



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: LUPC Commissioners
CC: Benjamin Godsoe, Acting Executive Director
From: Heidi Gaffney, Environmental Licensing Specialist II, Moosehead Regional Office
David Hediger, Senior Planner, Augusta
Date: September 9, 2026
Re: Walter Haines Application for Zone Change ZP 806: Requests for a Public Hearing and Administrative Items

This memorandum provides background information and summarizes the public comments and the request for a public hearing regarding the pending Application for Zone Change ZP 806 submitted by Maine-Land Development Consultants, Inc., on behalf of applicant Walter Haines, seeking to rezone approximately 145 acres in Madrid Township, Franklin County, to the Residential Development (D-RS) subdistrict.

Background

On April 22, 2026, the Commission received an Application for Zone Change from Maine-Land Development Consultants, Inc., on behalf of applicant Walter Haines. In May of 2026, staff provided comments to the Applicant regarding additional information needed to consider the application complete. On July 27, 2026, staff deemed the application complete for processing and began the formal review.

The subject property consists of approximately 145 acres and is described as Maine Revenue Service Map FR029, Plan 06, Lots 17, 19.2, 30.1, and portions of 17.1 and 30. The lots are accessed by Beal Pond Road, a private road. The condition of the land varies and includes heavily forested areas, areas that have recently been timber harvested, wetland resources, a small area of hillside (i.e., an area of two or more contiguous acres having a sustained slope of 15 percent or greater), gravel roads, land management roads, shoreline along Beal Pond, a

BENJAMIN GODSOE
ACTING EXECUTIVE DIRECTOR
HARLOW BUILDING, 4TH FLOOR



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FAX: (207) 287-7439
WWW.MAINE.GOV/DACF/LUPC

Management Class 7 lake, and a pre-commission dwelling on lot 30.1. The current zoning on the area of the property proposed to be rezoned is General Management (M-GN) subdistrict, Great Pond Protection (P-GP) subdistrict, Wetland Protection (P-WL1, P-WL2 & P-WL3) subdistrict, and Shoreland Protection (P-SL2) subdistrict.

The Applicant proposes to rezone the subject property to the Residential Development (D-RS) subdistrict, with the future intent to develop a residential subdivision (see Attachment A).

Public Comments and Request for Public Hearing

On April 20, 2026, the Applicant provided a Notice of Filing to property owners within 1,000 feet of the subject property and the Franklin County Commissioners. A total of six interested persons have submitted written comments. Five of those interested have requested a public hearing. Public comments raised concerns about increased development and housing density, impacts to Beal Pond and wildlife habitat, road conditions and traffic, public access to the pond, lighting, and availability of public safety services. Concerns raised in the comments appear to be primarily about the development potential of this land and the conceptual subdivision plan provided in the application (see Attachment B). Some comments are relevant to the rezoning process, including rationale related to the rezoning criteria and the Comprehensive Land Use Plan (CLUP). Other comments are relevant to a potential future permitting review process. All requests for a public hearing received are included in Attachment C.

It is important to remember that the purpose of the public hearing would be for the Commission to receive testimony and evidence from the Applicant, interested persons, and the public regarding the relevant approval criteria for the adoption or amendment of land use district boundaries (Chapter 10, Sections 10.08 and 10.08-A, see Attachment D). While the application includes a conceptual plan depicting a possible future subdivision, the information was included only to aid the Commission in considering whether the proposed D-RS subdistrict designation would be appropriate for the entire parcel. Any future subdivision or proposed development requiring a permit would be considered under a separate permitting process, with separate notice and public process.

Review Criteria for the Authorization of a Public Hearing

In accordance with Chapter 4 of the Commission's Rules of Practice, this proposed rezoning constitutes a Petition for Amendment of Land Use District Boundaries. Section 4.05 of the Commission's rules states that members of the public may request a public hearing for zoning petitions. [Section 4.06\(3\)\(b\)](#) requires the Commission to conduct a hearing "if five or more interested persons request in writing that the Commission hold a hearing regarding a rulemaking, including without limitation, an application for zone change". The Commission has received five requests for a hearing; therefore, a hearing must be held.

