

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY
MAINE LAND USE PLANNING COMMISSION

**Proposed Chapter 10 Rule Amendments Regarding
The Recreational Lodging Initiative**

Adoption Draft: Redline Revisions

July 9, 2013

* * this draft illustrates all revisions adopted by the Commission on July 9, 2013 * *

The following amendments represent 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 in ~~strikethrough~~.

CHAPTER 10

LAND USE DISTRICTS AND STANDARDS

10.02 DEFINITIONS

- #. **Bed and Breakfast:** An owner-occupied, single-family dwelling comprising a single residential building and its accessory structures, in which up to six sleeping rooms are rented for a fee for transient occupancy by guests. Breakfast is the only meal to be served to overnight guests. There must be no kitchen facilities in rented rooms and no separate ownership of rooms.
- #. **Bunkhouse:** An accessory structure consisting of ~~a detached bedroom~~ sleeping quarters having no plumbing, for the temporary accommodations of ~~non-paying~~ guests of the property owner or facility while the owner or facility operator is an occupant of the principal dwelling or at the facility. A bunkhouse that is accessory to a dwelling can be ~~no larger than~~ up to 750 square feet or 50% of the footprint of the principal dwelling unit, whichever is larger.
- #. **Campground:** Any area, other than a campsite, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter. Campground does not include Residential Campsites.
- #. **Campsite:** “A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “Campsite” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner’s recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission’s comprehensive land use plan.” 12 M.R.S.A §682(15).
- 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 exceed 120 square feet in area. Lean-tos shall not exceed 150 square feet, and outhouses shall not exceed 36 square feet. For the purpose of the application of the Commission’s rules, the statutory provision that a “campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site” means there may be not more than 4 camping parties occupying a campsite, that an individual party may not exceed a total of 12 people, and that each camping site shall be designed for a single party of not more than 12 people. A group of people sharing an association or relationship, apart from staying in the same camping site, traveling together, or sharing meals and camping equipment shall be considered a camping party unless the assemblage of the group is intended to avoid regulation of the camping facilities as a campground.
- #. **Campsite, Residential:** See Residential Campsite.
- #. **Conversion of Use:** The alteration of a use or structure such that the use or structure constitutes a different use listing or defined term.

- #. **Commercial Sporting Camp:** A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. § 682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than as a transient lodging facility development unit or as a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and ~~may~~ typically consists of, but does not have to necessarily include, all of the following: a number of cabins for the housing of guests, including but not limited to housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. ~~Outpost cabins are considered a part of the commercial sporting camp. Outpost cabins are not a part of commercial sporting camp facilities. Guests of outpost cabins may use the services of the commercial sporting camp whether or not the commercial sporting camp is permitted for expanded access (10.27, Q.1.).~~ A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. ~~Such a facility shall have a total floor area no greater than 10,000 square feet for all principal buildings associated with the facility.~~
- #. **Commercial Use:** The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or incidental sales of goods or services as may be allowed by permit or standard within a recreational lodging facility or forest management activities where such activities are otherwise exempt from review.
- #. **Dining Amenities:** A common space where meals are served to guests of the recreational lodging facility or the general public. Dining amenities do not include private kitchens for individual cabins.
- #. **Dwelling Unit:** A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp, outpost cabin, or other similar facility which is rented or leased on a relatively short term basis. Staff housing in such facilities is not considered to be a dwelling unit; ~~provided that~~ However, the term shall include accommodations utilized by guests for transient occupancy ~~a tourist home~~ that qualifies as a home occupation.
- #. **Incidental:** A use, activity, service, or amenity that occurs by chance and not on a regular basis. Any use, activity, service, or amenity that is advertised individually is not incidental.
- #. **Outpost Cabin:** A building used primarily by the guests of a commercial sporting camp on a transient basis primarily in pursuit of primitive recreation or snowmobiling in an isolated setting and which is located more than one half mile from a commercial sporting camp as measured in a straight line from the nearest structure providing guest services. Outpost cabins are not a part of commercial sporting camp facilities and are not served by an on-site attendant while guests are present. 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 (10.27, Q.1.).
- #. **Recreation Activity, Features, and/or Services:** Recreation activity, features, and/or services do not include modes of transportation to and from the site (e.g., airplane, snowmobile, ATV, or car), but do include any on-site track or trail that does not extend off-site (e.g., motocross track, mud runs, airplane rides). Measures taken to reduce noise and odor, including but not limited to, soundproofing, buffering, hours of operation, or emissions control devices may be considered when evaluating noise and odor levels. Examples of on-site recreation activities, features, and/or services grouped by noise and odor impacts:
- a. Low noise/odor – climbing wall, horseshoes, open field activities, tennis, swimming, small range for sighting of firearms, archery, guiding, vehicle shuttle or transportation services, rental of non-motorized equipment, and mini golf;

- b. Some noise/odor – facilities for organized team sports (e.g., baseball), paintball, rafting base, rental of motorized equipment, and airplane rides for overnight guests; and
- c. Routine noise/odor – shooting range, atv/snowmobile/motocross racing, amusement park, public airplane rides.

