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# Memorandum

**To:** LUPC Commissioners  
**From:** Tim Beaucage, Senior Planner  
Hugh Coxe, Senior Planner  
Samantha Horn Olsen, Planning Manager  
**Date:** February 22, 2013  
**Re:** Recreational Lodging – Draft Rule

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## Introduction

Over the course of several years, it became apparent to the LUPC staff and Commissioners that the Commission's regulations have not kept pace with changing market demands for recreational services, particularly lodging. In the last 18 months, staff conducted numerous visits to sporting camps and other recreational lodging facilities to speak with the business owners and better understand the particular issues they were having and how the Commission could create a more efficient, meaningful regulatory structure to encourage well-sited recreation businesses.

On April 6, 2012, staff presented to the Commission a set of issues associated with a range of recreational uses – commercial sporting camps, campgrounds, group/youth camps, rental cabins, campsites, and back-country huts. In general, these issues exist because the Commission's rules are out of sync with industry practices. This effort to review and revise the Commission's rules has been referred to as the "Recreational Lodging" initiative, but also encompasses some other recreation-related issues. In April, the Commission confirmed that the known issues are a priority and directed staff to work with stakeholders and to focus on the most urgent and achievable solutions within the 2012 calendar year. Based on the extensive stakeholder and staff work since April, the staff now has a proposed set of changes for you to consider. Stakeholder consultation will also need to continue throughout the public comment process.

## Process

- Based on field visits, experience from prior zoning and permitting reviews, and discussions with permitting and compliance staff, planning staff prepared materials that documented known issues and some possible solutions.
- Due to the complex issues, broad range of interests, and compressed timeline, a professional third-party facilitator was critical to an efficient and productive process. Funding for the facilitated process was provided through contributions from private donors who are not directly involved in the process.
- The stakeholder process involved one full-day meeting each in September and October, and one half-day meeting in December.

- The facilitator produced ‘emerging conclusions’ and a detailed meeting report – products which were instrumental for stakeholders that were not able to attend and for attendees in reflecting upon the lengthy and detailed discussions. Between each meeting, staff considered the stakeholders’ feedback and prepared ‘staff responses’ to issues and ideas – working to bring ideas and solutions forward with each step.
- A brief summary of the Issues and Emerging Conclusions are attached for context, however the main themes are:
  - Regulate facilities based on impact and location
  - Provide predictability *and* flexibility *and* simplicity
  - Balance updates with protecting resources and traditional uses, such as sporting camps
- Following the final stakeholder meeting, staff has continued to meet with interested groups to learn more and test ideas.
- Staff now has developed a package of rule changes and policies that we believe are responsive to the issues and concerns and will greatly improve the regulatory climate for recreational lodging businesses.

### **Road Map for This Memo**

This memo will explain what changes the staff are proposing and why. In designing a new regulatory system, the staff’s goal is to keep what is working and change what is not. So you will see that in some cases we have made exceptions to the new system to allow for the continuation of what is currently allowed. The changes are primarily in the following categories, which will be the basis for the structure of the memo:

1. Categorization instead of use listings (how do we describe different “types” of facilities according to impacts and then map out where they are allowed?)
2. Adjustments to categories (how do we permit uses with high impacts only in certain locations while allowing low impact uses in a wider range of locations?)
3. New subdistricts (Recreational lodging facilities are different – they sometimes need a “zone” of their own)
4. Other changes (Fixing other problems and the “nuts and bolts” of making the system work)
5. Additional considerations (Is the Rangeley area different? Do we need to do anything to make the transition to the new system smooth? Were we able to address every problem?)

# 1. Categorization Instead of Use Listings

## *What categorization means and why we are categorizing*

The LUPC uses subdistricts (similar to zoning in municipalities) to map out which uses are allowed in which locations. The starting point for this system is a set of subdistricts (or zones) that describe allowed uses. Those subdistricts are then mapped. The descriptions of the subdistricts, and which uses are allowed, are in Chapter 10 of the Commission's rules. These subdistricts currently specify uses such as campgrounds, campsites, commercial sporting camps, and rental cabins and those terms are defined in the definition section of the rules.

