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LAND USE PLANNING COMMISSION
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AMANDA E. BEAL
COMMISSIONER

Memorandum

To: LUPC Commissioners
CC: Stacie R. Beyer, Executive Director
From: Ben Godsoe, Planning Manager; Stacy Benjamin, Chief Planner; and Megan Lamb, Senior Planner
Date: December 5, 2024
Re: Comprehensive Land Use Plan Update

I. INTRODUCTION

The enabling legislation for the Land Use Planning Commission charges the Commission with preparing “an official comprehensive land use plan...for the unorganized and deorganized areas of the State.” (M.R.S. 12 §685-C, see Appendix A). The statute further clarifies, “The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.” The most recent Comprehensive Land Use Plan (Plan or CLUP) was adopted in 2010.¹ This detailed and lengthy plan identifies 26 goals and 149 policies to guide Commission activities. Over the Commission’s 53-year history, there have been four Comprehensive Land Use Plans.

Many of the major policy initiatives identified in the 2010 CLUP have been accomplished. Guiding the location of development (LOD) was identified as the Commission’s highest priority issue. The 2019 adjacency rulemaking addressed many of the concerns identified in the Plan, including by:

- Establishing general rezoning criteria addressing topics like service provision, access to public roads, impacts on the character of an area, and the potential for land use conflicts;
- Identifying primary and secondary locations for development near towns that provide services to the Commission’s service area; and
- Creating a new system to allow rezoning for resource-dependent activities when needed in locations away from existing development.

Additionally, the subdivision rules have been updated, hillside development standards were added, a new enforcement unit has been created, and standards for recreational lodging facilities have been adopted. Though not all the policy initiatives discussed in the Plan were implemented, the list of accomplishments is long!

¹ [Comprehensive Land Use Plan](#), Land Use Planning Commission

However, much has changed since 2010, both in the broader world and the Commission's service area. The current CLUP is no longer necessarily forward-looking or responsive to changing land use trends in the unorganized territories. Staff believes an updated Plan could provide a roadmap for the future and more efficiently steer resources toward the highest priority policy issues moving forward.

December Meeting

The Commission will be asked at the December meeting to consider whether to initiate a process to update the CLUP. The following topics are introduced below to provide background for an initial discussion:

- Since 2010 - Brief summaries of what has been accomplished from the 2010 CLUP recommendations and the worldwide, national, state, regional, and internal changes that have occurred since the current CLUP was written
- Reasons why the staff believes now is a good time to initiate an update
- Potential process options to consider and discuss, including guiding principles
- Staff capacity and resource considerations should the process move forward at this time

The development of the current CLUP took more than five years and included multiple and varied public processes (see Attachment B for a procedural summary). Since its adoption, the Legislative approval process for the document has changed, and review by a second legislative session is now required (See Attachment C for a graphic illustrating the approval process). Should the Commission initiate a plan update, the lessons learned from that process and more recent regional planning efforts must be carried forward, including the need for robust, collaborative, and broad-reaching public engagement. To achieve this, the Commission would have to commit its resources to the process and likely seek supplemental funding for contracted assistance to accomplish certain tasks such as facilitation or other aspects of public engagement (more information about this below).

II. SINCE 2010

A. Implementing the 2010 CLUP

Though much has changed since 2010, the importance of the service area and the Commission's purpose remain consistent. The first paragraph of the current Plan still rings true today:

The Maine Land Use Regulation Commission (LURC or the Commission) is charged with extending the principles of planning and zoning across its jurisdiction, which spans more than 10 million acres of the State of Maine.²

² Land Use Regulation Commission became the Land Use Planning Commission in 2012 as the result of LD 1798 (PL 2011 ch. 682)

Known historically as the Wildlands of Maine, this vast landscape is the least populous and least developed portion of Maine and encompasses the largest block of undeveloped forestland in the Northeastern United States. The lands of the jurisdiction are predominantly privately owned, though they also contain many public values and resources. The Commission faces complex and unique challenges in its planning and regulatory responsibilities due to this intermixing of private ownership and public values (2010 CLUP, pg. 1).

The 2010 CLUP identified several high-priority implementation items. Below are examples of progress made on high-priority items since the Plan was adopted. A full summary of the implementation items from the Plan and any associated actions taken is included in Attachment D.

Section 7.1 Highest Priority Issue - Guiding the Location of Development

Good Progress:

- The 2019 Location of Development rulemaking, also known as the Adjacency rulemaking, was a significant step forward in identifying areas within the LUPC service area most appropriate for development requiring rezoning.
- Areas suitable as new development centers were identified as part of the Community Guided Planning and Zoning (CGPZ) program through projects in Aroostook and Washington Counties and the Moosehead Regional Planning Project, as well as through a rezoning process for the Hammond Ridge Planned Development Subdistrict, and for the Fish River Chain of Lakes Concept Plan.

Some Progress:

- Identifying areas least appropriate for development was accomplished in some regions, such as through the Washington County CGPZ development suitability analysis, through collaborative work with the Maine Beginning with Habitat (BWH) program on revising BWH focus areas, and through the Fish River Chain of Lakes Concept Plan in Aroostook County which required a combination of temporary and permanent conservation measures. Additionally, the 2019 Location of Development Rulemaking accomplished this goal in several ways. The rulemaking identified areas most appropriate for development (and inversely those that are not most appropriate) and built on the existing policy goals in the Commission's Lakes Management Program by allowing for residential subdivisions only on certain developed lakes outside of primary or secondary locations and not on high-value or undeveloped lakes.
- Though widespread prospective zoning did not occur, the Washington County CGPZ and Moosehead Regional Planning process both prospectively zoned areas suitable for

development in high-growth/high-value areas. Prospective zoning also occurred as the result of the deorganization of Atkinson and Bancroft.

- To help guide development at the service area-wide level, provisions for General Management subdivisions were adopted³; Geographic Allowance Areas were created for more intensive recreational lodging facilities; and the D-RB subdistrict developed during the CGPZ process resulted in eligible areas for rezoning in Washington and Aroostook counties.

Limited Progress:

- In terms of promoting and supporting landowner-initiated efforts to provide increased protection of lands through measures that include non-regulatory mechanisms, the Commission has supported a conservation easement through the adoption of the Fish River Chain of Lakes Concept Plan. Ultimately, the Commission has limited ability to affect conservation deals beyond requiring permanent conservation as part of a proposed concept plan.

Section 7.2 Other High Priority Issues - Addressing Other Development Issues, Addressing Resource Related Issues, Compliance, and Inventory Needs

Good Progress:

- Hillside standards were adopted to limit the environmental and visual impacts of hillside and ridge development. Development of tools and staff training for visual impact analysis has also occurred.
- Authority over timber harvesting was transferred to the Maine Forest Service except in certain subdistricts (e.g., development zones and development areas within concept plans), and the new system seems to be working well.
- Regarding grid-scale energy installations, the transfer of review authority to DEP and the Site Law Certification process is also working well. The Commission has certified several wind and solar power proposals and adopted specific regulations for solar development.
- The recreational lodging facility rulemaking addressed many of the issues with the zoning of these facilities, including a review of recreation-related activity listings, the development of impact-based standards allowing enough flexibility and predictability for most facilities to grow and be successful, and the creation of the Planned Recreation Development (D-PR) subdistrict.

Some Progress:

³ General Management Subdivisions carried forward many of the same concepts as “Level II Subdivisions” except that they are now limited to primary locations.

- Multiple steps have been taken to incorporate climate change into the Commission's rules and review processes, including the addition of sea level rise as a review criterion, the recent sea level rise study identifying inhabited coastal islands in the Commission's service area, and presentations and training by climate experts for the Commission and staff.
- Definitions and permitting requirements for development near wetlands were updated to improve consistency with the Natural Resources Protection Act in 2015 and again in 2018, including a reorganization of Chapter 10, Section 10.27,P and the addition of sections addressing natural resources other than wetlands.
- The recent creation of the Compliance Unit has already improved the Commission's ability to monitor compliance and address violations. Recent law changes will further enhance the Commission's ability to enforce its regulations.

Limited Progress:

- An incentive-based program to protect working farms and prime agricultural soils from incompatible land uses has not yet been developed. However, new standards have been adopted for agricultural processing facilities and agricultural tourism operations on working farms (10.25,A). Additionally, rulemaking establishing regulations for solar development addressed projects overlapping with areas of prime farmland soils.
- The recreational lodging rulemaking addressed campground development standards and locational considerations, but standards pertaining to recreational trails have not been reviewed or updated.

B. Global, National, and Statewide Issues

Since the 2010 CLUP was written, two global challenges have affected the LUPC's service area and the Commission's work and may ultimately play a significant role in an updated Plan.

1. Climate Change

Global temperatures have risen by an average of 0.11 Fahrenheit per decade since 1850, with corresponding increases in atmospheric carbon dioxide (CO₂) (see Figure 1). The rate of warming since 1982 has increased almost three-fold to 0.36 Fahrenheit per decade.

In Maine specifically, extreme drought conditions were experienced in different parts of the State in 2016 and 2020. Sea levels have risen at a higher rate in the past few decades than since data collection began in 1912, and multiple records were set in 2010 and again in 2023. In addition, the frequency and severity of rainfall events and storms have increased.⁴ In response to climate change concerns, the Maine Climate Council was created. The Council developed the *Maine Won't Wait Climate Action Report* to plan for and deal with

⁴ [2024 Scientific Assessment of Climate Change and Its Effects in Maine \(p. 90\)](#)

changes and uncertainty due to climate change.⁵ While this document provides guidance at the state level, it is not targeted at the Commission’s service area, and a more detailed set of policies may be needed.

