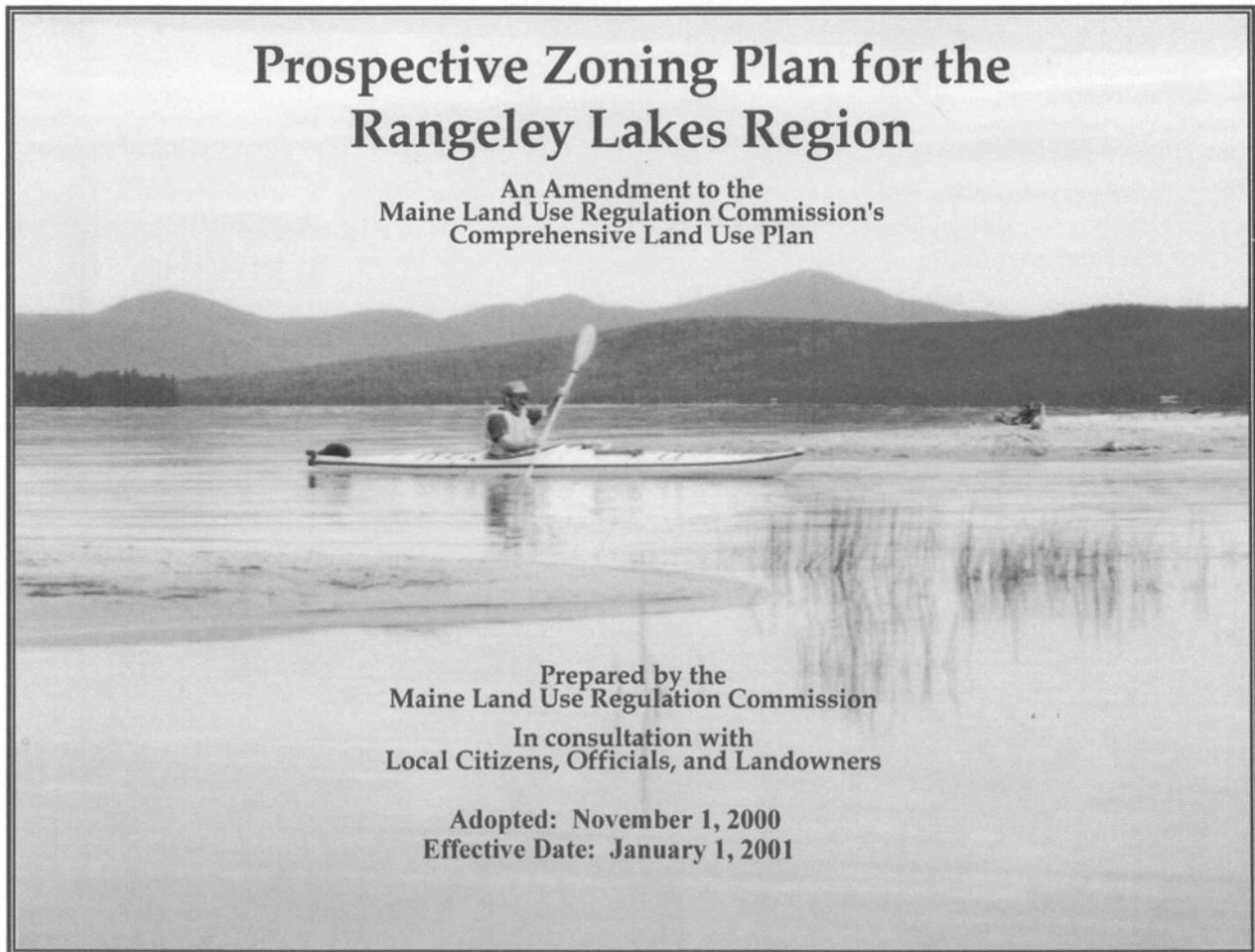


Prospective Zoning Plan for the Rangeley Lakes Region

~ An Eight Year Evaluation and Progress Report to the Commission ~



March 20, 2009

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INTRODUCTION

The 1997 Comprehensive Land Use Plan identified the Rangeley Lakes Area as one with special planning needs. It noted that the “multi-recreational resort nature of this region, which includes the Rangeley Lakes and Saddleback Mountain Ski Area, has made it particularly attractive to residential and recreational development.” (CLUP, page 110) As of the mid-1990s, a large amount of development had occurred in this area, a trend that was expected to continue. While this area was viewed as appropriate for well planned development, the Commission also recognized that a haphazard growth pattern posed the risk of degrading the area’s draw as a recreational center and the tourism-based economies. Prospective zoning was, and is, seen as an effective method of balancing growth and economic development needs with the protection of the special resource values of the area.

Following an extensive planning effort, the Maine Land Use Regulation Commission adopted the *Prospective Zoning Plan for the Rangeley Lakes Region* (Rangeley PZP or PZP) as an amendment to its *Comprehensive Land Use Plan* in November 2000. The Rangeley PZP took effect January 1, 2001 and includes:

Adamstown Township	Rangeley Plantation
Dallas Plantation	Sandy River Plantation
Lincoln Plantation	Township C
Magalloway Plantation	Township D
Richardsontown Township	Township E

The vision set forth in the Prospective Zoning Plan identifies several key qualities which local people wanted to retain and the Commission supported:

- Be a four-season recreational gateway to the working woods for recreation and forestry;
- Rely on the Town of Rangeley as the economic center;
- Focus most year-round development in Dallas, Rangeley, and Sandy River Plantations adjacent to Rangeley;
- Retain the working woods in most outlying townships; and
- Maintain diverse lake experiential qualities from remote to rural and developed settings.

Further, the prospective zoning plan was guided by the following principles:

- **Be consistent with the Comprehensive Land Use Plan.**
- **Be place specific** – create zones which respond to the particular character of the region; and differentiate between plantations appropriate for growth and those which are remote.
- **Create and draw from a long term vision** – promote land uses that reinforce the special character of the region over the long term and discourage or prohibit those that do not.
- **Provide for reasonable expansion** – create explicit and reasonable boundaries for zones in order to meet the development needs of the region over the next 20 years.
- **Focus development** (and make permitting easier and more equitable there)
- **Stick to the plan** – make it difficult to rezone areas outside of designated development zones, unless extenuating circumstances emerge.

Stemming from these qualities and principles, the plan created several new subdistricts, new standards, and additional rezoning criteria unique to prospectively zoned areas.

This prospective zoning system was intended to be easily understood and applied by both applicants and staff, without significant expansion of staff resources. It was designed using up-to-date, realistic, and “win-win” planning and regulatory concepts that have the greatest chance of maintaining or producing the desired qualities.

The *Prospective Zoning Plan for the Rangeley Region* has been in effect for eight years. The Plan, in part, directs staff to monitor its effectiveness by tracking development trends and issues, reporting to the Commission periodically, and assessing at five-year intervals whether plan updates are necessary. This document will review many of the permitting and development data and trends since the adoption of the plan, and begin to analyze what the prospective zoning approach has created.

RESULTS

It is important to take a periodic objective look at the prospective zoning plan, even if some provisions of the PZP may require a longer period for meaningful evaluation. With this in mind, this analysis will present data from the eight years preceding and eight years following the adoption of the PZP. This comparison of the ‘before’ and ‘after’ may be useful in better understanding the effects of the PZP. Further, it is important to understand that this data cannot fully account for the complex factors which may have influenced the results, such as the regional or state economy, low mortgage interest rates, the presence of natural resources that may attract certain uses, and owner interest and ability to develop. Unless stated otherwise, all permitting data represents permit approvals.

