



PAUL R. LEPAGE
GOVERNOR

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

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
From: Samantha Horn, Planning Manager
Ben Godsoe, Senior Planner
Date: October 5, 2018
Re: Proposed Rule Revisions: Revised Application of the Adjacency Principle and Subdivision Standards, Part 2

I. Background

The adjacency principle is a policy. It is an initial screen to guide where requests for new zones for residential subdivision and commercial development may be considered. Both the adjacency principle and the subdivision rules are currently under review by the Commission. The subdivision and adjacency reviews were initiated in response to stakeholder requests, and have involved significant outreach, feedback from stakeholders, public comment, and research efforts. The Commission initiated rulemaking for adjacency in May of 2018, and held a public hearing for that rulemaking on June 20, 2018. During the summer, staff has been doing additional adjacency outreach. That outreach is discussed in the “Part One” memo, also attached to the agenda for the October regular business meeting.

The public hearing and outreach have provided important information. Staff reviewed the feedback and recommend changes to the proposal. At the October meeting, staff will review the first group of recommended changes. The second group of changes (“Part Two”) will be available for the November regular business meeting. However, some of the most-discussed changes are described in this memo to give Commissioners and the public a preview of what to expect in the November package.

II. Rulemaking Package Part Two – Preview of Primary and Secondary Location Changes

Many of the comments offered by the public have focused on the configuration of the primary and secondary locations. Rezoning requests for commercial development would pass the adjacency screen, and could proceed to a rezoning evaluation, in primary areas. Rezoning requests for

residential subdivisions would pass the adjacency screen, and could proceed to a rezoning evaluation, in both primary and secondary areas. In addition, General Management subdivisions can be allowed with a permit and no rezoning in certain primary areas.

The primary and secondary areas are affected by:

1. identification of certain minor civil divisions as “rural hubs”;
2. distance that the primary areas extend from the edge of rural hubs;
3. distance that the primary and secondary areas extend from public roads;
4. availability of emergency services and legal right of access, in the case of residential subdivision;
5. status as a plantation or organized town; and
6. additions and subtractions of specific minor civil divisions from the primary and secondary areas.

Based on public comments and further analysis, staff is recommending some changes to the configurations of the primary and secondary areas, as described below. The resulting pattern of primary and secondary areas is illustrated on the attached map.

A. Rural Hubs:

Staff are proposing to **remove** the following MCDs from the rural hubs list due to factors that include emergency service provision capacity:

Eustis	Newry	The Forks Plt.
Lovell	Sullivan	Wilton

The **remaining rural hubs** are:

Anson	Ashland	Bethel
Bingham	Calais	Caribou
Carrabassett Valley	Dover-Foxcroft	Eastport
Ellsworth	Farmington	Fort Kent
Gouldsboro	Greenville	Guilford
Houlton	Island Falls	Jackman
Jonesport	Kingfield	Lincoln
Lubec	Machias	Madawaska
Medway	Milbridge	Millinocket
Milo	Oakfield	Old Town
Orono	Patten	Presque Isle
Princeton	Rangeley	Rockwood Strip T1 R1 NBKP
Rumford	Saint Agatha	Unity
Van Buren	Waterford	

B. Distances:

Many commenters talked about the importance of keeping new development within or close to rural hubs. Other commenters noted that it can be practical to serve new development that is accessible

from the rural hub, if travel distances and direction are considered and appropriate arrangements are made to cover the costs that municipalities incur for service provision. Several specific places were discussed in public meetings and in individual comments, giving staff a lot of good information to work with. After working with different distances from rural hubs and public roads, staff propose that 7 miles from a rural hub and 1 mile from a road gives the best overall balance, and minimizes the number of townships that need to be added or deleted to cover the current development centers and avoid areas that are inaccessible from the hubs.

Staff propose the following distances:

Distance of *primary locations* from the edge of a rural hub - **7 miles**. (Previously 10 miles)

Distance of *primary locations* from a public road - **1 mile**. (Previously 2 miles)

There is *no recommended change for secondary locations*, except that the removal of some MCDs as rural hubs will eliminate secondary locations that were based on those hubs.