#. Recreational Lodging Facilities: Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. 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. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels:

Level A Facilities have minimal impacts on existing resources within the development site and surrounding areas. Level A recreational lodging facilities are specifically designated by Section 10.27,Q,1.

Level B Facilities have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1.

Level C Facilities have moderate impacts on existing resources within the development site and surrounding areas. The standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas. Level C facilities are specifically designated by Section 10.27,Q,1. A Level C facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a “Level C – Expanded Access” facility.

Level D Facilities have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the public at large that is not an overnight guest. The standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level D facilities are specifically designated by Section 10.27,Q,1. A Level D facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a “Level D – Expanded Access” facility. A Level D facility may be located in a geographic allowance area as provided in Section 10.27,Q,3.

Level E Facilities have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region. The standards for these facilities are designed to allow large scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level E facilities are specifically designated by Section 10.27,Q,1.

- #. **Recreational Vehicle:** ~~For purposes of regulating development in flood-prone areas, a~~ vehicle which is:
 - a. built on a single chassis;
 - ~~b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;~~
 - ~~e-b.~~ designed to be self-propelled or permanently towable by a motor vehicle;
 - ~~c. designed to provide temporary living quarters for recreational, camping, or travel, but not for use as a permanent dwelling;~~
 - d. without structural additions to or removal of wheels from the vehicles; and
 - ~~e. 400 square feet or less when measured at the largest horizontal projection, not including slideouts, when located in a flood-prone area.~~

- #. **Rental Unit:** A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters for a single party, and which is rented or leased on a relatively short term basis. This term does not include outpost cabins or remote rental cabins.

- #. **Residential Campsite:** A camping location containing tents, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device used for private non-commercial camping. "Residential campsite" includes a camping location that has permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. Such additional permanent structures shall not have more than 100 square feet in floor area. A residential campsite 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.

- #. **Water-dependent structures for recreational lodging facilities:** Accessory structures, located within a recreational lodging facility, that require direct access or proximity to a water body or flowing water, and that are solely utilized to store or display water-related recreation or safety equipment. See Section 10.27.Q.7.

10.11 NONCONFORMING USES AND STRUCTURES

C. NONCONFORMING STRUCTURES

2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal; the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal; and if the reconstruction or replacement involves expansion, the structure meets the requirements of Section 10.11,C,1.
- e. **Sporting Camps.** A legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit [see 12 M.R.S.A. § 685-B(7-A)]. The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure, unless the structure is relocated in accordance with Section 10.11,C,3. Minor modifications to dimensions to the structure, including the combining of multiple structures on one lot may be allowed provided the total square footage of the structure or structures is not increased and conforms with Section 10.11,C,1,b.
- A legally existing, nonconforming outpost cabin shall have the same reconstruction rights of a commercial sporting camp under Section 10.11,C,2, provided the site containing the outpost cabin is limited by permit condition for a period of not less than 10 years, requiring the site to be utilized only as an outpost cabin in conjunction with a commercial sporting camp, and the permit condition is recorded with the County Registry of Deeds where the real estate is located.
3. **Relocation.** In order to make it conforming or less nonconforming, a legally existing, nonconforming structure may be relocated within the boundaries of the lot upon the issuance of a permit, provided that the site of relocation conforms to setback requirements to the maximum extent possible as determined by the Commission in accordance with the provisions of Section 10.11,C,2,a. Cleared openings created as part of a relocation shall be stabilized and revegetated. Relocated structures that are altered such that they meet the definition of reconstruction shall meet the requirements of Section 10.11,C,2. Legally existing, nonconforming structures that are part of a commercial sporting camp may be relocated to a site that is less nonconforming.

10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Commercial sporting camps;~~
- ~~(1) Recreational lodging facilities:~~
 - ~~(a) Level C;~~
 - ~~(b) Level C – Expanded Access;~~
 - ~~(c) Level D;~~
 - ~~(d) Level D – Expanded Access; and~~
 - ~~(e) Level E;~~

B. EXTENDED SETTLEMENT DEVELOPMENT SUBDISTRICT (D-ES)

3. Land Uses

d. Special Exceptions

The following uses may be allowed within D-ES subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from other uses or in the case of residential uses, will not adversely affect permitted commercial uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(1) Campsites, Residential;~~

C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)

2. Description

The D-GN subdistrict shall include:

