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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  
SAMANTHA HORN  
ACTING EXECUTIVE DIRECTOR

# Memorandum

**To:** LUPC Commissioners  
**From:** Stacie Beyer, Acting Planning Manager  
Naomi Kirk-Lawlor, Senior Planner  
**Date:** September 27, 2019  
**Re:** Weyerhaeuser Petition to Terminate Moosehead Region Concept Plan

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## Introduction

On September 23, Weyerhaeuser submitted a petition to terminate the Moosehead Region Concept Plan (MRCP) and rezone those lands to Protection and Management subdistricts. The former Land Use Regulation Commission approved the 380,074 acre MRCP in 2009. The Plan was designed to permanently conserve over 390,000 acres both in the plan area and in a separate parcel known as the Roaches Pond Tract. Another 16,910 acres were designated for development of up to 2,025 residential and short term housing units (MRCP, Sub-Chapter IV, Section 10.28,B). The plan language requires that the Commission designate replacement zoning for all of the Plan Area lands prior to approving termination. Weyerhaeuser explains the rationale for terminating in a cover letter, which is attached to this memo. It is also worth noting that the MRCP imposes restrictions on harvesting in the development areas that were designed to retain vegetation to screen future development. It appears that Weyerhaeuser intends to primarily conduct forestry operations, and in that context the restrictions are no longer necessary.

## Effect of the Proposed Termination and Rezoning

Substantial public benefits have already been realized from the MRCP and those benefits will continue in perpetuity. They include:

- Permanent conservation of over 390,000 acres
- Permanent hiking trail easements totaling 121 acres, and \$1 million to construct trails
- Easements for 81 miles of ITS snowmobile trails
- Donation of 25 acres for affordable housing



On the 16,910 acres that were not conserved and were included in development areas, any special development rights and responsibilities will terminate with the end of the MRCP. Public benefits that would have been triggered by the future exercise of those development rights will no longer be required because the development rights themselves will be terminated. These include various fees, funds, and deed covenants.

One notable outstanding issue is that the MRCP entitled the Bureau of Parks and Lands to 50 acres of donated land, with the locations to be worked out with Weyerhaeuser. The BPL and Weyerhaeuser report that they are in substantial agreement on a modified package of donations, including some land and some additional road easements, that will best serve the public's interest in accessing important easement area recreation assets in perpetuity. The agreement between the BPL and Weyerhaeuser resolves the only major outstanding MRCP obligation that staff have identified.

### **Planning Needs in the Region**

The Moosehead region is identified in the Comprehensive Land Use Plan as a region with special planning needs (CLUP, Section 4.6.E). If the MRCP had not been proposed, the Commission would likely have begun regional planning in the 2000's. However, the MRCP covers such a dominant land area in the region, that the Commission chose not to initiate a separate regional planning process. Weyerhaeuser's petition to terminate does not change the fact that there are now substantial conserved lands and recreation assets in the region, but it does raise the question of how best to plan for the future on the remaining lands that are neither conserved nor in government ownership.

The Moosehead region has, in the last several years, undertaken several high-quality visioning and economic development planning processes<sup>1</sup>. The community is in a good position to use that information for a future regional land use planning project. The community may feel that the best way forward would be to work with the LUPC to prospectively zone some development areas in appropriate places in a comprehensive way, rather than dealing with zoning petitions for developments on an individual basis.

Before the MRCP can be terminated, the Commission must evaluate Weyerhaeuser's petition to rezone to management and protection subdistricts. This process will include opportunity for public comment. Separately, a regional land use planning project could be undertaken in collaboration with the community. Exactly what the planning process looks like can be guided by the community.

### **What Will Happen Upon Termination of the MRCP?**

The vast majority of the plan area is within the conservation easement. Timber harvesting and some recreational uses, guided by the terms that easement, will remain the dominant activities within the conservation easement area. With the exception of one operating sporting camp (~4 acres, proposed D-GN) Weyerhaeuser's petition would return the remaining 16,910 acres to management and protection zoning, similar to most of the LUPC service area.

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<sup>1</sup> For example, the Moosehead Lake Region Branding Initiative (Moosehead Lake Economic Development Corp.) and the Moosehead Lake Regional Plan (Future IQ).

If the termination is approved, and protection and management zoning is in place, a future landowner could petition for rezoning or apply for permits for development on those lands, consistent with the Commission's current rules. As rezoning is a discretionary act, the Commission has substantial control over the outcome in a rezoning process, thus leaving little risk that there will be inappropriate rezonings as a result of the termination and before a regional planning process concludes.

However, there are some types of development that are allowed with a permit in the General Management (M-GN) subdistrict. It would be best if any substantial development were delayed until the conclusion of the regional planning process. To limit any risk in this regard, LUPC staff have spoken with Weyerhaeuser. The company has agreed that they will not apply for permits for development for a reasonable period of time to allow for a regional planning process.

### **Next Steps and Staff Recommendation**

Staff will evaluate the petition for completeness and bring it to the Commission for a decision about holding a hearing. Public hearings on rezonings are required if five or more persons request one. It seems likely that there will be substantial interest among members of the public in holding a hearing, so the Commission could choose to instruct the staff today to schedule a public hearing when the petition is complete and ready for hearing.

