

***Franklin/Somerset
Community Planning Process
for
Townships and Plantations***



Bigelow Range

***Stage 1 Report
October 2015***

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October 2015***

-Endorsed By-

***Franklin/Somerset Community Planning Process
For
Townships and Plantations Committee***

Franklin County Commissioners

Somerset County Commissioners

Androscoggin Valley Council of Governments

Kennebec Valley Council of Governments

-Prepared By-

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Introduction

Maine's 125th legislature passed An Act To Reform Land Use Planning in the Unorganized Territory (LD 1798) which, among other things, contained a directive for the Land Use Planning Commission (the LUPC or Commission) to initiate prospective zoning in the unorganized areas of the state, allocate staff time to undertake prospective zoning, and coordinate prospective zoning with local and regional planning efforts. The Community Guided Prospective Zoning project is a new approach to land use planning by the Commission. Zoning efforts soon after the LUPC was created in 1972 were significantly constrained by the available resources relative to the size of the planning area. As a result, initial zoning the LUPC's jurisdiction was directed at protecting existing resources and land use patterns, with most new land uses requiring rezoning petitions in a reactive, rather than forward-looking, process.

With community-guided prospective zoning, the LUPC seeks to tap the knowledge of the land, economy, history and culture in its jurisdiction that exists at the local and regional level. By involving residents and others who are actively engaged in forging a future for the jurisdiction, the LUPC is acknowledging the economic link between the organized and unorganized areas of Maine, the respect local people have for Maine's natural resources, and the aspirations local people have for the future of their own communities.

Western Maine Planning Region

The Western Maine Planning Region includes unorganized or deorganized areas in the northern portions of both Franklin and Somerset Counties. The Region includes large tracts of industrial forest lands, mountains, rivers, lakes, and streams that all contribute significantly to an economy driven by a mix of natural resources, outdoor recreation, and tourism.

Franklin and Somerset Counties share significant natural features and outdoor recreational resources. Both counties face similar economic development challenges and land use issues.

Shared natural resources:

- The Boundary Mountains, which extend through the northern part of the planning area;
- The Bigelow Mountain range, which straddles the border between the two counties;
- The upper Kennebec river watershed, which extends into both counties and includes numerous rivers, streams, lakes, and ponds; and Flagstaff Lake and portions of the Dead River, which are near the border between the two counties and are commonly accessed from both counties.



Shared recreational resources:

- The Appalachian Trail;
- The Interconnected Trail System (ITS) for snowmobile enthusiasts;
- Maine Huts and Trails;
- The Northern Forest Canoe Trail; and
- The Bigelow Preserve includes areas in both counties, with popular access points in Carrabassett Valley, Carrying Place Twp., and Stratton-Eustis.



Rangeley Region Plan

The five plantations of Dallas, Sandy River, Rangeley, Lincoln, and Magalloway and the townships of Adamstown, Richardson, C, D, and E are in the Franklin County planning region. They are also plantations and townships covered by the Prospective Zoning Plan for the Rangeley Lakes Region adopted in 2000. The Rangeley Plan is different from the normal LUPC zoning approach in that it establishes districts large enough to accommodate all anticipated growth within a certain time period rather than designating districts on a case-by-case-basis.

During Stage 1 planning efforts the Committee was cognizant of the Rangeley Plan and looked to it for ideas that could be replicated in the planning region. It is not within the scope of the Committee’s responsibilities to suggest any changes to the Rangeley Plan.

Initial Area of Focus

The area of focus for this phase of the Franklin/Somerset Community Planning Process for Townships and Plantations was determined by the Steering Committee. In the spring of 2014, staff from LUPC, AVCOG, KVCOG, and SEDC met and decided to set up a steering committee to design the planning process. Fourteen members for the steering committee were recruited, each representing important groups of stakeholders in the unorganized areas of Franklin and Somerset Counties. These stakeholders included county commissioners/local governments, large property owners/managers, small property owners, wood products interests, tourism businesses, recreation interests, environmental groups, chambers of commerce or economic development organizations, and residents of unorganized territories.

For the Steering Committee the selection of the initial area of focus was a complex question. The unorganized territory in Franklin and Somerset counties covers over 2.4 million acres. 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 for Phase 1 of the planning process.

On the one hand, the Steering Committee did not want to unduly limit the freedom of the future planning committee, which would have the benefit of extensive public input, from selecting an area of focus.



Northern Outdoors Adventure Resort-The Forks Plt.