- a. Areas with the following patterns of existing intensive development use:
- (#) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas shall include but not be limited to:
- (a) Existing intensive development used for recreational purposes;
 - ~~(b) Existing commercial sporting camps or campgrounds;~~
 - ~~(c) Existing motels, hotels and development accessory thereto;~~
 - (b) Existing recreational lodging facilities otherwise allowed in the subdistrict;
 - ~~(d)~~(c) Existing groups of stores and restaurants including related parking and landscaped areas; or

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campgrounds;~~
- (1) Campsites, Residential;
- ~~(2) Commercial sporting camps;~~
- (2) Recreational lodging facilities:
 - (a) Level B;
 - (b) Level C;
 - (c) Level C – Expanded Access; and
 - (d) Level D (inside geographic allowance area);

d. Special Exceptions

The following uses may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial and industrial:
 - (a) Stores, commercial recreational uses **not including recreational lodging facilities**, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet.
 - (2) Recreational lodging facilities: Level D (outside geographic allowance area); and

The following uses may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, in addition to (a) and (b) above, that (c) there is sufficient infrastructure to accommodate the additional traffic and activity

generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

(3) Recreational lodging facilities:

- (a) Level D – Expanded Access (inside or outside geographic allowance area); and
- (b) Level E (inside geographic allowance area).

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

3. Land Uses

c. Uses Requiring a Permit

(1) Campsites, Residential;

(+)(2) Commercial: Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.21,D,3,i that are compatible with residential uses including:

- (a) Art studios or artisan shops;
- (b) Commercial uses associated with a residence, other than home occupations;
- (c) Facilities for commercial recreation, such as guide services; ~~lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; and inns, motels, and hotels;~~
- (d) Facilities offering food and beverages prepared on the premises;
- (e) Professional offices, financial institutions, health care facilities, nursing homes, children's day care facilities, home child day care providers serving more than 12 children, and home adult day service providers serving more than 12 adults; ~~and~~
- (f) Recreational lodging facilities:
 - (i) Level A;
 - (ii) Level B; and
 - (iii) Level C;
- (+)(g) Retail stores and services, laundromats, convenience stores, or retail gasoline stations with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;

d. Special Exceptions

The following uses may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

(1) Recreational lodging facilities having more than 4,000 but not more than 8,000 square feet of gross floor area:

- (a) Level B;
- (b) Level C;
- (c) Level C – Expanded Access;
- (d) Level D; and
- (e) Level D – Expanded Access;

E. RURAL SETTLEMENT DEVELOPMENT SUBDISTRICT (D-GN3)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campgrounds having not more than 8,000 square feet of gross floor area;~~
- ~~(1) Campsites, Residential;~~
- (2) Commercial:
 - ~~(a) Recreational facilities having not more than 8,000 square feet of gross floor area, such as guide services; lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; and inns, motels, and hotels and~~
 - ~~(b) Recreational lodging facilities having not more than 8,000 square feet of gross floor area:

 - ~~(i) Level A;~~
 - ~~(ii) Level B; and~~
 - ~~(iii) Level C;~~~~
- ~~(3) Commercial sporting camps having not more than 8,000 square feet of gross floor area;~~

d. Special Exceptions

The following uses may be allowed within D-GN3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(1) Commercial sporting camps up to 15,000 square feet of gross floor area.~~
- ~~(1) Recreational lodging facilities having more than 8,000 but not more than 15,000 square feet of gross floor area:

 - ~~(a) Level B;~~
 - ~~(b) Level C;~~
 - ~~(c) Level C – Expanded Access;~~
 - ~~(d) Level D; and~~
 - ~~(e) Level D – Expanded Access.~~~~

H. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campsites, Residential;~~

I. COMMUNITY RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS2)

3. Land Uses

c. Uses Requiring a Permit

(1) Campsites, Residential;

J. RESIDENTIAL RECREATION DEVELOPMENT SUBDISTRICT (D-RS3)

3. Land Uses

c. Uses Requiring a Permit

(1) Campsites, Residential;

K. PLANNED RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-PR)

1. Purpose

The purpose of the D-PR subdistrict is to allow for well-planned recreation lodging and facility developments that otherwise do not meet the requirements of any of the subdistricts in Section 10.21. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location, or combination of features or locations, which is available at the proposed site. A rezoning will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served, including a careful consideration of the classification of any waterbodies contained within or located near the proposed development. Where a D-PR subdistrict petition is granted, the development within the subdistrict shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

The D-PR Subdistrict is also designed to encourage creative site design by allowing for the substitution, on a case-by-case basis, of performance-based standards for the Commission's established land use standards.

2. Description

Areas separated from existing development patterns, proposed primarily for recreational lodging facilities and recreational use, but including any associated residential and commercial uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission. A D-PR Subdistrict shall contain a maximum of 40,000 square feet of building floor area. No development, other than access roads, utility lines, trails, and waterfront structures shall be less than 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.)

