meet the intended purposes.

Action(s):

- Revise Section 10.02,177 according to the following, including a clerical correction in the first line (*response revisions are highlighted in yellow*):

Illustrated as a redline of the posted rule:

A camping location containing tents; or a legally registered tent trailer, ~~registered~~-pickup camper, ~~registered~~-recreational vehicle, ~~or registered~~-trailer; or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that ~~has may have access to a pressurized water system or~~ permanent structures ~~other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos~~. ~~Each s~~Such additional permanent structures shall not have more than ~~400~~150 square feet ~~each~~ in floor area, ~~shall not have a permanent foundation and, except for lean-tos and tent platforms, shall not be used for human habitation~~. A single lot may contain only one residential campsite, whether or not a dwelling is present, ~~may be~~ designed to contain not more than one (1) camping site for transient occupancy by 12 or fewer people. ~~The term “tents” includes but is not limited to tents with ground level platforms not to exceed 150 square feet in area. The shelters for picnic tables shall not have more than 120 square feet in area. Lean-tos shall not exceed 150 square feet, and outhouses shall not exceed 36 square feet. A residential campsite is distinguished from a “Campsite”, defined in Section 10.02,(21) above, by the presence of a permanent structure other than fireplaces, picnic tables, picnic table with shelters, lean-tos, tent platforms, and/or an outhouse.~~

Illustrated as the final wording:

A camping location containing tents; or a legally registered tent trailer, pickup camper, recreational vehicle, or trailer; or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that may have access to a pressurized water system or permanent structures. Each such additional permanent structure shall not have more than 150 square feet in floor area, shall not have a permanent foundation and, except for lean-tos and tent platforms, shall not be used for human habitation. A single lot may contain only one residential campsite, whether or not a dwelling is present, designed to contain not more than one (1) camping site for transient occupancy by 12 or fewer people.

- 2. Transient Occupancy – Definition** [Section 10.02,208]
Maine has many seasonal visitors, including returning “snow-birds” that camp for more than 120 days. Also, some people use their campers for a few months in the spring, then again in the fall, for a total of more than 120 days. Going from 120 consecutive days to 120 calendar days puts an imposition on many people. For what? If LUPC is trying to prevent people from essentially living on a campsite (only leaving for a few days at a time), then increase the calendar days to at least 180 days. That would allow seasonal use, May-October. Don’t penalize people who are observing the seasonal rule. Retain “consecutive” or change from 120 to 210 or 180 calendar days.

Commenter(s): S. Medina

Response: The LUPC’s current definition is inconsistent with State law. This change aligns the Commission definition with the definition in 12 M.R.S. § 682(18), which states: “Transient occupancy” means occupancy that does not exceed 120 days in a calendar year.”

Action(s): No action is recommended.

B. Dimensional Requirements – Campsites

- 1. Shoreline Frontage** [Section 10.26,B]
[NOTE: Because this comment also implicates dimensional requirements for Residential Campsites, this comment is also included below for consideration under that subject.]

One can understand a desire to space residential campsites, but 150-200’ is excessive. For tent sites, it is extreme. If we have to commit 200’ shorefront for a lakefront public campsite (e.g., Aziscoos Lake, Richardson Lake, North Maine Woods) landowners have no incentive to ever create another campsite. Landowners typically receive no income for providing public campsites. (All the campsite income North Maine Woods collects is used to manage/maintain the sites; none goes to the landowner.) We’d be better off to create a private lease. Campsites should not be lumped in with residential uses.

Frontages should be 50’ for *campsites and 100’ for residential campsites (with pressurized water and a structure.) *Campsites may include outhouse, picnic table shelter, picnic table, fire-ring, lean-to and/or tent platform.

Frontage should depend on the use of the site, not the size of the water body. Why should a remote campsite on the St. John River have 200’ of frontage, one on the Cupsuptic River 150’ and one on Aziscoos Lake 200’ when 50’ is suitable in all locations?

Commercial campground owners need to maximize waterfront usage in order to compete with other more lucrative uses of waterfront land. At the rates people are willing to pay to camp at commercial campgrounds, and given the tax values/rates on waterfront, campground owners will likely be better off to sell for development rather than create or upgrade campsites. Who would dedicate 2,000’ of lakefront to a 10 lot commercial campground when a 10 lot subdivision would net far more income?

The proposed frontages may be designed to “protect” the public by screening campers from other campers, but the unintended consequence will be fewer campsites.

Commenter(s): S. Medina

- 2. Road Frontage** [Section 10.26,C]
[NOTE: Because this comment also implicates dimensional requirements for Residential Campsites, this comment is also included below for consideration under that subject.]

Many campsites do not have road frontage. Road frontage should be n/a. Delete campsites and residential campsites from this section.