On the other hand, the Steering Committee understood that the sponsoring organizations are limited in their resources, and would not be able to make an upfront commitment to conducting an open ended comprehensive planning process for the unorganized territories.

Furthermore, the Steering Committee also recognized that it will be helpful when recruiting future planning committee members to have a clearly identified area of focus and a good sense of the tasks and time commitment for the planning committee.

The initial area of focus of the planning effort is the anticipated land uses needed to support outdoor recreation growth and zoning changes needed to encourage/allow such uses, while not adversely affecting other uses such as manufacturing – the facilities, trails, and land uses needed to support economic growth in the area, especially the “hub” communities. This effort shall take into account other types of potential economic growth in the future and consider and account for protection of the resources, existing uses, and environmental quality of the area, infrastructure needs, zoning for associated uses, “hub” community impacts, the rights of landowners, the interests of local residents, and the needs of the wood products industries.

Sponsoring Organizations

The sponsoring organizations for the Franklin/Somerset Community Planning Process for Townships and Plantations are the Androscoggin Valley Council of Governments (AVCOG), Kennebec Valley Council of Governments (KVCOG) and Somerset County Economic Development Corporation (SEDC). The Androscoggin Valley Council of Governments and Kennebec Valley Council of Governments are the regional economic development and planning organizations for Franklin and Somerset Counties, respectively. AVCOG and KVCOG, together with the Somerset County Economic Development Commission, provided the initial request for the LUPC to move forward with the Community Guided Planning Process in the Western Maine Region.

AVCOG and KVCOG bring to the planning process local knowledge of the issues and resources in the unorganized territories and local economies, as well as professional expertise in planning and economic development disciplines. AVCOG and KVCOG committed staff support and other resources from their own financial resources necessary to complete Stage 1 of the planning process. During this stage of the planning process the sponsoring organizations:

- Recruited and appointed county subcommittee members that together make up the planning committee;
- Provided staff and facilitation for the committees;
- Coordinated with the LUPC;
- Provided basic information for committee deliberations;
- Developed recommendations for committee consideration; and
- Prepared this Stage 1 Report.

Planning Committee Structure

There are appointed planning committees in both Franklin and Somerset Counties that meet on an individual county level and jointly. Committee members were appointed by the Sponsoring Organizations. There are about 10 members on each county committee. Committee members represent the two counties, large and small property owners, wood products interests, tourism and recreation interests, economic development groups, environmental interests and private citizens. Each of the committee members has a connection with townships and plantations.

During December, 2014 and January, 2015, committee members were recruited by the Sponsoring Organizations, using an open recruitment process. A Request for Appointment was provided on the website and electronically, and completed by all prospective committee members. The Sponsoring Organizations screened the requests and appointed committee members. As of September, 2015, the committee members included:



Franklin County:	Somerset County:
Clyde Barker, Franklin County Commissioner (local government)	Lloyd Trafton, Somerset County Commissioner (resident of West Forks)
Tom Dubois, Greater Franklin Development Corp. (economic development, resident of Salem)	David Spencer, Somerset County UT Coordinator (local government)
Kirsten Burbank (small landowner, wood products, resident of Salem) co-chair	Kaitlyn Bernard, Appalachian Mountain Club (recreation)
Thomas Dodd, American Forest Management (large landowner)	Julie Richard, Bingham selectman (local government) co-chair
Claire Polfus, Appalachian Trail Conservancy (environmental interest)	Luke Muzzy, Plum Creek (large landowner)
Doug Marble, High Peaks Alliance (environmental) co-chair	Suzanne Hockmeyer, Northern Outdoors (tourism, recreation)
Charlie Woodworth, Maine Huts and Trails (recreation)	Tom Coleman, Landvest (large landowner, wood products, resident of West Forks)
James Taylor (small landowner)	Tom Rumpf, Nature Conservancy (large landowner, environmental) co-chair
	Kay Michka, (small landowner, resident of Lexington)



Planning Committee Meetings

The two county planning committees first met jointly on January 26, 2015, in Solon. This meeting was devoted to providing committee members with background information, their roles and responsibilities and attempting to refine the initial area of focus. From February through July 2015, the county subcommittees met individually. They continued to discuss and refine the area of focus, define issues and develop preliminary recommendations. On July 28, 2015, the two subcommittees met jointly again in Kingfield. Here they came to a consensus on common challenges and land use issues. In September 2015, the subcommittees met jointly again to review this interim report. Agenda and minutes of meetings are found in Appendix 1.