Level E Recreational Lodging Facilities in existence as of (May 1, 2013) may also be a basis for rezoning to the D-PR subdistrict, provided that any proposed expansions or additions of the existing structures and uses can be shown to meet the criteria for approval.

3. Allowed Uses

All uses approved in the Final Development Plan shall be allowed. No other use shall be allowed except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

4. Ownership

An application for the creation of a D-PR subdistrict may be filed only by the owner or lessee of all lands to which the application pertains, or by the staff with the owner or lessee's consent.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that the proposal satisfies the criteria established for the creation of a D-PR subdistrict.

6. Procedure

The Planned Recreation Facility review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Preliminary Development Plan / Zoning Petition; and
- (3) Submission of Final Development Plan.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan / Zoning Petition that meets the requirements specified herein. The Commission shall provide notice of the application as described in Chapter 4 of the Commission's rules, and a hearing may or may not be held. Thereafter, the Commission may approve or deny the petition. An approval will amend the subdistrict(s) to a D-PR subdistrict and will include a preliminary development approval that specifies under what conditions, if any, the Commission will accept the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed except for activities necessary to gather site data for the Final Development Plan until a Final Development Plan is submitted and approved. Necessary site data gathering activities must be consistent with the proposed description as submitted in the Preliminary Development Plan and are allowed without a permit.

7. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and, if warranted for the particular proposal, representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PR application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations.

8. Preliminary Development Plan

a. Application

The Preliminary Development Plan / Zoning Petition shall include: Evidence that the proposal conforms with the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A. § 685-B(4) will be satisfied, including consistency with the Comprehensive Land Use Plan; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff shall make known its findings and recommendations, in writing, to the Commission.

The following items are required to be submitted with any Preliminary Development Plan application. The staff, at its discretion, may waive portions of the application requirements for existing Recreational Lodging Facilities that are proposing expansions that increase floor area by not more than 25%:

Written Statements

- (1) A legal description of the property boundaries proposed for redistricting, including a statement of present and proposed ownership.
- (2) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property shall not, of itself, be sufficient evidence to satisfy this last requirement.
- (3) The expected development schedule that indicates the periods of time required to complete the project, and an approximate start date for construction.
- (4) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.
- (5) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development.
- (6) A statement of the compatibility of the proposed development with existing uses and resources, the reasonably foreseeable adverse effects on those existing uses and resources, and measures to be taken by the applicant to minimize such effects.
- (7) A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently

designated within protection subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.

Maps

- (8) A location map showing all existing subdistricts and the proposed D-PR subdistrict boundaries, drawn on a Commission Land Use Guidance Map that indicates the area for which a D-PR subdistrict designation is sought.
- (9) Maps showing the existing and proposed lot lines, noting the names of adjoining lot owners, and any lots in the project area proposed to be placed in common or private ownership (see Section 10.21.K.8.a.(1) and (4)).
- (10) Maps showing the soils and slope at the development site, at a mapping intensity sufficient to show that the site has suitable soils to support the proposed development.
- (11) A site plan showing existing features within the development site, including the locations of:
 - (a) Buildings, roads, parking areas, and bridges;
 - (b) Above- and below-ground utility lines, and sewage disposal facilities;
 - (c) Drinking water wells serving the site, and any major water withdrawal sources, if applicable;
 - (d) Recreational areas and open spaces, and conservation areas;
 - (e) Streams, lakes and ponds, wetlands, and other protected natural resources;
 - (f) Stormwater drainage areas; and
 - (g) The vegetated edge of cleared areas.
- (12) A site plan showing proposed features, with the approximate locations of:
 - (a) Buildings, roads, parking areas, and bridges;
 - (b) Utility lines, if known, and areas to be used for sewage disposal facilities (Note: If a public sewage disposal system will be used, evidence that the system can support the proposed development must be supplied);
 - (c) New drinking water wells, and other major water withdrawal sources, if applicable;
 - (d) Recreational areas, open spaces, and conservation areas;
 - (e) Streams, lakes and ponds, wetlands, and other protected natural resources;
 - (f) Stormwater drainage areas and an approximation of the expected phosphorus contribution to the watershed; and
 - (g) The vegetated edge of the cleared areas.

