



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners

From: Samantha Horn Olsen, Planning Manager

Date: August 7, 2015

Re: Community-Guided Planning and Zoning, Structure for Washington County

The first step in getting the Washington County Community-Guided Planning and Zoning project underway was to create a process document that would guide the planning work. Washington County Council of Governments and the LUPC staff and its facilitator worked with a local stakeholder group to develop the process document. The product of that group's work has been approved by the Washington County Commissioners. The document now needs to be approved by the LUPC to allow the planning work to move forward. The Commission has received a request from the Washington County Commissioners to do so.

Components of the proposed process document:

The document sets out elements for the regional land use planning process. These include the committee structure, anticipated products and schedule, the decision making process, public input protocol, tribal involvement, descriptions of the roles of the entities involved in the planning process, and the method for amending the planning process. These components are described in detail in the process document.

Recommendation:

The process document was developed in collaboration with multiple interests, as well as staff from WCCOG, the LUPC, and consultants from Planning Decisions who facilitated the process. The key considerations and principles set out by the Commission were considered, evaluated and incorporated by the steering committee and the staff, resulting in a document that provides a solid guide for the regional planning process. The process document:

- Takes into account the need for broad participation by all with an interest in the region,
- Provides for a locally desired and driven process,
- Provides a process to achieve property owner equity, and a balance of regional uniqueness with jurisdiction-wide consistency and predictability for property owners, and
- Provides for consistency with the LUPC's statutory purpose and scope and rezoning criteria.

Staff recommends the LUPC endorse and adopt the Washington County Community-Guided Planning and Zoning Process Document.

Attachments:

Cover letter from the Washington County Commissioners
Washington County Community-Guided Planning and Zoning Process Document

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COUNTY OF WASHINGTON
P.O. Box 297, County Courthouse
Machias, Maine 04654
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Commissioners:

Christopher M. Gardner, Chairman
John B. Crowley, Sr., Commissioner
Vinton E. Cassidy, Commissioner

County Manager:

Betsy Fitzgerald
Administrative Secretary:
Carla J. R. Manchester

August 5, 2015

Everett Worcester
Co-Chair
Land Use Planning Commission
22 State House Station
Augusta, ME 04333-0022

Dear Mr. Worcester:

On behalf of the Washington County Commissioners, I am submitting the process document developed for the Washington County Community Guided Planning and Zoning Project. In the spring of 2015, staff from the Land Use Planning Commission (LUPC) and the Washington County Council of Governments (WCCOG) met and determined that it was necessary to set up a steering committee to design the planning process. WCCOG staff recruited seventeen members for the steering committee, each representing important groups of stakeholders in the county and unorganized territories of Washington County.

The steering committee met twice. In the first meeting, the committee discussed the opportunities and risks that the planning project might present. The opportunities included creating a regional plan for the UT with associated GIS maps and a capital investment plan. Imbedded within these results are smaller products: plans and zoning proposals for small areas; simplified permit process proposals; transportation or recreation plans; and economic development support policies. The risks include overextension of the committee due to the size and scope of this project. The second meeting saw agreement regarding the process document; staff and consultants would meet to refine and finalize the organization of key issues, approval would be via email.

Following the second meeting, the steering committee completed the revisions and received approval of the process document included in with this letter. The process

“The Sunrise County – where the sun first shines!”

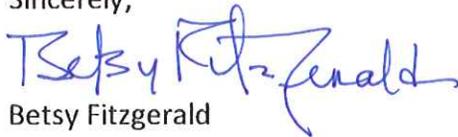
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document was approved by the Washington County Commissioners at their July 16, 2015 meeting so that the regional land use planning work could begin in September.

The Washington County Commissioners are requesting the process document be brought to the Commission for its review and approval at the August meeting. They believe that this document meets the needs of the region and reflects the basic principles the LUPC set out for Community Guided Planning and Zoning.

Please do not hesitate to contact me if there are questions regarding this document.

Sincerely,

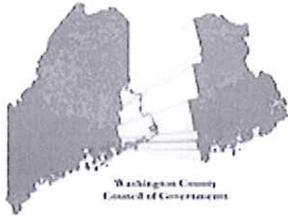
A handwritten signature in blue ink that reads "Betsy Fitzgerald". The signature is written in a cursive style with a large, stylized initial "B".

Betsy Fitzgerald
County Manager

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**PROPOSAL FOR WASHINGTON COUNTY
COMMUNITY-GUIDED PLANNING PROCESS**

June 23, 2015



Recommendation from the Washington County Community Guided Planning Process Committee to the boards of the Washington County Council of Governments (WCCOG), the Washington County Commissioners, and the Land Use Planning Commission (LUPC)

A. Background

Recent efforts to improve the effectiveness of land use planning and zoning 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 appropriate areas for development.