Procedures and Rules for the Conduct of Public Hearings

[Chapter 5](#) of the Commission's rules (Rules for the Conduct of Public Hearings) governs all public hearings conducted by the Commission and provides for the designation of a Presiding Officer with specific authority, including the power to make certain procedural decisions during the hearing process.

Staff Summary of Next Steps

A public hearing on this zoning petition must be held after receiving five requests from interested persons. Therefore, the following items need to be addressed:

- Designate a Presiding Officer (PO).
 - Per Chapter 5, the Presiding Officer at any hearing must be either: a) the Chair, if present and willing to preside; b) a Commissioner selected by those members present at the hearing; or c) a qualified employee or representative of the Land Use Planning Commission, as designated by the Chair. Unless otherwise determined by the Commission on a case-by-case basis, the Presiding Officer is presumed to be the Chair.
- Direct the Presiding Officer, Acting Executive Director, and staff to coordinate the hearing schedule and other logistical and procedural details.
- Commission preference for the hearing time of day and general location.
- Whether or not to schedule a Commission site visit to become familiar with the area.

It is important to note that a hearing date should not be designated until review of the application can be completed and parties are sufficiently informed and ready to participate in a hearing.

Attachments:

- Attachment A: Proposed Area for Rezoning, labeled "Zoning Plan"
- Attachment B: Conceptual Subdivision Plan, labeled "Concept Plan"
- Attachment C: Public Hearing Requests
- Attachment D: Statute and Rules applicable to rezonings

Attachment A

LUPC Received
7/24/2026



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
182 MOOSEHEAD TRAIL NEWPORT, MAINE
PH: (207) 897-6752 FAX: (207) 897-5411

PROJECT

**RESIDENTIAL
DEVELOPMENT**

BEAL POND RD
MADRID, MAINE, 04966

WALTER HAINE

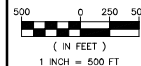
P.O. BOX 207
PHILLIPS, ME 04966

MADE FOR

WALTER HAINE

P.O. BOX 207
PHILLIPS, ME 04966

DRAWING SCALE:

[illegible]

PROJ. MGR:	EJH
DRAWN BY:	EJH
CHECKED BY:	RWD
SURVEY DATE:	--
PLAN DATE:	2026-07-24
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

