



STATE OF MAINE
JOHN E. BALDACCI
GOVERNOR

Department of Conservation
LAND USE REGULATION COMMISSION
22 State House Station
Augusta, ME 04333-0022



PATRICK MCGOWAN
COMMISSIONER

ADDITIONAL INFORMATION ABOUT UPCOMING ISSUES SCOPING SESSIONS

August 4, 2005

Last week, LURC staff announced a series of issues scoping sessions to be held in mid-August in the Greenville, Rockwood, Jackman, and Augusta areas. Members of the public are invited to participate in these sessions by presenting their views on issues that LURC should consider in its review of a concept plan proposal submitted by Plum Creek for the Moosehead Lake region. The sessions will be held at the following dates and locations:

PUBLIC SCOPING SESSIONS: DATES AND LOCATIONS

All sessions will begin at 6:00 P.M. Doors will open to the public at 5:30 P.M.
Please call the LURC Augusta office (207-287-2631) for directions.

Tuesday, August 16, 2005 - Greenville

Greenville High School Auditorium
130 Pritham Avenue, Greenville

Thursday, August 18, 2005 - Rockwood

Rockwood Community Building
Jackman Road, Rockwood

Monday, August 22, 2005 - Jackman Area

Sky Lodge Conference Center
766 Main Street, Moose River

Wednesday, August 24, 2005 - Augusta Area

Maple Hill Farm Inn & Conference Center
11 Inn Road, Hallowell

In preparation for these sessions, LURC's review team has prepared this document to provide members of the public with additional information regarding the purpose and format of the sessions, ways to share your thoughts during and after the sessions, and some examples of the type of issues scoping information LURC's review team is seeking from the public.

For further details regarding this document or the upcoming public information scoping sessions, please visit LURC's web site (www.maine.gov/doc/lurc) or contact Agnieszka Pinette (e-mail agnieszka.pinette@maine.gov or call 207-287-8786).

WHAT DOES "ISSUES SCOPING" MEAN?

Staff and consultants to the Commission are in the early stage of reviewing Plum Creek's proposal, as part of a public process that will last for many months. At the outset of this review process, the LURC review team wants public input on the *range of issues* that the Plum Creek concept plan proposal raises or should be expected to address.

"Issues scoping" is not a public hearing, and the type of information that might be received at an issues scoping session is different than what might be offered at a public hearing. Here we are asking the public for help in identifying *the issues, whether positive or negative, raised by a proposal of this scale in the Moosehead Lake area and the kinds of questions that should be considered* during the review of the proposed concept plan. So, rather than conclusions, disputes about facts, or opinions about the concept plan, at this early stage we are looking for the questions that should be asked about the proposal. In other words, we are "scoping out" the issues.

There will be future opportunities for additional public input, including at formal public hearings before the Commission. For information on the process that LURC will use in reviewing the application after the end of the issues scoping sessions, see the attached summary, "An Overview of LURC's Review and Decision-Making Process."

WHAT IS THE FORMAT FOR THE ISSUES SCOPING SESSIONS?

Because the issues scoping sessions are designed as an initial opportunity for the public to share their views directly with LURC staff and consultants concerning the issues that should be explored, at these sessions LURC's review team will be *listening to comments, writing down what is heard, and possibly asking questions for clarification*. We will not be offering opinions, making judgments, or asking for debate. These sessions are not intended as a forum for formal discussions between Plum Creek and members of the public.

Land Use Regulation Commission
Catherine M. Carroll, Director

PHONE: (207) 287-2631
TTY: (207) 287-2213
FAX: (207) 287-7439

HOW DO YOU SUBMIT ISSUES SCOPING INFORMATION?

