



JANET T. MILLS
GOVERNOR

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

AMANDA E. BEAL
COMMISSIONER

JUDY C. EAST
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
CC: Judy C. East, Director
From: Ben Godsoe, Chief Planner
Date: 8/5/2020
Re: Petition from Kingsbury Plantation to Assume Jurisdiction Over Land Use

Pursuant to 12 M.R.S. §685-A(4-A) (attached to this memo), the Kingsbury Plantation Assessors have requested the Commission approve the Plantation's comprehensive plan, ordinance, and zoning map so that the Plantation residents may assume responsibility for local land use controls. The Plantation adopted a comprehensive plan, ordinance, and zoning map at a public meeting. The Assessors have further indicated that they are in the process of forming the required boards and hiring a code enforcement officer.

In reviewing the Plantation's request, the statutory test for approval is whether the land use plans and regulations adopted by the Plantation are *"not less protective of the existing natural, recreational or historic resources than those adopted by the Commission."* Commission staff have reviewed the Plantation's submissions and helped to draft the land use ordinance. Overall, the proposed documents appear to meet the statutory test. Key items considered during the review and ordinance drafting process were the location of allowed uses, dimensional requirements, and natural resource protections. State law governing plantations, as well as Shoreland Zoning and the Natural Resources Protection Act will now apply.

Process Summary

Starting in 2014, LUPC staff have provided assistance when requested by Kingsbury Plantation as it worked toward completion of this petition. In 2019, staff actively worked with the Acting Planning Board to draft a land use ordinance. The Acting Planning Board adapted the Highland Plantation Land Use ordinance, which was written in 2016 for the same purpose, to fit the existing uses and landscape in Kingsbury. Adaptation of the Highland ordinance required several meetings between



LUPC staff, and the Acting Planning Board. Because requirements for shoreland zoning have changed since the Highland ordinance was first created, the Kingsbury Plantation Zoning Ordinance was updated to be consistent with current state and federal guidelines. The Acting Planning Board and Commission staff worked closely with staff from the Department of Environmental Protection Shoreland Zoning Program, and the Maine Floodplain Management Program to ensure the ordinance is up to date.

Staff Recommendation

Staff recommend that the Commission approve Kingsbury Plantation's request, conditional upon the formation of a Planning Board and Zoning Board of Appeals, and the hiring of a qualified Code Enforcement Officer. Further, staff recommend that the Commission direct staff to issue an approval letter upon receipt of the Assessors confirmation that the above items have been completed. The effective date of the transfer of authority will be the date of the staff letter acknowledging the completion of these requirements, or a future date if requested by the Plantation at that time.

Attachments

1. Statutory criteria [12 M.R.S. §685-A(4-A)]
2. Petition letter

[Note: The other materials that comprise Kingsbury Plantation's petition are located on the FTP site. A download link was included in the e-mail to you about this agenda item.]

4-A. Transition from commission jurisdiction to the jurisdiction of a plantation or municipality. Any portion of a land use district that subsequently becomes an organized municipality or part of an organized municipality or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 continues to be regulated by the Maine Land Use Planning Commission pursuant to this chapter until such time as the plantation or municipality of which the regulated district is then a part adopts land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission.

A. Any municipality organized after September 23, 1971 or any plantation that adopts planning, zoning and subdivision control as provided in Title 30-A, section 7059 may submit to the commission and receive the approval of the commission of the following:

- (1) A comprehensive land use plan for that plantation or municipality;
- (2) Standards for determining land use district boundaries and uses permitted within the districts in that plantation or municipality;
- (3) A land use district boundary map for that plantation or municipality; and
- (4) Such other proposed regulations or standards as the commission considers necessary to achieve the purpose, intent and provisions of this chapter.

Upon request of the plantation or municipality, the commission shall prepare such plans, maps, regulations and standards as it considers necessary to meet minimum planning and zoning standards for its approval of those standards.

Upon obtaining approval, the plantation or municipality shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards, except that the commission retains jurisdiction for any planned subdistrict within the municipality or plantation unless the owner of the land within the delineated area agrees to the transfer of the administration and enforcement of that planned subdistrict to the municipality or plantation.

B. From time to time, the commission may review the administration and enforcement of local land use plans and regulations by plantations and municipalities that have adopted land use plans, maps, regulations and standards approved by the commission. If, following the review, the commission finds that any of the following has occurred, the commission may reestablish its jurisdiction over that plantation or municipality:

- (1) A plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;
- (2) A plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the commission; or

Kingsbury Plantation

Tammy Bridges, First Assessor
255 Worcester Highway
Kingsbury Plantation, ME 04942 •

July 15, 2020

Benjamin Godsoe
Planning Manager, Land Use Planning Commission
Maine Department of Agriculture, Conservation and Forestry
18 Elkins Lane/Harlow Building
State House Station 22
Augusta, Maine 04333-0022

Dear Mr. Godsoe:

Kingsbury Plantation would like to request a formal review of its Comprehensive Plan, Zoning Ordinance and Zoning Map as part of the Plantation's effort to establish and administer its own land use planning, zoning and permitting program. Voters have adopted this package at a Special Plantation Meeting on July 11, 2020.

We have enough people willing to serve on Planning and Appeals Boards. The Code Enforcement position has not been filled but we have a potential candidate we are negotiating with.

The submission includes Kingsbury Plantation's Comprehensive Plan, Zoning Ordinance, Zoning Map and a copy of the Warrant for the July 11th Special Plantation Meeting. Please contact me with any questions.

Sincerely,



Tammy Bridges
First Assessor, Kingsbury Plantation
Email: kingsburyassessors@gmail.com