Where the applicant is proposing a phased development in the Preliminary Development Plan / Rezoning, and maps showing the level of detail required in Section 10.21.K.8.a.(12) are not feasible for all future phases of the development, the applicant shall submit such maps for the first phase of development. For all future phases of development, the applicant shall submit information and sketch maps sufficient for the Commission to determine if the area proposed to be rezoned can support the entire development with regard to: the subdivision rules, if applicable; soil suitability and slope; subsurface waste water disposal; access and traffic circulation; drinking water supply; and any other proposed major water withdrawal source along with a narrative describing its intended use; and the 400 foot setback from the proposed D-PR subdistrict boundaries. A narrative describing the anticipated timeline for the full development must accompany the sketch maps (see Section 10.21.K.8.a.(3)).

b. Criteria for the Approval of a Preliminary Development Plan

After following the procedures for petitions for Subdistrict changes, consistent with Chapter 4 and 5 of the Commission's rules, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:

- (1) Conforms with 12 M.R.S.A. Chapter 206-A, including the objectives and policies of the Comprehensive Land Use Plan;
- (2) Incorporates, where the land proposed for inclusion in the D-PR subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under such protection subdistrict;
- (3) Conserves productive forest and/or farm land;
- (4) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (5) Envisions a project that does not substantially increase the public services required in the area; and
- (6) Provides for safe and efficient traffic circulation.

c. Performance-based Standards

The applicant may propose that certain of the Commission's land use standards, as described in Chapter 10 of the Commission's rules, be replaced with alternative standards that measure the performance of a particular design or technology in achieving the relevant goals. The applicant may propose such a substitution for all or portions of the project area. In making such a proposal, the applicant must consult with Commission staff regarding the purpose of the particular standard and must demonstrate that the alternative standard will provide substantially equivalent or increased effectiveness.

d. Approval or Denial of Preliminary Development Plan

- (1) If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PR subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04. Simultaneously with such approval, a preliminary development permit will be issued. The preliminary development permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan. The terms of the preliminary development permit will be in writing and shall be deemed to be incorporated in the D-PR subdistrict. If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (2) Within a maximum of 18 months following a Commission decision to designate an area as a D-PR subdistrict, the applicant shall file with the Department of Environmental Protection a Site Law application for development, or to the Commission a Final Development Plan containing the information required in Section 10.21,K,9 below. At its discretion, and for good cause shown, the Commission may extend the deadline for filing of the Site Law development application to the Maine Department of Environmental Protection, or of the Final Development Plan to the Commission.
- (3) If the applicant fails for any reason to apply for final approval by submitting to the Department of Environmental Protection an application for development or to the Commission a Final Development Plan within the prescribed time, the D-PR

subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

9. Final Development Plan

The procedures set forth in Section 10.21,K,9 apply to development within D-PR subdistricts that does not require review under Site Law.

a. Application

The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved preliminary development permit issued.

- (1) An application for final approval may be for all of the land which is the subject of the Preliminary Development Plan or for a section thereof. The application, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 90 days.
- (2) The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:
 - (a) Drawings that include all the information required on the site plan under the Preliminary Development Plan [Section 10.21,K,8,a,(12)] plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.
 - (b) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
 - (c) If individual sewage disposal systems are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Department of Human Services form HHE-200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.
 - (d) High intensity soil surveys and drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
 - (e) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the planned area.
 - (f) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A. § 685-B(4).

In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.

(g) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.

(3) The staff, at its discretion, may waive portions of the application requirements for existing Recreational Lodging Facilities that are proposing expansions that are limited in scope.

b. Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a permit pursuant to 12 M.R.S.A. § 685-B, for the Final Development Plan. Such permit may contain reasonable conditions as the Commission may deem appropriate.

c. Amendments to the Final Development Plan

Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:

- (1) The addition of a land use not previously approved in the Preliminary Development Plan;
- (2) A material change in the site, scope or nature of the project;
- (3) A material increase in traffic volume;
- (4) A material reduction in open space, landscaping, or parking; or
- (5) A material change giving rise to adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,K,8,b.

d. Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PR subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

L. RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-RF)

1. Purpose

The purpose of the D-RF subdistrict is to allow for development of moderate intensity recreation facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The D-RF Subdistrict is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of such a facility would; not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development. Where a D-RF subdistrict petition is granted, subsequent development in that subdistrict shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

2. Description

The D-RF subdistrict shall include:

Areas that contain existing recreation facilities that meet the purpose and other provisions of the Subdistrict; and

Areas which are proposed for development activities which are consistent with the purposes of this subdistrict; meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof; and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. § 685-B(4) and the Commission's Rules and Regulations relating thereto.