Outreach Efforts

An important goal of both subcommittees was to reach out to the “community” during their discussions. Because this is a community guided planning process how and when to involve the “community” was discussed at almost every meeting of the subcommittees. Members of both subcommittees soon realized successful outreach efforts are difficult. The methods that yield minimal results, public notices of meetings and posting meetings on the Web, were employed. However, some success efforts included:

- Franklin- Public Information Gathering Meeting June 23, 2015. (see Appendix 2 for press coverage)
- Somerset- Small following of interested people through individual committee member efforts to inform people. "interested parties" mailing list of 16 names.



Common Challenges

Both county subcommittees identified a similar set of socioeconomic issues that affect economic development in the Western Maine Region. They include: a decline in manufacturing jobs, aging population, and loss of youth due in part to the lack of well-paying jobs. These challenges create strain for “hub communities”, and can lead to emigration and a decline in economic viability.

Common Land Use Issues

In both of the Committee’s discussions of the *anticipated land uses needed to support outdoor recreation growth* there was consideration of land use regulatory impediments for new and expansions of existing commercial outdoor recreation uses. Trying to foresee future outdoor recreation demand, the subcommittees also expressed concern that land use regulations need to be proactive rather than reactive. At the July 28, 2015, joint meeting of the subcommittees, the following were identified as common issues in both Franklin and Somerset Counties.

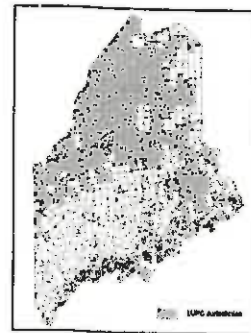
Adjacency principle

Both subcommittees have discussed how the LUPC adjacency principle may limit 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. While sporting camps and similar facilities often provide direct services for many different kinds of recreational experiences, the recent change in the LUPC rules regarding recreational lodging facilities addressed many of the land use concerns around appropriately locating this kind of development. However, a facility providing services that support outdoor recreation, such as a small business renting canoes or kayaks or offering services for mountain bikers may also need to be located close to the recreational resource. Currently this may not be possible in some locations because of the LUPC’s application of the adjacency principle.

MAINE LAND USE PLANNING COMMISSION
Maine Department of Agriculture, Conservation and Forestry

LAND USE DISTRICTS AND STANDARDS

FOR AREAS WITHIN THE JURISDICTION OF THE
MAINE LAND USE PLANNING COMMISSION



CHAPTER 10
OF THE COMMISSION’S RULES AND STANDARDS

Initially Adopted January 12, 1977
Latest Revision August 24, 2015

Predictability of the rezoning process.

The Franklin and Somerset Committees expressed the desire to increase the predictability of the rezoning process. The Franklin Committee discussed the need to enhance regulatory coordination in review of projects by coordinating and streamlining communications with applicants. This would facilitate the process and increase the predictability of outcomes for applicants. The Somerset Committee discussed a similar issue and that increased predictability may encourage proposals for new development. They also discussed how a new subdistrict might address this by further defining where certain kinds of recreational development would be appropriate and approvable in a rezoning petition.

Increase flexibility for landowners

Both subcommittees expressed a desire to increase flexibility for landowners and would like to ensure that recreational demand is adequately assessed to accommodate future needs. The Somerset Committee discussed performance-based approaches to zoning and how they can regulate activities, rather than regulating uses through the traditional use listing approach. The Franklin Committee acknowledged that outdoor recreation demand is dynamic and can change quickly. They wanted to ensure that any changes would not tie the hands of future user groups that may be unforeseen at this time. A performance-based approach looks at the impacts of specific activities and doesn't try to define which uses are allowed or not allowed in a subdistrict. This would potentially allow for future unforeseen uses so long as they did not create too great an impact on existing uses.

Franklin County Subcommittee Land Use Issues

While the two county subcommittees agreed on the "common land use issues," the Franklin County subcommittee also identified their own issues. These were developed during subcommittee discussions and from public input.

The Franklin County subcommittee identified the following issues and their relationship to the area of focus. While some have greater implications than others in regards to the anticipated land uses needed to support outdoor recreation growth and other uses, they are seen as relative to the Community Planning Process for Townships and Plantations.

Issue

Insufficient Recreational Trail Connections



Trail users demand certain experiences and trail managers seek increased buffers from surrounding uses to protect those experiences.