In terms of implications for the LUPC, these climate events could result in:

- Increased demand for permits related to extreme weather events such as shoreline stabilization and reconstruction or activity in floodplain areas (increased storm frequency and intensity) and water withdrawal for agriculture (increased drought);
- Increased demand for renewable energy development and transmission; and
- Planning and permitting implications for areas affected by sea level rise, with recent damage to and future threats to structures and community infrastructure.⁶

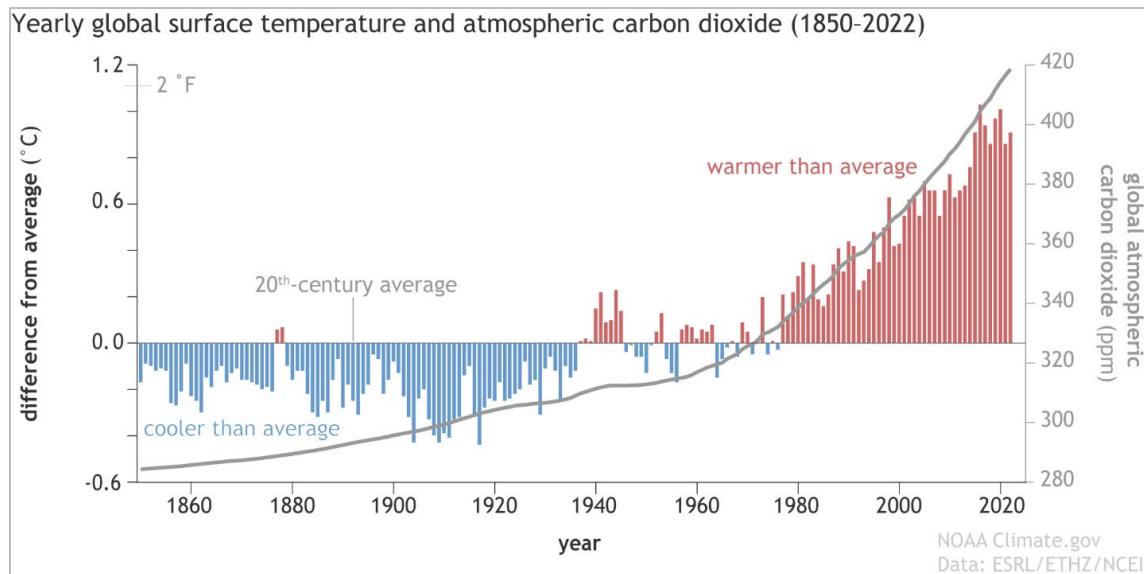


Figure 1. Atmospheric carbon dioxide (line) and global surface temperatures.

2. COVID-19 Global Pandemic and Associated Demographic Changes

The COVID-19 pandemic resulted in lockdowns and required isolation, leading to an increased ability to telework and to work from remote or less populated locations like the unorganized territories. During the pandemic, Maine saw a net increase in change-of-address requests for the first time in many years.⁷

Exacerbating an already tight housing market in Maine, net in-migration exacerbated an already tight housing market.⁸ The impact on development permitting in the LUPC service area is summarized in Section C (Land Use Changes) below.

⁵ 2024 Maine Won’t Wait Climate Action Plan, [Maine Climate Council](#)

⁶ [Island Structures Potentially Impacted by Sea Level Rise in the Land Use Planning Commission’s Service Area \(2024\)](#)

⁷ [How the COVID-19 Pandemic Changed Household Migration in New England](#)

⁸ [State of Maine Housing Production Needs Study](#)

C. Land Use Changes⁹

Overall permitting activity since 2010 is summarized below and in Figure 2. The full impacts of the economic recession that began in 2008 were not fully apparent when the 2010 CLUP was adopted. After its adoption, permitting numbers for developments of all types for the period 2010-2019 were consistently much lower than those seen in the 1980s and 1990s. This changed during the pandemic when permitting numbers rose to similar levels seen in previous decades. This is reflected in the new dwelling data below (Figures 3 and 4).

1. Overall Permitting Activity

- 6,162 Building Permits
- 887 Development Permits
- 129 Zoning Petitions
- 543 Great Pond Permits
- 239 Service Drop Permits
- 135 Forest Operation Permits
- 96 Shoreland Alteration Permits
- 69 Subdivision Permits
- 60 Road Construction Permits
- 36 Utility Line Permits
- 27 Site Law Certifications
- 23 Bridge Construction Permits
- 18 Wetland Alterations
- 9 Hydropower Permits

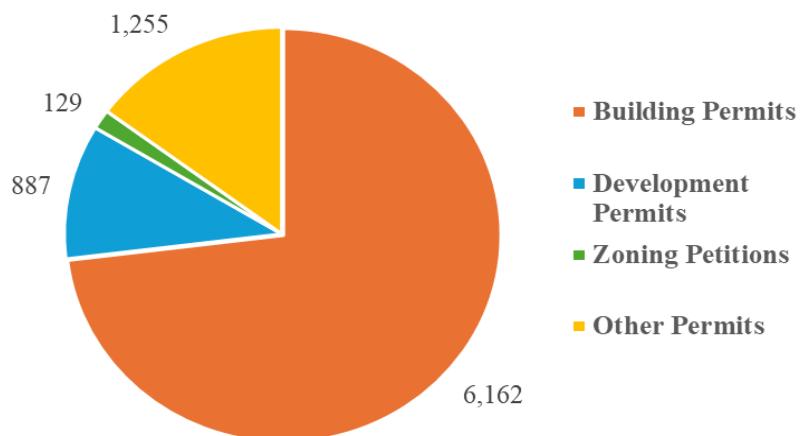


Figure 2. Overall permitting activity for the Commission's service area.

⁹ The following summarizes GOAT permitting data for all final dispositions between January 1, 2010 and December 31, 2023. Consistent with annual LUPC performance reports, data has been limited to ‘primary reporting action types’ that were deemed complete for processing (i.e., does not include: advisory rulings (AR), boat launch notifications (BLN), certificates of compliance (CoC), Coastal Zone Management Area Consistency Determinations (CZMA), letters of exemption (LOE), Maine Forest Service review and approval (MFS-RA), or water quality certifications (WQA) not incorporated in other actions. While these actions do not involve the issuance of permits, they are official determinations made by the Commission). Commission initiated actions, such as Commission initiated rezonings, are not included in permitting data. Queries were conducted on 6/12/2024.

2. New Dwellings Permitted (Figures 3 and 4)

- Total = 1810
- Aroostook County = 201
- Franklin County = 420
- Hancock County = 30
- Kennebec County = 4
- Knox County = 12
- Lincoln County = 3
- Oxford County = 107
- Penobscot County = 310
- Piscataquis County = 256
- Somerset County = 313
- Washington County = 154

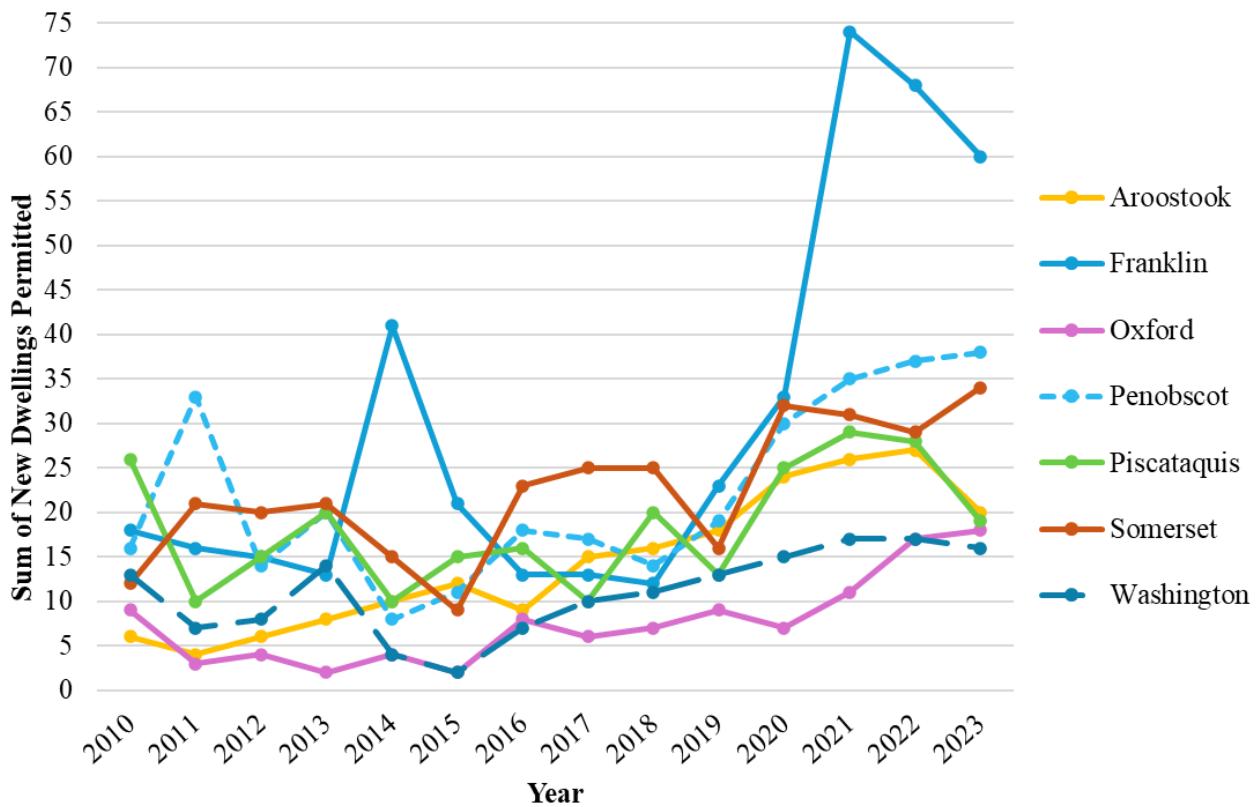


Figure 3. Summary of permitted new dwellings since 2010.