In May of 2012, the Legislature passed, and the Governor signed, L.D. 1798, *An Act to Reform Land Use Planning in the Unorganized Territory*. Among other provisions, the law called for the Land Use Planning Commission to work with regional planning and development districts to “initiate prospective zoning.” The exact text of the law reads as follows:

Sec. 34. Directive to initiate prospective zoning. The Maine Land Use Planning Commission shall initiate prospective zoning in the unorganized and deorganized areas of the State. The commission shall allocate staff resources to prospective zoning in areas prioritized by the commission and shall coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts. In the 2013 annual report submitted under the Maine Revised Statutes, Title 12, section 685-H, the commission shall identify the area or areas for which prospective zoning has begun and provide a timeline for completion of these initiatives.

In this context, “prospective zoning” means planning to proactively direct growth in certain areas of the jurisdiction. Prospective zoning identifies areas within a community or region that are most appropriate for additional growth based on existing development patterns, natural resources, constraints, and future planning considerations.

In the fall of 2012, the Land Use Planning Commission (LUPC) sent out a “Request for Letters of Interest” to counties, planning commissions, and other organizations in rural Maine, to identify who was ready to partner for a successful regional planning effort. The Washington County Council of Governments was one of those approved by the LUPC.

Washington County COG staff met with the Washington County Commissioners to get agreement and funding for the project in late 2012. The Commissioners approved the use of TIF funds to conduct the planning but the WCCOG could not proceed due to a large regional planning effort (GROWashington-Aroostook) then underway. In late 2014, once the GROWashington-Aroostook initiative was completed, the Washington County COG worked with the Washington County Commissioners on an approach and a budget for completing Community Guided Planning and Zoning in the Washington County Unorganized Territories.

Washington County has chosen specifically to engage in a Community Guided Planning and Zoning process in order to streamline permitting processes and identify areas for residential and commercial development. When the Washington County Commissioners approved the use of TIF funds from the Unorganized Territories, they did so with the observation and belief that this planning activity would support economic development throughout Washington County. In the spring of 2015, planning for the process was begun.

The Land Use Planning Commission lays out the following five tests for a successful planning process:

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.*

In May of 2015, staff from WCCOG recruited seventeen people to participate in a Washington County Community Guided Planning Process Committee to set up a structure for the planning effort. Each participant represented important groups of stakeholders in the unorganized territories of Washington County. Participants included:

1	David	Bell	Cherryfield Foods
2	John	Bryant	American Forest Management
3	John	Dudley	Alexander resident; regional historian
4	Betsy	Fitzgerald	Washington County Manager
5	Jeremy	Gabrielson	Maine Coast Heritage Trust
6	Brenda	Gove	Selectperson, Town of Cooper
7	Susan	Hatton	Washington County UT TIF Administrator, Sunrise County Economic Council
8	Mike	Hinerman	Washington County Emergency Management Agency
9	Karen	Holmes	Cathance Lake Association
10	Travis	Howard	Wagner Timberlands
11	Al	May	Maine Center for Disease Control, Trescott resident
12	David	Montague	Downeast Lakes Land Trust
13	Robert	Murphy	American Forest Management
14	Nate	Pennell	Washington County Soil & Water Conservation District
15	Charles	Rudelitch	Sunrise County Economic Council
16	Elgin	Turner	HC Haynes Inc.
17	Homer	Woodward	Wyman's of Maine

Staff and consultants that attended these meetings included:

Judy	East	Washington County Council of Governments
Sarah	Strickland	Consultant
Heron	Weston	GIS mapping consultant (for Dean Preston, Washington County UT Supervisor)
Samantha	Horn Olsen	Land Use Planning Commission
Frank	O'Hara	Planning Decisions, facilitator
Alison	Truesdale	LandForms, assisting Frank O'Hara

The steering committee met two times. In both meetings, the group identified key issues to be included in the work, discussed ways to include citizens in the planning process, and drafted sub-regions within the Washington County UT to focus efforts. In the second meeting, the group also reviewed the draft Process document and made changes.

B. Anticipated Products from the Community Guided Planning Effort

The products from the planning effort were discussed between the Washington County Commissioners and the Washington County Council of Governments, as part of the process in which the County agreed to fund the staffing effort.

