

Lessons Learned from 3 Community Guided Planning and Zoning Processes

The Commission's Community Guided Planning and Zoning (CGPZ) initiative provides an opportunity for those who live, work, own land, and have other interests in the unorganized or deorganized areas in Maine to evaluate present and future land use needs for their region and work together to develop a strategy to meet those needs. Over the course of several projects in different parts of the Commission's service area, the Commission has learned from participants about what types of development are needed in each region, and where it may be located.

Aroostook County was the first region selected to participate in this initiative in 2013. The Aroostook County project was completed in the fall of 2015, and in 2016 the Commission implemented recommendations of that process through rulemaking. Prospective planning and zoning projects are also underway in Washington County and jointly in Somerset and Franklin counties. Somerset and Franklin counties proposed a joint effort for Western Maine that was selected in May of 2014. The CGPZ process in Western Maine is currently on hold after completion of the first phase. Washington County began their process in May of 2015.

Aroostook County Process

The changes that resulted from the Aroostook County CGPZ project provide opportunity for rural businesses to locate and grow in new areas of the county. The project, which was led by a committee made up of representatives of different interests in the region, included 2 years of discussion about small, rural businesses in Aroostook County and what needed to be considered when thinking about where new businesses might locate.

Following, are a few points about the location of rural businesses in Aroostook County learned during the CGPZ process:

- Aroostook County has wide open spaces, and people often travel long distances to reach services.
- Forestry, agriculture, and natural resource-based industries are important to the regional economy and should be encouraged. The undeveloped northwestern portion of the county, west of Route 11, is primarily a productive commercial forest and would not be the best place for rural businesses to locate in the future. However, there are some limited areas within this part of the county that may be appropriate for certain types of development related to commercial forest activities. In particular, Big Twenty Twp and T15 R15 WELS have small year-round communities located on the international border that provide housing and services – primarily for the forest products industry. Despite being far from services in Maine, both communities are on major private roads, and are near large towns on the Quebec side of the international boundary.
- In rural parts of Aroostook County, people often live where they work and work where they live. However, the current rules only allow home-based businesses to grow in place up to a certain size. Businesses that want to grow larger may require a change in zone, which can only happen if the business is within 1 mile by road of a similar type of development.

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- Some rural businesses need to be closer to natural resources and so may be appropriate in more remote areas. For example recreational businesses, farm-based businesses, or other businesses may need to be close to trails, the farm, or other things like raw materials.
- There are some places in Aroostook County that may be appropriate for some types of rural businesses (including larger businesses), due primarily to their proximity to public roads, access to electricity, and relative nearness to services provided in nearby towns – even if they are farther than 1 mile by road from existing similar types of development.
- The types of small businesses that are successful in rural areas are dynamic and can change quickly. A performance-based approach to regulating these facilities focuses on potential impacts to neighboring uses, and allows for appropriate future uses that may have been unanticipated when the regulations were created.

Western Maine Process

The Western Maine Community Guided Planning and Zoning region includes the unorganized and deorganized areas in both Franklin and Somerset counties. The planning group decided to initially focus on anticipated land uses needed to support the growth of outdoor recreation, and zoning changes needed to encourage/allow such uses, while not adversely affecting other uses such as manufacturing.

This planning process is currently on hold after completion of the first phase. Following are a few bullets that summarize discussion (so far) about what type of future development related to outdoor recreation might occur, and where in Western Maine it may be appropriate:

- It was important to the planning group that recreational development be encouraged as a viable part of regional and local economies in both counties, but not at the expense of other existing uses such as manufacturing, or future uses that may emerge.
- The planning group discussed how the adjacency principle limits opportunities for development more than a mile from other existing development. This has implications for small businesses that are related to recreation, but may not offer lodging.¹ These facilities support recreational users (e.g., equipment rental or repair) and may need to be close to recreational resources in order to be effective.
- The planning group recognized that the outdoor recreation industry is dynamic and changes very quickly. In order to accommodate future, unforeseen, user groups, they wanted to increase flexibility for landowners by encouraging a performance-based approach to rezoning. This approach looks at potential impacts from activities and would not focus on whether the use itself would be allowable in the zone.

¹ The recent change in LUPC rules regarding sporting camps and recreational lodging facilities addressed many of the land use concerns around appropriately locating this type of development.