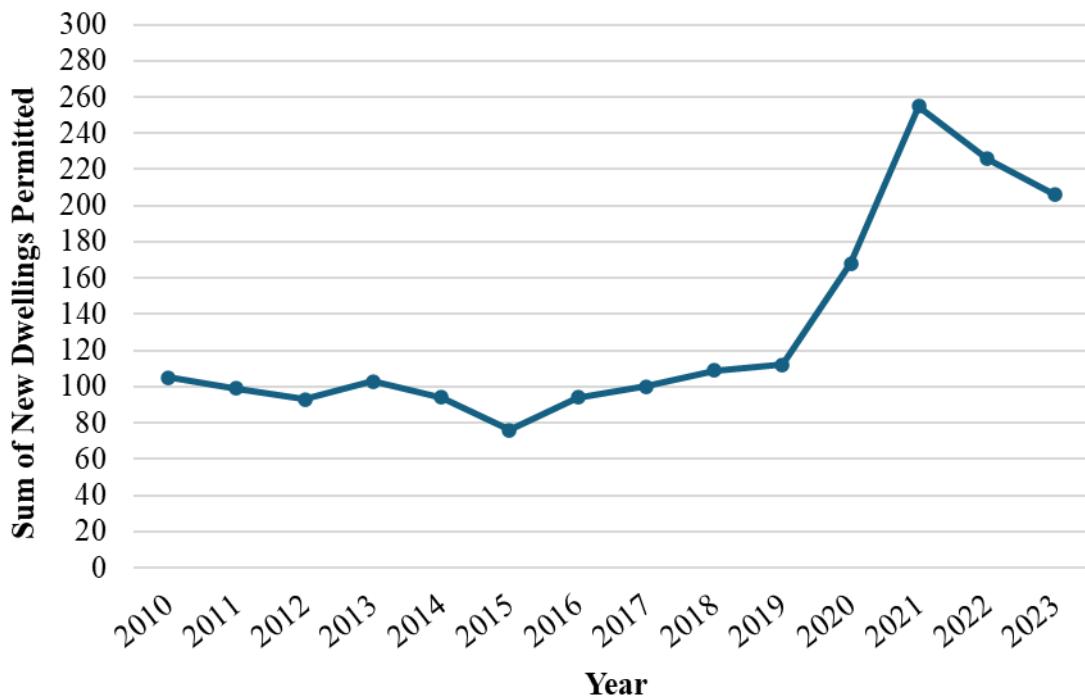


Figure 4. Summary of permitted new dwellings in counties with the highest numbers since 2010 in the Commission’s service area.

D. Conserved Lands

The 2010 CLUP includes a policy to “promote and support landowner-initiated efforts to provide increased protection of lands through measures that include non-regulatory mechanisms, such as conservation easements and management agreements.” Since 2010, multiple new conservation easements have been acquired within the Commission’s service area – most of which occurred outside of the Commission’s purview. Commission staff are collaborating with other departments to develop a summary of the easements and conserved lands.

E. The Commission

In addition to the work completed in response to the 2010 CLUP priorities, the Commission itself has undergone significant change since 2010. These changes are summarized below.

- 21 changes to 12 M.R.S. Chapter 206-A Use Regulation, with notable changes from P.L. 2011, ch. 682 enacting LD 1798 (the reform), including:¹⁰
 - Revisions to the description of the Commission’s purpose and scope
 - Removal of the Demonstrated Need criterion of the rezoning standard

¹⁰ [12 M.R.S. Chapter 206-A Use Regulation](#)

- Change from LURC to LUPC
 - Combining the Department of Conservation with the Department of Agriculture (DACP)
- As a result of the reform, a guidance document was adopted for interpreting the CLUP, with emphasis on:¹¹
 - Serving the regions in which the unorganized and deorganized areas are located
 - Honoring the rights and participation of residents and property owners
 - Encouraging and facilitating regional economic viability
- Also, in response to the reform, the Commission initiated Community Guided Planning and Zoning, with successful regional planning efforts in Aroostook County and Washington County.
- The Commission pursued at least 70 rulemakings, including:
 - Over 50 updates to Chapter 10, Land Use Districts and Standards
 - Revising the fee structure (Chapter 1)
 - Creating a definitions chapter (Chapter 2)
 - Creating the Rules of Practice (Chapter 4)
- The Commission adopted or processed changes to six concept plans, including:
 - Fish River Chain of Lakes (New, 2019)
 - Foss Pond, Hilton Ponds, and Portions of Whetstone Pond Concept Plan (Expired, 2020)
 - Moosehead Lake Region Concept Plan (Terminated, 2020 with a three-year rezoning process through the Moosehead Regional Planning Project)
 - First Roach Pond Concept Plan (Expired, 2022)
 - Attean Concept Plan (Expired, 2023)
 - Brassua Lake Concept Plan (Expired, 2024)
- The Commission adopted or processed changes to five resource plans, including:
 - East Branch of the Penobscot River Resource Plan (Expired, 2012)
 - Lower West Branch of the Penobscot River Resource Plan (Expired, 2022)
 - Metinic Islands Resource Plan – North Portion (Renewed, 2013)
 - Metinic Islands Resource Plan – South Portion (Expired, 2014)
 - St John River Resource Plan (Renewed, 2022)
- The Commission worked with local communities on seven deorganizations and two transfers of land use authority, including:
 - Atkinson (de-organized 2019)
 - Bancroft (de-organized 2015)

¹¹ [CLUP Guidance Document](#)

- Cary Plantation (deorganized 2019)
- Codyville Plantation (deorganized 2019)
- Drew Plantation (deorganized 2023)
- Highland Plantation (assumed local control 2016)
- Kingsbury Plantation (assumed local control 2020)
- Magalloway Plantation (deorganized 2021)
- Oxbow North (deorganized 2017)

- The Commission experienced several changes in its organizational structure, board membership, and staffing:
 - In 2010, there were 26 permanent staff, including 25 full-time and one part-time (30-hour) positions.
 - Today, the Commission has 23 permanent full-time positions and two term-limited positions that end in June 2025.
 - Four executive directors (two in an acting capacity)
 - Four Commission chairs and 25 commissioners

III. WHY UPDATE THE CLUP NOW?

Updating the 2010 CLUP would require significant Commission and staff time and resources, so compelling reasons are needed to initiate such an intensive and potentially lengthy planning process. The current CLUP remains adequate for permitting and daily regulatory needs. The Commission routinely uses the goals and policies in the CLUP to inform its decisions, describing how a given proposal would or would not be consistent with the Plan. However, the CLUP is now 14 years old and no longer future-facing. It may not effectively address more recent economic, demographic, and environmental trends and concerns. This is particularly true for uncertainties around climate change. For example, new policy issues around solar energy or battery storage development and the legalization of cannabis are not addressed in the 2010 CLUP.

The 2010 CLUP was written prior to the reform legislation in 2012 that changed the purpose, scope, and even the name of the agency to the Land Use Planning Commission (formerly the Land Use Regulatory Commission or LURC). The same legislation resulted in a shift in jurisdiction over forestry-related uses like timber harvesting to the Maine Forest Service, and the review of major development projects triggering site law to the Department of Environmental Protection. None of these changes are reflected in the current Plan, and the Commission currently relies on guidance developed in 2012 to interpret the Plan in light of those legislative changes. While adequate, this current approach is not as effective as having an updated CLUP.¹²

Additionally, with the major policy initiatives substantially addressed (e.g., the location of development), staff believe it is time to reevaluate the goals and policies in the Plan to ensure they

¹² [CLUP Guidance Document](#)

are still relevant, and provide more of a road map for the Commission’s work over the coming decades. The longer a Plan update is deferred, the less relevant the policies and information in the current Plan become. Over time it will become harder to write decisions and adhere to policies that are outdated.

Much has also changed in terms of technology and data. Geographic Information System (GIS) capability has grown tremendously since 2010. Broad-reaching communication is much easier through web-based information and the GovDelivery system. A modern plan could account for these changes in technology and what it will mean for the Commission’s operations, customer service goals, efforts to improve transparency, and communication strategies in the future.

In addition to yielding an updated plan, the comprehensive planning process would enable the Commission to improve its understanding of issues in, and differences between the distinct regions it serves. The staff believes that any update to the Plan would be grounded in outreach and broad-based public participation, with a special focus on regions. For example, the process could:

- Evaluate and prioritize regional needs in rural Maine, foster regional collaborations, and potentially provide a forum for solving cross-jurisdictional issues;
- Identify current trends regarding land use, conservation, and service provision, while considering how to build resiliency into the Commission’s regulatory framework and its operations; and
- Give voice to residents, property owners and others, providing a better understanding of how they view the Commission and its work, and identify specific steps to improve efficiency and customer service.

IV. POTENTIAL PROCESS FRAMEWORK

Following are some process ideas for how to update the CLUP.

A. Guiding Principles

Should the Commission wish to move forward with a CLUP update, a good first step may be for the Commission to identify guiding principles both for the CLUP update process and the CLUP itself. These principles could set the stage for the entire process and provide a foundation for the Commission’s and participant’s efforts, no matter how the process unfolds. These principles may include anything that is important to the Commission to help guide the process. Here are some examples of potential guiding principles:

1. From Statute: Legislative Purpose and Process

The CLUP and its development must be consistent with the LUPC statutory purpose and the process outlined in 12 M.R.S. §681 and §685-C.

2. From the 2012 CLUP Interpretation Guidance Document:

The LUPC (and an updated CLUP) must place increased emphasis on:

- Serving the regions in which the unorganized and deorganized areas are located;
- Honoring the rights and participation of residents and property owners, and
- Encouraging and facilitating regional economic viability.

3. Public Engagement

The CLUP update process must include a robust, collaborative, and broad-reaching public engagement process. The Commission must seek diverse perspectives and use varying strategies to ensure all voices are heard. The process must be locally desired and driven, be transparent, and allow for broad participation by all with an interest in the Commission’s service area to ensure a balance of the Plan’s vision, goals, and policies across unique regions.¹³

4. Considering Climate Change

The CLUP update process must consider the potential implications of climate change to ensure consistency with statewide and regional policies as well as regional needs within the Commission’s service area. The update process should consider and prioritize future rulemaking or policy development as needed, focusing on policies that are targeted, but also flexible enough to handle likely uncertainty and potentially unforeseen circumstances related to the effects of climate change.

5. Balancing Regional Differences

Taken together, the goals and policies of the CLUP must strike a balance between regional uniqueness and jurisdiction-wide consistency in regulatory structure and predictability for property owners.

6. SMART Goals and Policies

The current 2010 CLUP includes 149 well-meaning and sometimes competing policies encompassing a broad array of activities and recommendations that, in some cases, exceed the scope of the Commission’s work. The Commission may want to focus a future CLUP update on actions within the Commission’s range of influence and responsibility. One way to capture this principle would be to require SMART policies, or those that are:

- **Specific** – Describe what will be accomplished and the actions to be taken to accomplish the policy.
- **Measurable** – Define what data or metrics will be used to measure the policy and identify a method for collection.

¹³ These concepts come from the Community Guided Planning and Zoning program.

- **Achievable** – Ensure policies are realistically achievable within the Commission’s scope and capacity.
- **Relevant** – Identify the key outcomes of each policy and how those outcomes align with the Commission’s statutory purpose and the guiding principles.
- **Time-bound** – Set a prioritized timetable with realistic timelines.

