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Memorandum

To: LUPC Commissioners
From: Samantha Horn, Planning Manager
Ben Godsoe, Senior Planner
Date: October 5, 2018
Re: Considerations for Rezoning Near Lakes, Staff Analysis

Lake resources are important to Maine's character, environment and economy. Healthy lakes are a strong draw for local residents and visitors alike, and play a critical role in sustaining fish and wildlife populations. When the Commission considers the location of future subdivisions, it is important to be deliberate about which lakes may be near new zones for subdivisions.

The May 2018 draft of rule revisions for adjacency included a proposal that any new zones for waterfront subdivision should be either 1) on a lake or pond that is within a certain distance of services (i.e., within primary or secondary locations); or 2) on a lake or pond that is already developed. Outside of primary or secondary locations, lakes under the proposed revisions that could be eligible for rezoning include management class 3, 4, and 5 lakes, as well as certain class 7 lakes. During the public hearing on the draft rule revisions, commenters raised concerns that there was not sufficient information available to tell which or how many class 7 lakes qualify as having sufficient development to make them potentially be eligible for rezoning. Without this information, commenters raised concerns that a large number of lakes could possibly be "open for development." Commenters requested more information on which class 7 lakes could be affected by the proposal. LUPC staff undertook an analysis of available data to provide more information in response. Although we do not have current data for the location of all dwellings in the unorganized territories (UT), staff conducted research that provides an estimate of how many water bodies are presently developed, as well as some examples to assist interested individuals understanding and getting a better feel for what a "developed" lake is.

The staff analysis provides an estimate of the number of lakes that may potentially be eligible to go through the rezoning process, although the estimate is certainly an overcount, as some lakes are entirely in conservation easement and are therefore never open to subdivision development. It is also important to keep in mind that the rezoning criteria, which include standards related to environmental protection and community character, among others, would have to be met before the Commission could rezone property on any of these lakes. At the October Commission meeting, staff will review background information and details of the assessment for eligible lakes, and answer questions the Commission may have on the method or results.