Commenter(s): S. Medina

3. Frontage Requirements

[Section 10.26,B and C]

The current language in section 10.26,B and C is unclear as to whether campsites must meet shoreline and road frontage requirements. The general past practice has been that campsites do not need to meet either frontage requirement. Shoreline and road frontage requirements applied on a per-campsite basis would influence which lots could be used for campsites. Based on the statutory definition of “campsite,” each campsite may have up to four camping locations, each capable of accommodating 12 individuals. The result is that up to 48 people may occupy a campsite. There is no minimum lot size for a campsite. Although there is some risk of a high density of users on lots that contain multiple camping locations, staff’s experience in the field is that this has only been an occasional problem. The variability in the number of people staying at a campsite is significantly more variable than the number of people staying at dwellings or other uses involving buildings. A regulation designed to deal with the “worst-case” scenario of a campsite with 48 people on a small lot may unduly restrict the more typical campsite with a lower capacity. In the future, more effective ways to address potential impacts associated with high density campsites on small lots could be through the application of the “no undue adverse impact” standard when permitting waterfront campsites and better defining what constitutes a campground.

Staff suggest that Sections 10.26,B and C be revised in two ways:

- i) Strike “, campsites” from Section 10.26,B,1,a and 2,a, and from 10.26,C,1,a; and
- ii) In separate provisions in Sections 10.26,B,1 and 2, and 10.26,C,1, either establish a minimum dimensional requirement for campsites or state that lots developed only with a campsite do not require any minimum shoreline frontage/road frontage.

Commenter(s): Land Use Planning Commission Staff

Response: Based on the statutory definition, each campsite may have up to four camping locations, each capable of accommodating 12 individuals. The result is that up to 48 people may occupy a campsite. However, campsites commonly are used in two ways, either as an individual and private camping location (*e.g.*, low number of occupants); or as a site available to the public with four camping locations (*e.g.*, high number of occupants).

Although shoreline and road frontage requirements influence the extent of structural development, they less directly influence the intensity of campsites. Frontage requirements address in large part the density of structural development and the associated land use along a resource, but only indirectly do they influence the number of individuals engaging in land use activities along the resource. While there may be instances where campsites may be less appropriate at higher densities or with a high number of users (*i.e.*, individuals), these instances are minimized by other standards or represent exceptions to common practice. First, a dense group of campsites on one property would likely constitute a campground. Second, a series of campsites on separate lots, making up a dense group of campsites, would need to occur on a series of very small, undeveloped lots. In this case, those campsites would likely be for personal use and therefore not include the full number of users allowed by law.

Action(s): Revise Sections 10.26 in the following ways:

- Revise Section 10.26,A,2 by relocating and rephrasing the last part of the standard to a new number, specifically,
“2. Commercial, industrial, and other non-residential uses.
The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet, except as provided in Section 10.26,A,3.,-except that there shall be no minimum lot size requirement for a campsite.

3. Campsites

There shall be no minimum lot size requirement for lots developed only with a campsite.”

- Strike “, campsites” from Section 10.26,B,1,a and 2,a, and from 10.26,C,1,a; and

- Add a new Section 10.26,B, “7. There shall be no minimum shore frontage requirement for lots developed only with a campsite.”
- Add a new Section 10.26,C, “7. There shall be no minimum road frontage requirement for lots developed only with a campsite.”

4. Lot Coverage

[Section 10.26,E]

In addition, it became clear during our discussions that it would also be helpful to clarify that the current practice is that the minimum lot coverage requirements of section 10.26,E are applied to campsites. This dimensional requirement may help influence the density of uses on a lot developed with a campsite.

Commenter(s): Land Use Planning Commission Staff

Response: The Commission concurs, campsites that include buildings (*e.g.*, lean-tos, picnic table shelters) must conform with the lot coverage requirements of Section 10.26,E. However, no revisions are necessary.

Action(s): Staff will reiterate this interpretation in appropriate internal guidance. No rule revisions are recommended.

5. Structure Height

[Section 10.26,F]

75’ is excessive for a campsite. Certainly will never be exceeded, so it seems silly, but isn’t a problem.

Commenter(s): S. Medina

Response: Because many campsites may only include a tent platform or cleared area for a tent, applying a structure height to campsites could appear inappropriate. However, some campsites include lean-tos, which can start to present visual presence more akin to other structural development that is accountable to height restrictions. Ultimately, the rules should clarify if a maximum height requirement applies; and if so, identify the maximum height. In this case, the Commission proposed to match existing requirements rather than to attempt to develop a separate metric.

Action(s): Retain the proposed maximum structure height as proposed.

C. Dimensional Requirements – Residential Campsites

1. Shoreline Frontage

[Section 10.26,B]

[NOTE: Because this comment also implicates dimensional requirements for Campsites, this comment is also included above for consideration under that subject.]