B. Consider a Pre-Process Step

To prepare for a potential CLUP update, Commission staff would assemble data and materials that may be useful and informative. One option would be to present this gathered “Since 2010” data and information through a website and public survey format, and then ask for feedback on the information presented. This initial survey could be delivered online, or via mail by request, and include questions about a potential CLUP update process, ask for feedback on draft guiding principles, help identify important issues and what data may be missing, and get input on public engagement methods and ideas.

A project website would also be created at this early stage. The website could include links to important data and background materials, a process schedule and timeline, a link to the initial survey, and staff contact information.

One thing learned during Community Guided Planning and Zoning was that stakeholder participation in designing the process can be helpful. A neutral facilitator would potentially be needed to assist any group convened by the Commission with decision-making on how the process and/or end product should be structured.

C. Potential Process Models/Ideas

One important element of the process to adopt the 2010 CLUP was the appointment of a working group with representatives from various interests who discussed and made recommendations to the Commission regarding the final draft of the plan before it went to a public hearing. This input was critical to gaining legislative approval.

More recently, the Maine Climate Council structure and process may provide a useful model for a potential CLUP update process.¹⁴ In this case, a steering committee has been convened that includes “an assembly of scientists, industry leaders, bipartisan local and state officials, and engaged citizens.” Members are appointed by the Governor and have the goal “to develop a four-year plan to address the impacts of climate change on Maine, build resiliency to climate effects, and meet state statutory targets to reduce greenhouse gas emissions.”

The Commission could appoint a steering committee to guide the CLUP update process. Using the 2010 working group as a model (and considering the interests represented in each CGPZ project), the following are some examples of types of interests that could be represented:

¹⁴ [Maine Climate Council](#), Governor’s Office of Policy Innovation and the Future

- Property owners and residents (with representation from small and large landowners)
- Economic development organizations
- Service providers (county and local)
- Sporting camp or recreation lodging facility
- Recreation business owner
- Conservation/ easement holder
- Wildlife/ habitat
- Elected official such as a legislator or county commissioner representing areas served by the Commission
- Forest products industry
- Resource extraction
- Energy production/ transmission
- Agriculture and farming
- Coastal islands
- Climate change experts
- Youth and/or representation from different demographic groups
- Others?

Subcommittees or groups could be formed to focus on specific components of the plan. This approach could be topic-based, with each subcommittee tackling a chapter to update, for example. Alternatively, the subcommittees could also be region-based, but this may present structural challenges in producing a cohesive overall document and logistical challenges as staff and any consultants hired seek to manage multiple regional planning processes simultaneously. Another approach could include topical subcommittees and a robust public participation plan for testing out policy ideas in each region. If the Commission decides to include a pre-process step, the proposed survey and facilitated process could test ideas like this for how the committee would operate.

Examples from Other Places

As part of the recent background research, staff have reviewed regional plans from other localities for ideas about plan development processes, outreach tools, and plan structures. The following examples of more recent regional planning efforts may be useful in thinking about a process and structure for a CLUP update. Some elements of an example may be desirable, while others may be less workable or effective for a CLUP process. Staff have highlighted particular components of each of the following examples that may be most helpful.

- [Regional Plan Basics | Flagstaff Regional Plan 2045](#): This website provides an example of how an overview of the CLUP might be presented. [Also check out the Public Participation and Plan Development tab.](#)

- [Region Planning | Anne Arundel County Government](#): This example shows how information can be presented with a topic or regional focus.
- [Regional Plan Review | Shape Your City Halifax](#): This example includes an easy-to-read project timeline and a way to submit and share [site-specific requests](#).
- [VISION 2050 | Puget Sound Regional Council](#): This example presents data by topic in a way that might be useful for the CLUP update (click on the Data & Research tab).
- [Maine Climate Impact Dashboard](#): This is a good example of how a variety of topics can be presented using a more interactive approach.

V. NEXT STEPS

The purpose of this initial discussion is to provide background information and hear the Commission’s thoughts on updating the CLUP. Staff request guidance on the timing of initiating an update to the CLUP and where this fits in Commission priorities for the Planning staff. Following are some possible options:

Option 1: Planning staff take a step back from its current rulemaking priorities and focus on two things: helping permitting staff and managing the CLUP update with some limited contracted assistance (e.g., facilitation, survey design/analysis, etc.);

Option 2: Staff spend time to identify and request funding for a contracted facilitator to **comprehensively manage** the CLUP update process, including public engagement, with more strategic use of staff time on the CLUP while continuing to pursue high-priority rule updates;

Option 3: Continue with current rulemaking priorities and pre-process data collection, but still try to move forward a CLUP update acknowledging that without a change in staff focus or contracted assistance, the update process may become drawn out and potentially disjointed as planning staff juggle multiple priorities; or

Option 4. Postpone consideration of a CLUP update for a specified time period.

Should the Commission wish to move forward with a CLUP update, staff will prepare materials to help facilitate a discussion about guiding principles, and draft a detailed work plan.

Attachments:

- A. Statutory Provisions
- B. 2010 CLUP Process Summary and Timeline
- C. Legislative Approval Process
- D. Progress on High Priority Implementation Items from the 2010 CLUP

Attachment A – Statutory Provisions

12 §681. Purpose and Scope

The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to support and encourage Maine's natural resource-based economy and strong environmental protections; to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State; to prevent residential, recreational, commercial and industrial uses detrimental to the long-term health, use and value of these areas and to Maine's natural resource-based economy; to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities; to prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and detrimental uses of the water in these areas; and to conserve ecological and natural values.

The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. The Legislature acknowledges the importance of these areas in the continued vitality of the State and to local economies. Finally, the Legislature desires to encourage the appropriate use of these lands by the residents of Maine and visitors in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.

...

12 §685-C. Miscellaneous provisions

1. Comprehensive land use plan. The commission shall prepare an official comprehensive land use plan, referred to in this subsection as “the plan,” for the unorganized and deorganized areas of the State.

The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses that generally delineate the proper use of resources, and recommendations for its implementation.

The commission shall hold public hearings to collect information to be used in establishing the plan. The public hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties or the formulation of its land use standards or rules.

A. The commission may not finalize a plan or a portion of a plan without:

- (1) Submitting the tentative plan to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;
- (2) Submitting the tentative plan to the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, as described in Title 7-A, section 206, subsection 4, or its successor, which shall forward its comments and recommendations, if any, to the commission within 30 days;
- (3) Considering all comments submitted under paragraphs A and B-1; and
- (4) Submitting the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee reviewing the plan at a public meeting. The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes.

B. Repealed.

B-1. After the commission has finalized a plan or a portion of a plan, but prior to adoption, the commission shall provide a copy to the Commissioner of Agriculture, Conservation and Forestry, who shall submit the finalized plan or a portion of the plan to the Governor for comments. The commissioner shall submit the finalized plan or a portion of the plan including the Governor's comments to the Legislature within 30 days after the convening of the next regular session for approval. The Legislature shall, by act or resolve, approve, disapprove or require changes to the plan or any portion of the plan prior to adjournment. If the plan or a portion of the plan is approved or the Legislature fails to act on the plan or a portion of the plan before adjournment, the plan or a portion of the plan may be finally adopted by the commission. If the plan or a portion of the plan is disapproved or revisions are required, the plan or a portion of the plan must be revised by the commission and resubmitted to the Legislature for approval by act or resolve. The joint standing committee of the Legislature having jurisdiction over conservation matters may submit legislation to implement the provisions of this paragraph.

This subsection also applies to any alteration in the plan.

**Attachment B – Summary Timeline for 2010 Comprehensive Land Use Plan
Process**

~ COMPREHENSIVE LAND USE PLAN REVISION ~

PROCEDURAL SUMMARY

The administrative record to date includes but is not necessarily limited to the following.

I. Research and Drafting Phase

In addition to the panel discussions and guest speakers, summarized below, staff conducted extensive research which included works reviewed, which are located in in-office files, and works which have been cited in the document, as reflected in Appendix F of the plan.

- A. Commission and Staff Brainstorming – 4 sessions over 9 months** Date
 - 1. Topic: Initiate Revision Process.....06/09/04
 - 2. Topic: Identify Preliminary Timeline and Areas of Concern.....11/10/04
 - 3. Topic: Review of 1997 Comprehensive Land Use Plan12/08/04
 - 4. Topic: Review of 1997 Comprehensive Land Use Plan Implementation Schedule.....02/02/05
- B. Staff and Commission Visioning Sessions**10/26/05 & 10/27/05
- C. Panel Discussions** (*before the Commission*)
 - 1. Changing Character of Nature-based Tourism.....01/12/05
 - 2. Current and Future Challenges Facing Nature-based Recreation Industries.....03/02/05
 - 3. Regional Planning for Coastal Islands09/07/05
 - 4. Wind Energy Resources, *part 1*12/07/05
 - 5. Consumptive Water Use01/04/06
 - 6. Forest Resources and Land Ownership.....01/23/06
 - 7. Conservation Easements02/13/06
 - 8. Wind Energy Resources, *part 2*04/05/06
 - 9. Facilities and Services Provided to the Unorganized Territory.....06/06/06
 - 10. Affordable Workforce Housing08/02/06
 - 11. Economic Development in Rural Areas.....10/04/06
 - 12. Wind Power Forum.....08/01/07
- D. Guest Speakers** (*before the Commission*)
 - 1. Topic: Land Use Vision for the Moosehead Lake Region02/02/05
 - 2. Topic: Remote Ponds03/02/05
 - 3. Topic: Recreational Resources and Wildlife and Fisheries Resources04/06/05
 - 4. Topic: Rising Burden of County Services Provided to Development in the UT04/06/05
 - 5. Topic: Rising Burden of County Services Provided in the UT, continued05/04/05
 - 6. Topic: 1990 Lake Management Program07/06/05
 - 7. Topic: Monhegan Island Survey09/07/05
 - 8. Topic: An Introduction to Conservation Easements12/07/05
 - 9. Topic: Historical and Cultural Resources in LURC's Jurisdiction01/04/06
 - 10. Topic: Natural Areas in LURC's Jurisdiction01/04/06
 - 11. Topic: Recreation Resources.....03/01/06
 - 12. Topic: Aquatic Invasive Species04/05/06
 - 13. Topic: Charting Maine's Future [a.k.a. the Brookings Report]12/06/06
 - 14. Topic: Governor's Wind Power Task Force08/01/07
- E. Discussions of Topics and/or Preliminary Draft Sections** (*before the Commission*)