In many cases data is broken out by town, plantation or township, otherwise referred to as Minor Civil Divisions (MCDs).

Activity By Subdistrict

The PZP created six new subdistricts: Extended Settlement, Community Center, Rural Settlement, Community Residential, Residential Recreation, and Semi-Remote Lakes. *See the Appendix for a description of each subdistrict.* The following table, **Figure 1**, summarizes permit actions by subdistrict. It is important to note that while Figure 1 summarizes permitting activity by subdistrict, it reflects the primary subdistrict in which activities occurred.

Figure 1: Permitting Activity By Subdistrict in the Rangeley Region, 2001-2008

Subdistrict	New Dwellings	Building Permits	Development Permits	Subdivision Permits	Other Permits	Total Actions
D-ES**			7			7
D-GN	1		3			3
D-GN2**	2	10	10	1	4	25
D-GN3**	5	21	4		2	27
D-PD	145	7	13		2	22
D-RS	2	2		1	2	5
D-RS2**	110	220	2	16	16	254
D-RS3**	66	257	2	15	46	420
M-GN	35	89	8		14	111
P-AR			1		1	2
P-FW		1				1
P-GP	8	43	3	1	13	60
P-GP2**	3	28	3	1	6	38
P-MA					4	4
P-RR					1	1
P-WL					3	3
Total	377	678	56	35	114	983

** subdistricts created by the Rangeley PZP process

- Some new residential development continues to occur in the General Management Subdistrict in plantations.

Since the plan has been adopted, 35 (9% of total) new dwellings have been permitted and 55 other permits have been approved for assorted residential development (e.g. accessory structures, reconstructions, replacements, additions, etc.) in the General Management (M-GN) Subdistrict. The new dwellings were permitted in each of the five plantations within the plan area (see **Appendix B** for a detailed table). The plantations which contain the most development subdistrict area are also the plantations with the most residential development activity in the General Management Subdistrict. While the number of new dwellings permitted in the M-GN prior to and after the plan was adopted is steady, the ratio of new dwellings permitted in the Development Subdistricts is decreasing.

The amount of residential development occurring in the M-GN could be interpreted as being inconsistent with the PZP. The plan aims to “retain the working woods in all but discrete locations in outlying townships” and the new subdistricts are to “provide as much room for development as has occurred over the past twenty years.” (p. i) However, the Rangeley PZP “does not prescribe any additional disincentives for development in the management or protection zones.” (p. 12) Although the plan does not express a specific goal in regards to residential development in the M-GN, it seems to have set an expectation that residential development should be accommodated in the development subdistricts.

Permitting / Development Activity

- Permitting and development activity as a whole is high in the region, yet relatively steady.

There were 984 permits issued between 2001 and 2008 as compared to 995 permits issued between 1993 and 2000. While most permit types experienced an increase in volume others decreased. **Figure 2** summarizes permits by type and municipality type (MCDs where the plan intended to focus residential development versus all other outlying townships). In that regard, “Plantations to Focus Development” represent: Dallas, Rangeley and Sandy River Plantations; and “Outlying Townships” represent the remaining seven MCDs.

Figure 2: All Permits By Type and MCD Type, 1993-2000 and 2001-2008

MCD	Residential Development		Non-Residential Development		Subdivision Permits		Zoning Petitions		Other ¹		Total	
	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008
Plantations to Focus Development	552	675	19	40	24	29	11	2	170	83	776	829
Outlying Twps & Plts.	105	108	25	12	1	6	0	1	88	28	219	155
Total Permits	657	783	44	52	25	35	11	3	258	111	995	984

¹ “Other” includes a variety of action types, including but not limited to advisory rulings, boat launch notifications, forest operations, shoreland alterations, service drops, etc.

See **Appendix C** for companion data by individual MCD.

Residential Development

- Residential development remains the top development type.

Although some MCDs experienced little to no change in residential development, as a whole the number of new dwellings permitted more than doubled in the eight years after the PZP took effect. See **Figure 3** below.

- New residential development is occurring within the anticipated rate.

In developing the Rangeley PZP, a general “rule of thumb” was applied to provide enough room for the next twenty years to accommodate about as much development as occurred in the past two decades. Toward that end, the plan aimed to accommodate an estimated 650 new dwellings over the 20-year lifespan of the plan, or approximately 32 dwellings per year. Since 2001 an average of 29 new dwellings per year has been permitted within the plan area. *Note that this does not include the 145 new dwellings permitted as part of the Saddleback Ski Resort as that project rezoned additional acreage to accommodate the additional development.*

- As intended, residential development has been occurring primarily within plantations surrounding the Town of Rangeley.

The Rangeley PZP set out to focus year-round residential development primarily in Dallas, Rangeley, and Sandy River Plantations adjacent to the Town of Rangeley, with the remaining “outlying townships and plantations” to be sparsely developed. While the plan made a distinction between ‘permanent dwellings’ versus ‘camps’, such distinction is no longer appropriate or conducive to monitoring because in practice, the terms are used interchangeably. Further, neither dwellings nor camps are synonymous with any given intensity of use. Because the type of development is changing, the distinction of year-round versus seasonal is no longer as useful as has been the case in the past. As a result, the Commission will need to keep this in mind when collecting and analyzing data.

Of residential development and all permits issued within the Rangeley Region, 86% (675) and 84% (829) respectively were within these three plantations. Because similar trends occurred in the 1993 to 2000 period (91% and 78% respectively) prior to the Rangeley PZP, it is difficult to conclude the PZP contributed to this result. **Figure 3** summarizes the numbers of permits by MCD. **Figure 2** also illustrates this result.

Figure 3: Permits for Residential Development By MCD, 1993-2000 and 2000-2008

Township	New Dwellings		Added Full Foundation ²		All Other Non-Administrative ^{3 & 4}	
	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008
Adamstown Twp.	11	6	0	1	20	13
Dallas Plt.	55	96	3	4	98	118
Lincoln Plt	10	10	0	2	18	28
Magalloway Plt.	8	7	0	1	14	14
Rangeley Plt.	73	66	13	9	130	186
Richardsontown Twp	1	1	0	0	3	6
Sandy River Plt.	24	190	2	8	56	89
Township C	2	1	0	0	6	8
Township D	0	0	0	0	0	0
Township E	0	0	0	0	2	2
Total Permits⁵	184	377	18	25	347	464

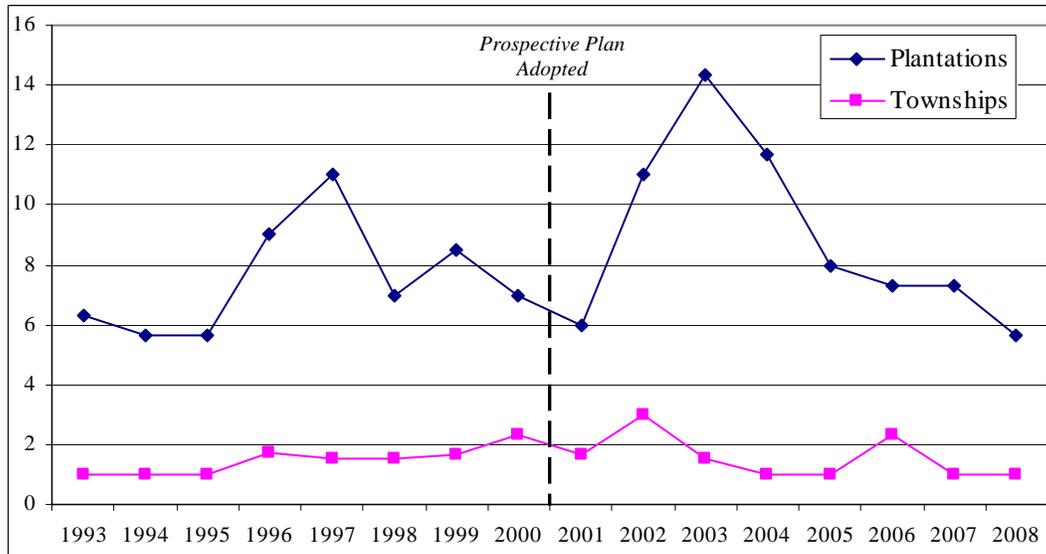
² Excludes permit actions for full foundation for new seasonal or new permanent dwelling.