The highest priority product is a prospective zoning proposal for the Unorganized Territories of Washington County, and to submit and obtain approval of this proposal from the Land Use Planning Commission. This will be supported by, or complemented by:

- a regional plan for the Unorganized Territories of Washington County;
- GIS maps for hydrology, infrastructure and services, natural and cultural resources and parcels; and
- a capital investment plan that identifies cost-effective public investments to promote the desired development, and defines a source of funds for those investments that is fair to the taxpayers of both the organized and unorganized areas of Washington County.

In the course of preparing these products, the effort will examine key issues according to the following three areas of analysis:

- Stormwater and regional hydrology, which with increasing frequency of extreme precipitation events have important effects on shellfish water quality, emergency management, fish passage, and hydroelectric management
- Natural resources development, including the “four Fs” --- fishing, forest, farming, and fun (outdoor recreation and tourism) – as well as energy sources such as wind, biomass, and tidal power.
- Economic development relative to commercial/industrial location decisions.

The first three areas of analysis are closely related and often overlapping and will inform and support the final decisions about where to:

- Designate growth and rural areas to define locations for residential and commercial growth, its location relative to towns and rural areas, and supporting services and infrastructure. Results of

the three areas of analysis will be combined with other information such as service availability, natural resource mapping, patterns of residential development and employment, and impacts on existing communities to determine rural and growth designation.

Recommendations emerging from this effort will be informed by, and draw from, existing plans for matters such as transportation and solid waste. This is an ambitious agenda; in the course of the planning effort, the product may be narrowed to prospective zoning for limited areas in the Washington County U.T., and some areas and topics will be treated in more depth than others. Given the ambitious agenda, if the analysis of key issues demands excessive amounts of time and effort, priority will be given to the goal of designating prospective zoning districts.

C. The Planning Schedule

Meeting dates indicate Planning Committee discussion of drafted and/or completed work by staff.

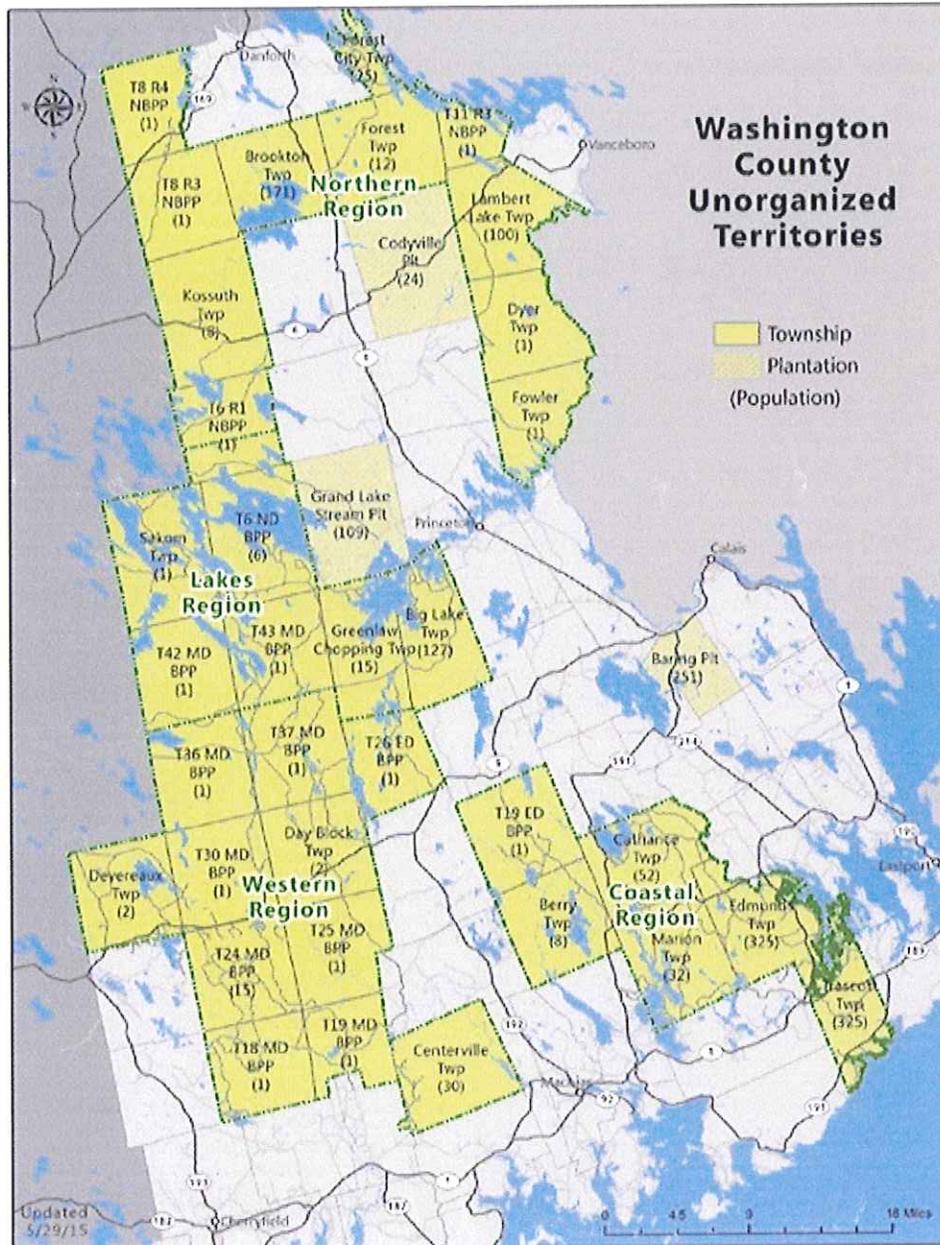
May – June 2015	Process Steering Committee meetings
June 2015	Complete Process Document
July–September 2015	Process Document approval by Washington County Commissioners (July 8); Process Document approval by LUPC (August 12 meeting) mapping, issues preparation; survey and outreach preparation and testing; Outreach meetings - introduction and issues input at game dinners, pancake breakfasts, Lake Association meetings, community and club suppers
September 2015	Post and distribute survey instrument; additional outreach by attending already scheduled meetings of stakeholders
November 2015	Sector Research Review: Stormwater and hydrology
January 2016	Sector Research Review: Natural resource development and Economic development relative to commercial/industrial location decisions.
February 2016	Sector Research Review: Designate growth and rural areas to define locations for residential and commercial growth
March 2016	Intermediate Policy Summary
April 2016	Land Use Planning Committee Meeting– Trescott/Edmunds; Marion/Cathance Regional Public Meeting - Land Use – Trescott/Edmunds; Marion/Cathance -
May 2016	Land Use – Northern UTs/Grand Lake Stream Regional Public Meeting -Land Use – Northern UTs/Grand Lake Stream

