

ZONING PETITION

to Resource Plan Protection (P-RP) Subdistrict

Under the Provisions of a Resource Plan


WHO MAY USE THIS APPLICATION?

Any state or federal agency, any county or municipal governing body, or property owner or lessee within the areas of Maine served by the Maine Land Use Planning Commission (“Commission” or “LUPC”), may petition the Commission for the adoption or amendment of land use district boundaries.

This Zoning Petition application may only be used for petitions to either establish, renew or extend a Resource Plan Protection (P-RP) Subdistrict designation for a resource plan, in conformance with 10.23,H of Chapter 10 *Land Use Districts and Standards*. Petitions to rezone to P-RP Subdistrict for a concept plan must use a different application form.

WHERE CAN I GET HELP TO COMPLETE THIS PETITION?

Call the LUPC office that serves your area and ask to speak to or meet with one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at www.maine.gov/dacf/lupc/ to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

 Avoid delays by making sure your petition application is complete! Contact the LUPC office that serves your area if you need help with this petition application.

WHAT GUIDANCE IS AVAILABLE REGARDING THE REQUIREMENTS OF A RESOURCE PLAN?

Our staff can assist you with understanding the applicable requirements of submitting a proposal for the Commission’s review and determining how your project best fits your site and therefore help ensure your project can be permitted. Pre-application meeting(s) are critical because they:

- Encourage information exchange about the proposed project early in the planning stages;
- Help the applicant understand the application process and responsibilities in that process;
- Help to identify any environmental or other issues that may need to be addressed as part of the permit process; and
- Provide an opportunity to identify aspects of the proposal that may make the application unique or difficult to approve.

Please note: Pre-application meetings are REQUIRED prior to submission of zoning petitions for new resource plans.

Suggested materials to bring to the pre-application meeting:

- This application form (*note while the application form does not need to be completed prior to the pre-application meeting, please review the application and plan requirements in order to identify any questions you may have*);
- Tabulated dimensions and setbacks of existing structures; and
- A reasonably formulated goal for, or expectations of, the potential resource plan.

Suggested discussion items during the pre-application meeting:

- Are the intended uses appropriate within a Resource Plan Protection Subdistrict?;
- Review of the subdistrict requirements; and
- Any other questions you may have regarding this application form or process

Note: While the pre-application meeting is extremely valuable for identifying issues or concerns early on, no decisions are made at these meetings and the thoughts expressed are not binding on the Commission or the applicant. The information presented at these meetings is very general, and the review is not substantive.

Call the LUPC office that serves your area to schedule an appointment.

HOW LONG WILL IT TAKE FOR THE COMMISSION TO ACT ON THIS PETITION?

Please be aware that petitions to rezone, particularly those for resource plans, are more complex than other application types and it can take several months to get your petition approved. By law the Commission must either schedule a public hearing, the notice of which must be posted for 2 to 3 weeks prior, or the petition must be posted for public comment. The Commission must act upon that zoning petition within 90 days after the public hearing or within 90 days of the end of the public comment period.

WHAT IF MY PROPOSAL DOES NOT MEET THE CRITERIA FOR APPROVAL?

The LUPC staff will contact you if it is determined that the proposal is not approvable as proposed. Our staff will then work with you to determine your options and to recommend modifications to your petition in order to make your project approvable. At that point, you may choose one of the following options:

1. Make modifications and resubmit your petition (it will be placed on-hold until an updated and complete petition is submitted); or
2. Withdraw your petition; or
3. Present your petition as originally submitted and present your case to the Commission. In the event your petition is denied by the Commission, you will have an opportunity to appeal that decision to Superior Court.

ACCESSING THE PROJECT SITE FOR SITE EVALUATION AND INSPECTION

Under 12 M.R.S.A, Section 685-C,8: "For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff...may conduct investigations, examinations, tests, and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter".

For some development projects, an application cannot be deemed complete until a site visit has been conducted by staff to verify information about a project. Further, in some cases staff will need the applicant or a designated agent to be present on site to provide information. As a general policy, when reasonably practicable, staff will notify property owners or their agent(s) prior to visiting the property. Section 4 of this application, however, provides an opportunity to authorize staff, at the time you file your petition, to fully access the project site. Due to our limited resources, this may increase the efficiency of the review of your petition.

