

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **01-672 MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Mari Wells-Eagar, 22 SHS, Augusta, ME 04333-0022, 287-4909, mari.wells@maine.gov

CHAPTER NUMBER AND RULE TITLE: **Chapter 10, Land Use Districts and Standards**

STATUTORY AUTHORITY:

12 M.R.S. § 685-A(3), (7-A) and § 685-C(5)(A); 38 M.R.S.A. §480-E-1; PL 2017, Ch. 89; PL 2017, Ch 236

DATE, TIME AND PLACE OF PUBLIC HEARING: not applicable; a hearing has not been scheduled

COMMENT DEADLINE:

Written comments must be submitted on or prior to May 29, 2018;

Written rebuttal comments must be submitted on or prior to June 5, 2018.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

The Land Use Planning Commission is proposing routine maintenance of *Chapter 10 Land Use Districts and Standards*. For organizational purposes, the proposal has been divided into three parts:

Part 1 includes responses to two laws in 2017 that affect the Commission, as well as other revisions that cover general housekeeping matters, update references, and clarify existing provisions. Part 2 of this rulemaking updates the Commission's standards relating to protected natural resources to ensure consistency, as required in statute, with the goals of the Natural Resources Protection Act (NRPA). The NRPA-related updates clarify the existing practice for rezoning areas that include wetlands, ensure consistent application of existing standards to wetland alterations in all zoning subdistricts, establish that filling and grading an acre or more in the General Management Subdistrict (M-GN) requires a permit, and contain other miscellaneous revisions to improve clarity and consistency with other related statutes and rules. Part 3 includes revisions that correct errors and update references in Appendix C – Alphabetical List of Lakes Showing Wildlands Lake Assessment Findings. Revisions include updating minor civil division and waterbody names, as well as correcting certain management classifications and resource values for some waterbodies.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This is routine maintenance and data correction to existing rule.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE
(including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Relevant information considered during development of the rule included professional judgement, Maine Revised Statutes, updated versions of referenced works in LUPC's Chapter 10, and Maine DEP's Chapter 1000. Additionally, staff reviewed the initially adopted version of Appendix C, the Wildlands Lake Assessment Data, the Lakes Management Classification section of the 2010 Comprehensive Land Use Plan, and all rezoning and rulemaking files relevant to the Appendix C data. Staff also referenced Maine laws regarding official changes to names of lakes and minor civil divisions.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

There will be no measurable fiscal impact of these rule changes.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.