³ “Administrative” permits are not included because they represent all actions for appeals, time extensions, change in dimensions, change of setbacks, and change of ownership. Administrative permits are not shown here.

⁴ “Non-Administrative” permits represent all other actions for residential development, such as reconstructions, additions, and new or replacement septic systems.

⁵ Multiple new dwellings may be authorized by one permit action, so totals may not correspond with those in Figure 2.

Figure 4: Annual Average of New Dwellings Per MCD by Type, 1993 – 2008, Except Those Permitted for Saddleback Projects



Note that Figure 4 is the only data or figure that exclude the 54 new dwellings in 2005 in Sandy River Plt. and 18 new dwellings in 2006 in Dallas Plt. and 66 new dwellings in 2008 in Dallas Plt. for Saddleback Ski Resort to provide comparable year-to-year data for this particular graphic.

➤ Sandy River Plantation is experiencing a notable increase in residential growth.

The largest change in permits for dwellings occurred in Sandy River Plantation, which increased from 34 permits for new dwellings between 1993 through 2000, to 63 between 2001 through 2008 . This represents nearly a doubling of the rate of growth. Further, this growth does not include the 127 new dwellings permitted for Saddleback Ski Resort. Given that there were 265 dwellings (US Census) in 2000 in the Plantation, this amount of residential growth is dramatic in the Commission’s jurisdiction.

➤ Data indicating the amount of development redirected to bordering municipalities in the jurisdiction is currently inconclusive; monitoring should continue.

Anecdotal observations by LURC staff in the Rangeley Office indicate that the increased residential development is occurring in a few minor civil divisions surrounding the plan area because of the cost of land in the plantations abutting the Town of Rangeley. Minor civil divisions which are adjacent to the PZP area include Coplin Plantation and the Townships of Andover North Surplus, C Surplus, Davis, Lang, Lower Cupsuptic, Parkertown, Redington, and T6 North of Weld. Permit trends within most of these townships generally indicate little to no change. However 24 new dwellings were permitted in Coplin Plantation during 1993 through 2000, while 40 new dwellings have been permitted since 2001. **Figure 5** summarizes these new dwelling permit numbers for the period before and after adoption of the PZP. Regardless of these changes, it is difficult to confirm the driving factors for the following reasons: 1) none of these bordering townships are viewed as providing draw for development based on natural resources (lakes or scenic views) comparable to those found in the PZP area; and 2) differences in land values may provide more influence upon development patterns than the regulatory structure of the PZP. Given the likelihood that there are a multitude of reasons, the Rangeley Plan cannot be confirmed as the cause. However, future monitoring is warranted in order to assess the plan’s long-term effects and appropriate guidance of development.

Figure 5: Permits for New Dwellings by MCD, 1993-2000 and 2001-2008

Minor Civil Division	New Dwellings		Other Building Permits	
	1993-2000	2001-2008	1993-2000	2001-2008
Andover North Surplus	1	4	7	6
C Surplus Twp.	1	0	1	0
Coplin Plt.	24	40	37	45
Davis Twp.	1	0	1	6
Lang Twp.	5	9	8	16
Lower Cupsuptic Twp.	2	1	13	4
Madrid	NA	31	NA	26
Parkertown Twp.	3	2	4	9
Redington Twp.	0	0	0	0
T6 North of Weld	0	3	0	2

Note: Madrid Township deorganized in 2000 so permitting data is not available.

Non-Residential Development

➤ Non-residential uses have been dispersed across MCDs and subdistricts.

Permits for non-residential uses were issued for a variety of activities. Further, these activities are permitted via one of several permit types, including development permits, utility line permits, great pond permits, shoreland alteration permits, and road permits. The following tables summarize the approved permit actions between 2001 through 2008 by minor civil division and by subdistrict but exclude administrative actions. **Figures 6 and 7** summarize the non-residential development permit actions by MCD and by subdistrict for the 2001-2008 period.

Figure 6: Non-Residential Development Permit Approvals by Minor Civil Division, 2001 – 2008.

	Boat Launch	Campsites/ Sporting Camps	Comm. Use	Mineral	Public Inst.	Road	Saddleback	Shoreline Alteration	Utilities	Other
Adamstown Twp.		2						2		
Dallas Plt.			7	1	4	1	2	1	4	
Lincoln Plt.	1	3			2			2	1	
Magalloway Plt.					1			1		1
Rangeley Plt.	2	2	1		2	2		12	1	1
Richardsontown Twp.		2						1		
Sandy River Plt.	1	1	4			2	8			
Township C										
Township D										
Township E										
Total	4	10	12	1	9	5	10	19	6	2

Figure 7: Non-Residential Development Permit Approvals by Subdistrict, 2001 – 2008.

	Boat Launch	Campsites/ Sporting Camps	Comm. Use	Mineral	Public Inst.	Road	Saddle- back	Shoreline Alteration	Utilities	Other
Extended Settlement Development Subdistrict (D-ES)			3		4					
General Development Subdistrict (D-GN)		1								
Community Center Development Subdistrict (D-GN2)			7		1			1		
Rural Settlement Development Subdistrict (D-GN3)		1			2					
Planned Development Subdistrict (D-PD)							10			
Community Residential Development Subdistrict (D-RS2)		1	1			2		1	1	
Residential Recreation Development Subdistrict (D-RS3)	3	1	1			2		11	1	
General Management Subdistrict (M-GN)		1		1	2	1			2	2
Aquifer Protection Subdistrict (P-AR)									1	
Great Pond Protection Subdistrict (P-GP)		3						4		
Semi-Remote Lake Protection Subdistrict (P-GP2)	1	2						2		
Wetland Protection Subdistrict (P-WL)									1	
Total	4	10	12	1	9	5	10	19	6	2

Subdivision

➤ While the number of subdivision actions has increased from 25 to 37, the total number of lots being created has increased from 42 to 129 lots.

Subdivision permit activity in the region included 35 subdivisions and various amendments (boundary adjustments, amend conditions, etc), for 2001 through 2008.

Of the 130 lots created 52 were amendments to other subdivisions so called ‘secondary or further subdivisions’. This activity is up from the 15 ‘secondary’ subdivision lots created between 1993-2000. **Figures 8 and 9** outline this data further.

Figure 8: Number of Approved Subdivisions by the Number of Lots Created Per Subdivision

New Lots Per SP Permit	1993-2000	2001-2008
1-2	5 (46%)	9 (47%)
3-5	4 (36%)	4 (21%)
6-10	1 (9%)	1 (5%)
11 or more	1 (9%)	5 (26%)

Approximately half of all the approved subdivision actions, from both periods, did not create new lots. This activity illustrates the extent of permitting activity focused on minor amendments such as modifying conditions and lot layout.

