

Northern
Maine
Development
Commission

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June 20, 2013

Gwendolyn Hilton
Chair
Land Use Planning Commission
22 State House Station
Augusta, ME 04333-0022

Dear Mrs. Hilton:

Northern Maine Development Commission (NMDC) is pleased to submit the process document developed for the Aroostook County Community Guided Planning and Zoning Project. In the spring of 2013, staff from Land Use Planning Commission (LUPC) and NMDC met and determined that it was necessary to set up a steering committee to design the planning process. NMDC staff recruited nine members for the steering committee, each representing important groups of stakeholders in the unorganized townships of Aroostook County.

The steering committee met three times. In the first meeting, the committee discussed the opportunities and risks that the planning project might present. The opportunities included creating more predictability in regulation, and new and creative ideas through the collaboration of diverse interests. The risks included stalling due to conflict and the committee overextending itself due to the size and scope of this project. At the second and third meetings, the steering committee developed and approved the process document included with this letter. Their intent was that this process document would be approved by NMDC's Executive Board and the LUPC during the summer, and that the regional land use planning work can begin in September. This process document was approved by NMDC's Executive Board of Directors during their June 13, 2013 meeting.

NMDC is requesting that the process document be brought to the Commission for its review and approval at the July meeting. We believe that this document meets the needs of the region and reflects the basic principles the LUPC set out for Community Guided Planning and Zoning. Please do not hesitate to contact me if you have any questions regarding this document. NMDC looks forward to working with the steering committee and the LUPC on this project.

Sincerely,

Robert P. Clark,
Executive Director.



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**Aroostook County
Community Guided Planning and Zoning
Process Document**



Submitted to the

Land Use Planning Commission

By



June 19, 2013

PROPOSAL FOR AROOSTOOK COMMUNITY-GUIDED PLANNING PROCESS

June 12, 2013

Recommendation from the Aroostook Community Guided Planning Steering Committee to the Northern Maine Development Commission Executive Board and the Land Use Planning Commission

Introduction

Recent efforts to improve the effectiveness of land use planning and zoning in the unorganized and deorganized areas of Maine have focused in part on the need for more prospective or proactive planning for these areas, particularly in identifying appropriate areas for development.

In May of 2012, the Legislature passed, and the Governor signed, L.D. 1788, *An Act to Reform Land Use Planning in the Unorganized Territory*. Among other provisions, the law called for the Land Use Planning Commission to work with regional planning and development districts to “initiate prospective zoning.” The exact text of the law reads as follows:

Sec. 34. Directive to initiate prospective zoning. The Maine Land Use Planning Commission shall initiate prospective zoning in the unorganized and deorganized areas of the State. The commission shall allocate staff resources to prospective zoning in areas prioritized by the commission and shall coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts. In the 2013 annual report submitted under the Maine Revised Statutes, Title 12, section 685-H, the commission shall identify the area or areas for which prospective zoning has begun and provide a timeline for completion of these initiatives.

In this context, “prospective zoning” means planning to proactively direct growth in certain areas of the jurisdiction. Prospective zoning identifies areas within a community or region that are most appropriate for additional growth based on existing development patterns, natural resources, constraints, and future planning considerations.

In the fall of 2012, the Land Use Planning Commission (LUPC) sent out a “Request for Letters of Interest” to counties, planning commissions, and other organizations in rural Maine, to identify who was ready to partner for a successful regional planning effort. Fifteen letters of interest were submitted. The LUPC chose the proposal from the Northern Maine Development Commission (NMDC) as the effort best prepared to succeed in the first planning effort.

The Land Use Planning Commission lays out the following five tests for a successful planning process:

1. *The process must be locally desired and driven;*

2. *The process must allow for broad participation by all with an interest in the region;*
3. *The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts, both geographically and across large land holdings, within a single ownership;*
4. *Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and*
5. *Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria.*

In the spring of 2013, staff from LUPC and NMDC met and decided to set up a steering committee to design the planning process. The staff recruited nine members for the steering committee, each representing important groups of stakeholders in the unorganized district:

1. Doug Beaulieu, Aroostook County Commission (Paul Bernier, alternate)
2. David Cambridge, Katahdin Trust
3. Ked Coffin, Irving Woodlands
4. Fred Corey, Aroostook Band of Micmacs
5. Mark Draper, Tri-Community Land Fill
6. Ralph Dwyer, Ashland Town Manager
7. Sarah Medina, Seven Islands
8. Cheryl St. Peter, Fish River Lakes Leaseholders Association
9. Bill Patterson, The Nature Conservancy (Tom Rumpf, alternate)

The steering committee met three times. In the first meeting, the group discussed the opportunities and risks that the planning project might present. The opportunities included creating more predictability in regulation, and new and creative ideas through the collaboration of diverse interests. The risks included getting bogged down in conflict and trying to do too much.