C. Additions and removals of specific MCDs within primary or secondary locations:

After the rural hubs and the distance measurements are chosen, some adjustments still need to be made to the primary and secondary areas to account for local circumstances. Staff reviewed the new primary and secondary areas and made preliminary recommendations about which MCDs to add or delete. The additions and removals were based on the same principles as were used for the first iteration of the list. If there were obvious barriers that prevented efficient travel between a rural hub and an MCD, it was considered for removal. If the primary and secondary locations failed to include an area of significant population and activity, that area was considered for addition. One MCD of particular note is Lexington Twp. Based on information about service provision, and the feedback from the residents, Lexington Twp. is proposed to be removed from the primary and secondary areas.

The recommended list of additions and removals is as follows.

MCD Name	Added/Removed
Benedicta Twp.	Added
Blanchard Twp.	Added
E Twp.	Added
East Moxie Twp.	Added
Greenfield	Added
Kingman Twp.	Added
Madrid Twp.	Added
Marion Twp.	Added
Moxie Gore	Added
North Yarmouth Academy Grant Twp.	Added
Oxbow North Twp.	Added
Prentiss Twp. T7 R3 NBPP	Added
Silver Ridge Twp.	Added
T1 R5 WELS	Added

T9 R5 WELS	Added
T9 SD BPP	Added
Upper Molunkus Twp.	Added
Andover West Surplus Twp.	Removed
Carrying Place Town Twp.	Removed
Dead River Twp.	Removed
Grafton Twp.	Removed
Johnson Mountain Twp.	Removed
Lexington Twp.	Removed
Pierce Pond Twp.	Removed
T3 R3 WELS	Removed
T3 R4 BKP WKR	Removed

III. Next steps

Staff will prepare the remainder of the rulemaking package for the November regular business meeting. Key parts of the November material will be language that implements the changes described in this memo, and the introduction of standards for resource dependent activities to accompany the subdistricts and use listings. During the anticipated public hearing process, commenters may suggest further changes for the Commissioners to consider before adopting a final package next year.