June 2016	Land Use – Route 9, Baring Plt Regional Public Meeting - Land Use – Route 9, Baring Plt
July – August 2016	Mapping, full draft document (plan, CIP, zoning proposals) preparation
September 2016	Presentation of Plan, Policies, CIP, and Draft Zoning change proposals
October 2016	Final Plan and Policy approvals by County Commissioners
November 2016	Prospective Zoning changes - review by County Commissioners
December 2016	Prospective Zoning change approval by County Commissioners
Jan-Feb 2017	Prospective Zoning Proposal review by LUPC and initiation of formal public process

D. Planning Subregions

For purposes of analysis and public participation, the Washington County UT will be broken up into subregions (see attached map and note that boundaries may change in minor ways as the process proceeds):

- Northern Region: includes the northern St Croix watershed, woodlands above Route 6, townships on north western WC border;
- Lakes Region; includes lakes, recreation, guiding, woodlands; may extend south to Route 9 on western border;
- Western Region: includes the southwest working forest; upper watersheds of the Narraguagus, Pleasant and Machias rivers; and blueberry barrens;
- Coastal Region: includes the East Machias and Dennys River watersheds, and ocean shoreland.



E. Roles and Responsibilities

- 1) *Washington County will serve as sponsoring organization for the project.* As the sponsor, Washington County will:
 - Fund the planning process
 - Approve the final process document
 - Appoint members of the Planning Committee
 - Participate in the planning process
 - Approve the final product before it is submitted to LUPC

- 2) *Washington County COG will provide the staff for the project.* As staff, the COG will:
 - Recruit members for the Washington County UT Planning Committee (see below)

- Provide research and information for the planning committee
 - Coordinate GIS Mapping products and services in support of the project
 - Post all documents online so that the planning is open and transparent
 - Solicit public input
 - Assemble and communicate to a broad range of stakeholders in the process
 - Prepare the final plan for County Commissioners' approval
 - Demonstrate that the final plan meets LUPC standards
 - Present the report to the County Commissioners and the LUPC
- 3) *The Washington County UT Planning Committee will approve the plan for submission to the Washington County Commissioners.* The UT Planning Committee should include representatives of key sectors in the Washington County UT, including:
- Forest products
 - Agriculture
 - Fishing
 - Outdoor recreation
 - Conservation
 - Tourism
 - Service providers
 - Large and small landowners
 - Residents and lessees
 - Neighboring towns and service center
- 4) *Land Use Planning Commission (LUPC) staff will provide maps and technical assistance, as needed, to WCCOG during the planning process.*