At each issues scoping session, a sign-up sheet will be available at the door, and members of the public will be asked to provide oral comments in the order in which you have signed in. Should a large number of people wish to speak, time limits on each speaker will be necessary. LURC's review team recognizes that some members of the public may prefer to share their thoughts in writing instead of speaking publicly at these sessions, and that some of this scoping information may be too extensive to adequately present orally, especially if a time limit for each speaker is necessary. For these reasons, the public can submit issues scoping input in several ways:

- **At the sessions**, you can raise your issues by (1) speaking during the scoping session, (2) submitting written materials, (3) writing your issues on index cards or small maps that will be provided by LURC, and/or (4) writing your issues on "post-it" tabs and sticking them to large display maps of the Moosehead Lake region in the area of any map most related to a particular issue.
- **After the conclusion of the sessions**, you can send to LURC staff additional written issues scoping materials (mail your thoughts to Agnieszka Pinette, Land Use Regulation Commission, 22 State House Station Augusta, ME 04333-0022 or e-mail agnieszka.pinette@maine.gov). To be of maximum use to the LURC review team, written materials of this type should be sent by September 7, 2005 (however, this is not a legal deadline).

WHAT TYPE OF INPUT IS BEING SOUGHT FROM THE PUBLIC?

The LURC review team is especially interested in receiving public input concerning issues that relate to the criteria by which a concept plan must be evaluated by LURC. *You don't need to be an expert on these criteria in order to participate*, but it may be helpful for you to review the attached one-page summary, "Criteria for Approval of Concept Plans". Some of these criteria are specific and provide an opportunity for identifying issues that are very focused, while others are broad and provide an opportunity for recognizing landscape-scale issues, including the public's future vision for the Moosehead Lake region. As such, we anticipate that the issues we hear during these sessions will cover an assortment of very specific as well as wide-ranging topics.

Below are some questions that we will be asking and which might help you think about the issues scoping sessions. However, feel free to identify any issues relevant to the criteria by which a concept plan is evaluated, and to identify related information needs that LURC staff should consider in reviewing the proposal. Even issues that are not identified at any of the scoping sessions may be raised later by staff, the Commission, or other parties if they are relevant.

Here are a few examples of the criteria (but these are by no means all of the criteria) about which questions might be raised and issues might be identified:

- **LURC'S COMPREHENSIVE LAND USE PLAN**

The concept plan must be consistent with the Commission's Comprehensive Land Use Plan. The Comprehensive Land Use Plan (available on LURC's web site at www.maine.gov/doc/lurc/reference/clup.html) is the blueprint for the use, development, and conservation of the lands and resources in LURC's jurisdiction. LURC's Comprehensive Land Use Plan establishes four "principal values" that define the jurisdiction's distinctive character:

1. The economic value of the jurisdiction for fiber and food production;
2. Diverse and abundant recreational opportunities, especially for primitive pursuits;
3. Diverse, abundant and unique high-value natural resources and features; and
4. Natural character values, including the uniqueness of vast, largely undeveloped forested areas remote from population centers.

To maintain these principal values, the Comprehensive Land Use Plan seeks to direct development to areas best equipped to accommodate it (for instance, close to organized towns and population centers, compatible with natural resources, accessible by major routes, close to available utilities and services). Housing is a recognized need, but is to be directed toward development centers. Seasonal housing is encouraged to be planned and clustered, rather than developed lot-by-lot.

What issues in the Moosehead Lake area are raised or should be addressed by Plum Creek's proposal with respect to these four principal values? What needs for information do they raise?

What issues are raised or should be addressed in comparing Plum Creek's proposed concept plan with the policy that new development be guided to the most suitable locations in the Moosehead Lake region? What needs for information does the policy raise?

Priority for economic development is given in the Comprehensive Land Use Plan to forest and recreation industries and other resource-based enterprises which further the jurisdiction's tradition of multiple use without diminishing its principal values.

What issues should the LURC review team anticipate related to these economic development priorities and Plum Creek's proposed concept plan? What information needs do these priorities raise?

The Moosehead Lake area is cited in the Comprehensive Land Use Plan as one of several high value and high growth areas with special planning needs. According to the Comprehensive Land Use Plan, the region is one of the areas that has received a disproportionate share of the jurisdiction's growth. The Plan states that, in its planning and zoning efforts, the Commission will pay particular attention to areas with special planning needs to ensure that development is accommodated without compromising their special qualities. The Plan also considers the Moosehead Lake area as a candidate for "prospective zoning," in which the areas most suitable for development and most important for protection of natural resources are identified in advance and zoned accordingly.