ZONING PLAN

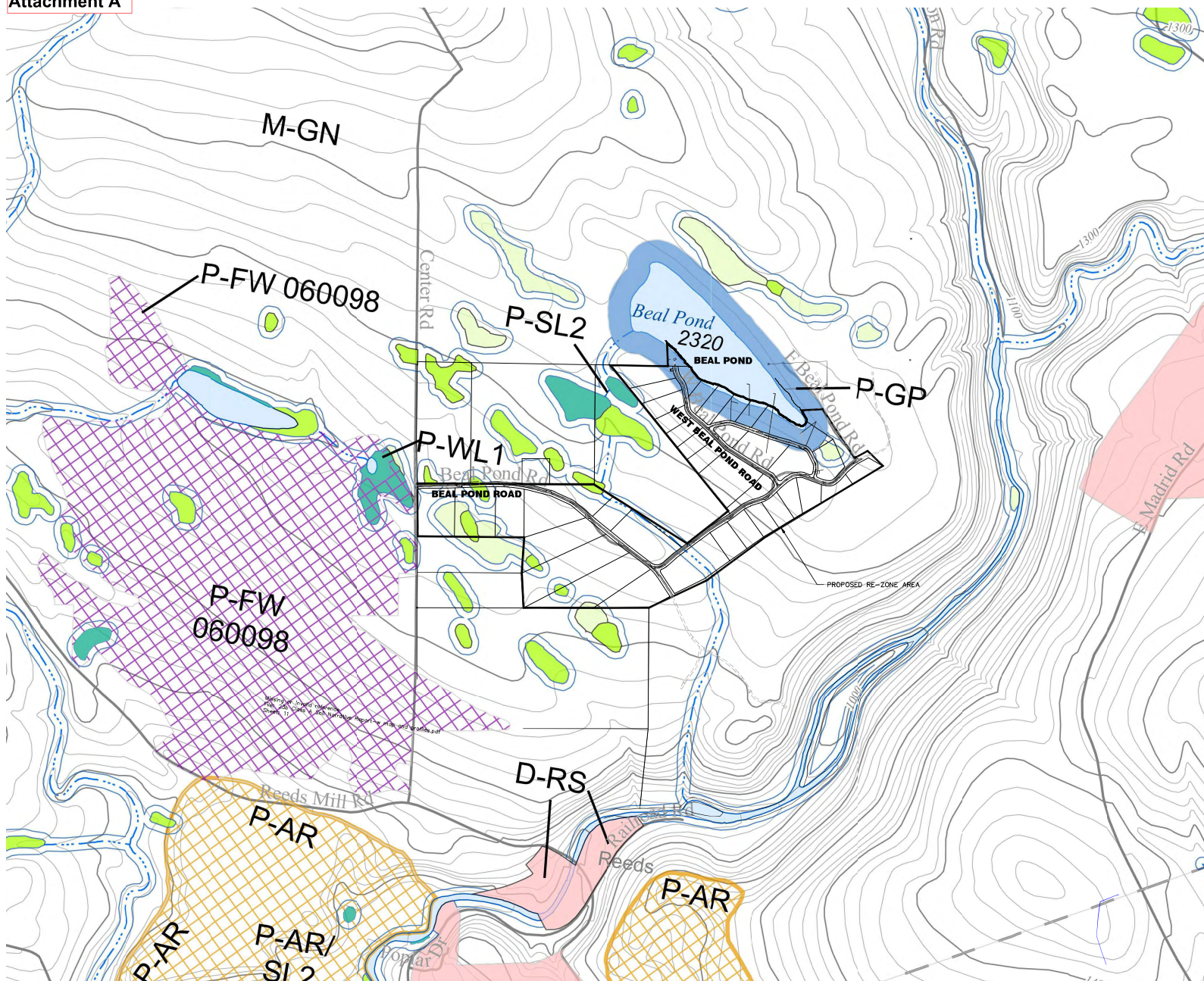
ESTRADA ET AL.



RICHARD W. DUNTON ME PE #124

DRAWING NO.
C2.1

MLDC NO. 25-024 1 OF 1



Legend

DEVELOPMENT SUBDISTRICTS

- ◻ D-GN: General
- ◻ D-RS: Residential

MANAGEMENT SUBDISTRICTS

M-GN: General

PROTECTION SUBDISTRICTS

- ◻ P-AR: Aquifer
- ◻ P-FP: Flood Prone
- ◻ P-FW: Fish and Wildlife
- ◻ P-GP: Great Pond
- ◻ P-MA: Mountain Area
- ◻ P-RR: Recreation
- ◻ P-RQ200: Recreation - 200'
- ◻ P-SL2: Shoreland - 75'
- ◻ P-UA: Unusual Area
- ◻ P-WL1: Wetlands of Special Significance
- ◻ P-WL2: Scrub-shrub Wetlands
- ◻ P-WL3: Forested Wetlands

From: lloyd.griscom
To: [Gaffney, Heidi](#)
Subject: Re: Zoning Petition ZP 806, Madrid Twp
Date: Thursday, May 7, 2026 6:07:38 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Heidi,
These photos were meant to be included with my last email to you.
Thank you and best regards
Lloyd Griscom
Co-trustee
BWG Trust Beal Pond Camp



[IMG_0632.png](#)



[IMG_0006.jpeg](#)



[IMG_0620.jpeg](#)



[IMG_0621.jpeg](#)

On Thu, May 7, 2026 at 3:54 PM lloyd griscom <lloyd.griscom@gmail.com> wrote:

Hello Heidi,

Here are photos from yesterday of what has been public access to Beal Pond and you can see boats and a gps track locating it at the photo icon. What is the status of that public access now and how would it be guaranteed under the rezone plan? I signed on to my neighbors comments with my brother for a camp owned by a family entity called the BWG Trust Beal Pond camp. I request a public hearing so those affected will have a chance to voice their opinions.