When the LUPC staff considered how best to regulate all types of recreational lodging, and when the stakeholders who participated in the recreational lodging process provided input, they considered the difficulties with the current method of defining specific types of uses (such as “campground” or “motel” or “hut”) and regulating them based on that use. They concluded that the use-listings approach was difficult to administer because today, with the combination of many types of lodging in one facility, it can be difficult to tell one from the other, and in today's market the uses are changing rapidly. Also, it can be hard to anticipate what the impacts are from just the label “campground” or “motel” without considering other factors such as how big is it, is there a restaurant open to the general public, how many people does it serve, etc.

The categorization system proposed in the draft rules is designed to base regulatory decisions – where facilities can locate and what standards must be met – on the relative impacts from the facility and not on which defined use or uses it most closely meets. So whether a facility seems to be most like a campground as opposed to an assemblage of rental cabins (many facilities contain both), would no longer be the basis for determining how that facility is regulated. Rather factors such as the size of the facility, the number of people served, and the amount of traffic generated would be the basis for determining how that facility is regulated.

## *How facilities are categorized*

The categorization system proposed in the draft rules identifies five levels of **recreational lodging facilities** – levels A, B, C, D and E – going from the least intensive and impactful (level A) to the most (level E). The term “recreational lodging facilities” has been defined broadly<sup>1</sup>:

- Places where sleeping accommodations are furnished to the public for commercial purposes
- Primarily cater to recreational users
- Includes site improvements as well as buildings
- Includes commercial sporting camps, youth or group camps, back-country huts, rental cabins, campgrounds, lodges, hotels, motels, and inns
- Includes any combination of facilities or uses if they exhibit characteristics of a unified approach (common ownership or management for instance)
  - Unless the related development is more than one half mile from structures providing guest services (such as dining, gathering places, retail, equipment rental, etc.) in which case it is considered a separate facility

Recreational lodging facilities are categorized according to a set of factors that are indicative of the facility's intensity of use or likely impact on surrounding uses and resources<sup>2</sup>. These factors include:

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<sup>1</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.02, #

<sup>2</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.27, Q, 1.

- The degree to which certain elements are included in a facility (such as whether dining facilities, fuel sales, and recreation services and activities are available and available to the general public, or the types of on-site recreation activities that are offered at a facility)
- The degree to which retail space is included in the facility
- Whether the facility is served by utilities and/or plumbing
- The amount of floor area of buildings
- The number of overnight occupants that may be served
- The amount of clearing along water bodies

These factors appear in a table in the proposed rules and the facility is categorized based on which factors are present at a facility. A facility is placed in the lowest level that captures all the factors present at a facility. In certain locations and under certain circumstances, adjustments can be made to these factors to provide greater flexibility for where and how recreational lodging facilities may be located and develop<sup>3</sup>. This adjustment process is discussed in greater detail below.

### ***Description of the five categories<sup>4</sup>***

Each level of facility is described in the proposed definitions and is more specifically designated by the factors in the table.

- **Level A Facilities** have minimal impacts on existing resources within the development site and surrounding areas.
  - *Examples of facilities in this category might include remote campgrounds or a remote rental cabin.*
- **Level B Facilities** have low impacts on existing resources within the development site and surrounding areas.
  - *Examples of facilities in this category might include a campground, a few rental cabins, or outpost cabins.*
- **Level C Facilities** have moderate impacts on the existing resources within the development site and surrounding areas.
  - *Examples of facilities in this category might include a commercial sporting camp, campground, a moderate number of rental cabins, or backcountry huts.*
- **Level D Facilities** have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the greater region.
  - *Examples of facilities in this category might include a commercial sporting camp, a large campground, a high number of rental cabins, a youth camp, or backcountry huts.*
- **Level E Facilities** have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region.
  - *Examples of facilities in this category might include a hotel, motel, resort, large youth camp, large backcountry hut, very large campground.*

### ***Implications of categories for permitting process***

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<sup>3</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.27, Q, 1 & 2, and sections 10.21, 10.22, and 10.23.

<sup>4</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.02, #.

Categorization of recreational lodging facilities has implications for the permitting process in three ways:

1. The category level determines in which subdistricts the facility may be allowed<sup>5</sup>,
2. The category level may determine which standards must be met when developing and operating the facility<sup>6</sup>, and
3. The category level provides flexibility for facilities to change the size of the facility and types and amount of use as long as it stays within the generally prescribed limits for that category level.

Generally, recreational lodging in the less intense levels are allowed in more locations including management districts and many protection subdistricts. As the category level increases in intensity, recreational lodging is generally limited to development subdistricts. In certain instances, facilities with more intense factors (e.g., serves more guests or draws more of the surrounding public to the facility for some of the amenities) may be allowed in management subdistricts or some protection subdistricts if additional locational, design, and performance criteria are met.

