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Maine Land Use Planning Commission
Recreational Lodging Facilities Stakeholder Input
Meeting One Assignment / Meeting Two Discussion Items

EXECUTIVE SUMMARY

I. INTRODUCTION

(NOTE: This executive summary provides a condensed version of the full staff response. For more detail regarding any one of the following items, see the full staff report.

During the first session both LUPC staff and/or stakeholders identified the following issues and brainstormed various conceptual solutions. As a result, the group requested that LUPC staff consider this input and provide a preliminary response to which stakeholders would respond and discuss at the second session on October 17th. The conceptual solutions discussed here are not the only or even preferred option; other, more suitable solutions may be identified through this continuing stakeholder process.

II. CATEGORIZING USES

A. Use listings. LUPC's use listings do not adequately accommodate development trends particularly at larger scales and for combinations of multiple types of uses.

Conceptual Solutions:

1. Develop categories of facilities – Performance Based Approach

Typical land use zoning is proscriptive – it allows only certain uses, at certain scales, within designated zones.

The group suggested that the LUPC should consider a performance based approach to regulate recreational lodging facilities. A performance based approach looks at a set of factors and requires the total impact from the facility, as determined by those factors, to meet some set measurement. Such an approach may provide greater flexibility for accommodating a variety of types of uses. A sample performance based approach would assign points to a number of factors that reflect the impact of the facility or use. If the facility or use can stay within a set maximum score for that subdistrict it would be allowed. Factors might include:

- Size in square footage, acreage or proportion of the acreage allocated to buildings
- Number of people served
- Types of uses / activities / amenities on site:

- o *Lodging Type (e.g. Exclusive use, Commercial use, Public use)*
- o *Lodging Facility*
- o *Recreation on-site*

- Activities primarily based on-site or off-site; regularity and type of transport (e.g. guide and clients in pickup truck, multiple buses with staff and 50 clients per bus)

- o *Off site (e.g. Small party, Medium party, Large party)*

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- Size of infrastructure (e.g. *One large structure, Multiple small structures*)
- Permanency vs. temporary
- Historical significance (Traditional sporting camp needs its own designation)
- Traditional uses versus new uses
- Setting
- Access (e.g. vehicle (*hike, drive, boat, plane*); road type (*state route, private road, private road w/seasonal limitation*); or distance (*miles from state route: <2, <5, <20, etc*))
- Traffic
- Over-night versus day use only
- Visual – visual influence upon resource
- Phosphorus / stormwater

2. Develop categories of facilities – Tier Approach

This approach sorts facilities into tiers based on approximate impact but employs square footage and either number of sites, or cabins, etc as a substitute for measuring impact.

Sample Recreational Lodging Facility Categories				
	Type A	Type B	Type C	Type D
Activity	campground [<i>1- _____ sites</i>]	campground [<i>1- _____ sites and < _____ ft² of permanent structures</i>]	campground [<i>_____ - _____ sites and < _____ ft² of permanent structures</i>]	campgrounds [<i>> _____ sites and < _____ ft² of permanent structures</i>]
	remote rental cabins [<i>< _____ cabins or < _____ ft²</i>]	NA	NA	NA
	rental cabin 1	rental cabins [<i>< _____ cabins or < _____ ft²</i>]	rental cabins [<i>< _____ cabins or < _____ ft²</i>]	rental cabins [<i>< _____ cabins or > _____ ft²</i>]
		backcountry hut [<i>< _____ rooms or < _____ ft²</i>]	backcountry hut [<i>< _____ rooms or < _____ ft²</i>]	NA?
		group camp [<i>< _____ ft²</i>]	group camp [<i>_____ - _____ ft²</i>]	group camp [<i>> _____ ft²</i>]
			inn [<i>< _____ rooms or < _____ ft²</i>]	inn [<i>< _____ rooms or < _____ ft²</i>]
			bed and breakfast [<i>< _____ rooms or < _____ ft²</i>]	NA
			hotel / motel [<i>< _____ rooms or < _____ ft²</i>]	hotel / motel [<i>< _____ rooms or < _____ ft²</i>]
				resort

3. Update and clarify other use listings – Clarify all appropriate use listings which are not/should not be included in the “lodging categories”. Examples include:

- Campsite: Commercial, Private, Public, and Remote
- *Commercial Sporting Camp?*
- *Remote rental cabin*

III. LOW-HANGING FRUIT

- A. Commercial Sporting Camps – Size Limitation: Many lodging clients are expecting more amenities or more privacy requires more square footage to accommodate. Because commercial sporting camps are currently limited to 10,000 square feet, this trend can be difficult to address. Should the square footage limit be increased? If so, how much? Should the size depend upon the subdistrict or location?**

Conceptual Solutions:

1. Relax the square footage cap
2. Specify how to calculate total floor area
 - Any square footage limitations for such a facility shall be a calculation of the total floor area for all principle buildings associated with the facility. For purposes of this calculation principle buildings generally include: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker housing, etc. (e.g. the principle space available to or necessary for serving the guests). Further, accessory structures are not counted, including: wood shed, generator building, workshop, composting toilet infrastructure, etc.