Figure 9: Subdivision Actions and Lots Created, 1993-2000 and 2001-2008

	1993-2000		2001-2008	
	Subdivision Actions	Lots Created	Subdivision Actions	Lots Created
Adamstown Twp.			4	9
Dallas Plt.	12	14	10	50
Lincoln Plt.				
Magalloway Plt.	1	0	1	0
Rangeley Plt.	8	16	11	16
Richardsontown Twp.				
Sandy River Plt.	4	12	10	52
Township C			1	3
Township D				
Township E				
Total	25	42	37	130

The increase in approved subdivisions, and the minimal number of approved rezonings (discussed below), indicates that the land zoned for development, by the PZP, has accommodated subdivision activity in the region since the adoption of the PZP.

Zoning Petitions

➤ While it is difficult to come to firm conclusions regarding the additional rezoning criteria, the limited data available are more indicative of success than failure.

The Rangeley PZP created additional approval criteria under which any petition for rezoning a subdistrict would be reviewed. These criteria were established to best achieve one of the PZP’s guiding principles: “Stick to the plan – *make it difficult to rezone areas outside of designated development zones, unless extenuating circumstances emerge.*” These additional criteria required that a petition for amendment to a development subdistrict boundary shall not be approved unless the petitioner demonstrates:

Unforeseen Circumstances – *“The requested change is needed due to circumstances that did not exist or were not anticipated during the prospective zoning process.”*

Contiguous Development Districts – *“The new development subdistrict is either contiguous to existing development subdistricts or within areas that are suitable as new growth centers.”*

More Effective Approach – *“The change will better achieve the goals and policies of the Comprehensive Land Use Plan, including any associated prospective zoning plans.” (10.08)*

Since 2001, there have been 5 petitions for rezoning; 3 were subsequently approved while the remaining two were denied. Comparatively 11 zoning petitions were approved and 2 denied between 1993 and 2000.

One approved petition was initially submitted to the Commission prior to the effective date of the Rangeley Plan, and therefore was reviewed under the rules in effect at the time of the submittal. This petition rezoned 12 acres from (M-GN) General Management Subdistrict and (P-GP) Great Pond Protection to (D-RS) Residential Development Subdistrict for the purpose of developing three individual camp lots, and conserving 1 retained lot at Middle Dam on Lower Richardson Lake. The second approval was for Saddleback Ski Resort. Both of these projects were specifically mentioned in the plan as “Other Potential Development Areas” (p. 19-20).

The third approved zoning petition was for a United States Border Patrol Station on Route 16 in Dallas Plantation. This petition raised an issue with the interaction of the Rangeley PZP and LURC’s regulatory authority regarding ‘conditional zoning’. In this case, prior to petition approval the applicant had yet to secure the contract for the border patrol station. This fact created concern that the rezoning could be approved according to the proposed use, though the ultimate development would not have been bound to that use. More specifically, rezoning petitions generally approve the subdistrict and therefore the concept of the range of allowed uses, while the additional zoning criteria in the plan area link the petition approval to the specific proposed use. While it may be appropriate for most rezonings to be based on the subdistrict not the use, the Rangeley PZP should be considered distinctly different due to the development of a specific plan and related rezoning standards.

The Commission denied two zoning petitions. One sought to rezone 42 acres of (M-GN) General Management Subdistrict to (D-RS2) Community Residential Development Subdistrict for the purpose of subdividing the parcel into 29 lots for speculative residential development and sale. The second sought to rezone 5 acres from (M-GN) General Management Subdistrict to (D-GN2) Community Center Development Subdistrict for the purpose of constructing a meeting hall. As seen in **Figure 10** below, both of these failed petitions were denied not only due to the Additional Approval Criteria (10.08, C), but also the general rezone criteria (10.08, A). So even in the absence of the PZP, neither petition could have been approved.

Figure 10: Zoning Petitions, 2001-2008

Rezoning Criteria	APPROVALS			DENIALS		
	ZP 721 Dallas Plt.	ZP 372 Dallas Plt. & Sandy River Plt.	ZP 652 Township C	ZP 663 Dallas Plt.	ZP 670 Dallas Plt.	
Proposed Use	Border Patrol Station	Saddleback Ski Resort	Residential Subdivision	Residential Subdivision	Meeting Hall	
Criteria for all zoning petitions	Consistent with: District boundaries in effect	Y	Y	Y	N	N
	CLUP	Y	Y	Y	N	N
	Purpose, intent, and provisions of Chapter 206-A	Y	Y	Y	N	N
	Satisfies a demonstrated need and has no undue adverse impacts on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources with the affected area	Y	Y	Y	N	N
Additional criteria for zoning petitions in prospectively zoned areas	Additional Criteria for Prospectively Zoned Areas; petitioner must demonstrate:	Y	Y	*		
	Unforeseen Circumstances	Y	Y	*	N Adequate additional res zoned areas; proper and adequate notice provided	N Adequate non-res/comm subdistricts available
	Contiguous Development	Y	Y	*	Y	N
	More Effective Approach	Y	Y	*	N	N
* not applicable; application reviewed under pre-PZP rezoning criteria						

Because of the small number of zoning petitions and their outcome and extensive public involvement in designating development subdistricts, the results indicate some amount of success in providing adequate areas to accommodate development. The Commission’s decisions on the first few zoning petitions indicated that it was going to *stick to the plan*, and that seems to have prevented further zoning petitions.

Standards

- The effectiveness of the new development standards are challenging to evaluate, though no issues have been identified.

Additional review standards for development proposals in prospectively zoned areas were created and are now part of Chapter 10. These standards are provided in sections 10.25, B and 10.26, C through F, and include minimum road frontage, setbacks, lot coverage, maximum building height, outdoor lighting, buffering, and parking and circulation. These standards do not lend themselves to analysis of permit data and trends. Instead these standards must be evaluated through individual site analyses and comparisons with the intended results. However, these standards include certain exceptions that provide flexibility to landowners but also make evaluation of the standards difficult or at the least less than conclusive. Further, no baseline analyses of individual sites were conducted against which to compare results.

Building height, setbacks, lot coverage, and road frontage

Both fixed and flexible requirements apply to specific uses in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts; while others also apply in the D-RS3, D-CI, and D-ES subdistricts. The additional standards provide flexibility for in-fill development to fit in with existing development or otherwise encourage compact development patterns.

Outdoor lighting

Following the adoption of the Rangeley PZP, the Commission adopted outdoor lighting standards which were applied jurisdiction-wide, not just in prospectively zoned areas.

Buffering

Prior to the PZP the Commission's Land Use Districts and Standards (10.27,B) included vegetation clearing standards. As a result of the PZP, the Commission established additional buffering standards (10.25,B,2) to complement the then existing vegetation clearing standards.

The new buffering standards apply to all principal and accessory buildings in all Development Subdistricts in prospectively zoned areas.

Building layout

To guide in-fill development and compact development patterns, the Commission established building layout standards. These standards apply in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts in prospectively zoned areas.

Parking and circulation

As a result of the Rangeley PZP the Commission developed parking and circulation standards to address access management, parking layout and design, and subdivision and development roadway design. These standards also now apply jurisdiction-wide, not just in prospectively zoned areas.