The land use standards that apply to recreational lodging are the same as for other types of development unless the recreational lodging facility is receiving a **floor-area adjustment**<sup>7</sup>, is located in the **geographic allowance area**<sup>8</sup>, is allowed as a special exception, or is located in one of the two newly proposed recreational lodging subdistricts (the D-RF and D-PR). The adjustment, the geographic allowance area and the proposed recreational lodging subdistricts are discussed in greater detail below.

Recreational lodging facilities may be permitted to change the size of the facility and the types and amount of use without rezoning as long as the changes are within the impact-based limits set out in the table<sup>9</sup> for that category level. If proposed changes would place the facility into a more intense level category, that higher level category would:

- need to be allowed in the subdistrict, or
- the facility would need to be eligible for an adjustment, or
- the site would need to be rezoned to a subdistrict that permits that level of facility.

### ***Subdistricts most likely to contain, or be appropriate for, lodging facilities***

The proposed rule amendments would affect use listings in twenty-three subdistricts<sup>10</sup> including the newly proposed Planned Recreation Facility Subdistrict (D-PR) and Recreation Facility Subdistrict (D-RF). This description of what level facility could go in which subdistrict covers only the five most prevalent subdistricts and the two new proposed subdistricts<sup>11</sup>. The proposed amendments to existing subdistricts have been drafted to match the allowed uses and facility sizes as closely as possible to what is currently allowed in each existing subdistrict.

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<sup>5</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.21, 10.22, and 10.23.

<sup>6</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.27, Q, 1 & 2, and sections 10.21, 10.22, and 10.23.

<sup>7</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.27, Q, 2.

<sup>8</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.27, Q, 2.

<sup>9</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, sections 10.27, Q, 1.

<sup>10</sup> Existing subdistricts in the current draft which are proposed to change a portion of the use listing include D-CI, D-ES, D-GN, D-GN2, D-GN3, D-RS, D-RS2, D-RS3, M-GN, M-HP, M-NC, P-AL, P-AR, P-FP, P-FW, P-GP, P-GP2, P-RT, P-SL, P-UA, and P-WL.

<sup>11</sup> For a complete listing of proposed recreational lodging levels in each subdistrict see section 10.21, 10.22, and 10.23 of the proposed rule amendments.

### **Development subdistricts:**

- Commercial Industrial (D-CI), which allows larger-scale commercial and industrial, would allow Level C, D and E facilities.
- General Development (D-GN), which allows residential subdivisions and mixed residential and small scale commercial development, would allow Level B and C facilities and Level D facilities within the geographic allowance area.
- Residential Development (D-RS), which allows residential subdivisions and a range of residential uses, would not allow recreational lodging.
- Planned Recreation Facility Subdistrict (D-PR) would allow recreational lodging facilities that do not meet the requirements of current subdistricts and would allow Level A, B, C, D and E facilities.
- Recreation Facility Subdistrict (D-RF) would be in locations that would not be suitable for other types of commercial development and would allow Level A, B, C and D facilities.

### **Management subdistricts:**

- General Management (M-GN), which covers approximately 78% of the jurisdiction, includes areas not otherwise zoned, and where forest and agricultural activities are allowed and encouraged without significant restriction, would allow Level A, B and C facilities and Level D facilities in the geographic allowance area.

### **Protection subdistricts:**

- Great Pond Protection (P-GP), which applies to a 250 foot wide strip around most lakes and ponds greater than 10 acres in size, would allow Level A, B and C facilities by special exception.

## **2. Adjustments to Categories**

In certain locations and under certain circumstances, adjustments can be made to provide greater flexibility for where and how recreational lodging facilities may develop. The draft rules include several ways to adjust the size, the facility elements and the location of recreational lodging facilities within the categorization structure. The four types of adjustments are:

- Facility element adjustment
- Overnight occupancy adjustment
- Floor area adjustment
- Geographic allowance area

The facility element adjustment provides – by special exception – dining, fuel sales, and recreation services may be made available to the general public (not just overnight guests of the facility) within Level C and D facilities within the D-GN, D-GN2, D-GN3, D-RF, and M-GN subdistricts.

The overnight occupancy adjustment provides – by special exception – overnight occupancy limits may be increased for Level C and D facilities within the D-GN, D-GN2, D-GN3, D-RF, and M-GN subdistricts.

