

MEMO

To: Aroostook CGPZ Steering Committee
From: Jay Kamm, Senior Planner, NMDC
Hugh Coxe, Chief Planner, LUPC
Date: May 18, 2015
Re: Agenda Item #5, Proposed Small Business District

Materials Provided

Proposed Small Business District (D-SB) – This is the version of the D-SB that was handed out at the public meetings. It includes three categories of uses and within each category is a note about locational considerations. The note is followed by descriptions of the types of uses along with some examples and specific uses.

Map – This is the version of the map that was handed out at the public meetings. It identifies (in pink) 23 townships, towns, and plantations potentially qualify for the new subdistrict:

St. John Plantation	Cross Lake Township	T17 R4/ Sinclair
Cyr Plantation	Hamlin	Connor Township
Winterville Plantation	Nashville Plantation	Garfield Plantation
Oxbow Plantation	E Township	Moro Plantation
Cary Plantation	Benedicta Township	Silver Ridge Township
Reed Plantation	Macwahoc Plantation	Molunkus Plantation
T7 R5	T8 R5	T9 R5
T14 R6	Bancroft	

It also identifies 7 additional townships and towns (dark red) that potentially qualify for inclusion:

Hammond	TA R2	Forkstown
Glenwood Plantation	Upper Molunkus	North Yarmouth Academy Grant
T1 R6		

Objectives for Agenda Item #3

1. Consider two possible approaches to implementing the D-SB concept into the LUPC's regulatory structure – a **Use-Listing** approach and a **Performance-Based** approach.
2. Consider how to determine in which of the D-SB categories a small business proposal would fit.
 - a. Base this on impacts?
 - b. What factors should be considered?
3. Consider what locational requirements should apply to each of the three D-SB categories.
4. Discuss mapping for the next meeting.

Proposal

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The D-SB proposal was generally supported at the public meetings. The committee and staff now need to put more detail to the proposal, consider how it fits in the LUPC regulatory structure, and how it should be implemented.

The D-SB in its current form is structured, like most LUPC districts, on a use-listing basis. Another approach is the performance-based rules. The LUPC's recreational lodging rules is an example of the performance-based approach.

A performance-based approach would start by accommodating the small businesses identified by the committee as being appropriate to encourage in Aroostook County through development of the new D-SB. The Committee and staff would then determine what impacts typically can be expected by development of these kinds of businesses to community services and existing uses. Additionally the D-SB would be drafted so as to specifically allow for uses not yet anticipated but that are of the same scale, type and intensity as the businesses identified by the committee. It would also include a description of the 3 categories or types of small businesses targeted by the new subdistrict: 1) Natural Resource Based, 2) Retail etc., 3) Manufacturing/ Construction. A small business owner, or prospective owner, would be better able to assess whether or not their business fits into the zone, based on their location, anticipated activities, and infrastructure needs.

Sample language developed by staff:

Small Business means a building group of buildings, or site, or any part thereof, used, maintained, advertised as a for profit commercial or light industrial business. Small business facilities are either a) compatible with, and complementary to natural resource-based land uses such as agriculture, forestry, small-scale natural resource processing and manufacturing, and outdoor recreation, or b) of a scale and intensity appropriate to rural economies and more dispersed patterns of development. The term includes, but is not limited to, saw mills, value added food production, maintenance garages, equipment repair, guide services recreational equipment rental and storage, motorized and non-motorized recreational centers, restaurants, art studios, nursing homes, boarding kennels assembly plants, and automobile service and repair, and other structures, uses, or services which are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are of similar type, scale and intensity as other allowed uses.

For the purposes of Land Use Planning Commission rules, small businesses are divided into three categories:

Category 1 Natural Resource Based Businesses which include, but are not limited to, small scale processing, storage, sale, and distribution of wood and agricultural products; are related to or in support of agriculture, forestry or certain natural resource extraction; or facilities for commercial outdoor recreation, and meet all other criteria for category 1.