Areas within ¼ mile of Management Class 1 lakes or within ½ mile of Management Class 6 lakes shall not be included as within the D-RF Subdistrict.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RF subdistricts:

- (1) Docking structures: Temporary docking structures for non-commercial use;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Forest management activities, except for timber harvesting;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;

- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RF subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Campsites;
- (4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Filling and grading;
- (6) Hand-carry launches: Commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
- (7) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (8) Road projects: Level A road projects;
- (9) Service drops;
- (10) Signs;
- (11) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
- (12) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water;
- (13) Water crossings of minor flowing waters; and
- (14) Water-dependent structures for recreational lodging facilities in conformance with Section 10.27,Q,7.

c. Uses Requiring a Permit

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

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,L,2,a;

- (3) Draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (4) Driveways associated with non-residential uses;
- (5) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (6) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,L,3,b which are not in conformance with the standards of Section 10.27,L;
- (7) Land management roads;
- (8) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (9) Recreational lodging facilities:
 - (a) Level A;
 - (b) Level B;
 - (c) Level C;
 - (d) Level D; and
 - (e) Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of [effective date of rule] may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of [effective date of rules];
- (10) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,L,3,b;
- (11) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (12) Signs which are not in conformance with the standards of Section 10.27,J;
- (13) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
- (14) Timber harvesting;
- (15) Trailered ramps addressed in Section 10.21,L,3,b which are not in conformance with the standards of Section 10.27,L;
- (16) Utility facilities compatible with recreational uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (17) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (18) Water impoundments;
- (19) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (20) Other structures, uses or services that are essential to the uses listed in Section 10.21,L,3,a through c; and
- (21) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are

not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

- (1) Recreational lodging facilities:
 - (a) Level C – Expanded Access; and
 - (b) Level D – Expanded Access.

The following uses may be allowed as special exceptions provided the applicant in addition to (a) through (d) above, shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (2) Docking structures: New or expanded permanent docking structures;
- (3) Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 and 2 lakes;
- (4) Marinas;
- (5) Trailered ramps: Commercial and private trailered ramps and public trailered ramps on Management Class 1 and 2 lakes; and
- (6) Water-access ways.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-RF subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23.E.3.f.

g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to proposals for development units within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one development unit per shore mile as provided for in Section 10.23.A.3.

h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

(1) With respect to subdivisions and recreation facilities, recreation lodging facilities, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:

- a. area and shoreline length;
- b. potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
- c. development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

(2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25.R.

i. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25.R.

j. Management Class 1 and 6 Lakes (Least Accessible, Undeveloped High Value Lakes and Remote Ponds) as shown on the Commission's Land Use Guidance Maps. Areas around these lakes are not eligible to be zoned D-RF (see Section 10.21,L,2).

10.22 MANAGEMENT SUBDISTRICTS

A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)

3. Land Uses

c. Uses Requiring a Permit

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

d. Special Exceptions

~~The following uses may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:~~

- ~~(1) Recreational lodging facilities:~~
 - ~~(a) Level C (occupancy may exceed the standard in Section 10.27.Q.1, Table A up to the Expanded Access occupancy limit, provided that the majority of occupancy is accommodated at campsites);~~
 - ~~(b) Level C – Expanded Access (inside the geographic allowance area); and~~
 - ~~(c) Level D – Expanded Access (inside the geographic allowance area);~~

B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campsites, Residential;~~

C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)

3. Land Uses

c. Uses Requiring a Permit

~~(1) Campgrounds;~~

~~(1) Recreational lodging facilities: Level A;~~

10.23 PROTECTION SUBDISTRICTS

Pursuant to the Commission's Comprehensive Land Use Plan, the following protection subdistricts are established:

A. ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)

3. Land Uses

c. Uses Requiring a Permit

(1) Campsites, Residential;

d. Special Exceptions

The following uses may be allowed within P-AL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; and further provided that there shall be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

~~(1) Campgrounds;~~

~~(2) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned.~~

(2) Recreational lodging facilities:

(a) Level A; and

(b) Level B;

B. AQUIFER PROTECTION SUBDISTRICT (P-AR)

3. Land Uses

c. Uses Requiring a Permit

~~(1) Campgrounds and eCampsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;~~

(2) Campsites, Residential, provided that sewage is disposed of in such a manner as not endangering the water quality of the aquifer;

(3) Recreational lodging facilities: Levels A (campground only) and B (campground only), at both facility levels provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;

C. FLOOD PRONE AREA PROTECTION SUBDISTRICT (P-FP)

3. Land Uses**c. Uses Requiring a Permit**

- ~~(1) Campgrounds~~
- ~~(1) Campsites, Residential;~~
- ~~(2) Recreational lodging facilities having not more than 1,000 square feet of gross floor area:~~
 - ~~(a) Level A; and~~
 - ~~(b) Level B;~~

d. Special Exceptions

The following uses may be allowed within P-FP subdistricts or FEMA zones A, AE, A1-30, or VE as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(1) Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned;~~
- ~~(1) Recreational lodging facilities: Level B except as provided for in Section 10.23.C.3.c, and Level C having not more than 10,000 square feet of gross floor area for all principal buildings; provided that any recreational lodging facility must rely upon the water resource for their existence, including their reconstruction, relocation, or replacement; new construction, reconstruction or replacement of a permanent foundation; substantial improvement or accessory structures;~~

D. FISH AND WILDLIFE PROTECTION SUBDISTRICT (P-FW)

3. Land Uses**c. Uses Requiring a Permit**

- ~~(2) Campsites, Residential;~~

E. GREAT POND PROTECTION SUBDISTRICT (P-GP)

3. Land Uses

c. Uses Requiring a Permit

- ~~(3) Campsites, Residential;~~
- ~~(4) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27,Q,7;~~

d. Special Exceptions

The following uses may be allowed within P-GP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(2) Campgrounds;~~
- ~~(3) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned.~~
- (1) Recreational lodging facilities:
 - (a) Level A;
 - (b) Level B; and
 - (c) Level C.