Thank you and best regards

Lloyd Griscom

Co Trustee BWG Trust



IMG_0632.png



IMG_0006.jpeg

On Tue, Apr 28, 2026 at 4:59 PM Gaffney, Heidi <Heidi.Gaffney@maine.gov> wrote:

Good afternoon,

Thank you for your questions.

Please provide additional information on the public access you are inquiring about. Is there an existing public access within the area the applicant proposes to be rezoned? Or is your inquiry as to whether public access is proposed?

Thank you,

Heidi

From: lloyd griscom <lloyd.griscom@gmail.com>

Sent: Tuesday, April 28, 2026 1:04 PM

To: Gaffney, Heidi <Heidi.Gaffney@maine.gov>

Subject: Re: Zoning Petition ZP 806, Madrid Twp

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Hello Heidi,

Thank you for your email.

What is the situation with public access and what guarantees are there?

Best regards,

Lloyd Griscom

On Mon, Apr 27, 2026 at 6:05 PM Gaffney, Heidi <Heidi.Gaffney@maine.gov> wrote:

Good afternoon Mr. Griscom,

My name is Heidi and I'm the primary permitting staff contact for the Application for Zone Change (ZP 806) submitted by Walter Haines. I understand you may have questions regarding this application.

I've attached a pdf of the application. It is a large file, please let me know if you have any trouble opening it and I can send it as a link instead.

Please reach out with any questions.

Sincerely,

Heidi Gaffney

Environmental Licensing Specialist II

Land Use Planning Commission

[8 Moosehead Lane, Suite 107](#)

[Dover-Foxcroft, ME 04426](#)

Phone: (207) 349-0941

From: [lloyd griscom](#)
To: [Gaffney, Heidi](#)
Subject: Re: Zoning Petition ZP 806, Madrid Twp
Date: Thursday, May 7, 2026 3:55:50 PM

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Thank you and best regards

Lloyd Griscom

Co Trustee BWG Trust



[IMG_0632.png](#)



[IMG_0006.jpeg](#)

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Sincerely,

Heidi Gaffney

Environmental Licensing Specialist II

Land Use Planning Commission

[8 Mooshead Lane, Suite 107](#)