Location of Development: Primary and Secondary Locations

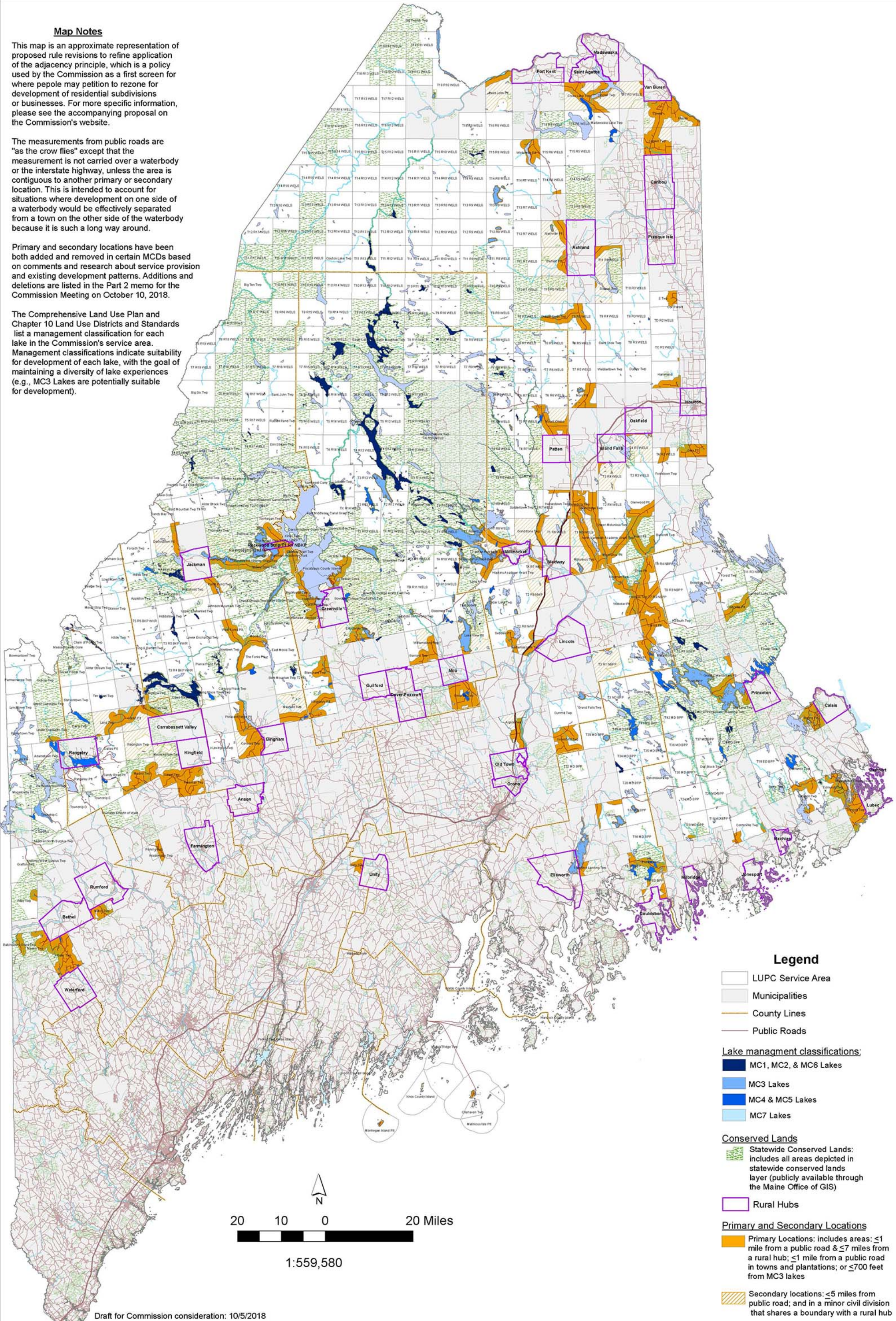
Map Notes

This map is an approximate representation of proposed rule revisions to refine application of the adjacency principle, which is a policy used by the Commission as a first screen for where people may petition to rezone for development of residential subdivisions or businesses. For more specific information, please see the accompanying proposal on the Commission's website.

The measurements from public roads are "as the crow flies" except that the measurement is not carried over a waterbody or the interstate highway, unless the area is contiguous to another primary or secondary location. This is intended to account for situations where development on one side of a waterbody would be effectively separated from a town on the other side of the waterbody because it is such a long way around.

Primary and secondary locations have been both added and removed in certain MCDs based on comments and research about service provision and existing development patterns. Additions and deletions are listed in the Part 2 memo for the Commission Meeting on October 10, 2018.

The Comprehensive Land Use Plan and Chapter 10 Land Use Districts and Standards list a management classification for each lake in the Commission's service area. Management classifications indicate suitability for development of each lake, with the goal of maintaining a diversity of lake experiences (e.g., MC3 Lakes are potentially suitable for development).



Legend

- LUPC Service Area
- Municipalities
- County Lines
- Public Roads

Lake management classifications:

- MC1, MC2, & MC6 Lakes
- MC3 Lakes
- MC4 & MC5 Lakes
- MC7 Lakes

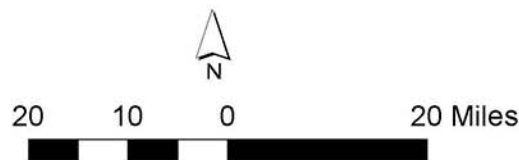
Conserved Lands

- Statewide Conserved Lands: includes all areas depicted in statewide conserved lands layer (publicly available through the Maine Office of GIS)

Rural Hubs

Primary and Secondary Locations

- Primary Locations: includes areas: ≤ 1 mile from a public road & ≤ 7 miles from a rural hub; ≤ 1 mile from a public road in towns and plantations; or ≤ 700 feet from MC3 lakes
- Secondary locations: ≤ 5 miles from public road; and in a minor civil division that shares a boundary with a rural hub



1:559,580