Staff recommend that the LUPC ask Weyerhaeuser to confirm in writing their commitment to finishing the 50 acre donation process with the BPL, and their commitment to not file any proposals for development for some reasonable period of time. Based on an estimate of how long it would take to complete regional planning, staff suggests that a commitment to hold off until the end of the regional planning process, or Jan 1, 2022, whichever comes first, would be appropriate.

Staff further recommend that the Commissioners direct staff to spend time this winter in consultation with local individuals and organizations scoping out what type and extent of regional planning would be most appropriate and welcome locally. Staff's preliminary thought is that the geographic extent might include the areas within a few miles of the lake from Lily Bay around the south end of the lake and up to Rockwood or Tomhegan. However, that may change based on local consultations, especially given the significant amount of visioning and planning the local community has already accomplished. Following those consultations, a regional planning process could begin in spring or summer of 2020.

With the above recommendations in place, staff feel that a termination process that anticipates reverting to primarily management and protection subdistricts could be done responsibly.

### **Attachments:**

Cover Letter from Weyerhaeuser  
Summary map of MRCP

Location • 411 Pritham Avenue • Greenville Junction, Maine 04442

September 23, 2019

Maine Land Use Planning Commission  
18 Elkins Lane  
22 State House Station  
Augusta, Maine 04333

Dear LUPC Commissioners,

Attached please find Weyerhaeuser's Petition to Rezone the Concept Plan for the Moosehead Lake Region (Concept Plan or Plan). These lands are currently under ZP 707, which established a P-RP 014 Subdistrict. Weyerhaeuser requests that the current Plan be terminated and our lands under the Plan be returned to a Protection Zone/General Management classification under LUPC jurisdiction. Your approval of this Petition would terminate the Concept Plan, remove the P-RP 014 Subdistrict and terminate development zone land uses, density allowances, and other subdivision and development zone rights granted to Weyerhaeuser under the Concept Plan.

Unfortunately, the impact of the 2008-2009 recession forever changed the United States development landscape. As a result, and despite our best efforts, the development components under the Concept Plan have not been implemented and no development has occurred.

Therefore, we have concluded that the solutions incorporated in the Concept Plan are no longer practicable to implement. We believe returning the zoning back to its original classification, which allows sustainable timber management, would provide near-term predictability for LUPC, Weyerhaeuser and the Moosehead Lake Region.

Since approval in 2012, Weyerhaeuser's actions in implementing the Concept Plan have brought many benefits to the Moosehead Lake Region and the State of Maine, all of which will remain unchanged by this Petition. These include:

- 363,000 acres (96% of the Concept Plan area) of Weyerhaeuser land protected with the permanent Moosehead Region Conservation Easement (MRCE) and associated Multi-Resource Management Plan and Stewardship Fund;
- The sale of 29,500 acres of commercial timberlands to the Appalachian Mountain Club and the subsequent permanent 29,500-acre Roaches Pond Tract Conservation Easement;
- Weyerhaeuser's establishment of 121 acres of permanent hiking trail easements which were accompanied by a one-time \$1 million-dollar Weyerhaeuser donation to the Bureau of Parks and Plans to create those trails;
- Weyerhaeuser's donation of 25 acres to Coastal Enterprises Inc. for affordable housing;
- Weyerhaeuser's commitment to complete a 50-acre land donation to the Bureau of Parks and Lands for numerous trailheads with easements to access those trailheads, and
- Weyerhaeuser's grant of a permanent easement for 81 miles of snowmobile trails of the Interconnected Trail System.

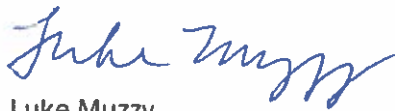
These public benefits were designed to balance the development components of the Concept Plan and remain in perpetuity. Weyerhaeuser is proud to have fulfilled these conservation commitments.

As you may recall, when the concept plan was conceived in 2003, the economic well-being of the Moosehead Lake Region was a primary driver. Many of the concerns that existed then, remain today. We believe that terminating the Plan could allow the region to take a fresh look at its future needs.

To that end, and should the region and LUPC desire, we would be supportive of a community-based planning approach on these lands.

Thank you for considering this Petition to Rezone and ultimately to terminate the Concept Plan for the Moosehead Region. We look forward to working with you through your review and approval process.

Sincerely,



Luke Muzzy  
Senior Land Asset Manager  
Weyerhaeuser



Note:  
This map does not depict any Protection Subdistricts. The Official Land Use Guidance Maps show all Protection Subdistricts within the Concept Plan Area.

Concept Plan Summary

CONCEPT PLAN  
for  
PLUM CREEK'S  
LANDS  
in the  
MOOSEHEAD LAKE REGION

Legend

- Resource Plan Protection (P-RP) Subdistrict
- Private, State, Federal Land in Conservation
- Moosehead Region Conservation Easement
- Roaches Pond Tract
- No Disturbance Area
- Residential Development Zone (D-MH-RS1)
- Residential/Resort Optional Zone (D-MH-RS2)
- Primitive Resort Development Zone (D-MH-PR)
- Resort Development Zone (D-MH-RT)
- Commercial Industrial Development Zone (D-MH-CI)
- Mapped Sand and Gravel Aquifer
- Major Road (Public)
- Minor Road (Public or Private)
- Approximate Moosehead-to-Mahoosucs Trail
- ITS Snowmobile Trail
- Existing Public ITS Snowmobile Trail
- Railroad