What issues and information needs should the review team anticipate as being raised or addressed by Plum Creek's concept plan due to its location in this "high value/high growth" area?

• DEMONSTRATED NEED

Another review criterion for concept plans is to "satisfy a demonstrated need in the community or area." LURC has published a short guidance document on what is meant by "demonstrated need" (this document is on LURC's web site at www.maine.gov/doc/lurc/reference.shtml - go to "Guidance Documents → Clarifying the Rezoning Criterion of Demonstrated Need").

What issues related to "demonstrated need" should the review team anticipate in considering Plum Creek's concept plan proposal? What needs in the community or region are relevant to this proposal? Are there issues related to municipal services? What kinds of questions concerning market needs in the area should the review team be asking? What issues related to contribution to or detracting from the region's resource-based economy does the proposal raise?

• PROTECTION OF NATURAL RESOURCES

Another criterion for concept plans is the protection of natural resources. A concept plan, taken as a whole, must be at least as protective of natural resources as the zoning which it replaces. Any development gained through a waiver of the Commission's so-called "adjacency" principle has to be matched by comparable conservation measures. Conservation measures must apply in perpetuity or fully provide for long-term protection of resources.

What issues are raised or should be addressed by Plum Creek's proposal concerning the protection of natural resources? What issues are raised with respect to providing equivalent and perpetual/long-term protection of resources?

• PUBLICLY BENEFICIAL BALANCE BETWEEN DEVELOPMENT AND CONSERVATION

Another criterion for a concept plan is that it must strike "a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources."

What issues should be considered in evaluating the "reasonable and publicly beneficial balance between development and long-term conservation of lake resources" of Plum Creek's concept plan proposal? What kind of information is needed to evaluate the proposal against this criterion?



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AN OVERVIEW OF LURC'S REVIEW AND DECISION-MAKING PROCESS FOR THE PLUM CREEK CONCEPT PLAN PROPOSAL

August 4, 2005

Several members of the public have asked LURC staff to explain the steps that the Commission will follow after the end of the public issues scoping sessions, as Plum Creek's petition for rezoning to implement a concept plan across moves through the Commission's review and decision-making process. This document provides an overview of what LURC staff anticipates that review and decision-making process to be.

Based on past experience, the LURC staff currently believes that the review and decision-making process will take many months to complete, and will involve three basic phases:

1. Information gathering and analysis by LURC staff and consultants prior to and in preparation for public hearings;
2. Public hearings conducted by the Commission; and
3. Commission deliberations and decision on the petition.

A brief explanation of each of these phases follows.

SOME WAYS TO PARTICIPATE IN LURC'S REVIEW PROCESS

- Attend LURC's issues scoping sessions (scheduled for mid-August).
- Attend public hearings (to be scheduled at a later date).
- Send in written comments via postal mail or e-mail to LURC staff any time before the hearing record closes.

INFORMATION GATHERING AND ANALYSIS BY LURC STAFF PRIOR TO PUBLIC HEARINGS

During this phase of the process, the Commission's staff and consultants will:

- collate and analyze issues raised both at the public scoping sessions and raised by staff and consultants themselves;
- fully analyze the proposed concept plan;
- identify any needs for additional information to better understand whether Plum Creek's petition meets LURC's applicable criteria;
- attempt to obtain this additional information from LURC staff, consultants, the applicant (Plum Creek), state and federal review agencies, and third parties, as appropriate; and
- meet, as appropriate, with the applicant and third parties, including state and federal review agencies, to listen to and discuss issues that these entities wish to present to LURC staff and consultants.

Timing. At this early stage in the process, it is not possible to predict how long this information gathering and analysis phase will take. The timing will depend on many factors such as the nature and extent of issues raised in the public scoping sessions and by staff and consultants; the nature and extent of further information that might need to be gathered; the time it takes for information to be developed by Commission staff or consultants, or by the applicant and interested parties; and additional factors that are difficult to predict for a petition of this scope and complexity. Based on past experience, it is unlikely that this phase of the process will be completed in less than nine months, and it could take a year or more to complete.