The floor area adjustment allows a 25% square footage increase in floor area limits for any recreational lodging facility level in any subdistrict if the facility provides:

- a legally binding provisions that result in 50% more depth of the vegetative buffer along the shoreline of the property, and
- a 25 foot vegetative buffer along all property lines facing exterior roads, and

- restricts building color to blend in with the surrounding area, and
- restricts the use of reflective surfaces.

The geographic allowance area is the area within 2 miles of a public road, and located within 10 miles from the boundary of a service center municipality. (Both measurements are made in a straight line.) Within the M-GN there is opportunity to permit a Level D facility, but only if the facility also is within the geographic allowance area. In the D-GN, a Level D facility only may be permitted upon obtaining special exception approval. Facilities located within townships or plantations within the Prospective Zoning Plan for the Rangeley Lakes Region may not receive such geographic allowance.

### 3. New Subdistricts

The categorization system, and its integration into existing subdistricts, is viewed as resolving many of the known issues. As a result, in many cases a rezoning will not be necessary. However, there are going to be instances where a property will need to be rezoned in order to permit the intended recreational lodging facility. In these cases the Commission’s existing subdistricts may not provide sufficient flexibility.

In figuring out where to allow recreational lodging facilities, the Commission faces a dilemma. Many of these businesses need to be away from developed areas in order to have the kind of setting that attracts clients. But because the Commission’s current subdistricts allow many other types of uses once the rezoning occurs, rezoning in the first instance may not be achievable or desirable.

One solution to this dilemma is to create subdistricts that are specifically for recreational lodging facilities, and may only be used for recreational lodging unless they are again rezoned. Many types of recreational lodging uses could occur (giving the landowner flexibility) but other, non-recreational, uses would require separate Commission rezoning approval. The proposed recreational lodging subdistricts provide a waiver of the adjacency requirement for recreational lodging while avoiding the unintended consequence of allowing other development in remote areas. This also resolves the issue that adjacency can be difficult to determine for recreational lodging because assessing what is similar compatible development for recreation facilities can be problematic. Staff has proposed two new subdistricts.

#### ***Planned Recreation Facility Subdistrict (D-PR)<sup>12</sup>***

The planned Recreation Facility Subdistrict (or D-PR) is for projects that do not fit well within any of the Commission’s traditional subdistricts, are up to 40,000 square feet and are feature dependent, meaning that they must be located near a particular feature or combination of features. Examples could be a small resort or ski area. This is a custom subdistrict which allows the landowner to design a plan for the area and provides flexibility. The D-PR may also allow the substitution of performance-based standards for the Commission’s traditional standards on a case-by-case basis. This subdistrict provides a waiver of adjacency and is meant to bridge the gap between traditional subdistricts and the Planned Development subdistrict (D-PD) which is only for very large projects (minimum 30,000 square feet).

#### ***Recreation Facility (D-RF)<sup>13</sup>***

The Recreation Facility Subdistrict (D-RF) operates like the Commission’s traditional subdistricts, except that it provides a waiver of adjacency. It is only for recreational lodging facilities and related activities, and will allow the Commission flexibility to rezone an area for recreational lodging without the risk of unintended and inappropriate uses coming into the zone later. Neither the D-RF nor the D-PR provides a basis for adjacency for future uses in the area.

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<sup>12</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.21,K.

<sup>13</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.21,L.

## 4. Other Changes

### *Definitions<sup>14</sup>*

In order to implement various pieces of the categorization system, the proposed rule revisions include definitions of new terms, such as: Conversion, Incidental, Outpost Cabins, Recreational Lodging Facilities, and Residential Campsite. Because many existing terms were defined long ago, the draft revisions also propose minor clarifications and updates to existing terms, such as Campground, Commercial Sporting Camp, and Dwelling Unit.

### *Dimensional requirements<sup>15</sup>*

Section 10.26 includes assorted dimensional requirements (e.g., minimum setbacks, maximum lot coverage, and maximum building height), a few of which have been revised to incorporate recreational lodging facilities and residential campsites into existing requirements, and clarify setbacks for campsites and campgrounds.

### *Standards specific to recreational lodging facilities<sup>16</sup>*

While many of the issues around recreational lodging are resolved by the new categorization system, category adjustments, and new subdistricts, the stakeholder process highlighted others that need attention as well. As a result, the draft rule revisions include the following standards related to various aspects of recreational lodging facilities:

**Measuring square footage limits** – In order to increase predictability and consistency, the rules clarify the current practice of measuring the floor area of principal buildings (e.g., the main lodge, cabins housing guests, and recreation centers), and excluding accessory structures (e.g., wood or generator sheds, workshops, etc.).