MAILING YOUR APPLICATION

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits) to the LUPC office that serves your area. (see the LUPC website at www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf)

THIS FORM IS NOT A VALID PERMIT.

NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.

THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.

Zoning Petition

To a Resource Plan Protection (P-RP) Subdistrict

1. APPLICANT AND LANDOWNER INFORMATION Print the names and contact information of all persons or companies with right, title or interest in the property associated with this application OR the persons or companies with prior legal authority to represent the landowners in land use matters. Persons with "right, title or interest" are those listed on any deed, lease or sales contract for the property. If a designated agent without prior legal authority will be representing the applicant, see Question 4. If the plan and petition involve more than one land owner, please complete one copy of this form for each landowner or one form completed by the majority owner of each ownership.

Applicant Name(s)	Daytime Phone	FAX (if applicable)	
Mailing Address		Email (if applicable)	
Town	State	Zip Code	

2. PROJECT LOCATION AND PROPERTY DETAILS (attach additional 8 1/2 x 11 inch sheets as necessary)

Township, Town or Plantation	Tax Information (check tax bill)		
	Map	Plan	Lot
Current zones (subdistricts) within the area to be rezoned (check the appropriate LUPC map)	Proposed zoning:		

3. PLAN AND PETITION SUMMARY

Resource Plan name: _____

A. _____
(list all the majority landowners)

("Landowner(s)") hereby propose a Resource Plan ("Plan") and petition the Land Use Planning Commission ("LUPC" or "Commission") to [extend, renew or apply] a Resource Plan Protection (P-RP) Subdistrict subject to the attached Plan, **Exhibit A**, dated _____, pursuant to Chapter 10 *Land Use Districts and Standards* of the Commission. The management practices and usage of the lands proposed for coverage by the Plan and P-RP subdistrict will be managed and resources utilized according to the provisions set forth in the Plan, and if applicable, the conservation easement ("Easement") attached hereto. The standards contained in the attached Plan, when taken as a whole, are at least as protective of the natural environment as standards for the subdistrict which would otherwise apply. The purpose of this Plan is to _____

in order to protect the natural values of _____

B. The Landowners are the owners of interest in real estate of the lands that will be included in the P-RP Subdistrict.

C. The area of the proposed P-RP Protection Subdistrict extends from/to _____ and is shown on the attached map.

D. The Landowner(s) propose that the Plan be applicable or extended for a period of _____ (____) years from the effective date following Commission approval. At the end of the _____ year period, the landowners may seek to renew the Plan or provide the Commission with adequate notice of the Landowners' intentions not to renew the Plan so that it may prepare alternative zoning, if necessary.

4. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name	Daytime Phone	FAX (if applicable)	
Mailing Address		Email (if applicable)	
Town	State	Zip Code	

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application.

Please check one of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection" just prior to the application form)

I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

The person(s) signing below must demonstrate that they have a legal right to apply for this permit, either as the landowner or via a legal agreement or other written contract with the landowner (See Exhibit D).


Signature(s) _____ Date _____
 _____ Date _____

REQUIRED FEES AND EXHIBITS

APPLICATION FEE (nonrefundable). Submit a check or money order payable to “Treasurer, State of Maine” for the appropriate fee: For changes to a protection subdistrict, including P-RP: \$250; Fees for After-the-Fact permits are triple the standard fee.

EXHIBIT A: RESOURCE PLAN. Submit a written resource plan that meets the requirements of Section 10.23,H of Chapter 10 [Land Use Districts and Standards](#) (a copy of which is included at the end of this application packet). Additional details about the proposal may be valuable to include in the plan. For example, the plan might also include:

- A list and map of any existing leases;
- If and how any existing development or leases will be regulated by the plan, including if and when leases are terminated and the applicant/landowner acquires such development; and
- A map of existing zoning designations and a map of proposed designations. Depending upon the size and configuration of the proposed designation, a summary map and detailed maps may be warranted (for example, a resource plan for a 100 mile river segment would require an overview map and several more detailed maps).