The unorganized territory in Aroostook County covers 2.5 million acres, a land area three times the size of Rhode Island (see Attachment A). The steering committee acknowledged the need for the planning process to create a focus, either by geography or content matter, or both, in order to produce a practical and effective recommendation. That recommendation might be for a rezoning; or the creation of a new zone or zones; or a transportation and infrastructure plan; or an industrial growth plan; or a recreation plan; or an open space strategy; or a habitat connectivity strategy; or a comprehensive plan for a specific area; or any other approach; or some combination of the above approaches; all in view of the need for more prospective or proactive planning particularly in identifying appropriate areas for economic development.

At its second and third meetings, the steering committee developed and approved the process described below. Their hope is that this process will be approved by Northern Maine

Development Commission Executive Board and the Land Use Planning Commission over the summer, and that the regional land use planning work can begin in September.

Proposed Structure for Community Guided Planning in Aroostook County

- 1) **The planning effort should meet the following tests for success**
 - a) Transparency
 - b) Clarity of roles
 - c) Involvement of all perspectives
 - d) Simple, understandable results
 - e) Actionable results
 - f) The achievement of as much consensus as is possible

- 2) **The planning effort should be led by a committee**
 - a) It should be a subcommittee of the NMDC Executive Board, appointed by the NMDC Executive Board, and advisory to the NMDC Executive Board.
 - b) The committee should be big enough to represent diverse interests, but small enough to be able to discuss issues thoroughly together – a number between 10 and 15.
 - c) The committee’s membership should cover the same types of groups as the steering committee that developed the process, including such people as:
 - County representative
 - Municipal representative
 - Service provider
 - Business owner
 - Two large landowners
 - Small landowner (such as woodlot owner)
 - Agricultural representative
 - Local and statewide environmental group representatives
 - Recreation, guide or sporting industry representative
 - Native American tribes
 - Permanent resident camp owner

It should also include members who don’t represent any specific stakeholder interests, but who are dedicated to the future well-being of Aroostook County.
 - d) The chair should have credibility among the general public, be widely respected, have no strong stake in a specific outcome, be committed to a collaborative process, have a good sense of meeting management and group process, and have the ability to speak for the committee in public settings.
 - e) The committee is anticipated to meet on a monthly basis, with video links available for those who cannot travel in person to particular meetings.

- 3) **The committee should follow a “modified consensus” decision-making procedure (“consensus minus one”)**
 - a) In order for the committee’s work to carry the maximum weight, the committee should seek to achieve consensus on all recommendations.
 - b) However, the committee should not be able to be stymied by one member. After a consensus has been sought on a proposal, and the proposal is modified to reflect committee members concerns, if one persists in blocking the decision, the chair has the authority to override the blocking member and approve the proposal.
 - c) A modified decision-making model for the chair to follow is provided in attachment 2.

- 4) **The committee should seek and respond to public input at key stages of the process**
 - a) The overall goal is for the process to meet the tests of the Maine Land Use Planning Commission’s guidance document (Attachment 3), and “provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as to allow for a respectful consideration of divergent views.”
 - b) Particular efforts will be made to seek public input at:
 - The beginning of process (Phase 1)– which provides an opportunity for the public to brainstorm, to suggest ideas to consider, to raise concerns that should be addressed in the planning process
 - At “forks in the road” (Phases 2 and 3)– at those points when decisions are made to focus the planning on a particular area or resource, or when the broad outlines of strategies are being decided upon – these are times to check in with the public to ensure that the committee understands all of the ramifications of its decision
 - At the end (Phase 3)– to get public comments before recommendations are finalized, while there is still a chance for the committee to make final adjustments
 - c) Public input will be proactively sought using a variety of methods. For stakeholders seeking privacy about their personal financial affairs, one-on-one interviews may be appropriate. For particular groups with special issues to address, focus groups can be a productive way to get in-depth understanding. For the general public, participation in workshops on such topics as “asset identification” will provide the committee with greater depth of knowledge. And, of course, open public hearings are useful for getting public reactions to specific ideas.
 - d) All meetings will be open to the public and will be advertised on the project web page, located on the NMDC web site. That project page will be linked to the Land Use Planning Commission web site, in order to provide broader awareness.
 - e) All committee documents, reports, minutes, and the like, will be available on the project web page.
 - f) NMDC staff will utilize local media to publicize key events and activities.
 - g) When appropriate, the committee may choose to solicit public comments during regular meetings.
 - h) Written comments may be submitted to NMDC staff at any point, through the web page, by email, or by letter. NMDC staff will share any comments received with the committee.