Category 2 Retail, Restaurants, Offices, and Similar Small Businesses which include, but are not limited to, moderate scale business facilities for: retail businesses, restaurants and food preparation businesses, professional offices, art or craft studios/ galleries/ shops; moderate scale institutional facilities for: healthcare, nursing homes, children's day care, adult day care/service, research laboratory; moderate scale commercial spaces for: indoor recreation facility,

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greenhouses and landscaping businesses, boarding kennels and animal hospitals/ rescue facilities; and small Gas Stations - up to two pumps each serving two vehicles, and meet all other criteria for category 2.

Category 3- Non-Natural Resource Based Businesses, Manufacturing, Construction, and Similar Businesses including, but is not limited to, larger scale commercial facilities for: manufacturing and assembly plants, contracting and construction businesses, automobile service and repair, and meet all other criteria for category 3.

Each category would have some set of factors it would need to meet to qualify for that category. The factors would relate to the impacts the type of business is likely to generate. The following table provides some preliminary concepts for “categorization factors” and the level of impact each category generates for each factor:

Factors	Category 1	Category 2	Category 3
Bulk and Scale	moderate scale	Small scale, compatible with residential and similar uses	large scale
Impacts to Community Services <i>Amount & type of services required</i>	Low	High	High
Impacts to Existing Uses <i>Amount & type of traffic generated</i>	Low	Moderate	High
Other examples of factors might include ...			

Each category would then have some set of locational requirements as to where the subdistrict could be established. The requirements would relate to the impacts the type of business is likely to generate. The following table provides some preliminary concepts for locational requirements and the general distances from roads and service areas for each category:

Locational Requirements	1	2	3
Distance from a public road ¹	Far	Near	Medium
Distance from Service Center/Retail Hub ²	Far	Medium	Near
Other locational requirements might be ...			

1. Public Roads are defined as a local, state, or state aid road. Does not include Interstate 95.
2. Retail Hubs are defined as Minor Civil Divisions (MCDs) with four to six years of data for Restaurant, Lodging, Food and/or Other, where the annual average is \$1,000,000 or more.

Distance is defined as a straight line from the nearest point.

The locational requirements could also exclude one or more of the categories from one or more of the 30 townships, towns, and plantations identified as potentially qualifying for the D-SB.

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Each category may also have individualized development standards to address any concerns about impacts that cannot be addressed through the locational requirements for zoning. These could include things such as buffering requirements, limits on the time of operation, lighting standards, etc.

What the Committee will be asked to do

1. Consider both the **Use-Listing** approach and the **Performance-Based** approach and provide feedback on the benefits and drawbacks you see to each.
2. If the performance-based approach is chosen, consider the category factors and any other indications of impacts.
3. Consider the locational requirements.
 - Are these the right types things to measure from?
 - Are the general distance requirements (near, medium, far) for each type correct?
4. Discuss mapping for next meeting.

Other Considerations

When considering the use-listing approach and the performance-based approach, it may be useful to revisit the goals the committee developed in January. The goals are:

To develop recommendations for land use standards and/or a new land use sub district to facilitate economic development opportunities.

- i. Identify appropriate areas for economic development in the unorganized and deorganized areas of Aroostook County;*
- ii. Increase the predictability of land use regulation for small business owners and provide reasonable opportunity to successfully grow their business;*
- iii. To protect the natural and cultural resources from incompatible development and sprawl for the benefit of future generations;*
- iv. Develop recommendations transparently with appropriate public participation in the decision-making process; and*
- v. Simplify the process by which such development occurs, and not result in additional complexity for prospective applicants or Commission staff.*

The performance-based approach may provide more flexibility and predictability than the use-listings approach. Applicants could assess the level of impacts (size, traffic, type of use, etc.) and determine which category they fall into. With a use-listing approach, unless specifically listed as a use, it wouldn't be as clear to applicants where (and if) they would fit into the D-SB.

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Additionally, the performance-based approach may provide more opportunity to allow some more intensive agricultural or forestry related uses (such as larger farm stands) in existing subdistricts (such as the M-GN) without requiring a rezoning because the threshold for rezoning could be clearer.