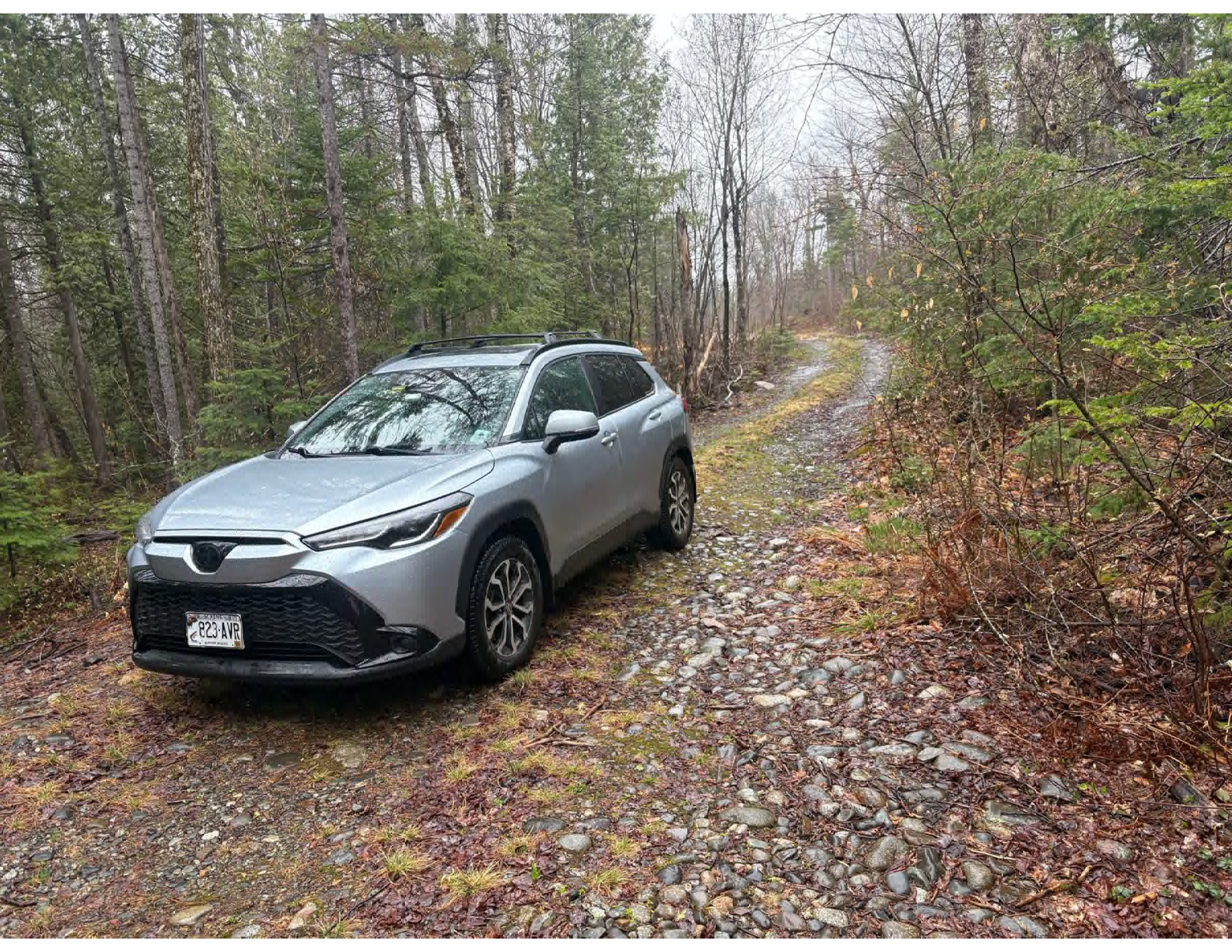
[Dover-Foxcroft, ME 04426](#)

Phone: (207) 349-0941









3:37

81



Stopped Time

10

W

200 ft

Upgrade



Custom



Map



Trip



Home



Saved



Settings

From: [Sue And Rick Whinery](#)
To: [Gaffney, Heidi](#)
Cc: [Mathew Bickford](#); [Randy Whinery](#); [lloyd griscom](#); [Jonathan Andrews](#)
Subject: Rezoning Proposal ZP 806
Date: Sunday, May 10, 2026 4:04:43 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heidi,

In addition to the formal rebuttal document signed by Bickford, Griscom and Whinery submitted to you yesterday, I would like to request a formal hearing on the matter. Please advise the date, time and location.

Regards,

Rick Whinery
rswhinery@comcast.net
713-882-7048
Sent from my iPhone

From: [Jonathan Andrews](#)
To: [Gaffney, Heidi](#)
Subject: ZP-806 - supplemental comments and request for public hearing
Date: Monday, May 11, 2026 11:23:37 AM
Attachments: [ZP-806.Supplemental Comments.Andrews.pdf](#)
[ZP-806.Hearing Request.Andrews.pdf](#)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Gaffney,

Thank you for accepting my recent comments opposing the zoning change proposed in ZP-806. After submitting them, I realized that I had only commented on one of the 2 D-RS zones referenced in the petition. Attached is a brief supplemental comment acknowledging the second D-RS zone and tying it to my original comments.