Other Potential Development Areas

In addition to rezoning a number of areas within the Rangeley PZP, the Plan identified other potential development areas. "Development in three additional areas... was discussed but zoning designations were not applied at this time, pending further information by the landowners. This plan recognizes that these landowners may file requests for rezoning permits for selected locations within these areas during the twenty-year time frame. The Commission will approve such development proposals providing they are consistent with the pattern of growth, kinds of uses, and amount of overall development specified in this plan and meet all the zoning and regulatory requirements and statutory approval criteria." (PZP, page 19 and identified with question marks on page 23)

A portion of the area on Route 16 in Dallas Plantation was subsequently sold to the Nestle Waters North America and a water extraction operation was permitted on the site. While some parties contended that the use was inconsistent with the Rangeley PZP, the Commission found that the use was consistent with the PZP and ultimately the Maine Supreme Court upheld the Commission's determination.

The area on the Dallas Hill Road in Dallas Plantation refers to land owned by Saddleback Ski Resort. The Saddleback Ski Resort has been obtaining approval since the late 1980's to rezone and subsequently expand the (D-PD) Planned Development Subdistrict, and to develop the resort complex, including a cross country ski center. The landowner continues proposing additional development within the already expanded (D-PD) Planned Development Subdistrict.

The last area, identified by the plan as another potential development area, was the Southeast corner of Rangeley Plantation. This area was anticipated to be used for gravel extraction and asphalt production, though no activities have been formally proposed.

In these few cases, this approach seems to have been successful in striking a balance between planning and on the ground progress. Future application of this approach should be applied as the exception, not the rule in order to minimize potential pitfalls and maximize the effects of the prospective zoning process.

OTHER INITIATIVES

The plan makes note of three other initiatives that may interact with the Prospective Zoning Plan, including the Town of Rangeley Comprehensive Plan; National Scenic Byways; and Maine Department of Transportation Access Management program.

The Town of Rangeley is currently revising its Comprehensive Land Use Plan. LURC staff will continue to monitor the development of their plan.

Routes 4 and 17 are designated as both State and National Scenic Byways. The byways are managed according to a locally developed corridor management plan. Both the corridor management plan and the Rangeley PZP are consistent with each other. Since the adoption of the PZP portions of Route 4 have been, and continue to be improved for safety and traffic flow. Further, MDOT planning efforts are underway to improve facilities at the Height of Land scenic overlook on Route 17 in Township D.

Access standards were to be part of the Rangeley PZP, but were omitted due to anticipated changes in Maine Department of Transportation permitting processes. The Maine DOT has since adopted rules to assure safety and proper drainage on all state and state aid highways with a focus on maintaining posted speeds on arterial highways outside urban compact areas. The rules also include standards for avoidance, minimization, and mitigation of safety hazards along the portions of rural arterials.

While not discussed in the Rangeley PZP, the Umbagog National Wildlife Refuge is located within Magalloway Plantation and borders most of Umbagog Lake. The U.S. Fish & Wildlife Service adopted a revised Comprehensive Conservation Plan for the refuge in January 2009. LURC staff reviewed the revised plan and found it exemplary of the Commission's goals, policies, Vision, and overall purpose.

IMPLEMENTATION ITEMS

The *Prospective Zoning Plan for the Rangeley Lakes Region* identifies specific implementation action items to be completed (see pages 21 and 22 of the Rangeley PZP). Those items are noted below, followed by any updates, actions taken, or pertinent information regarding their status.

▪ Identify Unique Factors of Interest/Changing Circumstances. (p. 21)

1. Economy

In the eight years since the Rangeley PZP was adopted in 2001, real estate markets and the economy have been in flux and continue to experience dramatic swings. These factors are likely to contribute to influences upon development types, rates, and patterns in the jurisdiction and the Rangeley Region. However at this time no change of the Rangeley PZP is warranted.

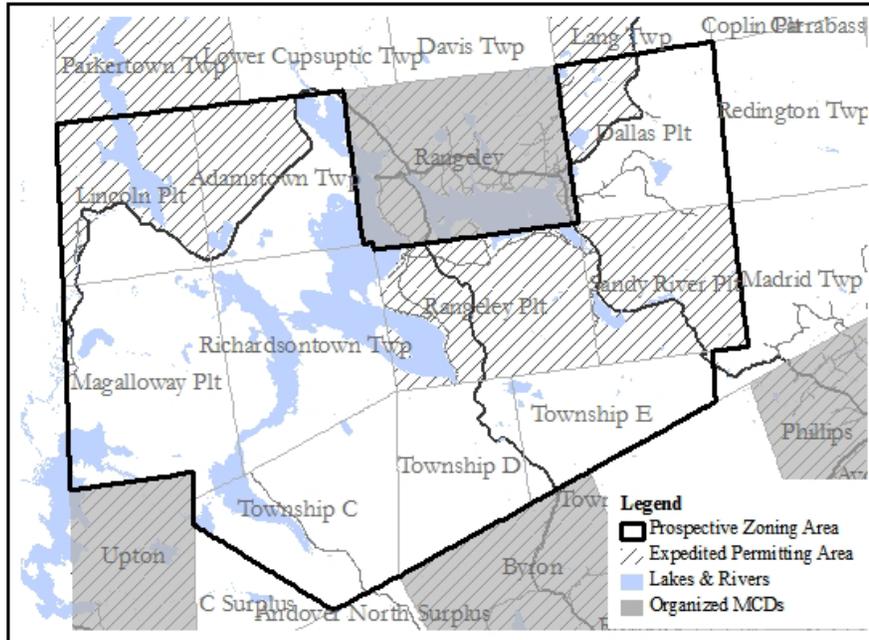
Action Taken: None

Recommendation: Other than continuing to monitor and evaluate development trends in light of the PZP, Commission or staff action is not necessary.

2. Wind Power Expedited Permitting Area

In 2008 the Maine State Legislature passed the Wind Energy Act (Chapter 661) which created an "expedited permitting area" for grid-scale wind energy development (defined as: *development that uses a windmill or wind turbine to convert wind energy to electrical energy for sale or use by a person other than the generator*). As a result, all of Rangeley Plantation and Sandy River Plantation and certain areas in Dallas Plantation, Lincoln Plantation, and Adamstown Township are included in the expedited permitting area (see map). In these areas grid-scale wind energy development is a use allowed with a permit and not by special exception in all subdistricts; however grid-scale wind energy

development may not be feasible in a number of locations based on the available wind resources and technology capabilities.



Action Taken: Chapter 10 has been revised to reflect the necessary changes per the legislation that are directly linked to the PZP.

Recommendation: Monitor wind power development within these expedited permitting areas.

- Monitor the issuance of permits for home occupations in the General Management Subdistrict (M-GN), particularly for special exceptions in Rangeley, Dallas, and Sandy River Plantations. This monitoring should consider whether home occupations will be complementary or detrimental to the long-term function of the management zone for forestry and agricultural uses and the avoidance of development sprawl.) (p. ii & 21)

Minor home occupations are a use allowed without a permit or allowed without a permit subject to standards in all subdistricts throughout the jurisdiction, therefore data is not available. Major home occupations require a permit in D-GN2, D-GN3, and D-RS2 subdistricts; by special exception in D-ES, M-GN, P-AL, P-AR, P-FW, P-GP, P-RT, P-SL, and P-UA subdistricts; and are not an allowed use in all other districts within the jurisdiction.

Although there were seven home occupations permitted during the eight years prior to the PZP, no permits have been issued for a major home occupation in the eight years since the plan was adopted. Permitting staff indicates landowner interest exists in creating home occupations; however their intended activities have not met the definition of home occupations or have been achieved as minor home occupations.

Action Taken: Monitoring of home occupations.

Recommendation: Continue to monitor home occupations, particularly major home occupations located within the General Management Subdistrict.