**Conversion** – Because a number of commercial sporting camps have been converted over time to other uses, primarily single family residential use, these rules propose to clarify existing policies regarding conversion of a recreational lodging facility to another use in order to increase predictability of the permitting process (not to encourage conversion). However, these standards do not remove the need to rezone prior to some conversions.

**Campgrounds** – The draft rules propose a few standards to resolve issues with transient occupancy and structural development at campsites by clarifying existing interpretation and policies.

**Water-dependent structures for recreational lodging facilities** – Recreational lodging facilities are commonly developed near a water resource, like lakes and rivers. Many of these facilities provide equipment or activities on the waterbody (e.g., boating and swimming). In many cases these activities are conducted on such a regular basis that facility operators need a limited accessory structure (e.g., boat rack, pfd and paddle storage shed, or swimmer sign-out board), which by necessity must be close to water features. These standards allow small structures with clear limitations on use, size, location, and screening.

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<sup>14</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.02.

<sup>15</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.26.

<sup>16</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.27, Q.



## 5. Other Considerations

### ***Reconstruction of commercial sporting camps***

The Commission's statute provides long-standing protections for commercial sporting camps including the reconstruction in-place of nonconforming commercial sporting camp structures. The proposed revisions do not change this fundamental right for such nonconforming structures - commercial sporting camps will retain existing reconstruction rights. Additionally, the rules propose to clarify how relocations, combinations of structures, and outpost cabins are regulated.

### ***Prospectively Zoned Areas<sup>17</sup>***

The categorization system has been somewhat modified in prospectively zoned areas (*i.e.*, D-ES, D-GN2, D-GN3, D-RS2, D-RS3, and P-GP2), in a manner that matches the allowed recreational lodging uses to the intended results from existing use listings (e.g., if a subdistrict only allows 4,000 square foot facilities, the allowed facility categories are likewise limited). The residents of the Rangeley area worked very hard to develop an acceptable plan for the region, and this change in regulatory structure was tailored in their area to honor their plan.

The geographic adjustment serves as a broad-scale substitute for prospective zoning for recreational lodging facilities; therefore, the geographic adjustment is not appropriate for prospectively zoned areas. However, because recreational lodging likely was not anticipated to this degree during the Rangeley prospective zoning plan, staff views the additional approval criteria for rezoning (Section 10.08,C,1,a) as being substantially met for zoning petitions for recreational lodging facilities within these areas. What this means is that because this type of regulatory change was not envisioned during the prospective zoning process, staff would be likely to recommend that for a rezoning for a recreational lodging project, the "circumstances that did not exist or were not anticipated" criterion is met.

### ***What does this mean for existing facilities?***

These proposed rules work primarily to make more uses conforming. However, given the large area the Commission serves, and the wide range of subdistricts and types of lodging facilities that exist in that area, it is likely that in a few instances conforming uses will become nonconforming. We anticipate the following outcomes and have suggested solutions:

- *Legally existing nonconforming uses that, due to these rule revisions, become conforming* – no action is necessary;
- *Legally existing conforming uses that, due to these rule revisions, become nonconforming* – While these should be few, and the uses would be grand-fathered and could continue as is: i) staff will make efforts to identify and notify such facilities; ii) in coordination with owners, we will undertake staff initiated rezonings within 2 years of new rules to make the facility conforming; OR iii) facility owner may choose to not take action and the facility would remain as a legally existing nonconforming use; and
- *Illegally existing conforming or nonconforming uses* will not be affected by the rule change; owners of such facilities continue to be responsible to take appropriate action to rectify the illegal use.

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<sup>17</sup> See Draft Proposed Chapter 10 Rule Amendments Regarding Recreational Lodging, section 10.21., 10.22., 10.23., and 10.27,Q,2.