Also attached is a letter formally requesting a public hearing.

Please confirm receipt of these submissions and please let me know if you need any additional information or format changes to include them in the record.

Thank you again for your time and consideration.

Sincerely,

Jonathan P. Andrews

171B Great Rd.
Littleton, MA 01460

Jandrews.nv@gmail.com

(978) 857 - 8337

Jonathan Andrews
171 B Great Rd.
Littleton, MA 01460

Jandrews.nv@gmail.com
(978) 857-8337

Date: May 11, 2026

Maine Land Use Planning Commission
22 State House Station
Augusta, ME 04333

Subject: Supplemental Clarification Regarding Nearby D-RS Zoning — Zoning Petition ZP-806

Dear Commissioners:

After submitting my written comments regarding Zoning Petition ZP-806, I noted that, in addition to the Reeds D-RS area that I referenced, there is an additional existing D-RS zoned area located within approximately one mile of portions of the subject parcel by straight-line measurement. This second D-RS zone is located along E. Madrid Rd. and is approximately five miles from the subject parcel by road. The E. Madrid Rd. D-RS zone serves a distinct corridor and does not share common road access, development patterns, or topographic connections with the Beal Pond parcel, further illustrating that the subject area remains a low-density and largely undeveloped landscape distinct from existing D-RS development patterns.

Similar to the Reeds area, this D-RS zone is separated from the subject parcel by substantially forested and undeveloped terrain and does not appear to form part of a continuous or integrated pattern of residential development associated with the Beal Pond shoreline and the surrounding forested land. Road access and development patterns remain functionally distinct.

Accordingly, this additional D-RS area does not alter the conclusion that the proposed rezoning is inconsistent with the Commission's adjacency principles and would represent an extension of residential zoning into a historically low-density and largely undeveloped landscape.

Respectfully submitted,



Jonathan P. Andrews

Jonathan Andrews
171 B Great Rd.
Littleton, MA 01460

Jandrews.nv@gmail.com
(978) 857-8337

Date: May 11, 2026

Maine Land Use Planning Commission
22 State House Station
Augusta, ME 04333

Subject: Request for Public Hearing — Zoning Petition ZP-806

Dear Commissioners:

I respectfully request that the Commission hold a public hearing regarding Zoning Petition ZP-806.

Based on my review of the petition materials, supporting documents, and public comments submitted to date, I believe the proposed rezoning raises substantial questions regarding adjacency, development patterns, infrastructure, protected resources, and consistency with the Commission's Comprehensive Land Use Plan.

In addition, the petition has generated substantial interest and concern among nearby property owners and long-term users of the Beal Pond area. A public hearing would provide an appropriate opportunity for the Commission to further evaluate the factual, environmental, and land use issues associated with the proposed rezoning and to develop a more complete public record.

Thank you for your consideration of this request.

Respectfully submitted,



Jonathan P. Andrews

From: [Randy Whinery](#)
To: [Gaffney, Heidi](#)
Subject: Rezoning Proposal ZP 806
Date: Wednesday, May 13, 2026 3:08:50 PM

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heidi,

In addition to our formal rebuttal document signed by Bickford, Griscom and Whinery submitted to you on May 9, 2026, I would like to request a formal hearing.

Regards,

Randy Whinery
rmwhinery@gmail.com
418 Main Road North
Hampden, Maine 04444
207-745-6447

From: [Sheryl Mosher](#)
To: [Gaffney, Heidi](#)
Subject: regarding the proposed zoning change for Beal Pond Madrid Maine
Date: Thursday, May 28, 2026 2:35:09 PM
Attachments: [doc01272020260528141809.pdf](#)

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sheryl Mosher, Realtor

Allied Realty
915 US Route 2 East
Wilton ME 04294
207-312-4054
smosher@alliedrealty.net
www.AlliedRealty.net



"Emails sent or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement".