- Monitor new development on Lower Richardson Lake to determine its impact on the character of Upper Richardson Lake. Address whether there is a need to treat both lakes as one “remote” lake because they are physically connected and both have outstanding resource values. Boating traffic generated by development on the lower lake will most likely affect the upper portion in equal measure. (p. ii & 21)

Data: One subdivision permit issued for 3 camp lots and 1 retained conserved lot has been issued on Lower Richardson Lake. This project was discussed during the PZP development phase and in the Plan. Only one of the camp lots has been developed to date, as discussed below. Each of the lots, though not all currently developed, are restricted by clearing and building setbacks of no less than 100 feet from the lake.

One new dwelling has been permitted on each of Lower and Upper Richardson Lakes. However Lower Richardson Lake has also experienced other development since the plan was adopted in 2001. Specifically, nine additions to existing dwellings, one relocation, and three reconstructions have been permitted on the Lower Lake, while only one addition has been permitted on the Upper Lake.

Action Taken: No additional monitoring or visual analysis has been completed.

Recommendations: Continue to monitor development on Lower Richardson Lake.

- Acquisition Priorities (p. ii & 21)

The plan identified priority areas, specifically Lower Richardson Lake, Aziscohos Lake and the remaining undeveloped shore of Beaver Mountain Lake. Since the plan was prepared, more than 23,000 acres have been conserved by easements or by fee ownership over eight different areas. Of those, one tract of 20,400 acres was a pending agreement at the time of the plan adoption and is also within the areas of priority attention. Another parcel was conserved, effectively protecting 75% of the undeveloped shoreline of Beaver Mountain Lake.

Action Taken: None

Recommendation: Remain supportive of conservation efforts, particularly in the priority areas.

- Elimination of subdivision law exemptions (p. ii & 21)

Action Taken: The 40-acre Exemption was in existence until 2001, at which point it was restricted to only non-development purposes (i.e. forestry, agriculture, or conservation). Any subsequent division or development of exempted lots would require prior LURC approval.

Other exemptions - The Commission completed *An Examination of the Subdivision Exemptions of the Maine Land Use Regulation Commission Law*. That study summarized the number, location, and impact of subdivision exemptions in LURC jurisdiction. Due to data limitations, land divisions resulting from the “2 in 5” exemption could not be distinguished from divisions resulting from other exemptions, such as lots gifted to blood relatives or conservation lots.

As of 2008, staff continues to collect and analyze additional data in anticipation of discussing the issue in the pending Comprehensive Land Use Plan update. The study provides vital information and perspective to quantify subdivision activities.

Action Taken: Elimination of the use of the 40 acre exemption for development purposes.

Recommendation: Continue to discuss and evaluate subdivision exemptions through the revision of the Comprehensive Land Use Plan.

■ Improve Planned Development (D-PD) Subdistrict Rezoning process (p. ii & 22)

During the development of the Rangeley PZP some people expressed frustration with the Planned Development (D-PD) Subdistrict zoning process, particularly that it was seen as cumbersome and expensive. At that time only one permit was reviewed under the D-PD criteria. With time, this issue was resolved as LURC worked with the applicant on amendments to the Development Plan. However, the issue may remain in regards to the whole jurisdiction.

Action Taken: This item has been resolved with regard to the application of expanding the D-PD Subdistrict in the PZP area.

Recommendation: Consider the D-PD process not only with regard to the Rangeley PZP, but within the jurisdiction-wide context.

■ Enable the development of “mother-in-law apartments” in the Residential Recreation Subdistrict (D-RS3) (p. ii & 22)

“Mother-in-law-apartments”, more appropriately known as accessory apartments, can pose concerns in regards to development compatibility depending upon the purpose of particular subdistricts or on-site environmental constraints. If appropriate standards are in place, accessory apartments can fit into the character of most areas, and may even be difficult to notice. Further, accessory apartments can work well to enable the provision of affordable or workforce housing and other cultural benefits. However, any action to achieve this directive should include careful thought and evaluation.

Action Taken: None

Recommendation: Revisit this topic in the context of the whole jurisdiction to evaluate whether the use is appropriate for the D-RS3 Subdistrict and/or other areas.

➤ Periodic Analysis and Evaluation (p. 21)

Discussion: Efforts to track or research development rates and patterns should be continued, at least on the existing five or ten year cycle. Additional data, over a longer period of time, particularly data discussed herein, will be necessary to adequately analyze the PZP and enable its evolution. Those analyses should also include bordering MCDs in the jurisdiction that border the PZP area to confirm that the PZP is not redirecting development to unanticipated areas.

The next periodic analysis should consider conducting a build-out analysis, at least for specific districts or areas, to better understand the amount of land consumed by, and remaining for, development.

In order to conduct a build-out analysis using GIS, up-to-date and comprehensive mapping of primary structures will be necessary. By applying the primary structure locations to the parcel data, a valuable frame of reference can be created, illustrating the number and locations of parcels which are built out (according to current regulations) and for those that are not ‘built out’, identify the general number of parcels/structures which could be divided or developed.

Action Taken: The Commission has conducted an analysis of permitting activity in the PZP area three years after the adoption of the Rangeley PZP and at eight years after.

Recommendation: Continue to conduct periodic review and analysis of the Rangeley PZP and development activity within the plan area.

Priority: medium

Timeline: every 5 to 10 years unless events warrant a more frequent schedule

While conducting this analysis several other items that warrant action were identified.

➤ Integrate the Rangeley PZP into the Comprehensive Land Use Plan

Discussion: The Rangeley Prospective Zoning Plan is effectively an extension and implementation action of the Comprehensive Land Use Plan. By incorporating the PZP into the CLUP, particularly as an appendix, both documents will be more appropriately linked yet easily and discretely revised.

Recommendation: Integrate the Rangeley PZP into the Comprehensive Land Use Plan as an appendix. Assure that the two documents do not conflict.

Priority: low

Timeline: 6 to 12 months

➤ Identify thresholds which will trigger re-evaluation of the plan.

Discussion: The plan was developed so as to “provide enough room for the next twenty years to accommodate about as much development as occurred in the past two decades.” (p. 20) While the plan currently appears to be performing well, the region will inevitably reach a point where various areas are “built-out”. Given the increased rate of new dwellings, such build-out may occur before the 20-year period has lapsed. Although in this regard the term built-out is not defined, some examples might include: development has consumed all available acreage/lots; residential development can no longer be focused in plantations as intended; residential development subdistricts can no longer accommodate residential development and it overflows into the General Management Subdistrict. The Commission and the public should identify thresholds which would trigger re-evaluation of plan (i.e. when does the plan need expansion?). This is particularly important given the necessary lead time to create an effective plan. Depending upon the features involved and the particular thresholds identified, GIS related modeling tools may be available to aid in this effort.

Recommendation: Continue regular analysis and evaluation of development trends to remain informed of trends, but also outline a process for identifying these thresholds. Ultimately staff and the Commission should anticipate a more in-depth and complex process during the next review that could involve significantly more time and resources.

Priority: medium

Timeline: 5 to 10 years

➤ Consider enabling the application of PZP subdistricts in any area of the jurisdiction.

Discussion: As discussed earlier in this report, six new subdistricts were created in response to the *Rangeley Prospective Zoning Plan* (see **Appendix A** for a complete list and description of these subdistricts). While not stated directly in the PZP, the Commission and to some degree the public, has anticipated the authorization of the subdistricts created by the *Rangeley Prospective Zoning Plan* to be applied within the whole jurisdiction, not just in prospectively zoned areas. That is to say that landowners would be able to request a rezoning of their property to one of these subdistricts. According to results discussed herein, these subdistricts have been successful enough to confirm they are appropriate for wide-spread usage.