One can understand a desire to space residential campsites, but 150-200' is excessive. For tent sites, it is extreme. If we have to commit 200' shorefront for a lakefront public campsite (e.g. Aziscoos Lake, Richardson Lake, North Maine Woods) landowners have no incentive to ever create another campsite. Landowners typically receive no income for providing public campsites. (All the campsite income North Maine Woods collects is used to manage/maintain the sites; none goes to the landowner.) We'd be better off to create a private lease. Campsites should not be lumped in with residential uses.

Frontages should be 50' for *campsites and 100' for residential campsites (with pressurized water and a structure.) *Campsites may include outhouse, picnic table shelter, picnic table, fire-ring, lean-to and/or tent platform.

Frontage should depend on the use of the site, not the size of the water body. Why should a remote campsite on the St. John River have 200' of frontage, one on the Cupsuptic River 150' and one on Aziscoos Lake 200' when 50' is suitable in all locations?

Commercial campground owners need to maximize waterfront usage in order to compete with other more lucrative uses of waterfront land. At the rates people are willing to pay to camp at commercial campgrounds, and given the tax values/rates on waterfront, campground owners will likely be better off to sell for development rather than create or upgrade campsites. Who would dedicate 2,000' of lakefront to a 10 lot commercial campground when a 10 lot subdivision would net far more income?

The proposed frontages may be designed to "protect" the public by screening campers from other campers, but the unintended consequence will be fewer campsites.

Commenter(s): S. Medina

2. Road Frontage

[Section 10.26,C]

[NOTE: Because this comment also implicates dimensional requirements for Campsites, this comment is also included above for consideration under that subject.]

Many campsites do not have road frontage. Road frontage should be n/a. Delete campsites and residential campsites from this section.

Commenter(s): S. Medina

3. Frontage Requirements

[Section 10.26,B and C]

Sections 10.26,B, C, and F each include proposed text to confirm and clarify that residential campsites must meet the same dimensional requirements that residential uses must meet. However, the phrasing of the proposed additions is inappropriately structured and confusing. For example, the draft language reads... "150 feet per dwelling unit for residential campsites." The language in these sections should be restructured or rephrased.

Further, the revisions should clearly allow a lot, located on great pond, that contains: 40,000 square feet, 200 feet of shoreline frontage, and 100 feet of road frontage; and meets the setback requirements of Section 10.26,E,1, to contain: a dwelling, a residential campsite, or a dwelling and a residential campsite.

As a result, staff recommend the following conceptual revisions:

The following illustrates these concepts in one of the rule sections:

1. *For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline*

frontage shall be:

- a. 150 feet per dwelling unit for residential uses, ~~campsites, and residential campsites;~~ ~~and~~
- b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
- c. 150 feet for a lot that only contains a residential campsite.

Commenter(s): Land Use Planning Commission Staff

Response: The Commission provided the opportunity for Residential Campsites in 2013 in response to landowner interest in developing their property with what seemingly was a ‘campsite’ but also with either pressurized water or accessory structures. However, Maine law restricts “Campsites” from having access to these additional amenities. Many of these owners hoped to carryout these activities until they could afford to develop the site with a camp or dwelling. Further, campsites require lesser setbacks than other uses. If and when a site with a campsite is converted to another use, that site then commonly does not conform to certain standards.

The Commission defined a new use listing, “Residential Campsite”, as a means of addressing these situations. However, because most of these cases resulted in a precursor to residential development, the Commission also intended to match the minimum dimensional requirements in order to also eliminate the creation of nonconformities in this regard.

While these dimensional requirements are appropriate for Residential Campsites, the standards should be clarified.

Action(s):

- Revise Sections 10.26,A label, “**Residential Uses and Residential Campsites**”;
- Revise Sections 10.26,B,1 and 2, and 10.26,C,1, by i) striking “~~residential campsites~~” and adding a new separate listing for residential campsites. Specifically:
 - Revise Section 10.26,B,1, “For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:
 - a. 150 feet per dwelling unit for residential uses, ~~campsites, and residential campsites;~~ ~~and~~
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 150 feet for a lot that only contains a residential campsite.”
 - Revise Section 10.26,B,2, “For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:
 - a. 200 feet per dwelling unit for residential uses, ~~campsites, and residential campsites;~~ ~~and~~
 - b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 200 feet for a lot that only contains a residential campsite.”
 - Revise Section 10.26,C,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, ~~campsites, and residential campsites;~~ ~~and~~
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; ~~and~~
 - c. 100 feet for a lot that only contains a residential campsite.”

D. Clearing Limits for Recreational Lodging Facilities

1. Clearing Limits – Categorization

[Section 10.27,Q,1, Table A]

NRCM is very troubled by the proposed expansion of the footprint of clearings within 250 feet of waterbodies. The proposed rule doubles the footprint for Level A facilities (from $\leq 3,000$ square feet to $\leq 6,000$ square feet) and increases the footprint by 50% for all other facility levels. This is a very significant increase, particularly in light of the stakeholder process that carefully vetted these numbers. We believe that increasing the footprint is not sound planning; the shore lands of high-value waterbodies would quickly be consumed by recreational lodging facilities. We urge the Commission to either keep the same footprint measurements, or adopt smaller increases and then determine whether the issues that prompted the proposed revisions have been resolved.