Changing Outdoor Recreation Opportunity Demand

Regulatory Coordination

Aesthetics

Relationship to Area of Focus

Non-motorized and motorized trails are important to the economy of the Region. Without landowner participation, their economic impact will be diminished.

Without suitable connections of non-motorized and motorized trails adjacent to “hub” communities, they will not recognize the full economic benefit of this recreation activity.

Should trails become used by only a single predominate user group, the economic benefit from other user groups will be lost.

Demands for large buffer areas potentially discourage landowners to agree to trail development/use.

The planning effort is supposed to consider anticipated land uses needed to support commercial outdoor recreation opportunities growth. Need to consider what those anticipated land uses will be.

The current regulatory process for new land use development associated with commercial outdoor recreation opportunities may not encourage, but discourage, investment in outdoor recreation growth.

People who come to the region for commercial outdoor recreation opportunities that see unappealing roadside uses may leave with a bad impression and not return and/or inform others, causing a loss of economic gain.

Preliminary Zoning Concepts

The subcommittees jointly and individually have discussed several land use/zoning concepts that deserve future investigation during Stage 2. These concepts are considered as preliminary and are based on issues identified in Stage 1.

- Performance-based approaches to zoning
- Floating zones
- Recreational use and support business district
- Overlay zones
- Scenic corridor districts
- Standards and locations for outdoor recreation support businesses (such as restaurants, cafes & bars, grocery stores, retail, and gas stations)

Many businesses are not monolithic, in the sense of doing only one thing. Business people – at least the smart ones – are always looking for opportunities to increase their viability. In early forms of development, this meant living above the shop. In much of the 20th Century, we had the general store, which sold food out the front and tractor parts out the back. More recently, we have convenience stores, which sell retail but also prepared food, gasoline, online access, and showers for truckers. Use-based zoning, particularly as it has become fragmented, cannot keep up with this.

In response to these trends, most local governments have moved towards “performance-based” zoning. A pure example of performance-based zoning is one in which there are a set of performance and design standards with almost no outright prohibitions on development. Small towns in Maine who are experimenting with zoning for the first time (and without so much development diversity) are adopting this approach. Larger towns are going part-way – still retaining use-based districts but becoming more liberal and flexible in uses allowed.

Chris Huck, KVCOG

Stage 2 Work Plan

The Stage 2 Work Plan is designed to complete the initial area of focus, *The initial area of focus of the planning effort is the anticipated land uses needed to support outdoor recreation growth and zoning changes needed to encourage/allow such uses, while not adversely affecting other uses such as manufacturing.* It will build upon the issues identified in Stage 1, the preliminary zoning concepts and other zoning options yet to be identified. More specifically Stage 2 will:

- ***Research and evaluate information about trends in outdoor recreation and nature-based tourism and about demand for outdoor recreational services and businesses that directly support commercial outdoor recreation;***
- ***Develop land use proposals that would allow a facility providing outdoor recreational services and businesses that directly support outdoor recreation to be located close to the recreational resource(s) upon which it relies.*** Proposals should include criteria that serve to identify appropriate locations for such development regardless of whether those locations meet the LUPC's current interpretation of the adjacency principle ("that most rezoning for development should be no more than one mile by road from existing, compatible development") so long as adequate consideration is given to potential impacts from the development and to "generally accepted planning principles of 1) concentrating development near services to reduce public costs and 2) minimizing inappropriate development near productive natural resource-based activities to reduce land use intrusions and conflicts;" (2010 CLUP, Section 4.3, p.60)
- ***Develop land use proposals that increase the predictability of the rezoning process for a facility providing outdoor recreational services and businesses that directly support outdoor recreation and streamline the process where possible.*** Proposals should enhance regulatory coordination in review of projects by coordinating and streamlining communications with applicants and review agencies. It was noted that if the land use proposal includes a new subdistrict, that might improve predictability and may also streamline the rezoning process by further defining where certain kinds of recreational development would be appropriate and approvable in a rezoning petition; and
- ***Develop land use proposals that increase flexibility for existing and prospective business owners developing or expanding a facility providing outdoor recreational services or businesses that directly support commercial outdoor recreation and help to ensure that recreational demand is adequately evaluated in order to accommodate future needs.***

Proposals should reflect that outdoor recreation demand is dynamic and can change quickly, and should incorporate performance-based approaches to zoning as much as possible rather than regulating uses through the traditional use listing approach.