- i) Oral comments made through testimony to the committee will be summarized by the NMDC staff in the committee's minutes.
- 5) **The Micmac and Maliseet Tribes will be consulted at all phases of the project.**
- a) The Land Use Planning Commission staff will keep tribal governments informed on an ongoing basis.
 - b) The Land Use Planning Commission, and NMDC staff as needed, will meet and consult with the two tribal governments at key points in the planning process.
 - c) Representation from the tribes will be invited on the planning committee.
- 6) **Roles of the key groups in the planning process**
- a) **NMDC Executive Board**
 - Ensures that planning process meets the standards agreed to in this document.
 - Appoints committee members and the chair.
 - Provides staff who will arrange logistics, organize agendas, record minutes, conduct research, assist in facilitating meetings, maintain a web site, and periodically update the Executive Board on progress. NMDC staff will produce the final report at the direction of the planning committee.
 - Receives the committee's report and recommendations. If the Board disagrees with the report, it will send the report back to the committee for additional work. If the Board agrees, it will approve the report and forward to the LUPC.
 - b) **Planning Committee**
 - Appointed by the NMDC Executive Board.
 - Advisory to the NMDC Executive Board.
 - May form subcommittees for research purposes; such subcommittees must include at least one committee member, and may include non-committee members.
 - May recommend additional individuals for membership on the committee to the NMDC Executive Board.
 - Approves the draft final report and recommendations and forwards them to the NMDC Executive Board for action.
 - Committee submits its final report to NMDC Executive board for approval and submission to LUPC.
 - c) **Chair of the Planning Committee**
 - Work with NMDC staff to develop agendas.
 - Oversees meetings in coordination with NMDC staff or external facilitators.
 - Manages the modified consensus process (see Attachment 2).
 - Acts as a public spokesperson for the effort.
 - d) **LUPC**
 - Staff attend committee meetings, provide technical assistance as needed, and update the LUPC about progress

- Staff and Commission provide input during the planning process with regard to specific ideas and procedures, and their consistency with the LUPC's Overarching Principles (see Attachment 3), the statutory purpose and scope of community guided planning, and LUPC's rezoning criteria
- LUPC receives final report, approves or disapproves, and acts upon approved recommendations

e) **Aroostook County commissioners**

- Have representative on committee

7) **The planning process**

- a) It will use an "asset-based" approach, similar to that which has been successfully used in NMDC's Mobilize ME program. This approach proceeds by identifying key assets, and exploring ways to "leverage" the assets to create greater benefits for the area.
- b) NMDC has completed many recent studies in the areas of economic development, transportation, scenic and cultural assets. In addition, the Maine Department of Agriculture, Conservation, and Forestry and other state agencies have repositories of data on the region. The LUPC Comprehensive Land Use Plan itself has important inventory data. This effort will rely largely on such existing studies, with limited original research. All studies used will be available on the project web page.
- c) The committee will achieve a consensus buy-in for all the facts it uses in its recommendations – and will avoid arguments based on "competing facts"
- d) The effort will utilize GIS maps to assist in the analysis.
- e) The analysis will look at resources, opportunities, and potential impacts beyond Aroostook County's boundaries, in order to provide a context for the Aroostook analysis. However, all recommendations will be limited to Aroostook County alone.
- f) The study will proceed in three phases
 - Phase 1 – Fact finding and general research in order to clarify the potential areas of focus
 - Phase 2 – The identification of an area or areas of focus – geographic and/or resource-based – for recommendations
 - Phase 3 – Further research around the subject of focus, and the approval of recommendations

For each of these areas, public input will be solicited as described in section 4.