F. SEMI-REMOTE LAKE PROTECTION SUBDISTRICT (P-GP2)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campgrounds;~~
- ~~(2) Campsites, Residential;~~
- ~~(2) Commercial sporting camps and other commercial recreational facilities up to 8,000 square feet of gross floor area for all principal buildings. Lodges may be built with or without permanent foundations;~~
- ~~(3) Recreational lodging facilities: Level A; and Level B having not more than 8,000 square feet of gross floor area. Individual cabins may not include permanent foundations, otherwise main lodges may be built with or without permanent foundations;~~
- ~~(3) Rental cabins of up to 750 square feet of gross floor area without permanent foundations associated with campgrounds and other commercial recreational facilities;~~
- ~~(4) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27,Q,7;~~

J. SPECIAL RIVER TRANSITION PROTECTION SUBDISTRICT (P-RT)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campsites, Residential, provided the setback from the normal high water mark is a minimum of 125 feet;~~

L. SHORELAND PROTECTION SUBDISTRICT (P-SL)

3. Land Uses

c. Uses Requiring a Permit

- ~~(1) Campgrounds and campsites;~~
- ~~(1) Campsites;~~
- ~~(2) Campsites, Residential;~~
- ~~(3) Recreational lodging facilities: Level A;~~
- ~~(4) Water-dependent structures for recreational lodging facilities in compliance with Section 10.27.Q.7;~~

d. Special Exceptions

The following uses may be allowed within P-SL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(1) Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned.~~
- ~~(1) Recreational lodging facilities:~~
 - ~~(a) Level B; and~~
 - ~~(b) Level C.~~

M. UNUSUAL AREA PROTECTION SUBDISTRICT (P-UA)

3. Land Uses

c. Uses Requiring a Permit

- (1) ~~Campgrounds~~ Recreational lodging facilities owned or operated by Federal or State agencies; ~~;~~
- (a) Level A (campground only);
 - (b) Level B (campground only); and
 - (c) Level C (campground only);

The following uses are allowed upon issuance of a permit from the Commission according to 12 M.R.S.A. § 685-B and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA subdistricts:

- ~~(2) — Campgrounds except as provided for in Section 10.23, M, 3, c;~~
- ~~(2) Campsites, Residential;~~
- ~~(3) Recreational lodging facilities: Level A, except as provided for in Section 10.23, M, 3, c;~~

N. WETLAND PROTECTION SUBDISTRICT (P-WL)

3. Land Uses

c. Uses Requiring a Permit

- (1) Docking structures: Temporary docking structures and moorings associated with commercial marinas and recreational lodging facilities, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;

10.26 DIMENSIONAL REQUIREMENTS

A. MINIMUM LOT SIZE

1. Residential Uses.

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 that there shall be no minimum lot size requirement for a campsite.

D. MINIMUM SETBACKS

1. The minimum setbacks for structures, other than those described in Section 10.26,D,2 and except as provided in Section 10.26,G are:
 - a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - c. 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
 - d. 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5;
 - e. 20 feet from the traveled portion of all roadways on coastal islands; and
 - f. 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, ~~and~~ those structures within a sporting camp complex recreational lodging facility constructed solely for the housing of guests, and residential campsites.

2. The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26.D.1 and 3 and except as provided in Sections 10.26.G and 10.27.Q are:
- 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - 75 feet from the traveled portion of the nearest roadway except as provided for in Section 10.26.D.2,d below;
 - 20 feet from the traveled portion of all roadways on coastal islands; and
 - 25 feet from the side and rear property lines.

Except as provided for in Section 10.26.D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a ~~sporting camp complex~~ recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.

4. Campsites.

- Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Any structure located at or as part of a campsite shall also be set back 75 feet from the upland edge of wetlands designated as P-WL1 subdistricts. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.
- Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

- ~~The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.~~
- The Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Section 10.27.Q.

10.27 ACTIVITY-SPECIFIC STANDARDS

10.27, Q RECREATIONAL LODGING FACILITIES

All new recreational lodging facilities, and reconstruction of or substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this Section or in accordance with other applicable provisions of this Chapter. If the requirements in the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, or ordinances, the more protective of existing natural, recreational and historic resources shall apply.