1. Topic: Concept Plans – Purpose and Process of Previous Plan Reviews and Lessons for the Future06/01/05
2. Sections: Vision for the Jurisdiction, Cultural Archaeological and Historical Resources, Agricultural Resources, and Air Resources03/13/06
3. Topic: Exempt Lots Report.....04/05/06
4. Topic: Wind Power Developments – Draft Guidance on Wind Power Developments.....04/05/06
5. Sections: Geologic Resources and Wetland Resources.....04/05/06
6. Sections: Energy Resources.....05/03/06
7. Sections: Recreational Resources, Forest Resources, and Plant & Animal Habitat Resources.....06/06/06
8. Topic: Planned Development (D-PD) Subdistricts07/12/06
9. Sections: Chapters 2 and 3, Scenic Resources, and Water Resources07/12/06
10. Section: Coastal Resources09/06/06
11. Topic: Development Trends and Patterns (Residential Trends).....02/07/07
12. Topic: Development, Trends and Patterns, continued (Non-residential Trends)03/07/07
13. Topic: Development, Trends and Patterns, continued (Facilities & Services).....04/07/07
14. Topic: Roads Providing Access to Development.....06/06/07
15. Section: Development Chapter08/30/07
16. Sections: First Compiled Draft Plan.....10/10/07

F. Meetings, Agency/Group Requested *(with Staff, unless noted otherwise) (Meetings upon group request)*

1. Agriculture, Conservation and Forestry Committee (*Joint Standing Legislative Committee*)02/26/07
2. The Nature Conservancy.....03/27/06
3. Forest Resources Association, Inc.10/05/06
4. Maine Forest Products Council.....10/11/06
5. Maine Forest Products Council.....10/18/06
6. Maine Forest Products Council.....10/31/06
7. Natural Resources Council of Maine11/20/06
8. Cooperative Forestry Research Unit05/22/07
9. Maine Tourism Commission.....06/04/07
10. Governor's Council on Maine's Quality of Place07/17/07
11. Maine Audubon Society.....07/19/07
12. Western Mountains Alliance.....08/15/07
13. Maine State Planning Office08/27/07
14. Agriculture, Conservation and Forestry Committee (*Joint Standing Legislative Committee*)10/10/07
15. Maine Woods Forever.....10/26/07

G. Commission Action: Advancement of Draft to Workshop Phase10/10/07

II. Public Workshop Phase

Version Posted: November 16, 2007¹

A. Draft plan made available

Record: 3

Statutory Parties (*RPCs, SPO, and Governor's Office*)11/21/07
Web11/20/07
Distributed to selected parties11/20/07
 (upon request, state agencies, ACF; also see distribution list)11/21/07
Notice of draft to Interested Parties (see distribution list)11/21/07

B. Public Workshops Schedule

<i>ii. Reschedule</i>	<i>Date</i>	<i>Time</i>	<i>Location</i>	
Presque Isle	04/28/08	6 to 9 p.m.	Presque Isle Inn & Conv. Center	03/14/08
Millinocket	04/29/08	6 to 9 p.m.	Stearns High School	

¹ Staff found the November 16, 2007 Redline Version inaccurately illustrated the revisions made to date; the necessary components were corrected and the redline version was reposted with a header date of November 26, 2007.

Greenville	04/30/08.....	6 to 9 p.m.	Greenville High School
Rangeley.....	05/01/08.....	6 to 9 p.m.	Rangeley Inn
Portland.....	05/05/08.....	6 to 9 p.m.	Holiday Inn by the Bay
Augusta.....	05/07/08.....	6 to 9 p.m.	Augusta Civic Center
Machias	05/08/08.....	6 to 9 p.m.	University of ME at Machias

iii. Addition..... 03/26/08
Request by Representative Jackson to add a workshop in Fort Kent area. Staff responded with the addition of the following:
 Fort Kent..... 04/27/08..... 6 to 9 p.m. University of ME. at Fort Kent

C. Commission Confirmation of Workshop Schedule

Record: 52

Commission Action..... 03/05/08

D. Notice of Workshop Schedule

03/14/08

(5 M.R.S.A. § 8053; 12 M.R.S.A. § 685-C, 1; and Chapter 4 of the Commission's Rules, Section 4.06)

Deadline for Action: 17-24 days prior to first workshop²

i. First Schedule

Extensive notices provided – see full record

E. Meetings – (with Staff, unless noted otherwise)

Date Record

1. Sarah Medina, Seven Islands Land Co.....	10/31/07	1
2. Landowner Panel Discussion (<i>before the Commission</i>)	11/07/07	55
3. Agriculture, Conservation and Forestry Committee (<i>Joint Standing Legislative Committee</i>)	12/10/07	56
4. ME Dept. of Agriculture (<i>State Soil Scientist</i>)	12/27/07	7
5. ME Dept. of Environmental Protection (<i>Air Resources</i>).....	01/08/08	8
6. Governor's Wind Power Task Force (<i>Alec Giffen</i>).....	01/15/08	12
7. ME Dept. of Conservation (<i>Commissioner and Directors</i>).....	01/17/08	13
8. ME Dept. of Agriculture (<i>John Harker</i>)	01/22/08	15
9. Independent Energy Producers	01/23/08	4
10. Wildlife Society of Maine.....	01/23/08	16
11. ME Dept. of Conservation (<i>BP & L – Off-Road Vehicle Division</i>)	01/25/08	18
12. Rural Caucus (<i>legislative group</i>)	01/29/08	21
13. ME Dept. of Environmental Protection (<i>Commissioner</i>)	01/30/08	25
14. Natural Resource Council of Maine.....	01/31/08	26
15. Governor's Office and Maine Forest Products Council	02/01/08	38
16. ME Public Utilities Commission	02/06/08	31
17. Governor's Office and Maine Forest Products Council	02/20/08	41
18. Governor's Council on Quality of Place (<i>MFPC presentation</i>).....	02/26/08	42
19. Western Mountain Alliance	02/29/08	44
20. Conservation Panel Discussion (<i>before the Commission</i>).....	03/05/08	52
21. Native Forest Network	03/10/08	62
22. ME Tourism Commission (<i>Resource and Product Development Committee</i>).....	03/18/08	43
23. Sarah Medina, Seven Islands Land Co. and Steve Coleman, Land Vest Inc.	03/18/08	66
24. Governor's Council on Quality of Place (<i>LURC presentation</i>).....	03/25/08	71
25. The Nature Conservancy.....	03/31/08	79
26. Recreation Panel Discussion (<i>before the Commission</i>).....	04/02/08	80
27. Forest Society of Maine	04/16/08	90
28. Maine Forest Products Council	04/18/08	94
29. Maine Forest Products Council.....	05/14/08	220
30. Joan Wisher, landowner	05/15/08	226
31. Sierra Club	05/19/08	223
32. Howard Weymouth, Katahdin Forest Management.....	05/20/08	231

² Day of notice does not count and last day in count may not be a weekend or national holiday (Ch. 4.08,(1)).

33. Maine Forest Products Council	05/21/08	240
34. Native Forest Network (<i>Hillary Lister</i>)	05/28/08	257
35. Maine Forest Products Council	05/28/08	258
36. First Wind (<i>Dave Wilby</i>)	05/29/08	262
37. University of Maine – Participant: <i>roundtable discussion on recreation and private land in the Northern Forest</i>	05/30/08	269
38. Native Forest Network (<i>Jesse Watson</i>)	06/02/08	271
39. ME Dept. of Inland Fisheries and Wildlife (<i>Steve Walker</i>)	06/02/08	272
40. Native Forest Network (<i>Emily Posner</i>)	06/04/08	278
41. Rob Lillieholm, U. Maine at Orono	06/05/08	323

F. Public Workshops

Over 725 people attended one or more of the eight workshops around the state, 177 of those people spoke. An additional 250 written comments were received during the public comment period.

	<u>Date</u>	<u>Record #</u>	<u>~ # of Attendees</u>	
Fort Kent	04/27/08	122	55	
Presque Isle	04/28/08	123	70	
Millinocket	04/29/08	124	150	
Greenville	04/30/08	125	75	
Rangeley	05/01/08	126	110	
Portland	05/05/08	127	83	
Augusta	05/07/08	128	120	
Machias	05/08/08	129	65	
		<i>TOTAL</i>	<i>~725</i>	<i>(~177 spoke)</i>

G. Public Comment Period, Close of

(5 M.R.S.A. § 8053,3,C)

Deadline for Action: *must be stated in legal notice; no period stipulated*

Close of public comment period 06/06/08
All comments are reflected in either the audio record for each workshop, or by written comments in the Public Record.

H. Staff Summary of Public Comment

Date Record

Staff summary of public comments posted and distributed	08/29/08
Staff presentation and discussion of summary with Commission	09/10/08376
<i><u>Commission Directive:</u> Begin revision based on summary & 09/10/08 discussion. Revise Vision & Principal Values, and present to Commission before revising other sections.</i>	
Staff presentation and discussion of summary with Commission (continued)	10/01/08385
<i><u>Commission Directive:</u> Confirmation of 09/10/08 directive; no additional directives.</i>	

I. Meetings, Post Comment Period – (with Staff, unless noted otherwise)

(Some meetings were staff initiated in order to clarify comments and collect current data, while other comment based meetings are discouraged at this phase in order to allow proper consideration and implementation of comments submitted during workshop process. However, staff continues to honor such requests as time allows.)

1. Environmental Funders Network	06/17/08378
2. Dept. of Conservation, Forest Service	06/19/08379
3. Piscataquis County Economic Development Council	09/08/08380
4. Landowners and Sportsmen Relations Advisory Board	09/09/08381
5. Maine Wilderness Guides Organization	09/15/08382
6. Northern Forest Alliance, Maine Caucus	09/17/08383
7. Governor's Office	09/17/08384
8. Dept. of Inland Fisheries & Wildlife	10/09/08390
9. Maine Woods Forever – roundtable	11/07/08395

J. Working Group

At its December 3, 2008 meeting the Commission voted to create a facilitated Working Group to discuss specific issues in the Comprehensive Land Use Plan (CLUP) before any further redrafts or proceeding to formal public hearings. The Commission believes that while the extensive public workshops and formal presentations by various interested parties have provided an excellent foundation, a facilitated discussion permitted the parties to engage in dialogue directly with one another about issues of development and ways to address those issues. Since then, the Department of Conservation Commissioner, in consultation with the Office of the Governor, has appointed members to the Working Group including representatives of landowners, developers, sporting camp owners, recreation interests, conservation groups, wildlife habitat specialists, legislators and forest product representatives. LURC Commissioners also participated directly in the group's discussions while the Commission staff attended these meetings to serve as a resource for information but were not active participants.