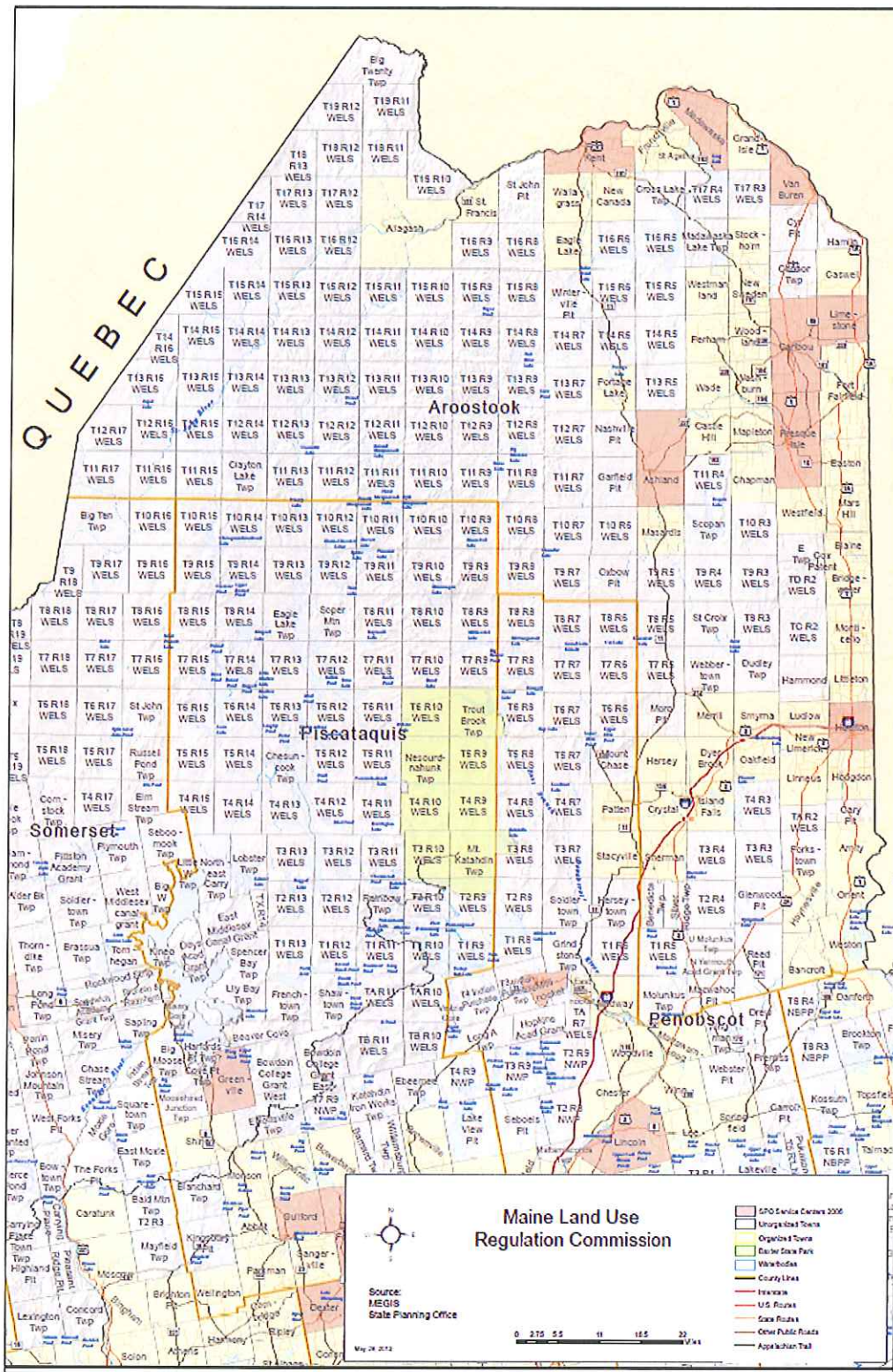
8) **Approval of the process described in this document**

- a) NMDC Executive Board shall review, amend and/or approve the planning process as described in this document and submit it to the LUPC for its review and approval
- b) The LUPC shall review the process and approve, or send back to the NMDC board for further work
- c) Once approved by both bodies, the work can begin.

9) Amendments to the planning process

- a) If, in the process of doing the actual planning work, the planning committee decides that it wants to amend the process as described in this document over the course of the community-guided planning, it must submit its request to the NMDC Executive Board
- b) The NMDC Executive Board shall request input from the LUPC staff about whether the proposed changes are consistent with the LUPC's Overarching Principles.
- c) If the LUPC staff determines that a serious issue is raised by the change, they may bring the issue to the full LUPC Commission for a determination of whether the change is consistent with LUPC's Overarching Principles.
- d) Following input from the LUPC staff and/or Commission, the NMDC Executive Board will act upon the committee's request.