F. Public Input

- 1) **Goal:** provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as to allow for a respectful consideration of divergent views
- 2) **Special Times:** Opportunities for extensive public input (such as public hearings or forums) should be provided at key decision-making junctures of the process, and should be advertised widely in the media
- 3) **Ongoing:** All meetings in the process should be publicized (at least on the website), and provide an opportunity for (at least) brief public comment at some point during the meeting
- 4) **Minutes:** Should be taken at every meeting, with results posted on the web.
- 5) **Website:** The website <http://www.wccog.net/community-guided-planning-and-zoning.htm> should continue to be maintained by WCCOG, should contain all documents involved in the process, and should provide an avenue for public comment and feedback
- 6) **Residents:** A special effort should be made to inform residents of the existence of the planning effort and how they can get involved
- 7) **Transparency:** All proceedings of the group should be in compliance with the relevant open access laws of the State of Maine.

G. Coordination with tribes

WCCOG staff and LUPC staff will coordinate consultation with the tribal governments as required by statute (for LUPC) and as already initiated (by WCCOG).

H. Decision-making process for Planning Committee

1) Recommend a modified consensus process (see Attachment A for description)

- Advantage of consensus process over a “majority rule” process
 - Consensus gives more authority to recommendation when it moves to next step
- Advantage of modified consensus over a full consensus process
 - Prevents one person from blocking a decision

I) Approval of Community Guided planning process

The process document should be reviewed and revised/approved by the Washington County Commissioners. The County-approved document should then be submitted to the Land Use Planning Commission for its approval. The LUPC shall review the process and approve, or send back to the sponsors for further work.

Once the process is approved by the LUPC, the actual planning can begin.

J) Approval of plan

Before submission to LUPC, the plan should be approved by the Washington County Commissioners.

K) Amendments to the planning process

If the Washington County UT Planning Committee wishes to amend the process as described in this document over the course of the community-guided planning effort, it must receive approval for the amendment from both the Washington County Commissioners and the Land Use Planning Commission.

Attachment A: Procedure to follow for Modified Consensus

(For a complete discussion of decision-making rules, see http://en.wikipedia.org/wiki/Consensus_decision-making)

Once an agenda for discussion has been set and, optionally, the ground rules for the meeting have been agreed upon, each item of the agenda is addressed in turn. Typically, each decision arising from an agenda item follows through a simple structure:

- 1) **Discussion of the item:** The item is discussed with the goal of identifying opinions and information on the topic at hand. The general direction of the group and potential proposals for action are often identified during the discussion.
- 2) **Formation of a proposal:** Based on the discussion a formal decision proposal on the issue is presented to the group.
- 3) **Call for consensus:** The chair calls for consensus on the proposal. Each member of the group usually must actively state their position. Their position must be one of the following:

- a) **Agree**
- b) **Declare reservations:** Group members who are willing to let a motion pass but desire to register their concerns with the group may choose "declare reservations." If there are significant reservations about a motion, the decision-making body may choose to modify or re-word the proposal.
- c) **Stand aside:** A "stand aside" may be registered by a group member who has a "serious personal disagreement" with a proposal, but is willing to let the motion pass.

Although stand asides do not halt a motion, it is often regarded as a strong "nay vote" and the concerns of group members standing aside are usually addressed by modifications to the proposal. Stand asides may also be registered by users who feel they are incapable of adequately understanding or participating in the proposal.

- d) **Block:** Any group member may "block" a proposal. Blocks are generally considered to be an extreme measure, only used when a member feels a proposal "endanger[s] the organization or its participants, or violate[s] the mission of the organization" (i.e., a principled objection)
- 4) **Identification and addressing of concerns:** If consensus is not achieved, each dissenter presents his or her concerns on the proposal, potentially starting another round of discussion to address or clarify the concern.
- 5) **Modification of the proposal:** The proposal is amended, re-phrased or redesigned in an attempt to address the concerns of the decision-makers. The process then returns to the call for consensus and the cycle is repeated.
- 6) **Approval of a proposal:** A proposal is approved if:
 - a) All members either agree, or stand aside, or declare reservations, and no one blocks the proposal;
 - b) Only one member votes to block the proposal, and the chair decides that for the business of the committee to proceed, the proposal should move forward. Only the chair has the right to override a blocking member. If two members vote to block, the proposal is defeated.