- B. Commercial Sporting Camps (outpost cabins). The industry’s use of outpost cabins is a valued tradition. However, there is no guidance on how far away an “Outpost Cabin” needs to be in order to be excluded from the square footage limitation?**

Conceptual Solutions:

1. Revise standards for Commercial Sporting Camps / Outpost Cabins, in a way that addresses the following:
 - i) outpost cabins located more than ___ feet by trail, ___ feet by water, and ___ feet by road from the primary commercial sporting camp facility shall not be counted toward the applicable total floor area limitations.
 - ii) to exclude Outpost Cabins from any square footage limitations for a Commercial Sporting Camp or specify the total square footage
 - iii) address reconstruction in place
 - iv) address clusters and density
 - v) outpost cabin owned by commercial sporting camp owner
 - vi) clarify in which subdistrict outpost cabins are allowed

- C. Commercial Sporting Camps (self-contained cabins). If a Commercial Sporting Camp includes, in-part or in-whole, self-contained cabins is it consistent with the statutory intent and purpose of the codified protections and the culturally historic idea of Commercial Sporting Camp”?**

Conceptual Solutions:

1. Clarify whether or not Commercial Sporting Camps can include self-contained cabins.

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D. Change of Use – Over time many facilities seek to change to some other uses (e.g. commercial sporting camp that changes to a private fin and feather club facility or to a group camp)

Conceptual Solutions:

1. Change of use – Create an appropriate standard and/or definition that would enable a facility change between various types of uses within the category of facility.

Add standard clarifying how a change of use may occur

Add a definition of Change of Use

E. Conversion – Over time many facilities seek to convert to some other category of use (e.g. commercial sporting camp converted to a residential subdivision). Can facilities be converted to another, very different, category of use? If so, how can that conversion occur while maintaining fairness, landowner equity, appropriate review, and predictability?

Conceptual Solutions:

1. Conversion – If a facility wishes to convert to another use then options currently exist to: i) allow a change to another use that is allowed within the existing subdistrict; and/or ii) the site could be rezoned to another subdistrict. However, additional research should be completed in order to determine whether or not there are more specific clarifications that are warranted.

F. Accessory Uses – A number of facilities tend to include accessory uses (e.g. a campstore, sale of gas, bait, etc.). However, typically retail stores are only allowed in a development subdistrict. To what extent can we accommodate accessory uses without compromising the resource or requiring a rezoning?

Conceptual Solutions:

1. Clarify and quantify incidental accessory uses (e.g. category X recreational lodging facilities may include XYZ as accessory uses). This concept would need to specify and quantify the types and intensities of these uses (e.g. up to Y square feet/ up to Y% of allowed facility square footage; etc.)

Add a definition of camp store or incidental retail.

G. Transient Occupancy (Campgrounds) – State statute defines transient occupancy as “occupancy that does not exceed 120 days in a calendar year.” However, some campgrounds rely upon customers that rent a site for the whole season, leaving their RV at that site continuously. How do we strike a balance of allowing seasonal sites/clientele within campgrounds while providing appropriate resource protections and non-exclusive use?

Conceptual Solutions:

1. Clarify that “transient occupancy” (i.e. “campsite”) does not apply to a campground.

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2. Add standards for campgrounds (balance the proposed allowance for seasonal units within a campground with necessary regulatory purposes). The standards might cover:

- a. RVs and other structures at individual sites shall not have permanent foundations, or accessory structures (such as porches, screen room, etc.).
- b. Wastewater shall be managed and processed in a sufficient and appropriate manner.
- c. If a campground is converted to another use:
 - i. the location of individual sites, do not establish a vested right;
 - ii. the location of 'permanent structures' may be able to remain

H. Campsites – (Structures) – State statute defines “campsite”, in part, as not having access to pressurized water or permanent structures other than outhouses, picnic shelters, or lean-tos. However, many individual owners wish to develop a campsite on their own property for their own use. In many cases they may wish to have electricity at the site or an accessory structure in which to store their camping supplies, boating gear, etc.

Conceptual Solutions:

1. Distinguish between exclusive use campsites and non-exclusive use campsites – Clarify all appropriate use listings regarding campsites.

Revise statutory definition of “Campsite
Add a definition for Private Campsite
Add standards for private campsites
Revise minimum setbacks for campsites and any allowed structures are

I. Uses Requiring a Rezoning – When a use is not allowed in a subdistrict then a rezoning is necessary; the Commission must rely upon specific criteria (10.08), including “adjacency” - the principle that development should be generally within 1 mile from existing compatible development. Many recreational lodging operations seek out or require secluded sites and demonstrating adjacency proves challenging.

Conceptual Solutions:

1. Consider establishing criteria to allow by Special Exception certain types of facilities within the General Management Subdistrict (M-GN).

The following uses may be allowed within M-GN and P-GP subdistricts as special exceptions upon issuance of a permit from the Commission provided that

- (a) the use can be buffered from other uses with which it is incompatible;
- (b) site has direct access to a municipal, county, state or federal route;
- (c) the site is near organized towns, villages, or cities; and
- (d) the site is near companion attractions, services, and/or cultural features:

(1) XYZ Recreational Lodging Facilities

IV. OTHER ITEMS

The following issues may be worth pursuing further; however, solutions may be more difficult and/or time consuming to work through and implement. While feedback is welcomed, Session 2 is likely to not include time to focus upon these items.

- A. Dimensional (Standards) – Dimensional requirements are utilized for a number of purposes (e.g. safety, separation of uses, environmental purposes, etc). In regards to setbacks, allowing some development to be closer to interior roads makes sense, but we must also consider what happens as the road use increases or the use converts to another use?**
- B. Flexibility – How can LUPC’s standards provide additional flexibilities without making the standards unnecessarily complex?**
- C. Signs –Issue: LUPC’s sign standards may not fully contemplate larger developments which necessitate multiple signs throughout the property, for example: directional or road signs, identification signs (e.g. the main sign when entering the property, signs identifying a cabin or amenity, etc); educational signs (e.g. public access, road safety, etc.).**
- D. Coordination of regulations from multiple agencies – Issue: Depending upon the type of development, various state agencies can be involved/permits may be required from various agencies. Further, each agency utilizes different rules or definitions for arguably the same type of development.**