

SPO



Maine State Planning Office

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July 20, 2008

Elwood Ellis, Selectman
James C. Pitney, Jr., Comprehensive Plan Committee Chair
Town of China
571 Lakeview Drive
China, ME 04358

Dear Mr. Ellis and Mr. Pitney:

Thank you for submitting the China Comprehensive Plan for review for consistency with Maine's Growth Management Act (the Act). We congratulate the citizens of China and the comprehensive planning committee for the hard work that went into producing the Plan. While we find many aspects of the Plan consistent with the goals of the Act and guidelines of the Comprehensive Plan Review Criteria Rule (Rule), there are areas that need additional work to reach an official finding of consistency. Four specific inconsistencies are listed below. In addition to the findings developed by this Office, review comments submitted to this Office by other state agencies are attached. This plan has been reviewed using Chapter 202, the "old" comprehensive plan review criteria rule.

The findings consist of four sections:

1. The first provides the State Planning Office's (SPO) general Conclusions about the Plan, indicating overall strengths and weaknesses.
2. The second section identifies Inconsistencies of the Plan and SPO's Recommendations for addressing them. Inconsistencies indicate those parts of the Plan that do not adequately address the goals in the Act. **Recommendations provide one way, though certainly not the only way, the Town could modify the Plan to address inconsistencies.** Occasionally suggestions that do not affect consistency are included in this section. The Town need not follow these suggestions to address an inconsistency with the Act.
3. The third section provides Suggestions for how the Town might modify the Plan or issues it might explore to improve or strengthen the Plan to better meet State and local goals. It is not necessary for the Town to respond to suggestions in order to be found consistent with the Act. Suggestions are simply offered as advice on how the Town could improve its Plan.
4. The fourth section identifies Other Agency Comments that have been received from State agencies, regional councils, or other interested parties (attached and printed on blue paper). Unless noted as inconsistencies, these comments identify areas where the town might improve the plan or strengthen sections to address agency interests and goals.

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SECTION I – CONCLUSIONS

The Comprehensive Planning Committee clearly gathered and considered a great deal of information. The following elements are especially commendable:

- Excellent inventory and analysis of each topic area, particularly in the areas of land use and patterns of growth.
- Extensive outreach and public participation
- Clear appreciation of China's water resources and dedication to protecting the water quality of China Lake.

While the analysis in the plan is particularly in-depth and well-written, the strategies in several topic areas are insufficient to attempt to address the issues so thoroughly identified in the plan narrative.

For the purposes of this review, SPO assumes the map entitled "China Comprehensive Plan Land Use Plan (preliminary)" is the "Land Use Plan Map" referred to in the plan narrative.

SECTION II – INCONSISTENCIES

Inconsistency #1: The recreation section needs additional information and a strategy to address the parking issues at public access points.

China is to be commended for creating a lake access fund (pg 114) and including a strategy to create an action plan for a multi-purpose recreational facility on China Lake. However, the Plan identifies the lack of parking at the two public access points to China Lake in China, but does not identify ownership of these accesses or include a strategy to improve the parking situation at either site (Me State Planning Office, 07 105 CMR 202-3.C.6).

Recommendation:

Identify ownership of public access points and include at a minimum a strategy to work with the owners to improve parking at these facilities.

Inconsistency #2: The Agricultural and Forestry section lacks sufficient strategies to address identified issues.

The Rule states that a Plan's implementation strategies must "ensure the protection of valued agricultural and forest resources from development that is incompatible with uses related to the agricultural and forestry industries". (Me State Planning Office, 07 105 CMR 202-7.A.5)

The Plan states that rural resource values rated as a "high priority" by the residents of China and that "prime agricultural lands and productive woodlands are threatened by development pressures" (pg 50). However, the strategies in the Agriculture and Forestry section are not sufficient. In particular, strategy 6.1 is unclear and appears to conflict with the analysis.