PUBLIC HEARINGS CONDUCTED BY THE COMMISSION

Once LURC staff has determined that sufficient information, pursuant to the Commission's review criteria, has been gathered and analyzed by staff, staff will request the Commission to post the petition to public hearing. The posting notice triggers the formal public hearing process. The notice will be sent to newspapers and persons who have requested of LURC to receive such notice. A schedule will be established for accepting petitions to intervene, holding pre-hearing conferences, and convening public hearings before the Commission. At these public hearings, testimony by the applicant, intervenors and the public is heard and written information can be submitted into the hearing record.

Timing. At this early stage in the process, it is not possible to predict how long these public hearings will take. In the past, hearings that involve complicated issues, many parties, and controversy have taken several weeks or longer to complete.

COMMISSION DELIBERATIONS AND DECISION ON THE PETITION FOR REZONING

After the close of the public hearings, the hearing record remains open for a prescribed period to allow written information, and for an additional period for filing rebuttal information. After that time, the hearing record may be reopened by the Commission to allow additional information it deems necessary for a decision.

Timing. Once the hearing record has closed, the Commission will deliberate and make a decision on the petition.

PUBLIC COMMENTS

The Commission welcomes public comments on this proposal at any time until the public hearing record is closed. The deadline for comments will be established once a public hearing is scheduled. Please send written comments to the Commission's Augusta office (Land Use Regulation Commission, 22 State House Station, Augusta, Maine 04333-0022).



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JOHN E. BALDACCI
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Department of Conservation
MAINE LAND USE REGULATION COMMISSION
18 Elkins Lane – Harlow Building
22 State House Station
Augusta, Maine 04333-0022



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COMMISSIONER

CRITERIA FOR APPROVAL OF CONCEPT PLANS

A SUMMARY PREPARED BY THE PLANNING DIVISION OF THE MAINE LAND USE REGULATION COMMISSION

18 March 2005

The Commission established the "concept plan" process as a flexible alternative to traditional subdivision and development regulation, designed to accomplish both public and private objectives. Concept plans are landowner-created, long-range plans for the development and conservation of a large block of shoreland on a lake or group of lakes. The plans are a clarification of long-term landowner intent that indicate, in a general way, the areas where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected. Concept plans are initiated by a landowner and must be approved by the Commission.

The Commission's *Comprehensive Land Use Plan* describes concept plans in its discussion of the agency's lake management program. Concept plans are implemented by rezoning land to a Resource Plan Protection (P-RP) subdistrict. Consequently, the principal regulatory review criteria for concept plans are the Commission's statutory criteria for rezoning and the Commission's Land Use Districts and Standards.

Statutory Criteria

Under provisions of the Commission's statute, 12 M.R.S.A. §685-A(8-A), no change in a district boundary may be approved unless:

1. There is substantial evidence that the change would be consistent with the standards for district boundaries in effect at the time; the *Comprehensive Land Use Plan*, and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
2. The change in zoning will satisfy demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area.

Commission's Rules

Under provisions of Section 10.23,H of the Commission's Land Use Districts and Standards, the Commission may approve a resource plan and any associated rezoning to the Resource Plan Protection (P-RP) Subdistrict only if it finds that the following criteria are satisfied:

1. The plan conforms with redistricting criteria;
2. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
3. The plan conforms with the Commission's Comprehensive Land Use Plan;
4. 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 lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures;
5. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of lake concept plans, includes in its purpose the protection of those resources in need of protection;
6. 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
7. 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.

Other review criteria that may apply in the evaluation of concept plans include Section 10.24 (General Criteria for Approval of Permit Applications), Section 10.25 (Development Standards, including review standards for structures adjacent to lakes); Section 10.26 (Dimensional Requirements); and Section 10.27 (Activity-Specific Standards) of the Commission's Land Use Districts and Standards.