Based on the Commission's charge, and on conversations with many of these interests, the Mission of the Working Group can be stated as follows: "To review and analyze data and available information about development in the Unorganized Territories; to discuss tools and methodologies to monitor development on an ongoing basis; to develop criteria by which any future development may be assessed, and to explore regulatory and non-regulatory options to address issues of development in the UT."

The Commission looked to this group to provide guidance on these matters in order to shape the redrafting of the Plan in preparation for formal public hearings. To the extent the group develops agreements in these areas which are appropriate for inclusion in the CLUP, staff incorporated such agreements in the redraft prior to submission to the Commission or public hearings. The redraft also took into account the information resulting from the spring 2008 public workshops as well as the direction that the Commission provided to staff in response to public workshop comments. Once all sections of the plan were revised, the Commission proceeded to the formal public hearing phase.

(**Facilitator:** Jonathan Reitman. **Working Group Members** (by general category of representation): LURC Commissioners; Conservation: Karen Woodsum, Cathy Johnson, Jody Jones; Easement Holder: Alan Hutchinson; Economic Development: Matt Polstein; Forest Products Industry: Pat Strauch; Landowners: Peter Triandafillou, Tom Rumpf, Mike Lane, Sarah Medina, Don White, Benny Lumbra, Marcia McKeague; Legislature: Peter Mills, Bob Duchesne, John Martin; Recreation: Greg Shute, Bryan Wentzell, Dan Mitchell, Rick LeVasseur, John Rust; Sporting Camps: Rick Givens; and Wildlife/Habitat: Paul Jacques Andy Whitman.)

1. Description of purpose, members, and initial discussion data 01/09/09 412
2. Working Group Meeting (*overview, membership, outline, and tasks*) 01/26/09 421
3. Working Group Meeting (*landowner rights, interior/rim, regulatory strategies, guiding dev.*) 02/10/09 428
4. Working Group Meeting (*regulatory strategies and guiding development*) 02/20/09 440
5. Working Group Meeting (*guiding dev.; roads; and continuing dialogue*) 03/05/09 442
6. Final Working Group Report released 04/01/09 448

K. Discussion of Topics and/or Draft Sections (*before the Commission*)

1. Section: Chapter 1 - Vision 11/05/08 391
2. Topic: Process moving forward 11/05/08 391
3. Topic: Process moving forward (*continued*) [also see **I. Working Group**, above] 12/03/08 401
4. Topic: Prospective Zoning Plan for the Rangeley Region 04/01/09 449
5. Section: Chapter 1 - Vision 04/01/09 449
6. Topic: Working Group Report 04/01/09 449
7. Topic: Preliminary Schedule 04/01/09 449
8. Sections: Chapters 1 - Vision, 2 - the Commission, 3 - the Jurisdiction, 4 - Development, 5.4 - Cultural, Archaeological and Historical Resources, and 5.10 - Scenic Resources 05/06/09 455
9. Sections: Chapter 4 (*continued*), and Chapters 5.1 - Agricultural Resources, 5.2 - Air and Climate Resources, 5.3 - Coastal Resources, 5.5 - Energy Resources, and 5.7 - Geologic Resources 06/03/09 474
10. Sections: Chapters 5.6 - Forest Resources, 5.8 - Plant and Animal Habitat Resources, 5.9 - Recreation Resources, 5.11 - Water Resources, 5.12 - Wetland Resources, and 6 - Education and Enforcement 07/01/09 486
11. Sections: Chapter 1 - Vision (*continued*), 4 - Development (*continued*), and 7 - Implementation 08/05/09 492
12. Sections: Compiled draft plan 09/02/09 499

L. Meetings, Concurrent with Post Workshop Redrafting – (with Staff, unless noted otherwise)

1. Agriculture, Conservation and Forestry Committee (*Joint Standing Legislative Committee*) (“LURC Bills” work session (LDs 413, 474, 558, 1047, and 1370) and CLUP process presentation).....05/13/09456
2. Agriculture, Conservation and Forestry Committee (*Joint Standing Legislative Committee*) (“LURC Bills” work session (LDs 474 and 1047))05/14/09457

M. Commission Action: **Advancement of Draft to Hearing Phase** ...09/02/09499

Commission vote: 7 in favor, 0 against, 0 abstaining, and 0 absent

III. Public Hearing Phase

Version Posted: September 02, 2009³

(5 M.R.S.A. §§ 8052 and 8053; 12 M.R.S.A. § 685-C, 1; and Chapter 4 of the Commission’s Rules, Sections 4.06 and 4.08)

“The Commission shall hold public hearings to collect information to be used in establishing the land use guidance plan. The hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.”⁴

A. Draft plan made available and distributed (12 M.R.S.A. § 685-C, 1)

Exhibit: H

Interested Parties, via email and mail (upon request, state agencies, and also see distribution list)09/03/09
Statutory Parties (RPCs, SPO, Governor’s Office, and ACF,) (also see III. B, below).....09/10/09

B. Statutory Submittal of Draft Plan

(12 M.R.S.A. § 685-C, 1; and Public Law, Chapter 264, 123rd Legislature, First Regular Session)

Exhibit: # H

“The Commission may not adopt a plan or portion of a plan, unless:

- A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;
- B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; and
- C. The commission has considered all comments submitted under paragraphs A and B; and
- D. The commission has submitted the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee has reviewed the plan at a public meeting. The Commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. The tentative plan must be submitted to the committee a minimum of 30 days prior to the Commission’s final vote.” (12 M.R.S.A. § 685-C, 1)

“At least 30 days prior to a scheduled vote by the commission on final adoption, [LURC] shall submit to the [ACF] the most recent draft of the tentative comprehensive land use plan developed pursuant to the 12 [MRS]A § 685-C,1. In addition to the draft plan, the commission shall provide an accompanying report that includes...” (P.L. Ch. 264, 123rd Legislature)

	Date	Exhibit
i. Distribution to Statutory Parties (RPCs ⁵ , SPO, and ACF) (12 § 685-C, 1)	09/10/09	H

c. Public Hearing Schedule

	<i>Date</i>	<i>Time</i>	<i>Location</i>
Augusta.....	09/28/09	1-4:30 pm and 6 to 10 pm	Senator Inn
Bangor.....	09/29/09	1-4:30 pm and 6 to 10 pm	Ramada Inn
Presque Isle.....	09/30/09	1-4:30 pm and 6 to 10 pm	Presque Isle Inn and Convention Center

³ Clean draft is primary distribution version while a merge and compare (redline) of changes from 1997 CLUP available on the web and on CD.

⁴ Language includes revisions made by LD 472, Chapter 264 – effective September 20, 2007.

⁵ Androscoggin Valley Council of Government (COG); Greater Portland COG; Hancock County Planning Commission; Kennebec Valley COG; Mid Coast RPC; Northern Maine Development Commission; Penobscot Valley COG; Southern Maine RPC; and Washington County COG

D. Notice and Distribution of Hearing Schedule

Exhibit: H

(5 M.R.S.A. §§ 8052 and 8053; 12 M.R.S.A. § 685-C, 1; Chapter 4 of the Commission's Rules, Sections 4.06 and 4.08; and Public Law, Chapter 264, 123rd Legislature, First Regular Session)

		Deadline for Action: 17-24 days prior to first hearing ⁶
Interested Parties, via email and mail (upon request, state agencies, ACF; also see distribution list).....		09/03/09
Statutory Parties (RPCs, SPO, and Governor's Office) (12 § 685-C, 1).....		09/10/09
Statutory Parties (persons spec. or req. notice, and means effective in reaching affected persons) (5 § 8053,1).....		09/10/09
Press Release.....		09/09/09
Secretary of State (5 M.R.S.A. § 8053) (must be to SOS 10 days prior to posting).....		08/27/09
Bangor Daily News; Sunday Telegram; Kennebec Journal; Portland Press Herald; and Sun Journal		
Notice published		09/09/09
Review Agencies (BPL; DEP; DHHS; FS; GS; HPC; IFW; MCHT; MDA; NAP; PUC; SPO; USACE; and USFW).....		09/17/09

E. Public Hearings

Over 132 people attended one or more of the 6 hearing sessions, 48 of whom provided verbal testimony. An additional 452 written comments were received during the public comment period.

<i>Attendees</i>	<i>Verbal Testimony</i>	<i>Date</i>	<i>Exhibit</i>
Augusta	56	23.....	09/28/09.....J11
Bangor	53	16.....	09/29/09.....J23
Presque Isle	23	9.....	09/30/09.....J28

F. Public Comment Period

(5 M.R.S.A. § 8052 and 8053,3,C and Chapter 5.18)

Deadline for Action: at least 10 days after close of
public hearing; must be stated in legal notice.

Open of public comment period.....	09/09/09
Close of public comment period (10 days after close of hearing)	10/21/09
Close of rebuttal period (rebuttal to comments pursuant to 5.18,2,a only) (7 days)	10/28/09

G. Staff Summary of Public Testimony and Presentation to Commission

(5 M.R.S.A. § 8052,(5); PL Chapter 264, 123rd Legislature First Regular Session; and Chapter 5.19)

Date Exhibit

Distribution of verbal and written testimony and verbal testimony notes.....	10/27/09	I-13
Distribution of written testimony submitted between 10/23/09 and 10/28/09	10/30/09	I-14
Commission discussion and direction regarding preparation of materials.....	11/04/09	I-17
Staff summary of public comments posted	11/25/09	K
Staff presentation and discussion of summary with Commission.....	12/02/09	K

H. Revision Post Hearing

“...If an agency determines that a rule that the agency intends to adopt is substantially different from the proposed rule, the agency shall request comments from the public concerning the changes from the proposed rule. ...” (5 M.R.S.A. § 8052,5,B)

If an additional comment period is triggered, refer to Chapter 4 and 5 M.R.S.A. § 8052,(5) and 8053 for procedural requirements.