Recommendation: Assess the purpose and description of each subdistrict, many of which are currently only allowed within prospectively zoned areas. Identify subdistricts which may be appropriate for use in areas that are not prospectively zoned. Finally, through a rule revision process, revise the purpose and description of any such subdistricts in order to clearly enable their application jurisdiction-wide.

Priority: medium

Timeline: 12 to 24 months

➤ Revisit “extent of shoreline to be conserved” provisions of the P-GP2 Subdistrict

Discussion: The Rangeley Prospective Zoning Plan created the Semi-Remote Lake Protection (P-GP2) Subdistrict to “provide a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.” (10.23,F) As implemented, the P-GP2 Subdistrict (Section 10.23,F,3,f) requires for parcels having more than 400 feet of shore frontage to be developed, “at least 50 percent of a landowner’s ownership on a shoreline shall be conserved... as open space according to the provisions of Section 10.25,S.” (See **Appendix D** for the full text of Section 10.25,S) This standard requires the open space, or development rights of that space, to be owned by a “qualified holder”. In this case, “qualified holder” is defined generally as a governmental body or a nonprofit corporation or trust.

This requirement may be well suited for moderate to large lots, but could prove problematic for smaller lots where a “qualified holder” is generally unlikely to be interested in or able to manage small and/or scattered land areas. The lakes identified for the P-GP2 Subdistrict by the PZP included Azischohos Lake and Lower Richardson Lake, though the issue is not unique to either lake.

Recommendation: The Commission should review the intent and functionality of this provision during the next comprehensive revision of the Rangeley PZP. Specifically, the review should examine the existing standards of 10.23,F and 10.25,S relative to the amount of development of small lots to determine if the intended results are achievable under the existing rules and align with the purposes and resources of the conservation community.

Priority: low

Timeline: 5 to 10 years

CONCLUSIONS

Results point toward success with opportunities for minor improvements, although it is difficult to make any absolute conclusions. Certainly, significant responsibility for the success is due to extensive landowner involvement throughout the plan development. That said, success in this case may be indicated by the absence of serious problems or complaints in the area.

In considering success versus failure, or strengths versus weaknesses, we must consider the multitude of factors which can and may influence land uses in this area – factors which may override any prospective zoning plan:

- Does prospective zoning encourage landowners to develop where they otherwise had not intended?;
- Available resources (natural resources, infrastructure, etc.);
- Economic or other cultural forces;
- Land values; and
- Tax rates

Even though these other factors may be the cause, the data so far indicate that development seems to be occurring as intended. Further, results to-date are consistent with the Vision and Prospective Planning Principles of the *Rangeley Prospective Zoning Plan*.

Given the results to date, this prospective zoning plan provides subdistricts and standards which may be appropriate to apply in other areas of the jurisdiction. Further, the overall process and resulting plan has been beneficial and should serve as a model for other prospective zoning efforts in the jurisdiction.

LESSONS LEARNED

In applying the *Rangeley Prospective Zoning Plan* and evaluating its effectiveness, staff has learned a few general lessons regarding prospective zoning. Given the Commission's interest in applying prospective zoning to other areas of the jurisdiction, it is important to capture these lessons. The following list is not exhaustive, rather it is meant to be a starting point for discussion.

- When prospectively zoning, contemplate the interaction of development subdistricts and the General Management Subdistrict, particularly in regards to residential development. If the intent of a prospective zoning plan is to concentrate residential development in Development Subdistricts, contemplate how the General Management Subdistrict fits into the equation. *(See page 3 for more information)*
- Consider development, particularly residential development, in regards to intensity rather than whether the structure was permitted as a permanent dwelling or a seasonal camp. For example – where development might previously have been limited to 'seasonal dwellings', instead establish a distinction according to characteristics that better reflect the intensity of development, such as square footage, foundation type, setbacks and screening. *(See page 4 for more discussion.)*
- When prospectively zoning, include an area large enough to encompass the primary focus area and some buffer. This approach should work to minimize inappropriate diversion of development pressures to adjacent townships. *(See page 5 for more information.)*
- Work to address conflicts between and/or clarify the rezoning criteria of 10.08,C,1,a and LURC's regulatory authority (i.e. conditional zoning). *(See page 9 for more information.)*
- Development activity continues during the comprehensive planning process. By inviting dialogue about development proposals while developing a prospective zoning plan, landowners are better able to plan for development activities and PZP work can continue. In the *Rangeley Prospective Zoning Plan* this approach was identified as "Other Potential Development Areas". Future application of this approach should be considered, but should be applied carefully and in limited fashion to minimize potential pitfalls and maximize the effects of the prospective zoning process. *(See page 11 for more discussion.)*
- Prior to applying prospective zoning standards, such as buffering and building layout, baseline data should be collected for future application. Without this baseline data, evaluation of such standards will be very difficult to achieve or will prove less conclusive. *(See page 16 for more discussion.)*
- Prior to adoption of the first prospective zoning plan in an area, or substantial revision of an existing plan, identify thresholds which trigger re-evaluation of the plan (i.e. when does the plan need expansion?). This is most particularly important given the necessary lead time to create an effective plan. This should be thought of as a circuit breaker that will prompt Commission and public action in response to nearing capacity. *(See page 16, for more discussion.)*

APPENDICES

Appendix A: Subdistrict Descriptions

The following is a list and description of all subdistricts which apply to the permitting activity in these ten minor civil divisions. The accompanying text represents excerpts from the Purpose and Description of each subdistrict in the Land Use Districts and Standards (Chapter 10). Note that subdistricts created through the Rangeley Prospective Zoning Process are identified with an asterisk (*) and *italic* text.

* D-ES - Extended Settlement Development Subdistrict

The purpose of the D-ES subdistrict is to separate those land uses that create impacts incompatible with residential areas and community centers, as well as provide for appropriate areas to concentrate development at the edge of rural growth centers designated as development subdistricts. Concentrated development seeks to avoid the visual and fiscal impacts of sprawl.

This subdistrict is designed to accommodate a wide range of commercial, light manufacturing, and public uses that create impacts incompatible with other smaller scale commercial, public, and residential uses. This subdistrict allows facilities that generate traffic or noise such as transfer stations, gasoline stations, warehouses, self storage, and contracting businesses. The subdistrict is not designed to accommodate general retail establishments better located in a community center or rural settlement; or to facilitate strip development along highways.

This subdistrict will only be applied in areas appropriate to accommodate this type of development in a community after a prospective planning process has been undertaken. Appropriate areas will be adjacent to other development subdistricts, particularly D-GN2 subdistricts. Adjacent is interpreted to mean within a distance of one road mile. The D-ES subdistrict will not be located in remote or lightly settled areas or separately from established or proposed development centers.

D-GN - General Development Subdistrict

The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.

* D-GN2 - Community Center Development Subdistrict

The purpose of the D-GN2 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up community centers. It is designed to concentrate development in order to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

Community centers are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN subdistrict but provides for a wider range of appropriate uses and increased size thresholds for general commercial uses. This wider range of uses is permitted because additional development standards for uses in this subdistrict ensure that adjacent uses are compatibly developed and undertaken.

This subdistrict will be applied only in communities in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

** D-GN3 - Rural Settlement Development Subdistrict*

The purpose of the D-GN3 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up a settlement area in remote or interior areas of the jurisdiction. It is designed to concentrate and control the rate of growth by prohibiting subdivision. This subdistrict seeks to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in lightly settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

Rural settlements are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN2 subdistrict but allows uses of an appropriately smaller size and intensity, also subject to specific development standards. It is also different from the D-GN2 subdistrict as it prohibits subdivisions in order to maintain the remote and small-scale feel of these development nodes. Gradual lot creation is allowed via the existing exemptions in the Commission's statute and these rules and regulations.