Washington County Process

The Washington County CGPZ project is ongoing, and In June the planning group will meet with the Washington County Commissioners to discuss proposed zoning changes. The Commission anticipates receiving the final proposal resulting from the CGPZ process later this summer. The project area includes all of the unorganized and deorganized areas in Washington County. The planning group includes the Washington County Council of Governments, a diverse Planning Committee, and the University of Maine at Machias GIS Service Center and Laboratory, who are working together to create decision-support tools such as suitability analysis models to evaluate which townships and plantations would be good candidates for prospective zoning. The Washington County CGPZ process is the most data-intensive of the 3 regional efforts, and has generated the most public participation.

In the coming months, the planning group intends to recommend several new general development subdistricts for Grand Lake Stream and Baring Plantation, based on information obtained over the course of the project. In addition to rezoning portions of 2 plantations, a new floating zone based on the Rural Business Development (D-RB) subdistrict, which was created in the Aroostook County CGPZ process, would also be available in Washington County in certain townships and plantations.

Following are a few bullets describing some lessons learned during the Washington County CGPZ process about what types of development may be appropriate, and where it should be located:

- Prospective zoning is a tool that proactively directs growth to appropriate areas, based on detailed information about existing development patterns, natural resource constraints, and recent trends. The planning group in Washington County developed 6 criteria to determine in which minor civil divisions (MCDs) to conduct prospective zoning. The criteria were based on: a year-round population exceeding 50 people; an increasing or significant number of residential and non-residential permit actions; a record of TIF investments; those MCDs traversed by State highways, State-aid highways, or active rail networks; and proximity to services (within 10 miles).
- The Washington County CGPZ project included significant efforts to engage public participation by those who live, work, and recreate in the Commission's service area in the county. Outreach efforts included two 2,000 piece mailings to all property owners, 13 public meetings, regular e-mail communication to a list of 140 individuals, a web site where all documents were maintained for public review, and an online survey. While attendance at some public meetings was limited, all outreach efforts generated input from over 200 individuals. Comments submitted from all sources suggest a push-pull of conflicting goals. While participants who attended public meetings said they generally would not like to see changes resulting in more or different types of development in Washington County, written input stressed the need for more jobs, more economic opportunity and retention of young families. Some participants commented that they did not trust the process because of past experiences where development had occurred despite local resistance (e.g., proposals to develop wind power). Others noted that they don't think more development is likely given the low economic activity in their communities.
- There are important differences between Aroostook and Washington counties, based on existing development patterns and community character. Washington County has less wide open spaces and more access to public roads. The planning group decided that, to maintain

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existing community character, only certain (primary) public roads are appropriate for additional development and that rural businesses need to be closer to those roads than currently allowed in the rural business subdistrict for Aroostook County.

- Given the response from the public meetings, the planning group is in the process of recommending prospectively zoning 2 MCDs that expressed interest in future growth during the public meetings, and creation of a floating Rural Business Development subdistrict, similar to that created in the Aroostook County CGPZ process. The floating zone:
 - Would be eligible near primary roads in the MCDs that meet some or all of the criteria described above;
 - Would only include parcels that have frontage on primary roads;
 - Eligible locations will generally be half the distances from public roads that are currently allowed in the subdistrict as applied in Aroostook County;
 - Would be performance-based, but tailored to conditions in Washington County. For example, participants commented that development in one particularly scenic area could change the character, and so the planning group may recommend a height limitation in that area in order to reduce the potential for visual impacts; and
 - Would include a mechanism to review application of the D-RB over time. A review may be triggered by approval of 5 rezonings or permits, or after 5 years from the date the new rule is effective, whichever happens first in each MCD where the new zone would be eligible. The purpose of the review is to evaluate areas along primary roads where multiple D-RBs have been established to determine if eligible areas should be reduced to prevent strip-style development.

Conclusions

The Commission's service area includes regions that are different from each other, and so a one-size-fits-all approach to zoning may not always be the best way to locate new businesses or residential subdivisions.

CGPZ efforts have resulted in, or will likely result in, new development zones on the ground in suitable locations, and flexible new floating zones in locations that are responsive to changing demands for new types of small businesses. All 3 regional planning efforts generally found low demand for new development in Aroostook, Franklin, Somerset, and Washington counties. However, each regional process recognized the need to provide some flexibility, in certain locations that are suitable for development, so that individuals who may have ideas for new businesses could more easily pursue them.

While the approach to identifying where new development zones might be appropriate in each region has varied, some important factors in locating new zones or in establishing eligible areas for floating zones have been the same. In particular, proximity to public roads and to nearby towns that provide services like emergency response, shopping, auto care, etc., have been used in Aroostook County and Washington County to help guide where new development may locate. This kind of approach can result in more flexibility for land owners and small business proprietors, and is still an efficient use of land that can help keep costs low for tax payers.