Distribution of Post Hearing Draft (version 12/22/09)	12/22/09	M
Staff presentation and discussion of requested changes with Commission.....	01/06/09	M

I. Commission Action

Exhibit: M

“Approve this draft, with edits, for subsequent statutorily required processes in the approval process.”

Commission vote: 6 in favor, 0 against, 0 abstaining, and 1 absent

⁶ Day of notice does not count and last day in count may not be a weekend or national holiday (Ch. 4.08,(1)).

IV. Approval and Adoption

Version Posted: Tentative Plan 01/27/10⁷

(LD 472, Chapter 264; 12 M.R.S.A. § 685-C, I; 5 M.R.S.A. §§ 8053, 8060, and 8064, Chapter 4 of the Commission's Rules, Section 4.06, and Public Law, Chapter 264, 123rd Legislature, First Regular Session)

"The Commission may not adopt a plan or portion of a plan, unless:

- A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;
- B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days;
- C. The commission has considered all comments submitted under paragraphs A and B; and
- D. The commission has submitted the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee has reviewed the plan at a public meeting. The Commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. The tentative plan must be submitted to the committee a minimum of 30 days prior to the Commission's final vote." (12 M.R.S.A. § 685-C, I)

"...In addition to the draft plan, the Commission shall provide an accompanying report..." (P.L., Ch. 264, 123rd Legislature)

A. Submittal of Draft Plan to Statutory Parties

Exhibit

Deadline for Action: At least 30 days prior to IV. C, below

i. Distribution of Tentative Plan to Statutory Parties (RPCs ⁸ , SPO, and ACF) (12 § 685-C, I).....	01/28/10	N
ii. ACF Public Meeting (12 § 685-C,I,D)	02/03/10	P
iii. Statutory Party Comment.....	Q
Mid-Coast Regional Planning Commission	02/08/10	Q-1
Maine State Planning Office.....	02/23/10	Q-2

B. Commission Adoption of Tentative Plan

Exhibit: R

Deadline for Action: no less than 30 days later than item IV. B, above.

Commission Meeting.....03/03/10

Commission Action: Consideration of comments submitted by statutory parties and adoption of the plan as amended (one errata item on page 30).

Commission vote: 6 in favor, 0 against, 0 abstaining, and 1 absent

C. Governor Action (12 M.R.S.A. § 685-C, I)

Exhibit: S

"Upon adoption of the official land use plan by the commission, it shall submit the plan to the Governor for approval. The Governor shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to act, the plan shall be deemed approved."

Plan submitted to Governor (hand delivery)03/08/10
Governor Action: Plan Approval03/16/10

D. 2010 Comprehensive Land Use Plan Completion

Exhibit: O-7

Commission Meeting.....04/07/10
Commission Action: Commission affirmation of the completion of the 2010 Comprehensive Land Use Plan.

⁷ Clean draft is primary distribution version while a merge and compare (redline) of changes from 1997 CLUP available.

⁸ Androscoggin Valley Council of Government (COG); Greater Portland COG; Hancock County Planning Commission; Kennebec Valley COG; Mid Coast RPC; Northern Maine Development Commission; Penobscot Valley COG; Southern Maine RPC; and Washington County COG

KEY TO ACRONYMS:

ACF – Joint Standing Legislative Committee on Agriculture, Conservation and Forestry [Legislative oversight committee with jurisdiction over the Maine Land Use Regulation Commission]

BPL – Maine Department of Conservation, Bureau of Parks and Lands

COG – Council of Government

DEP – Maine Department of Environmental Protection

DHHS – Maine Department of Health and Human Services

FS – Maine Department of Conservation, Maine Forest Service

GS – Maine Department of Conservation, Maine Geologic Survey

HPC – Maine Historic Preservation Commission

IFW – Maine Department of Inland Fisheries and Wildlife

LD – Legislative Document

LURC – Maine Land Use Regulation Commission

MCHT – Maine Coast Heritage Trust

MDA – Maine Department of Agriculture

MFPC – Maine Forest Products Council

MNAP – Maine Natural Areas Program

MRSA – Maine Revised Statutes Annotated (i.e. Maine Laws) [The general term for acts of the Legislature. Statutes are distinguished from other bodies of law, such as department rules, constitutional provisions and common law developed by the courts. Statute may also refer to the bound volumes of the law, or the MRSA.⁹]

PL – Public Law [Laws of general scope and application, codified in the Maine Revised Statutes Annotated (MRSA). Most laws are public laws. Some portions of public laws are not, however, codified in the MRSA. Appropriations clauses, transition clauses and some other provisions are unallocated [“unallocated language”], i.e., they are not assigned places in the MRSA.⁶]

PUC – Maine Public Utilities Commission

RPC – Regional Planning Commission

SOS – Maine Secretary of State

SPO – Maine State Planning Office

USACE – United States Army Corp of Engineers

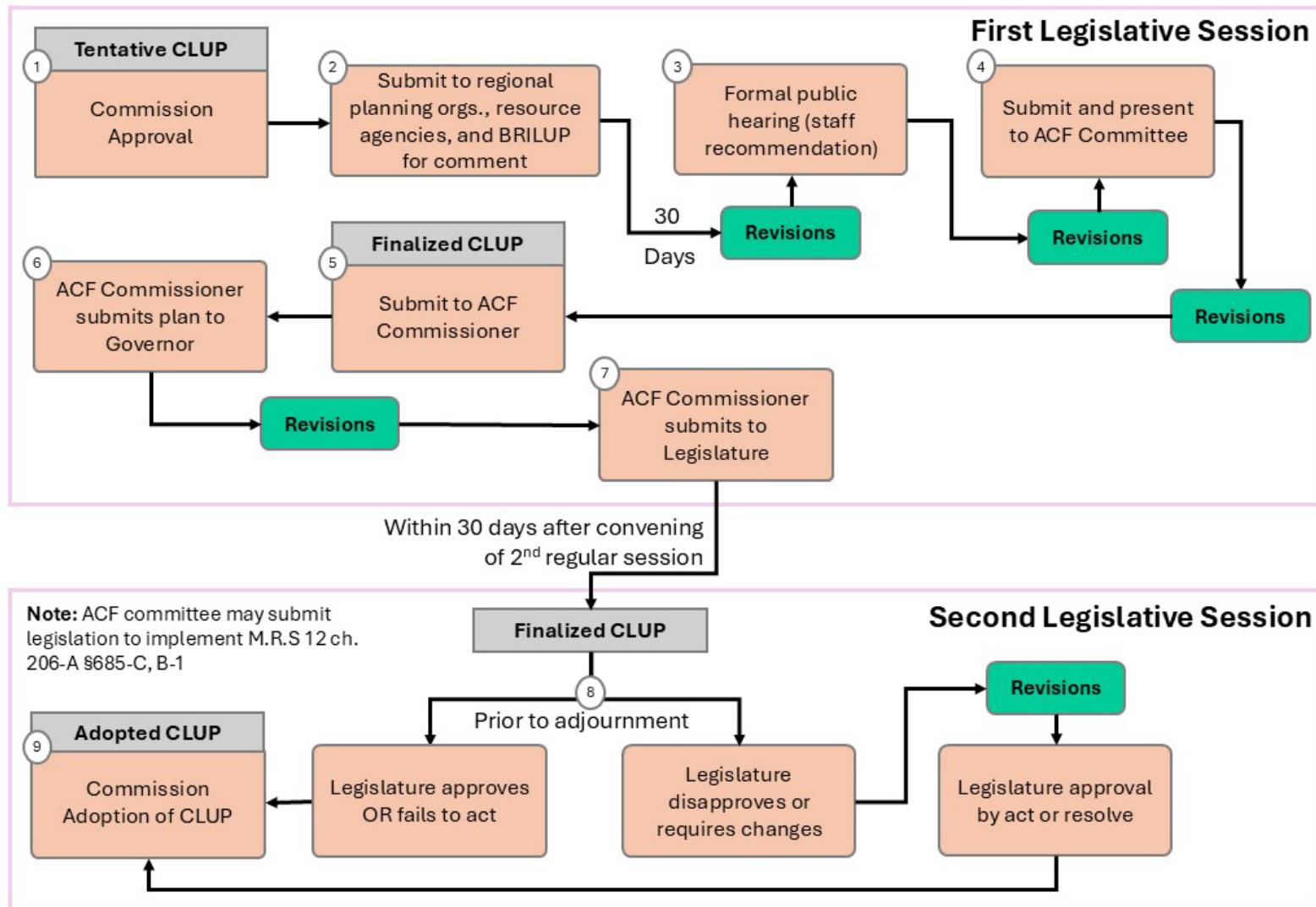
USFS – United States Forest Service

File Location: J:\PLANNING\CLUP\2007CLUP\CLUP_ProceduralSummary.doc

⁹ <http://www.maine.gov/legis/opla/glossary.htm>

Attachment C – Legislative Approval Process

CLUP Adoption Process



Attachment D – Summary of Accomplishments Since 2010 CLUP Adoption

7.1 The Commission's Highest Priority Issue	Implementation Item	Status	Description/Notes
7.1.A. Guiding the Location of Development (See Chapter 4)			
7.1.A. Areas Most Appropriate for Development	The Commission will identify areas within its jurisdiction which are the most appropriate for development.	Good Progress	<ul style="list-style-type: none"> • 2019 LOD Rulemaking
7.1.A. Areas Most Appropriate for Development	The Commission will identify smaller development centers throughout the jurisdiction which are appropriate for development on a limited scale.	Good Progress	<ul style="list-style-type: none"> • 2019 LOD Rulemaking
7.1.A. Responding to Major Development Proposals	Continually look for ways to improve the rezoning approach, including by refining the adjacency principle.	Good Progress	<ul style="list-style-type: none"> • 2019 LOD Rulemaking
7.1.A. Areas Most Appropriate for Development	The Commission will allow well-planned development in areas appropriate as new development centers.	Good Progress	<ul style="list-style-type: none"> • 2019 LOD Rulemaking • Moosehead Regional Planning • Community Guided Planning and Zoning (CGPZ) in Aroostook and Washington Counties
7.1.A. Areas Least Appropriate for Development	The Commission will identify areas in the jurisdiction that are least appropriate for development.	Some Progress	<ul style="list-style-type: none"> • Collaborative work with BwH on focus areas • Washington County CGPZ suitability analysis and indirectly accomplished by identifying areas most appropriate for development.