Commenter(s): Natural Resources Council of Maine

We believe that the revised standards for shoreland clearing are a reasonable and thoughtful solution for dealing with historic clearings at recreational facilities. The standards are in part “outcome based” and thus a reflection of the spirit of Recreational Lodging Rules and the stakeholder process that helped develop them. They also offer several avenues for recreational lodging owners to achieve compliance. *[NOTE: Because this comment also implicates Section 10.27,Q,5, this comment is also included below for consideration under that subject.]*

Commenter(s): Appalachian Mountain Club

2. Clearing Limits – Exceeding Limits

[Section 10.27,Q,5,b]

The proposed revisions would allow for recreational lodging facilities to expand the clearing within 250 feet of a shoreline regardless of the limits in Section 10.27, Q, 1, Table A. We believe this is excessive, considering that the proposed revisions also call for expanding the allowable footprint. Once again, we believe that increasing the footprint is not sound planning; the shore lands of high-value waterbodies would quickly be consumed by recreational lodging facilities. We urge the Commission to reject this proposed revision.

Commenter(s): Natural Resources Council of Maine

Response: The Commission’s rules regulate recreational lodging based on levels of impact from the activity (including cleared areas proximate to waterbodies and flowing waters), and in-turn, these facilities are commonly allowed in locations where other development is not allowed. While other types of development may be allowed in fewer locations, they are not limited by the amount of clearing within 250 feet of these resources.

While the existing clearing limits were the result of a stakeholder process, the metric was not originally quantified or analyzed in significant detail. Specifically, the clearing limits were simply four times the size of the allowed floor area of principle buildings. However, since adopting the 2013 revisions, staff conducted several field visits focused on reviewing vegetative buffers and cleared openings of various sizes, configurations, and settings from the perspective of the user of a water body. Staff sought to learn whether existing standards are appropriate, particularly when larger clearings are involved. Staff determined that visual impact is influenced by a number of factors (*e.g.*, vegetative buffer, site context, topography, vantage point, building size and color, ridgeline breaks or protrusions, and unnaturally straight lines in the forest openings). However, site topography and the integrity of the vegetative buffer appear to be the most influential of the factors. By considering the key issues of buffering and slope, the proposed clearing limits still address the Commission’s decision criteria with regard to impacts on existing uses and resources; the revisions also provide substantial flexibility to respond to the conditions of each site.

As a result, while this expansion of the clearing limits may appear dramatic, the expected impacts from the new limits are more consistent with the originally anticipated results, and are now bolstered by field observations.

However, as is demonstrated by this rulemaking proposal, the Commission remains committed to revisiting this standard if and when any issues arise.

Action(s): No action is recommended.

3. Drip Edge

[Section 10.27,Q,1]

The revision to Section 10.27,Q,1 includes, “...**measured from the drip edges of the remaining trees...**”; however this raised confusion with the use of the term “drip edge” as that term can also be used to describe building materials in a structure. As a result, it may be more appropriate to refer to this as “from the edges of the remaining crown or canopy”. The term **drip edge** in the third paragraph of Section 10.27,Q,1, could be replaced with **remaining crown or canopy**.

Commenter(s): Land Use Planning Commission Staff

Response: The Commission concurs with the comment, in that the rule should be as clear as possible and should meet the intended purposes.

Action: Revise Section 10.27,Q,1, “...an opening in the forest canopy, measured from the **drip edges of the remaining trees**remaining crown or canopy, ...”

E. Revegetation Standards

1. Qualified Professional

[Section 10.27,B,5,(a)]

Who is a “qualified professional?” Many homeowners are savvy landscapers though not formally trained. LUPC staff should have enough experience to know if the plan looks reasonable. In cases of uncertainty, there are resources within DACF to advise LUPC. Delete requirement for a qualified professional.

Commenter(s): S. Medina

While involving a qualified professional makes sense for complex or large clearing violations, or where sensitive resources are involved, requiring involvement of a qualified professional for smaller clearing violations may be less important. Are there situations where a qualified professional would not be required?

Section 10.27,b,5,f currently states:

The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering.

Possible revisions could include adding a clarifying statement in Section 10.27,B,5,f that provides staff the ability to not require the involvement of a qualified professional on violations or revegetation plans that are routine in nature and that do not affect a particularly sensitive resource.

Commenter(s): Land Use Planning Commission Staff

Response: The Commission concurs with these comments, specifically, there likely are cases where a qualified professional may not be warranted.

Action(s): Revise Section 10.27,B,5,f, (*response revisions are highlighted in yellow*) “The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27,B,5,(a), when the proposed revegetation is routine and would not affect a particularly sensitive resource.”