 Please be sure to consult with Commission staff before you submit your application and resource plan.

If the resource plan involves structural development:

- Attach forms, plans, and exhibits, as appropriate; and
- Attach evidence that the proposal will conform with the provisions of [12 M.R.S. § 685-B](#).

EXHIBIT B: LOCATION MAP. Submit a copy of the LUPC Land Use Guidance Map or another equivalent map (such as a U.S.G.S. topographic map or a tax parcel map) on which you have clearly marked the boundaries of your property and the boundaries of the land you propose to rezone, **and if available**, the location of the area proposed for rezoning in digital form created from GIS or CAD source data.

All location maps must include and otherwise illustrate:

- the boundaries for the entire area proposed for rezoning;
- map reference points, including but not limited to roads and waterbodies; and
- a scale bar.

Land Use Guidance Maps are available for all townships, towns and plantations served by the Land Use Planning Commission. If you did not receive one of these maps with your application form, copies are available at each regional LUPC office. There is no charge for these maps when associated with a zoning petition.

If you have questions or difficulty developing this exhibit, please contact the LUPC office serving your area or the LUPC’s GIS coordinator.

EXHIBIT C: PROPERTY MAP. For projects comprised of multiple land ownerships, submit a map on which you have clearly marked the boundaries of each separate property included in the petition and its relation to the area proposed for rezoning.

EXHIBIT D: DEED, LEASE OR EASEMENTS Submit, as EXHIBIT D, a complete, signed copy of all deeds, and other covenants, restrictions or easements or agreements that demonstrate the petitioner’s title, right or interest in all of the land addressed in this petition and any agreements authorizing the petitioner (if not the land owner) to apply on the landowner’s behalf. (DO NOT SEND THE ORIGINAL)

*If the applicant(s) listed in the application are NOT the landowner(s), please submit as part of **Exhibit D**, authority from the landowner to represent them in all land use matters.

EXHIBIT E: NOTICE OF FILING. Within the same week that this petition is filed with the Commission, you must provide by certified mail a completed copy of the attached Notice of Filing Form to the following persons: (1) all persons owning or leasing property abutting or within 1,000 feet of the property to be rezoned (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); (2) plantation assessors or town selectboard; and (3) county commissioners. You must also send a complete copy of the petition to Town or Plantation, and County officials. The written notice must either be provided using the attached form or contain the information, exactly as stated on the attached form.

Submit to the Commission a copy of the written notice that was sent and a complete listing of all persons to whom notice was provided (including names and mailing addresses) and the date such notice was provided.

IMPORTANT: Additional notice requirements will apply where the LUPC Director deems the petition to be of general public interest due to their nature, location, or size (Chapter 4, Section 4.04(B)). Contact the [LUPC office that serves your area](#) to determine whether these additional requirements apply to your petition.

Note: Names and addresses of abutting property owners are available from town and plantation public officials or, in unorganized townships, from the Maine Revenue Service at (207) 624-5611 or at www.maine.gov/revenue/.

SECTION 10.23, H OF THE *LAND USE DISTRICTS AND STANDARDS*

H. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

1. Purpose

The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of Section 10.23,H,2 through 9 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RP subdistricts.

“Concept plans,” as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.

2. Description

P-RP subdistricts shall be designated in areas where the Commission has approved a Resource Plan that:

- a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and
- b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and
- c. Complies with the criteria established below for their review; and
- d. Has as its primary purpose the protection of those resources in need of protection or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection.

3. Permitted Uses

Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan shall be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a development subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.

4. Ownership

Before the Commission shall consider an application, the applicant shall submit proof that the applicant owns or leases the area for which the Resource Plan is proposed.

5. Application Procedures

All P-RP subdistrict applications shall include at least the following information:

- a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;
- b. A copy of an existing district map on which the area of the proposed P-RP subdistrict is clearly shown;
- c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description shall specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;
- d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and
- e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.

When the Resource Plan application involves structural development, it shall include, in addition to (a) through (e) above:

- f. Forms, plans, and exhibits as are required by the Commission;
- g. Evidence that the proposal will conform with 12 M.R.S. § 685-B; and
- h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved concept plan.