D-PD – Planned Development Subdistrict

The purpose of the D-PD subdistrict is to allow for large scale, well-planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

The D-PD subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.

D-RS – Residential Development Subdistrict

The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.

** D-RS2 - Community Residential Development Subdistrict*

The purpose of the D-RS2 subdistrict is to designate residential areas that can accommodate an appropriate range of low-impact commercial and public uses that are compatible with residential uses. This subdistrict seeks to promote residential living and thriving neighborhoods with a limited range of services.

The D-RS2 subdistrict shall be located adjacent to a D-GN2 subdistrict in order to limit the fiscal and visual impacts of sprawling development. Adjacent is interpreted as within a distance of one road mile. This subdistrict is similar to the D-RS subdistrict but it allows for commercial development such as bed and breakfasts, health care facilities, and golf courses.

* D-RS3 - Residential Recreation Development Subdistrict

The purpose of the D-RS3 subdistrict is to accommodate seasonal and year-round recreational development in high value resource areas without compromising the recreational setting. This subdistrict allows a restricted range of allowed uses in order to ensure attractive residential recreational opportunities.

The D-RS3 subdistrict shall be applied only in high natural resource value areas appropriate for residential or closely related uses in a community and shall be applied after a prospective planning process has been undertaken by the Commission. The D-RS3 subdistrict shall be located in areas that are inappropriate for intensive mixed development.

The D-RS3 subdistrict area will be located along or near the shorelines of Management Class 3, 4, 5, or 7 lakes or in other high value natural resource areas designated for growth by the Commission or zoned D-RS before January 1, 2001. The D-RS3 subdistrict will not be located in relatively remote or lightly settled areas of the jurisdiction.

M-GN – General Management Subdistrict

The purpose of the M-GN subdistrict is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required.

These are areas which are appropriate for forest or agricultural management activities and that do not require the special protection afforded by the protection subdistricts or the M-NC or M-HP subdistricts. Also included within M-GN subdistricts shall be areas which do not qualify for inclusion in any other subdistrict.

P-AR – Aquifer Protection Subdistrict

The purpose of the P-AR subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

P-FW – Fish and Wildlife Protection Subdistrict

The purpose of the P-FW subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

P-GP – Great Ponds Protection Subdistrict

The purpose of the P-GP subdistrict is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

* P-GP2 - Semi-Remote Lakes Protection Subdistrict

The purpose of the P-GP2 subdistrict is to accommodate seasonal, recreational uses on lakes valued for their semi-remote character and determined to be suitable for limited development through a prospective planning process. This subdistrict is designed to site appropriate uses at a density and in a pattern of development that conserves the essential character of these lakes, and to accommodate traditional uses such as commercial sporting camps and public access. This subdistrict also provides a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.

This subdistrict includes areas within 500 feet of the normal high water mark, measured as a horizontal distance, of those lakes listed below:

- Azischohos Lake within Lincoln Plantation, Oxford County;
- Lower Richardson Lake, Township C, Oxford County.

The depth of this subdistrict may be deeper than 500 feet to allow development design in the project area that better meets the purpose of this subdistrict. Adjustments will only be made that do not increase the acreage of the project area by more than 10 percent or deviate from the uses allowed in this subdistrict.

Lakes classified as Management Class 3 or 7 may be included on this list only after analysis and review by the Commission through a prospective planning process.

P-MA – Mountain Area Protection Subdistrict

The purpose of the P-MA subdistrict is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

P-RR – Recreation Protection Subdistrict

The purpose of the P-RR subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

P-WL – Wetland Protection Subdistrict

The purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

Appendix B: Residential Development in the General Management (M-GN) Subdistrict

	1993-2000		2001-2008	
	New Dwellings	Other Residential Permits for Expansions etc.	New Dwellings	Other Residential Permits for Expansions etc.
Dallas Plt.	10	16	6	7
Lincoln Plt.	7	6	4	6
Magalloway Plt.	2	0	3	1
Rangeley Plt.	16	18	10	22
Sandy River Plt.	9	12	11	19
Township C	1	0	0	0
Total	45	52	35	55
<i>% of Category Total</i>	<i>25%</i>	<i>11%</i>	<i>9%</i>	<i>10%</i>

Appendix C: Permits by Type and MCD, 1993-2000 and 2001-2008

MCD	Residential Development		Non-Residential Development		Subdivision Permits		Zoning Petitions		Other ¹		Total	
	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008	1993-2000	2001-2008
Adamstown Twp.	36	23	4	2	0	4	0	0	22	10	62	39
Dallas Plt.	180	213	9	18	12	10	5	1	43	21	249	263
Lincoln Plt	30	44	10	6	0	0	0	0	29	10	69	60
Magalloway Plt.	24	22	3	1	1	1	0	0	12	3	40	27
Rangeley Plt.	274	286	4	8	8	11	3	0	91	45	380	350
Richardsontown Twp.	4	7	4	2	0	0	0	0	8	3	16	12
Sandy River Plt.	99	176	6	14	4	8	3	1	36	17	148	216
Township C	9	10	3	1	0	1	0	1	12	1	24	14
Township D	0	0	0	0	0	0	0	0	1	0	1	0
Township E	2	2	1	0	0	0	0	0	4	1	7	3
Total Permits	657	783	44	52	25	35	11	3	258	111	996	984

¹ “Other” includes a variety of action types, including but not limited to advisory rulings, boat launch notifications, forest operation, shoreland alterations, service drops, etc.

Appendix D: Open Space (Chapter 10, Section 10.25,S)

(note: the following is provided from Chapter 10, Section 10.25,S for consideration of an **Implementation Item** discussed herein.

The standards set forth below must be met for all cluster subdivisions and other land area designated as open space.

1. **Preservation and Maintenance of Open Space.** Open space may be owned, preserved and maintained as required by this section, by any of the following mechanisms or combinations thereof, listed in order of preference, upon approval by the Commission:
 - a. Conveyance of open space to a qualified holder, as defined under Section 10.25,S,2.
 - b. Dedication of development rights of open space to a qualified holder, as defined under Section 10.25,S,2 with ownership and maintenance remaining with the property owner or a lot owners association.
 - c. Common ownership of open space by a lot owners association which prevents future structural development and subsequent subdivision of open space and assumes full responsibility for its maintenance.
 - d. Any other mechanism that fully provides for the permanent protection or conservation of open space and that is acceptable to the Commission.
2. **Qualified Holders.** The following entities are qualified to own, preserve and maintain open space:
 - a. “A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or
 - b. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.” 33 M.R.S.A. §476, sub-§2
3. Open space may be usable for low-intensity non-commercial recreation or for purposes intended to conserve land and preserve important natural features of the site. Uses within the open space may be limited or controlled by the Commission at the time of approval, as necessary, to protect natural resources and adjacent land uses. Specifically, open space lots are subject to subdivision and other permit conditions prohibiting residential, commercial, industrial or other structures and uses.
4. If any or all of the open space is to be reserved for common ownership by the residents of the subdivision, the bylaws of the proposed lot owners association shall specify responsibilities and methods for maintaining the open space and shall prohibit all residential, commercial, industrial or other structures and uses.
5. Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation thereof to indicate that no further subdivision or conversion of use is allowed.