2. Location of Revegetation [Section 10.27,B,5,(b)]

Why not allow a swap of locations if the applicant can demonstrate another section of the property would benefit more than the immediate area? There may be a degraded area where restoration of vegetation would be preferable than the same segment of shoreline, or it may be environmentally preferable to spread the revegetation over a wider area so it is all partially revegetated. Add flexibility.

Commenter(s): S. Medina

Response: While incorporating flexibility into regulations is often desirable, there are cases where flexibility is inappropriate or outweighs the benefits. First, incorporating the ability for landowners to revegetate in areas other than the affected area may create incentives to violate the Commission’s vegetative clearing standards and create an impression of inequity between property owners. Second, because there are likely to be very few instances in which an alternate revegetation location is desirable, the complexity and implications of the rules necessary to provide the option outweigh the possible benefits.

Action(s): No revisions are recommended.

3. Saplings [Section 10.27,B,5,(c)]

The presumption must be that saplings are better for aesthetic reasons. Seedlings, however, typically adapt quicker, grow better and require less tending (watering) until they become well-established. At the very least allow for a mix of seedlings and saplings.

Commenter(s): S. Medina

Response: The proposed revegetation standards are almost exclusively based on consistency with the Maine Department of Environmental Protection (DEP) Guidelines for Municipal Shoreland Zoning Ordinances (Chapter 1000). While Section S of the DEP Guidelines (revegetation) refers specifically to saplings, Section Q,(2),(a) allows for seedlings or saplings.

Seedlings may become established quicker than saplings; however, saplings provide a more immediate visual presence and benefit. Specifically, part of the purpose of vegetative buffers is visual screening, in full or in part.

One of the key differences between the Commission’s proposed rules and the DEP’s Chapter 1000 is that Section 10.27,B,5,(f) of the Commission’s draft includes the opportunity for variations from certain standards, including the requirement of saplings rather than seedlings. As a result, seedlings and/or saplings may be allowed.

Action(s): No action is recommended.

4. Three Species [Section 10.27,B,5,(c),(3)]

Why three species? If it is softwood ground, we’re better off to plant longer-lived spruce rather than fir, and skip the hardwood. Spruce, cedar and hemlock would meet the requirement, but why is that better than all spruce? Can live with three but it doesn’t seem necessary.

Commenter(s): S. Medina

Response: This provision of the proposed revegetation standards is the same as the Maine Department of Environmental Protection (DEP) Guidelines for Municipal Shoreland Zoning Ordinances (Chapter 1000).

The risk and effects of disease or infestation can be reduced when a variety of species are involved, particularly in cases involving large areas of revegetation.

Ultimately the existing proposal provides the ability for variations from certain standards, including the requirement of planting three species (see Section 10.27,B,5,(f)). As a result, one or two species may be allowed.

Action(s): No action is recommended.

5. Survival Rate [Section 10.27,B,5,(c),(6)]

We've seen what happens when camp owners are asked to plant trees. Tree by tree, they die. Often it is because the camp owner is only there periodically to water them in the first couple years. After that, they get trampled or pulled or cut. Make it 80% for 10 years minimum.

Commenter(s): S. Medina

Response: The success of any revegetation effort is directly linked to the plant survival rate. When a landowner seeks a permit for an activity they have an interest in ensuring that the permit is carried out. Likewise, when a violation occurs, and revegetation is required, there is a comparable burden upon the owner to ensure success. While the seasonal presence of owners can add a challenge to ensuring successful revegetation, owners may need to employ professional services to provide regular maintenance and care.

Further, extending the timeline out to 10 years could be burdensome upon the owner and would increase administrative difficulties.

Ultimately, if the revegetation fails to achieve 80% survival, the owner will retain the ability to propose, and Commission will retain the ability to require an appropriate response through a new revegetation plan and five year cycle.

Action(s): No action is recommended.

6. Timeframe of Revegetation [Section 10.27,B,5]

The proposed rules should provide a timeframe within which revegetation must occur. The Department of Environmental Protection's (DEP) revegetation standards state that "revegetation shall occur before the expiration of the permit." DEP Rules, Chap. 1000, Sec. 15(S)(3). DEP's Natural Resources Protection Act rules state that vegetation "must be reestablished immediately upon completion of the activity." DEP Rules, Chap. 305, Sec. 4(C)(3). NRCM recommends that the LUPC adopt similar standards. Specifically, revegetation of "resources of state significance" (rivers, streams, great ponds, fragile mountain areas, freshwater wetlands, significant wildlife habitat, and coastal wetlands) within LUPC jurisdiction should be reestablished upon completion of the activity. All other revegetation shall occur prior to the expiration of the permit.

Commenter(s): Natural Resources Council of Maine

Response: In accordance with Section 10.27,B,5, a revegetation plan may be required in response to a violation or as part of a permit application. Commission practice requires that any revegetation activities be completed prior to the expiration of the permit unless there are specific conditions in the permit, or prior to designating a violation as being resolved. While there may be some value to having the revegetation completed following the activity in some circumstances, this could be handled through permit condition where warranted.