May 15, 2026

To Whom it may Concern:

Despite what is written in the application, this isn't a lake, but a small mud bottom trout pond. The state website says Beal Pond is 17 feet at the deepest point. The pond is so shallow with rocks just under the surface, motor boats are not used. Being mud bottomed, it isn't a swimming destination for most. The runoff into the pond from Mr. Haynes's huge development would be detrimental.

Changing the zoning from strict natural resource management to residential development would allow more intense development. These developments would need septic systems whose leach fields due to the lay of the land would drain toward the pond. This pertains especially to the lots on the edge of the pond and all the lots between Beal Pond and what is being called Beal Pond road.

We would like to have a public hearing so other concerned people will have a voice.

This zoning change should be denied!

Not a very great area for a residential housing development. So far from schools, hospitals, doctors, dentists, shopping and not much prospect of jobs. The roads are dirt and not easily traversed year round.

It should also be noted that the Haines don't always follow the law. The camp that is on the small triangular lot was built illegally. No permit, no proper set backs and quite a bit larger than the old one that had fallen completely down. With no one to check on them, they do whatever they want.

Sincerely, Sheryl Mosher,

A handwritten signature in cursive script that reads "Sheryl L Mosher". The signature is written in dark ink and is positioned to the right of the typed name "Sheryl Mosher,".

I am one owner of a camp on the pond and adjacent land owner.

Attachment D

Statute and Rules Applicable to Rezoning

The Commission is only reviewing the request to rezone properties. Any future subdivision or development requiring a permit will be considered under a separate permitting process, including but not limited to a new notice of application.

When the Commission holds the public hearing and considers the merits of the proposed subdistrict boundary amendment, the review focuses on the following criteria of [Section 10.08\(A\)](#):

Pursuant to [12 M.R.S. §685-A\(8-A\)](#), a land use district boundary may not be adopted or amended unless there is substantial evidence that:

1. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of 12 M.R.S., chapter 206-A; and
2. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

When an area is proposed to be rezoned to a D-RS subdistrict, additional Location of Development Criteria must be addressed. Specifically, [Section 10.08\(B\)\(2\)](#) requires the petitioner proposing the amendment of a development subdistrict to demonstrate, among other things, that the proposed subdistrict is consistent with the Comprehensive Land Use Plan (CLUP). To demonstrate the adoption or amendment of a development subdistrict is consistent with the portions of the CLUP that address the Location of Development Criteria, the Commission must find:

- a) Emergency Services. The county, a nearby municipality, or other service provider is willing to and will be able to provide fire and ambulance services, for the land uses allowed in the proposed subdistrict.
- b) Compatibility. The land uses allowed in the proposed subdistrict shall be compatible with other uses and resources, and reduce or minimize land use conflicts.
- c) Character. The land uses allowed in the proposed subdistrict shall not unreasonably alter the character of the area.
- d) Area for Development. Proposed D-RS subdistricts shall be located in a primary or secondary location.
- e) Access to Development. The land within the proposed subdistrict shall be accessible from a public road by a legal right of access.coversheet.pdf

§685-A. Land use districts and standards

8-A. Criteria for adoption or amendment of land use district boundaries. A land use district boundary may not be adopted or amended unless there is substantial evidence that:

A. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of this chapter; and [PL 1999, c. 333, §10 (NEW).]

B. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. [PL 2011, c. 682, §13 (AMD).]

[PL 2011, c. 682, §13 (AMD).]