6. Criteria for Review

The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:

- a. The plan conforms with redistricting criteria;
- b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
- c. The plan conforms with the Commission's Comprehensive Land Use Plan;
- d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measures;
- e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;
- f. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and
- g. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

7. Approval or Denial of Resource Plan

The Commission, after staff review and recommendation, shall approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.23,H,3, the Commission may simultaneously with its approval of the P-RP subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.

Upon approval of the Resource Plan, a P-RP subdistrict shall be designated on the official Land Use Guidance Map and recorded in accordance with the provisions of Section 10.04.

8. Duration of Plan

The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan shall be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan shall become invalidated if the provisions therein are not complied with.

At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning of equivalent areas. Any variation from existing regulations or development occurring as a result of a resource plan cannot be used to justify a subsequent re-zoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the resource plan area upon its expiration.

In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.

9. Amendments

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.23,H,6 above. An increase in the size of a P-RP subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

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See next page for Notice of Filing Form

**NOTICE OF FILING OF ZONING PETITION
WITH THE MAINE LAND USE PLANNING COMMISSION**

At the time a zoning petition is filed with the Maine Land Use Planning Commission, the petitioner must send by certified mail a completed copy of this notice to: all persons owning or leasing property abutting or within 1,000 feet of the property to be rezoned (as shown on the records of the Maine Revenue Service or plantation or town tax assessors); plantation assessors or town selectboard; and county commissioners.

This is to notify you that _____
(name and address of petitioner)

has filed a zoning petition with the Maine Land Use Planning Commission, pursuant to provisions of 12 M.R.S. Section 685-A(8), to rezone _____ acres of land located in _____
(name of town, township or plantation, and county)

from its present _____
(name(s) of the existing zoning subdistricts)

designation to a Resource Plan Protection (P-RP) Subdistrict for purposes of _____

(general description of proposed use)

The petition will be filed for public inspection at the Maine Land Use Planning Commission office circled below (*circle the appropriate office*) on _____
(specify the date that this petition will be filed with the LUPC).

<u>AUGUSTA OFFICE</u>	<u>NORTHERN REGION</u>
18 Elkins Lane - Harlow Bldg. Tel. (207) 287-2631 22 State House Station Maine Relay 711 Augusta, ME 04333-0022 FAX (207) 287-7439	<i>Serving most of Aroostook County and northern Penobscot County</i> 45 Radar Road Tel. (207) 435-7970 Ashland, ME 04732-3600
<u>DOWNEAST REGION</u>	<u>EASTERN REGION</u>
<i>Serving Hancock, Knox, Lincoln, and Sagadahoc Counties, and portions of Washington, Kennebec, Penobscot and Piscataquis counties; and the coastal islands in the LUPC service area</i> 106 Hogan Rd, Suite 8 Tel. (207) 215-4685 Bangor, ME 04401 Tel. (207) 592-4448 FAX (207) 941-4222	<i>Serving southern Penobscot County, southern Aroostook County, and portions of Piscataquis County</i> 191 Main Street Tel. (207) 485-8354 East Millinocket, ME 04430 Tel. (207) 399-2176
<u>MOOSEHEAD REGION</u>	<u>WESTERN REGION</u>
<i>Serving Somerset County and most of Piscataquis County</i> 43 Lakeview Street Tel. (207) 349-0941 P.O. Box 1107 Tel. (207) 557-2874 Greenville, ME 04441	<i>Serving Franklin County and Oxford County</i> 932 US Route 2 East Tel. (207) 670-7492 Wilton, ME 04294 Tel. (207) 670-7493

Written comments from interested persons should be sent to the Maine Land Use Planning Commission address circled above and **must be received by the Commission in a timely manner.**

Requests for a public hearing must be submitted in writing and **must be received by the Commission in a timely manner.**

Requests for a public hearing must clearly state the reasons for why a public hearing is warranted on this project.

For information on how to request a public hearing or for additional information, contact the Maine Land Use Planning Commission staff at the office circled above.