Action(s): No action is recommended.

7. Timeframe of Submission of Revegetation Plan [Section 10.27,B,5]

The proposed rules should clarify when the applicant must submit the revegetation plan. NRCM recommends that the applicant submit the plan as a part of the permit application. By including the plan as part of the application, the Commission would review the plan as a part of their permit deliberation. If the Commission found the plan to be unsatisfactory, it would deem the permit application incomplete and then provide guidance to the applicant as to how to satisfactorily complete the application. Including the plan as a part of the application will stress the importance of preventing erosion through revegetation.

Commenter(s): Natural Resources Council of Maine

Response: In accordance with Section 10.27,B,5, a revegetation plan may be required in response to a violation or as part of a permit application. Consistent with current practice, the Commission would require

a sufficient revegetation plan or set a deadline as part of a settlement agreement, or prior to deeming a permit application complete for processing.

Action(s): No action is recommended.

8. Adjust Numbering

[Section 10.27,B,5]

Adjust the numbering of Section 5,(d) and (e) as necessary given other comments provided.

Commenter(s): S. Medina

Response: The numbering sequence of Section 10.27,B,5 is not impacted by the revisions made in response to comments.

Action(s): No action is recommended.

F. General Comments

1.

As the owner of 3 traditional sporting camps in the Unorganized Territories, these rules are critical to the future operations and success of these facilities, which employ more than 40 full-time equivalent positions annually in Piscataquis County.

As can be reasonably expected with comprehensive new rules, a few issues have since emerged that needed to be addressed and resolved, the clearing standards being one of them. Again, we appreciate the level of professionalism, outreach, and communication by LUPC planning staff on this issue.

Commenter(s): Appalachian Mountain Club

Response: The Commission aims to be responsive to areas of concern with its rules.

Action(s): No action is recommended.

Proposed Rule Revisions For Adoption: Recreational Lodging and Revegetation Standards

May 6, 2015

The following amendments propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline and deletions with a ~~strikethrough~~.

This document includes the combined revisions as posted to public comment, and revisions proposed in response to comments received during the comment period (see the applicable Basis Statement for details).

SECTION 10.02 – DEFINITIONS

144. **Outpost Cabin:**

... 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 (see Section 10.27, Q,1).

168. **Recreational Lodging Facilities:**

... Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail, shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. ...

177. **Residential Campsite:**

A camping location containing tents, ~~;~~ or a legally registered tent trailer, ~~registered~~ pickup camper, ~~registered~~ recreational vehicle, ~~or registered~~ trailer; or similar device used for private non-commercial camping. “Residential campsite” includes a camping location that ~~has~~ may have access to a pressurized water system or permanent structures ~~other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos.~~ Each sSuch additional permanent structures shall not have more than ~~400~~ 150 square feet ~~each~~ in floor area, shall not have a permanent foundation and, except for lean-tos and tent platforms, shall not be used for human habitation. A single lot may contain only one residential campsite, whether or not a dwelling is present, may be designed to contain not more than one (1) camping site for transient occupancy by 12 or fewer people. ~~The term “tents” includes but is not limited to tents with ground level platforms not to exceed 150 square feet in area. The shelters for picnic tables shall not have more than 120 square feet in area. Lean-tos shall not exceed 150 square feet, and outhouses shall not exceed 36 square feet. A residential campsite is distinguished from a “Campsite”, defined in Section 10.02,(21) above, by the presence of a permanent structure other than fireplaces, picnic tables, picnic table with shelters, lean-tos, tent platforms, and/or an outhouse.~~

208. **Transient Occupancy:**

“Occupancy that does not exceed 120 ~~consecutive~~ days in a calendar year” 12 M.R.S.A. §682(18). ~~For the purposes of the application of the Commission’s rules regarding~~ With respect to campsites, residential campsites, and campgrounds the Commission considers occupancy is measured by to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

SECTION 10.26

A. MINIMUM SHORELINE FRONTAGE

1. Residential Uses and Residential Campsites.

The minimum lot size for residential uses is 40,000 square feet per dwelling unit or residential campsite except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

2. Commercial, industrial, and other non-residential uses.

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet, except as provided in Section 10.26.A.3, except that there shall be no minimum lot size requirement for a campsite.

3. Campsites.

There shall be no minimum lot size requirement for lots developed only with a campsite.

B. MINIMUM SHORELINE FRONTAGE

1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:

- a. 150 feet per dwelling unit for residential uses; ~~and~~
- b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings; and
- c. 150 feet for a lot that only contains a residential campsite.

2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:

- a. 200 feet per dwelling unit for residential uses, ~~campsites, and residential campsites;~~ and
- b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings; and
- c. 200 feet for a lot that only contains a residential campsite.

...