- A performance-based approach should consider impacts to existing uses and resources based on the type, scale and intensity of use or activity as the basis for allowing a facility in a particular location.

The goals of the Stage 2 Work Plan are:

- Obtain data/information to allow for informed decisions;
- Develop recommendations to address common land use issues (changes to chapter 10);
- Develop recommendations to address individual county issues;
- Conduct an assessment of the workability of recommendations and alternatives to current Chapter 10 standards;
- Seek community input and feedback;
- Prepare report for committee approval and submission to county commissioners and sponsoring organizations;
- In report identify a preliminary focus area for Phase 2 of the Franklin/Somerset Community Planning Process for Townships and Plantations, provided that it does so in consultation with the general public, and that the sponsoring organizations that will be supporting and staffing the process agree to any revisions, and institutional mechanisms to proceed with Phase 2; and
- Final report submission to LUPC.

Information Needed Stage 2

Based on the common and individual county subcommittee's land use issues identified in Stage 1 and refined area of focus the following is an initial list of information/data that may help the subcommittees to make informed decisions and recommendations.

- An analysis of recreational development trends, patterns and locations in Western Maine.
- Map of rezoned areas (past 10 years) and purpose of rezoning.
- Map of major recreation trail connections. Bubble map of areas with a potential for commercial outdoor recreation development.

- The nature of commercial outdoor recreation demand 10-20 years? Decline in traditional and/or “softer”?



Maine Huts and Trails-hut

Public Input Plan

Both subcommittees recognize that the opportunities for and the amount of public input in Stage 1 was insufficient for a community guided planning process. In Stage 2 greater emphasis will be given to gain greater input. Activities/actions will include:

- Times of committee meetings will be set at such times to allow the greatest amount public attendance.
- Special Times: Opportunities for more extensive public input, public forums, to be provided at key decision making junctures of the Planning Committee and subcommittees.
- Press releases will be prepared and distributed.
- All meetings in the process to be publicized in the media, and provide an opportunity for (at least) brief public comment at some point during the meeting.
- Minutes to be taken at every meeting, with results posted on the web.
- A website to be maintained by the sponsoring organizations that contains all documents involved in the process, and provides an opportunity for public comment and feedback.

- Use of social media.
- Presentations to interested groups and organizations.
- Transparency: All proceedings of the group to be in compliance with freedom of access laws of the State of Maine.

Project Schedule Stage 2

<i>Activity</i>	<i>Project Month</i>									
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>
Joint Committee Meeting	✓			✓			✓	✓	✓	✓
Subcommittee Meeting		✓	✓		✓	✓				
Public Meeting Forum		✓		✓		✓				
Data Collection Mapping	✓	✓	✓							
Goals, Vision & Values	✓	✓	✓	✓	✓					
Alternative Proposals			✓	✓	✓	✓				
Draft Plan Report						✓	✓			
Draft Report Approved by Planning Committee							✓			
Submission to County Commissioners								✓		
Submission to Sponsoring Boards									✓	
Submission to LUPC										✓

✓ Tentative meetings if needed to consider review comments from County Commissioners, Sponsoring Organizations, and/or LUPC.

Financial Needs Stage 2

The Sponsoring Organizations (AVCOG, KVCOG and SEDC) have already provided a commitment estimated at \$40,000 of their own financial resources in the development of the Process Document and to support all activities in Stage 1. These funds had not been programmed to support the Community Planning Process for Townships and Plantations. AVCOG and KVCOG do not have uncommitted funds to undertake Stage 2 and will require supplemental funds. AVCOG and KVCOG each estimate that \$20-25,000 will be needed for their work in Stage 2.

Because the Community Planning Process for Townships and Plantations is a Franklin and Somerset County level program, it is felt that some or all portions of funding should originate at county level of government. AVCOG will seek TIF funds for Franklin County for Stage 2 in the fall of 2015. KVCOG will make a membership request on behalf of the unorganized territories to Somerset County. KVCOG or KVCOG in conjunction with AVCOG and SEDC will explore private foundation grant funding.

Lack of Financial Resources for Stage 2

Should the financial resources to undertake Stage 2 of this element of the Franklin/Somerset Community Planning Process for Townships and Plantations not become available to the Sponsoring Organizations within one year of the LUPC action on the Stage 1 Report, it will serve as the basis of any further planning effort. The Stage 1 Report has identified the anticipated land uses needed to support outdoor recreation growth and suggested land use regulatory concepts. It has also suggested a work plan for future planning efforts to address the initial area of focus.



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