Attachment 1: Map of Unorganized Territory in Aroostook County

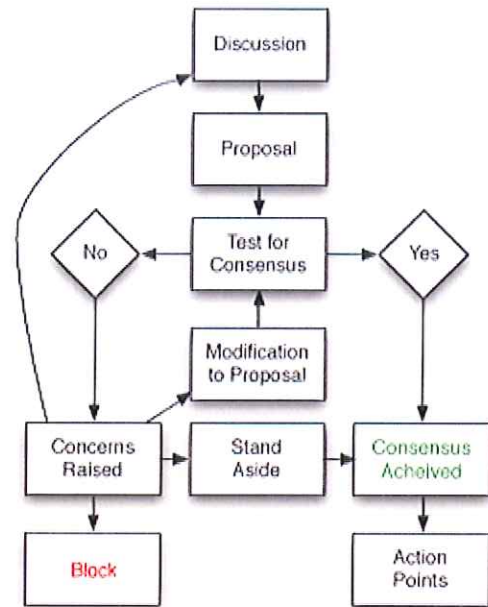


Attachment 2: Procedure to follow for Modified Consensus

(For a complete discussion of decision-making rules, see http://en.wikipedia.org/wiki/Consensus_decision-making)

Once an agenda for discussion has been set and, optionally, the ground rules for the meeting have been agreed upon, each item of the agenda is addressed in turn. Typically, each decision arising from an agenda item follows through a simple structure:

- 1) **Discussion of the item:** The item is discussed with the goal of identifying opinions and information on the topic at hand. The general direction of the group and potential proposals for action are often identified during the discussion.
- 2) **Formation of a proposal:** Based on the discussion a formal decision proposal on the issue is presented to the group.
- 3) **Call for consensus:** The chair calls for consensus on the proposal. Each member of the group usually must actively state their position. Their position must be one of the following:
 - a) **Agree**
 - b) **Declare reservations:** Group members who are willing to let a motion pass but desire to register their concerns with the group may choose "declare reservations." If there are significant reservations about a motion, the decision-making body may choose to modify or re-word the proposal.
 - c) **Stand aside:** A "stand aside" may be registered by a group member who has a "serious personal disagreement" with a proposal, but is willing to let the motion pass. Although stand asides do not halt a motion, it is often regarded as a strong "nay vote" and the concerns of group members standing aside are usually addressed by modifications to the proposal. Stand asides may also be registered by users who feel they are incapable of adequately understanding or participating in the proposal.
 - d) **Block:** Any group member may "block" a proposal. Blocks are generally considered to be an extreme measure, only used when a member feels a proposal "endanger[s] the organization or its participants, or violate[s] the mission of the organization" (i.e., a principled objection)
- 4) **Identification and addressing of concerns:** If consensus is not achieved, each dissenter presents his or her concerns on the proposal, potentially starting another round of discussion to address or clarify the concern.
- 5) **Modification of the proposal:** The proposal is amended, re-phrased or redesigned in an attempt to address the concerns of the decision-makers. The process then returns to the call for consensus and the cycle is repeated.
- 6) **Approval of a proposal:** A proposal is approved if:



- a) All members either agree, or stand aside, or declare reservations, and no one blocks the proposal;
- b) Only one member votes to block the proposal, and the chair decides that for the business of the committee to proceed, the proposal should move forward. Only the chair has the right to override a blocking member. If two members vote to block, the proposal is defeated.

Attachment 3: The Maine Land Use Planning Commission's Statement of Principles

COMMUNITY-GUIDED PLANNING AND ZONING for REGIONS WITHIN MAINE'S UNORGANIZED TERRITORIES

Overarching Principles

The Commission has adopted the following principles to guide any community-guided planning and zoning effort:

1. The process must be locally desired and driven;
2. The process must allow for broad participation by all with an interest in the region;
3. The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts both geographically and across large land holdings within a single ownership;
4. Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and
5. Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria¹.

Participation

A successful community-guided planning and zoning effort will provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as allow for respectful consideration of divergent views.

The Commission will encourage a coordinated effort involving multiple organizations and interests and believes the minimum participants for a valid process are:

- Property owners – residents, individuals, families, seasonal owners, lessees, trusts, corporate owners
- County commissioners and officials
- Regional planning and economic development organizations
- Neighboring organized towns and service centers
- Service providers (road owners, solid waste disposal, emergency services, utility)
- LUPC

Other interests should also be allowed to weigh in, including but not limited to:

- State agencies (DACF, MaineDOT, IF&W, DECD)
- Chambers of Commerce
- Environmental organizations
- Citizens from other locations in Maine
- Industry organizations

¹ 12 M.R.S. §§ 685-A(8-A). Criteria for adoption or amendment of land use district boundaries.