7. There shall be no minimum shore frontage requirement for lots developed only with a campsite.

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;~~;~~ and
 - c. 100 feet for a lot that only contains a residential campsite.

...

7. There shall be no minimum road frontage requirement for lots developed only with a campsite.
-

F. MAXIMUM STRUCTURE HEIGHT

2. Except as provided for in Section 10.26,F,2 and 4 below, the maximum structure height shall be:
 - c. 75 feet for residential uses, campsites, and residential campsites; and

SECTION 10.27,B VEGETATIVE CLEARING

...

~~In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.~~

5. When revegetation is required: (i) in response to violations of the vegetation standards set forth in Section 10.27,B,1-4; (ii) to address the removal of non-native invasive species of vegetation; (iii) as a mechanism to allow for development by permit that exceeds the vegetation standards of Section 10.27.B or the cleared opening standards of Section 10.27,Q,1,Table A,(4), including removal of vegetation in conjunction with a shoreline stabilization project; or (iv) as part of a mitigation plan for clearing associated with a recreational lodging facility, the revegetation must comply with the following requirements.

(a) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional (examples include: arborist, forester, landscape architect, U.S.D.A. Natural Resources Conservation Service), that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(b) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed. When part of a mitigation plan, revegetation must occur along the same segment of shoreline, road, or other resource affected by proposed uses or development, and at a density and configuration comparable to other naturally occurring forests on the site or in the vicinity.

(c) Revegetation activities must meet the following requirements for trees and saplings:

(1) All trees and saplings removed must be replaced with native noninvasive species;

(2) Replacement vegetation must at a minimum consist of saplings;

(3) If more than three trees or saplings are planted, then at least three different species shall be used;

(4) No one species shall make up 50% or more of the number of trees and saplings planted;

(5) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

(6) A survival rate of at least 80% of planted trees or saplings is required for a minimum five years period from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.

- (d) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three feet in height:
- (1) All woody vegetation and vegetation under three feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three feet in height as applicable;
 - (2) Woody vegetation and vegetation under three feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (3) If more than three woody vegetation plants are to be planted, then at least three different species shall be planted;
 - (4) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (5) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years from the time of planting. Replanting of trees or saplings that did not survive does not trigger a new five year period.
- (e) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (1) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within Section 10.27,B for a minimum of five years from the time of planting.
- (f) The applicant may propose, and the Commission may approve or require, variations from the standards in Section 10.27,B,5,c through e if necessary to achieve effective buffering. The Commission may exempt an individual, whether an applicant or violator, from the requirement that the revegetation plan be prepared by a qualified professional in accordance with Section 10.27,B,5,(a), when the proposed revegetation is routine and would not affect a particularly sensitive resource.

SECTION 10.27,Q RECREATIONAL LODGING FACILITIES

...

1. Recreational Lodging Categories.

A recreational lodging facility will be categorized based on the factors in Table A below. A facility will be categorized in the lowest facility level (A, B, C, D or E, with A being the lowest level and E being the highest level) in which the facility does not exceed any of the limits established in the Table A. Facilities in existence prior to July 1, 2013 may be categorized without regard to footprint of clearing. ~~If such a facility exceeds the footprint of clearing standard for the facility level, the total footprint of clearing may not be increased without recategorizing the facility. Except that if necessary for the siting of new development on appropriate soils, up to 10,000 square feet of new cleared area may be created, provided an equivalent area of existing clearing must be revegetated, and must be sited to maximize visual screening.~~

Within the D-GN, D-GN2, D-GN3, D-RF, and M-GN Subdistricts, Level C and Level D facilities may offer expanded services to the general public and increased overnight occupancy as provided in Table B, with the rows labeled 5 through 9 in Table B substituting for the corresponding rows in Table A. In these subdistricts, Table B adjusts Table A. A Level C or Level D facility applying any of the Table B adjustments is referred to in Sub-Chapter II as a “Level C – Expanded Access” facility and “Level D – Expanded Access” facility, respectively. As provided in Sub-chapter II, these expanded access facilities require permit or special exception approval.

As used in Section 10.27,Q, the term “clearing” means an opening in the forest canopy, measured from the remaining crown or canopy, in an area that was once, but is no longer forested. Clearing includes but is not limited to areas that may now contain or be used for roads, parking, lawn, structures, or subsurface wastewater disposal systems. Land areas that are naturally devoid of trees or naturally consisting of sparse trees are not included in “clearing,” unless human intervention is required to maintain this state (e.g., burning, mowing).

...

Table A: Facility Level Determination.

Factors	Facility Level				
	A	B	C	D	E
(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, <u>in accordance with Section 10.27,Q.5. (in square feet) Section 10.27,B still applies:</u>	≤ 36,000	≤ 2436,000	≤ 3654,000	≤ 6090,000	No limit

...