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.

Table A: Facility Level Determination.

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

Table B: Expanded Access Adjustment.

A Level C or D “Expanded Access” facility provides certain amenities to the general public in addition to overnight guests, and may have increased overnight occupancy. The term Expanded Access reflects that more people will be accessing these facilities.

Factors	Facility Level				
	A	B	C (Expanded Access)	D (Expanded Access)	E
<u>(5) Retail (in square feet):</u>			≤ 200 or not more than 10% of floor area of principal buildings, whichever is larger	≤ 500	
<u>(6) Dining amenities</u>			Public	Public	
<u>(7) Fuel sales</u>			Public	Public	
<u>(8) Recreation activities, features, and/or services⁽ⁱ⁾</u>			Public	Public	
<u>(9) Overnight occupancy (in people):</u>			< 300	< 400	

Key:

- N = not allowed;
- Y = allowed but not required;
- Guests = amenities may be available to overnight guests and may be available on an incidental basis to the general public. In this regard, these amenities provide only limited services or purpose for the convenience of guests, and that, while they may be occasionally patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Activities, features, and services that are individually advertised are not considered incidental. Activities, features, and services that are not incidental are regulated under separate use listings.
- Public = amenities may be available to overnight guests as well as the general public on a regular basis. With regard to fuel sales, “Public” allows the retail sale of not more than two fuel types (e.g., gas, diesel, aviation gas, natural gas, or propane) to the public with not more than one functioning dispensing device per fuel type where each device can serve no more than one vehicle, customer or container simultaneously, except when the applicant can demonstrate that such dispensing device is not practicable. A recreational lodging facility may continue to utilize any dispensing devices that: i) were in private use at the facility as of [the effective date of this rule revision]; and ii) do not conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously. However, in such cases, any new or replacement fuel dispensing devices shall conform to the provisions above regarding the number of fuels or vehicles, customers, or containers served simultaneously.

Table A and B Notes:

- (i) See definitions.
- (ii) Floor area limits in Table A may be increased by 25% in accordance with Section 10.27.Q.2.

2. Floor Area Adjustment for Expanding Square Footage.

In any subdistrict, a recreational lodging facility or proposed facility legally bound by provisions acceptable to the Commission that result in a 25 foot vegetative buffer along all property lines facing exterior roads and 50% more depth of the vegetative buffer than otherwise would be required by Section 10.27.B along a whole shoreline and that restrict building color to blend in with the surrounding area and restricts the use of reflective surfaces, shall be allowed 25% more square footage than the floor area limits of Section 10.27.Q.1, Table A. If the subdistrict (see Sub-chapter II) in which the facility is located or is proposed to be located has more restrictive square footage limits, then the subdistrict square footage limits shall apply.

3. Geographic Allowance Area.

Certain levels of recreational lodging facilities located within the M-GN, D-GN, or D-RF Subdistricts and within one of the areas described below may be allowed by permit or by special exception (see Sub-chapter II). Facilities located within townships or plantations located within the Prospective Zoning Plan for the Rangeley Lakes Region and facilities located on islands may not receive such geographic allowance.

- a. Within 2 miles measured in a straight line from a public road (except Interstate 95), and located within 10 miles measured in a straight line from the boundary of one of the following municipalities: Anson, Ashland, Bethel, Bingham, Calais, Caribou, Carrabassett Valley, Dover-Foxcroft, Eastport, Ellsworth, Eustis, Farmington, Fort Kent, Gouldsboro, Greenville, Guilford, Houlton, Island Falls, Jackman, Jonesport, Kingfield, Lincoln, Lovell, Lubec, Machias, Madawaska, Medway, Milbridge, Millinocket, Milo, Newry, Oakfield, Old Town, Orono, Patten, Presque Isle, Princeton, Rangeley, Rockwood Strip T1 R1 NBKP, Rumford, Saint Agatha, Sullivan, The Forks Plantation, Unity, Van Buren, Waterford, Wilton. Facilities located within one of these towns, townships, or plantations shall be considered to be within 10 miles of the boundary.

4. Measuring Square Footage Limits.

Unless otherwise specified by another provision, any square footage 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). Further, accessory structures are not counted, including but not limited to: wood shed, generator building, workshop, storage, composting toilet infrastructure, and structures having a footprint of not more than 100 square feet which are part of an on-site recreation activity. Outpost cabins may not be considered in determining conformance of a Commercial Sporting Camp with the applicable floor area limitation of Section 10.27.Q.1.

5. 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.

6. 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 subdivision standards in Section 10.25,Q and Section 10.25,R.
- a-d. However, notwithstanding Section 10.27,Q.6.c, 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 to the greatest extent practicable; and
 - (4) 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 do 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.

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;
- 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.