Recommendations

Incorporate additional measures to protect and preserve these areas. Sample strategies you might consider include:

1. Consult with the Maine Forest Service district forester when developing any land use regulations pertaining to forest management practices.
2. Consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.
3. Amend land use ordinances to require commercial or subdivision developments in rural areas to maintain areas with prime farm soils or productive woodlands as open space to the greatest extent practicable.

Inconsistency #3: The Plan does not meet minimum standards for Affordable Housing as defined by the Act.

Specifically, the Act requires that a municipality “shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing.” (30-A MRSA §4326, sub-§3.A.g)

Recommendation:

Include a policy statement that China will seek to achieve 10% of new units built are affordable those earning 80% of the area’s median income.

Alternative acceptable language would be a policy that China will seek to meet the goals of the Act regarding affordable housing. If you wish to include a policy statement that is more precise (e.g., identifying the number of affordable housing units), that is acceptable as well.

Inconsistency #4: The plan lacks a strategy to implement the Route 3 Corridor Management Plan.

The Plan does an excellent job describing the issues related to presence of Route 3 in China. Techniques for preserving mobility through access management are noted, and the recommendations from the Route 3 Corridor Management Plan are listed in the plan narrative. However, no strategy regarding the implementation of the recommendations is included. (Me State Planning Office, 07 105 CMR 202-5.C and 7.C)

Recommendation:

Include a strategy to implement the recommendations from the Route 3 Corridor Management Plan.

SECTION III – SUGGESTIONS

Although not necessary to make the Plan consistent with the Act, some constructive comments that would help strengthen your Plan are outlined below. Please let me know if you have any questions.

1. It would be helpful to address as many of the comments from the attached state agency review letters as possible. For example, the comments from the Maine Forest Service regarding the regulation of forestry activities should be noted and evaluated.

2. The Plan includes strategies from the 1991 comprehensive plan but does not explain how these strategies relate to the current plan or whether or not they were implemented. Clarify why these strategies are included, how they are to be considered, or delete them from the current plan.
3. Make sure the title of the maps correspond to the maps referred to in the Plan.
4. Link the Scenic Resource Inventory (pg 67) to strategy 9.C.3.b on page 82 in the land use section. If China applies for grants to protect its resources, this link is critical. Strengthening the language of the strategy is also recommended.
5. Much of the residential development in China occurs in lots fronting roads; this development pattern is typical of small, historically rural towns in central Maine. However, this development pattern can also lead to negative impacts on the scenic qualities of a town—one of the issues associated with sprawl-patterns of development—as forested areas are replaced by dwellings. Requiring forested buffers between dwellings and a roadway is one tool communities use to address this issue, and SPO suggests that China consider a buffer requirement in its rural districts.

SECTION IV – COMMENTS FROM OTHER STATE AGENCIES

The following agencies reviewed and provided comments on your Plan:

- Maine Department of Inland Fisheries and Wildlife
- Maine Department of Transportation
- Maine Department of Conservation, Maine Forest Service
- Maine Department of Environmental Protection

These comments are attached (blue sheets). These comments provide additional detail and other suggestions that you might find useful as you complete your final draft. While the State Planning Office agrees that inclusion of these suggestions would improve the plan, only those items specifically cited above in Section II as inconsistencies must be addressed in order to have the plan found to be consistent with the Act.

Under the requirements of the Rule, communities have 24 months to submit revisions to a Plan to address identified areas of inconsistency with the Act. If more than 24 months pass prior to a re-submission from the community, then the entire Plan must be resubmitted. Please feel free to contact me with any questions regarding this process.

In closing, thank you again for submitting this plan for review and for all of your hard work so far. Please contact Phil Carey at phil.carey@maine.gov or 287-3860 if you have any questions or would like an SPO Land Use Team member to meet with the committee to explain these findings in more detail.

Best regards,



Stacy Benjamin
Director

Cc: KVCOG

Attachments: Section IV – Comments from other state agencies

SECTION IV

COMMENTS FROM OTHER STATE AGENCIES