4. Measuring ~~Square Footage~~Floor Area Limits.

Unless otherwise specified by another provision, any ~~square footage~~floor area limitations for recreational lodging facilities shall be a calculation of the total floor area for all principal buildings associated with the facility. For purposes of this calculation, principal buildings generally include, for example: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker and guide housing, and recreation rooms- (e.g., the principal space available to or necessary for serving the guests). ...

5. New or Enlarged Clearing.

a. Recreational lodging facilities may create or enlarge a clearing within 250 feet of the shoreline, provided the clearing, in combination with all other clearings at the facility, does not exceed the applicable limits in Section 10.27,Q,1, Table A and such a clearing is in an area that has:

(1) a 100 foot vegetative buffer that meets the provisions of Section 10.27,B,2¹ between the proposed clearing and all points on the shoreline; and

(2) slopes of 20% or less as measured from the highest elevation in the area within 250 feet of the shoreline in which clearing or development is proposed, to the nearest point on the shoreline.

b. Recreational lodging facilities may create or enlarge clearings within 250 feet of the shoreline regardless of the limits in Section 10.27,Q,1, Table A or the provisions of Section 10.27,Q,5,a, provided the applicant:

(1) demonstrates that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings; or

(2) submits a mitigation plan for visual impacts, noise, and phosphorus, that will provide substantially equivalent or increased effectiveness over existing conditions.

56. Campgrounds.

- a.** RVs that are at individual sites or campgrounds shall not have permanent foundations and shall not have the wheels removed.
- b.** In order to comply with transient occupancy standards, a tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a storage area on the premises of the campground provided that the device is not utilized or inhabited while located within the storage area that is not a campsite.

7. Water-dependent Structures for Recreational Lodging Facilities.

Recreational lodging facilities may include not more than two water-dependent structures per waterbody, including but not limited to: swimmer sign-out boards, boat racks, and a shed building for the storage of personal floatation devices, paddles, anchors, and other water-related equipment. Such buildings and structures shall:

- a.** Contain not more than 100 square feet of floor area per structure;
- b.** Not be constructed on a permanent foundation;

¹ Section 10.27,B,2 sets out restrictions on cleared openings and requirements for maintaining a well-distributed stand of trees within a buffer strip when conducting vegetative clearing activities in locations along shorelines and public roadways identified in Section 10.27,B,1. For purposes of Section 10.27,Q, the provisions of Section 10.27,B,2 shall apply to the required 100 foot vegetative buffer in the area between a proposed new or enlarged clearing within 250 feet of the shoreline and all points on the shoreline. This requirement will apply regardless of whether or not the buffer extends to the shoreline.

- c. Not be habitable or inhabited;
- d. Be located not less than 25 feet from the normal high water mark of any waterbody or watercourse;
- e. Be used only for the purposes of this section; and
- f. Be screened by vegetation or topography from the waterbody.

58. Conversion of Use.

Pursuant to 12 M.R.S.A. § 685-B(1)(A), recreational lodging facilities may not be converted to another use without a permit issued by the Commission. Conversion may be permitted, provided the proposed use is allowed within the subdistrict and complies with the all applicable regulations. When the conversion is to a residential use, the following shall apply:

- a. The structures will comply with the provisions of Sections 10.11,B, C and D;~~and~~
- b. Any water dependent structures for recreational lodging facilities must be removed or relocated to a location conforming with the provisions of Section 10.26,D; and
- c. The lots and structures must comply with all applicable rules, including, but not limited to, subdivision standards in Section 10.25,Q and Section 10.25,R, and the dimensional requirements of Section 10.26, except as provided in Section 10.27,Q,8,d.
- d. ~~However, n~~Notwithstanding Section 10.27,Q,~~68,c~~, the Commission may permit if the subdivision of the facility into individual lots would not meet the necessary subdivision design standards of Section 10.25,Q or Section 10.25,R, or the minimum lot standards, the Commission may permit the conversion of use provided that:
 - (1) the principal structures may be sold individually but shall be limited by deed restrictions to existing square footage of floor area or footprint;
 - (2) the lot must be commonly owned as a condominium lot;
 - (3) the conversion and related division shall meet the subdivision design standards of Section 10.25,Q to the greatest extent practicable;~~and~~
 - (4) the condominium lot and existing structures:
 - (a) in the aggregate, meet all dimensional requirements of Sections 10.26,A, B, and C;
 - (b) as an individual lot or structure, meet all dimensional requirements of Section 10.26 to the greatest extent practicable; and
 - ~~(4)(5)~~ (5) in no case shall less than three-~~(3)~~ principal structures be located on a commonly owned lot.
- e. If a campground is converted to another use:
 - (1) the historic use of a site for an RV does not establish a right to use that site or permanently place an RV or other structure at that site; and
 - (2) permanent structures, including but not limited to an office, store, bathhouses, and recreation buildings, may be allowed to remain and/or be converted to another use, in conformance with other provisions of the Commission's Land Use Districts and Standards.