10.08 CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

A. GENERAL CRITERIA

Pursuant to 12 M.R.S. §685-A(8-A), a land use district boundary may not be adopted or amended unless there is substantial evidence that:

1. The proposed land use district is consistent with the standards for district boundaries in effect at the time, the comprehensive land use plan and the purpose, intent and provisions of 12 M.R.S., chapter 206-A; and
 2. The proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.
-

B. LOCATION OF DEVELOPMENT

1. **Applicability.** Section 10.08,B, applies to the adoption and amendment of Commercial and Industrial Development (D-CI), General Development (D-GN), Low-density Development (D-LD), and Residential Development (D-RS) subdistricts, except as provided in Section 10.08,B,3. Criteria specific to the location of all other development subdistricts are contained in the individual subdistrict listings in Sub-Chapter II.

The creation of development areas or subdistricts within a concept plan that replicate the D-CI, D-GN, D-LD, or D-RS subdistricts must be sited in accordance with the provisions of Section 10.08,B. Those not so sited require a waiver of the location of development criteria.

2. **Location of Development Criteria.** To satisfy the general criteria contained in 12 M.R.S. §685-A(8-A) and restated in Section 10.08,A, a petitioner proposing the adoption or amendment of a development subdistrict must demonstrate, among other things, that the proposed subdistrict is consistent with the Comprehensive Land Use Plan (CLUP). The CLUP addresses the location of development through multiple goals and policies that in aggregate are embodied in the adjacency principle. To demonstrate the adoption or amendment of a development subdistrict is consistent with the portions of the CLUP that address the location of development, the Commission must find:

- a. **Emergency Services.** The county, a nearby municipality, or other service provider is willing to and will be able to provide fire and ambulance services, for the land uses allowed in the proposed subdistrict. For the purposes of this criterion, Lifeflight is not considered an ambulance service. The Commission may waive this requirement for areas proposed as D-RS subdistrict that are either outside the primary and secondary locations, or are within the primary location but located on a Management Class 3 lake more than one mile from a public road, provided the petitioner demonstrates notice of the absence of emergency

services will be provided to all subsequent owners of property within the area proposed for rezoning.

- b. Compatibility.** The land uses allowed in the proposed subdistrict shall be compatible with other uses and resources, and reduce or minimize land use conflicts.
- c. Character.** The land uses allowed in the proposed subdistrict shall not unreasonably alter the character of the area.
- d. Area for Development.** Proposed D-CI and D-GN subdistricts shall be located in a primary location, and proposed D-RS and D-LD subdistricts shall be located in a primary or secondary location, unless the proposed subdistrict is a D-CI subdistrict intended to accommodate a land use that requires access to three-phase power as provided in Section 10.08-A,D,3, or a D-RS subdistrict intended to accommodate a recreation-based subdivision as provided in Section 10.08-A,D,2.
- e. Access to Development.** The land within the proposed subdistrict shall be accessible from a public road by a legal right of access in accordance with Section 10.08-A,E. This criterion does not apply to proposed D-RS subdistricts intended to accommodate the creation of residential lots to be leased on an annual basis for fair market value consideration, and where both the lessor and lessee have the legal right to not renew the lease, subject to applicable statutory notice requirements, regardless of cause.

3. Exceptions.

Notwithstanding Section 10.08,B,1, D-CI, D-GN, D-LD, and D-RS subdistricts may be designated without regard to the location of development criteria of Section 10.08,B in the following instances:

- a. Expansion of Commercial Facilities in Pre-existing Development Subdistricts.** Section 10.08,B does not apply to expansion of D-CI, or D-GN subdistricts existing as of June 17, 2019, provided that a legally existing development was in regular active use in the subdistrict within a two-year period immediately preceding the filing date for the re-zoning petition for expansion. This exception does not exempt expansion of pre-existing development subdistricts from the General Criteria of Section 10.08,A, which would apply to any petition for expansion of these subdistricts.
- b.** In response to regional planning efforts, such as prospective zoning or community guided planning and zoning, that address the location of development through a comprehensive process;
- c.** In response to the deorganization of minor civil divisions;
- d.** The correction of land use district boundaries; and
- e.** The designation of land use district boundaries, at the termination of a concept plan, for legally existing development authorized by the concept plan.