### ***Remaining issues***

Despite the range and depth of issues addressed by this rule package, some issues were not addressed. Given the Commission's original charge (to solve as many issues as possible in the allotted time) and the complexities of the issues and solutions that were addressed, leaving some issues unresolved was unavoidable. Further, many of these items go beyond recreational lodging, and therefore warrant review and involvement from a wider group of stakeholders. The following are the primary items which were identified, but not addressed within the recreational lodging draft rule:

- Permit expiration – While Section 10.17 may be appropriate for residential and some small-scale non-residential development, the required timelines appear to be too short for large-scale non-residential development
- Footprint rather than floor area – floor area is increasingly more difficult to calculate for non-residential development, particularly for those uses that typically include numerous structures
- Distinguishing between various types and intensities of “roads” – The Commission's rules reference “roads” in broad ways, and yet roads come in all sizes, types, and uses; setbacks from some types of roads are problematic and less fair, yet road usage can change significantly without any review
- Setbacks and large, multiple commercial uses – the Commission's dimensional requirements are most valuable for properties with single uses, but are increasingly problematic for sites with multiple developments
- Signs – The Commission's rules do not fully contemplate large properties with multiple uses or uses which logistically necessitate multiple signs in order to operate on a day-to-day basis

### **Conclusion**

Based on the extensive stakeholder and staff work since April, the staff is proposing this set of rule changes and policies for Commission consideration. The product is still being polished and refined, however, the concepts are mature enough that the Commission's feedback at this stage would be valuable. Staff anticipates that we will finalize this rule amendment, and at the April meeting recommend the rule be posted for public hearing. Stakeholder consultation will also continue throughout the public comment process.

Attachments:

Summary of Issues and Emerging Conclusions  
Draft Rule

## Issues

While staff started this process with a set of known issues, stakeholders expanded and refined the list of issues to generally include:

- Incomplete use listings
  - o The Commission's use listings and rules do not fully address the range of uses that are becoming more common (e.g., back-country huts, resorts, youth or group camps, rental cabins, etc.). As a result, many uses are either not allowed without significant rezoning efforts or are shoehorned in to be permitted as a commercial sporting camp (a practice that among other implications, serves to diminish the value and tradition of commercial sporting camps).
  - o Many facilities include aspects that are reasonable yet are not technically allowed by LUPC rules (e.g., camp store and incidental sales of fuel)
- Outdated standards
  - o Current square footage limits for commercial sporting camps that were endorsed by the industry at one time have become limiting, due in large part to consumer demands for increased amenities
  - o Setbacks for campsites are commonly impractical for those campsites within a campground
  - o Use listings and standards do not appropriately distinguish between campsites for commercial or public use versus a campsite for private use
- Limited subdistrict options
  - o When a recreational lodging proposal requires a site to be rezoned, most of the Commission's subdistricts are not well suited to the unique needs and challenges of recreational lodging uses
  - o Demonstrating that sufficient existing development exists, and is 'compatible' with a recreational lodging facility (a fundamental element of any rezoning for development and commonly referred to as meeting the adjacency criterion) can be uniquely problematic since many recreational lodging facilities must be located away from existing development to be attractive to visitors

## Emerging Conclusions

The stakeholder process included significant discussion which is reflected in the three meeting reports, which are available on the LUPC web site. However, the facilitator also captured his reflection of the group sentiment at that time in what he calls Emerging Conclusions and Emerging Guiding Principles. These summary documents prepared by the facilitator are attached. The following represents the overarching themes:

- *Categorize facilities based on impact and location (e.g., how they impact the resource and how they impact traditional uses). In order to categorize recreational lodging facilities for regulatory purposes, the LUPC should consider the following prioritized factors in light of the environmental conditions and resource protection goals where a facility exists:*
  - *Overnight occupancy capacity – number of beds / pillows / campers*
  - *Type of use (i.e., motorized or not, group activity or not, managed or not, on-site vs. off-site, and resource dependency)*
  - *Footprint of buildings*
  - *Noise / Intensity of use*
  - *Proximity to other facilities*
  - *Amount of on-site use area*
  - *Visibility*
  - *Square footage of living area*
  - *Management structure (on-site oversight)*
  - *Setback from water*
  - *Solid waste disposal*
  - *Footprint of clearing*
- *Provide predictability AND flexibility AND simplicity*
  - *Allow flexibility and trade-offs between activities and uses that result in more or less impacts*
  - *Within categories, allow for easy changes seasonally, short-term, or permanently; do not confuse with conversion*
- *Relax and update regulations in light of new technology, new customer demands, and other realities, yet balance regulatory changes with protecting resources and traditional uses*
- *Preserve the tradition of sporting camps and incentivize those traditional facilities*
- *It's really helpful when LUPC staff have an attitude of "we're here to help you plan" rather than "we're here to regulate you."*