7.1.A. Strategies for Guiding Development to Areas Most Appropriate for Development	Apply prospective zoning both in high-growth, high-value areas and in areas that are currently under less development pressure than high-growth areas, but where existing or future development could undermine the principal values of the jurisdiction.	Some Progress	<ul style="list-style-type: none"> Washington County CGPZ Moosehead Regional Planning Deorganizations of Bancroft and Atkinson
7.1.A. Strategies for Guiding Development to Areas Most Appropriate for Development	Explore strategies and develop tools to guide development at the jurisdiction level, such as transfer of development rights programs and expansion of the level 2 subdivision tool.	Some Progress	<ul style="list-style-type: none"> General Management subdivisions Recreational lodging Geographic Allowance Area CGPZ-D-RB eligible areas in two regions
7.1.A. Responding to Major Development Proposals	Encourage planned developments (through application of the D-PD Subdistrict) in areas where development is dependent on a particular natural feature.	Some Progress	<ul style="list-style-type: none"> Hammond Ridge D-PD
7.1.A. Responding to Major Development Proposals	Encourage the use of concept plans as a voluntary means of achieving a publicly beneficial balance between development and protection of resources.	Some Progress	<ul style="list-style-type: none"> One new concept plan, one terminated, four expired (built out)
7.1.A. Strategies for Guiding Development to Areas Most Appropriate for Development	Explore ways to guide the location of various types and intensities of development that have historically not received Commission review for appropriateness of location.	Some Progress	<ul style="list-style-type: none"> Recreational Lodging Rulemaking Solar Development Rulemaking (Phase I)
7.1.A. Strategies for Guiding Development to Areas Most Appropriate for Development	Identify strategies to minimize impacts from development that does not undergo a review for appropriateness of location.	Some Progress	<ul style="list-style-type: none"> Design standards for scenic byways in Washinton County Hillside standards DACSS rulemaking Washington County CGPZ

7.1.A. Areas Least Appropriate for Development	The Commission will promote and support landowner-initiated efforts to provide increased protection of lands through measures that include non-regulatory mechanisms, such as conservation easements and management agreements.	Limited Progress	<ul style="list-style-type: none"> • Fish River Chain of Lakes Concept Plan – includes conservation easement.
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7.2 Other High Priority Issues

7.2.A. Addressing Other Development Issues	Developing and implementing standards to limit the environmental and visual impacts of hillside and ridge development.	Good Progress	<ul style="list-style-type: none"> • Hillside standards adopted
7.2.A. Addressing Other Development Issues	Evaluating where certain subdistricts are appropriate and which uses should be allowed in them.	Good Progress	<ul style="list-style-type: none"> • LOD rulemaking
7.2.B. Addressing Resource Related Issues	Work cooperatively with other entities, including the Maine Department of Environmental Protection (“DEP”), to develop a consistent regulatory process, review criteria and performance standards that address site suitability and specific impacts associated with grid-scale energy installations.	Good Progress	<ul style="list-style-type: none"> • Transfer of review authority to DEP and SLC process, which is working well • Solar Rulemaking in 2021 – Phase I • Initiation of Solar Rulemaking Phase II in 2024
7.2.B. Addressing Resource Related Issues	Encourage a process of identifying areas that are unsuitable for wind power and comparable uses. Any such effort is best conducted as a coordinated, statewide effort which would include the State Planning Office, DEP and other interested parties.	Good Progress	<ul style="list-style-type: none"> • Transfer of review authority to DEP and SLC process • Wind Power Expedited Area guidance • Petition to remove places from the Expedited Area
7.2.B. Addressing Resource Related Issues	Re-examine the appropriateness of the current zoning of sporting camp facilities as General Development (D-GN), particularly those in remote settings.	Good Progress	<ul style="list-style-type: none"> • Recreation lodging rule revisions • Incentives for property owners to rezone (commission sponsored rezonings to increase conformance)

			<ul style="list-style-type: none"> LOD rulemaking limited “leapfrogging” in remote locations
7.2.B. Addressing Resource Related Issues	Continue to apply, and refine as needed, experiential- and opportunity-based approaches to evaluating impacts on recreation resources.	Good Progress	<ul style="list-style-type: none"> Creation of D-PR and activity listings Impact-based standards for rec. lodging and rural businesses
7.2.B. Addressing Resource Related Issues	Establish guidelines for evaluating scenic impacts when reviewing development proposals.	Good Progress	<ul style="list-style-type: none"> Development of tools and staff training for visual impact analysis Internship for viewshed analysis with training and materials improving staff review capacity
7.2.B. Addressing Resource Related Issues	Review the Commission’s rules governing water quality protection, including the adequacy of riparian standards and phosphorus controls (including small-scale development that may occur on individual lots), and revise as necessary.	Some Progress	<ul style="list-style-type: none"> Updated Phosphorus control standards with a reference to Volume II of the “Maine Stormwater Best Practices Manual” Added the Alternative Buffer Standard for small projects. NRPA consistency rulemaking for definitions and permitting in and around wetlands Wetlands rulemaking for wetland evaluation and compensation

7.2.A. Addressing Other Development Issues	Developing a systematic approach for handling new uses that are not explicitly allowed in current rules.	Some Progress	<ul style="list-style-type: none"> • New activity standards (rec lodging, rural business, resource-based development) • Refinement of definitions in Ch. 2
7.2.B. Addressing Resource Related Issues	Review the Commission's regulations with regard to climate change issues and work collaboratively with appropriate state agencies to identify and implement measures to reduce the causes, and mitigate the effects of, climate change.	Some Progress	<ul style="list-style-type: none"> • Conducted a statutory and regulatory review for the Community Resilience Planning, Public Health, & Emergency Management Work Group of the Maine Climate Council • Addition of sea level rise to 10.24 • Sea level rise study • Panelists and presenters on impacts to lakes, resiliency, etc.
7.2.B. Addressing Resource Related Issues	Develop a regional plan for the coastal islands to address their distinctive set of planning and land use issues.	Some Progress	<ul style="list-style-type: none"> • Sea level rise study • Work with Monhegan and Matinicus • Outreach to other islands Example: Louts Island
7.2.B. Addressing Resource Related Issues	Examine the Commission's regulations and guidance documents and revise as necessary to support the efforts of the Maine Natural Areas Program and Maine Department of Inland Fisheries and Wildlife in promoting landscape-scale habitat management.	Some progress	<ul style="list-style-type: none"> • Coordinated with BwH on focus area updates and intersections with primary and secondary locations in the service area • Include both agencies in project reviews
7.2.B. Addressing Resource Related Issues	Review the Commission's rules governing water withdrawal, and revise as necessary.	Some progress	<ul style="list-style-type: none"> • Update to 10.24

7.2.B. Addressing Resource Related Issues	Re-evaluate and modify, as necessary, the permitted uses of the General Management (M-GN) Subdistrict to ensure these uses are compatible with forestry and agricultural uses, as envisioned by the Commission's statute.	Some Progress	<ul style="list-style-type: none"> LOD rulemaking and resource-based commercial and recreational uses (example: ag tourism and light manufacturing related to ag)
7.2.B. Addressing Resource Related Issues	Re-examine the application of adjacency and make any needed adjustments for islands, within the context of either refining the use of the adjacency principle for the entire jurisdiction or developing a regional plan for coastal islands.	Some Progress	<ul style="list-style-type: none"> Primary Locations were added to Matinicus and Monhegan during the LOD rulemaking.
7.2.C. Compliance	The Commission will therefore continue to pursue, as a top priority, a vigorous compliance program. Among other efforts, the Commission will inform landowners, land managers, contractors, citizens, real estate agents, lawyers, bankers and others concerning the laws and regulations that the Commission administers.	Some Progress	<ul style="list-style-type: none"> Creation of Enforcement Unit Focus on evaluating and resolving potential enforcement cases Commission requiring compliance when standards are exceeded Publication of brochures/materials Presentation to Maine Realtors Association
7.2.A. Addressing Other Development Issues	Researching options for addressing issues associated with use of private roads to access development.	Some Progress	<ul style="list-style-type: none"> Require legally enforceable access to public roads during rezoning and for subdivision permits Refined agency interpretations around definitions of driveways and private roads

7.2.B. Addressing Resource Related Issues	Update significant wildlife habitat protection efforts to achieve consistency with the Natural Resources Protection Act. This update should include incorporating recently available waterfowl and wading bird habitat information into the Commission's regulatory framework and preparing rule changes consistent with recently enacted amendments regarding vernal pools regulations. Also update the Fish and Wildlife Protection (P-FW) Subdistrict rules for existing seabird nesting islands and other identified significant bird habitat.	Limited Progress	<ul style="list-style-type: none"> 10.27,P was updated to include a reserved section for Significant Wildlife Habitat rulemaking but rulemaking has yet to be completed.
7.2.B. Addressing Resource Related Issues	Design and implement incentive-based and/or regulatory programs to protect working farms and prime agricultural soils from incompatible land uses where appropriate.	Limited Progress	<ul style="list-style-type: none"> Agricultural activity standards Solar energy generation facility as an allowed use by special exception permit when on prime farmland soils
7.2.B. Addressing Resource Related Issues	Re-evaluate the Commission's regulations on recreational trail construction and campgrounds, involving other state agencies, landowners, recreation groups and interested parties in these efforts.	Limited Progress	<ul style="list-style-type: none"> Rec lodging rulemaking addressed campground development standards and locational considerations
7.2.A. Addressing Other Development Issues	Establishing incentives for bringing nonconforming lots and structures into compliance or closer compliance with current regulations.	No Progress	
7.2.A Addressing Other Development Issues	Considering measures to maintain the traditional character of dwellings in remote parts of the jurisdiction.	No Progress	
7.2.A. Addressing Other Development Issues	Considering refinements to rules governing expansions of nonconforming shoreland development.	No Progress	

7.2.B. Addressing Resource Related Issues	Evaluate the merits of prospectively identifying sites for large-scale nature-based resort facilities either through the current zoning framework or by means of a modified zoning approach.	No Progress	
7.2.B. Addressing Resource Related Issues	Evaluate and update as necessary the wildlands lake assessment, including assessment of the effectiveness of current lake management classes.	No Progress	
7.2.D. Inventory Needs	Collecting better land use data, perhaps in the form of a land use inventory, is a top priority for the Commission.	No Progress	<ul style="list-style-type: none"> • Better land use information available through GIS but no comprehensive land use inventory has been undertaken