



**Community-Guided Planning for
Somerset and Franklin Counties:
Workshop 3 Minutes and Final Report**

Report to the
Land Use Planning Commission from
Planning Decisions, Inc. and LandForms
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Introduction

Maine's 125th legislature passed An Act To Reform Land Use Planning in the Unorganized Territory (LD 1798) which, among other things, contained a directive for the Land Use Planning Commission (the LUPC or Commission) to initiate prospective zoning in the unorganized areas of the state, allocate staff time to undertake prospective zoning, and coordinate prospective zoning with local and regional planning efforts. The Community Guided Prospective Zoning project is a new approach to land use planning by the Commission. Zoning efforts soon after the LUPC was created in 1972 were significantly constrained by the available resources relative to the size of the planning area. As a result, initial zoning the LUPC's jurisdiction was directed at protecting existing resources and land use patterns, with most new land uses requiring rezoning petitions in a reactive, rather than forward-looking, process.

With community-guided prospective zoning, the LUPC seeks to tap the knowledge of the land, economy, history and culture in its jurisdiction that exists at the local and regional level. By involving residents and others who are actively engaged in forging a future for the jurisdiction, the LUPC is acknowledging the economic link between the organized and unorganized areas of Maine, the respect local people have for Maine's natural resources, and the aspirations local people have for the future of their own communities.

At the same time, the LUPC is still guided by a mission and principles that span regional differences and cover an area that is fully one third of the state's total land area and as varied a landscape as the undeveloped north woods and the small populated islands miles off the coast. In order to balance the need to adhere to these jurisdiction-wide principles and mission while supporting regional planning, the LUPC created the following guidelines for the Community Guided Prospective Zoning process:

1. The process must be locally desired and driven;
2. The process must allow for broad participation by all with an interest in the region;
3. The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts, both geographically and across large land holdings, within a single ownership;
4. Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and
5. Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria.

The first step in the community-guided prospective zoning process was to create a document, agreed to by the local planning entity and LUPC, to guide the land use planning process. This report describes the document developed by the agencies that stepped forward to guide the planning process in Somerset and Franklin Counties: the Kennebec Valley Council of Governments, the Somerset Economic Development Corporation, and the Androscoggin County Council of Governments. The entire process, including meetings, workshops, and the Commission meeting to vote on acceptance of the pre-planning agreement, spanned six months, from May to November, 2014. Minutes are available for the stakeholder meetings, and for the meeting in which the LUPC approved the process document. This

memo also provides a summary of a May 19, 2014 staff/consultant meeting held to set up the pre-planning process, and thus completes the information needed to understand the first phase of the Community Guided Planning Process.

FIRST MEETING: KVCOG, AVCOG, SEDC and LUPC staff and consultant

The three agencies guiding the pre-planning and planning efforts sent a document to the LUPC in May, 2014, describing their vision of the process (see page 17). At their meeting on May 19th, LUPC staff, the facilitation consultants, and the planning agency representatives discussed how the multiple agencies would coordinate the planning effort with each other and the LUPC. The LUPC staff would ensure that the process meets the basic requirements of the Commission and provide information about the LUPC processes and standards, and the planning agencies would lead the planning process. During the first phase (the pre-planning) the facilitators would draft meeting agendas, prepare meeting content, facilitate each meeting, and develop minutes of each meeting as well as draft materials for the steering committee's consideration and approval.

The staff, facilitators, and agency representatives made a preliminary list of names of people who would be interested in, and skilled at, participating on the pre-planning Steering Committee. It was agreed that the Committee should have up to but no more than 20 members in order to be large enough to be representative, but small enough so that meetings would be efficient. The Commission had set forth the following guidelines for what it considers open and inclusive participation in the land use planning phase:

A successful community-guided planning and zoning effort will provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as allow for respectful consideration of divergent views. The Commission will encourage involving multiple organizations and interests and believes the minimum participants for a valid process are:

- *Property owners – residents, individuals, families, seasonal owners, lessees, trusts, corporate owners*
- *County commissioners and officials*
- *Regional planning and economic development organizations*
- *Neighboring organized towns and service centers*
- *Service providers (road owners, solid waste disposal, emergency services, utility)*
- *LUPC (see Commission Involvement and Review below)*

Other interests should also be allowed to weigh in, including but not limited to:

- *State agencies (DACF, MaineDOT, IF&W, DECD)*
- *Chambers of Commerce*
- *Environmental organizations*
- *Citizens from other locations in Maine*
- *Industry organizations¹*

¹ From October 22, 2012 Request for Letters of Interest.

The agency representatives were given the responsibility to follow up with these people to determine their interest in serving on the committee and disseminating their contact information.

LUPC staff presented documents they had developed for Aroostook County describing the range of products that could come out of the planning effort (see page 19). They also briefly reviewed the decision-making process that came out of Aroostook County's pre-planning efforts and discussed the effectiveness of that process.

A general schedule for Steering Committee Workshops and the planning effort was discussed, noting that the entire process should move along efficiently in order to maintain the interest and engagement by all involved, to coordinate with the Land Use Planning Commission's meeting schedule, and to conform to the limits of the agencies' budgets. Finally, the May 19th meeting group brainstormed ideas for the agenda and materials for the first workshop, and discussed dates for future meetings.

Results of the Steering Committee Workshops

After the first two workshops, it was evident that the final process document would need to find a balance between the need for a well-defined planning scope, and the need to remain open to a broader scope to allow for input from stakeholders and future planning committee members. This was significant since it impacted the agencies' budget and their ability to dedicate sufficient resources for the planning effort. The attached process document was agreed to unanimously by the Steering Committee, who felt this balance was achieved. The following minutes describe the discussion during the final (third) workshop when the process document was adopted.

**Community-Guided Planning and Zoning for the Unorganized Territories
of Somerset and Franklin Counties: Workshop 3**
Webster Hall, Kingfield, ME
October 6, 2014; 4-6:00 pm.

Attendance

LUPC: Hugh Coxe; Samantha Horn-Olsen; Robert Dunphy, Commissioner; Bill Gilmore, Commissioner

Convening Agencies: Jim Batey, Somerset Economic Development Corporation; Chris Huck and Rosie Vanaderstine, Kennebec Valley Council of Governments; John Maloney and Bob Thompson, Androscoggin Valley Council of Governments

Steering Committee: Clyde Barker, Franklin County Commissioner; Gordon Gamble, Wagner Forest Management; Alison Hagerstrom, Greater Franklin Development Corporation; Luke Muzzy, Plum Creek Timber Co.; Alan Michka, Friends of Highland Mtns.; Steve Steward, Bingham Selectman; Tom Rumpf, The Nature Conservancy; Lloyd Trafton, Somerset County Commissioner; Russell Walters, Northern Outdoors.

Facilitators: Frank O'Hara, Alison Truesdale

Members of the public: Darryl Brown; John Bryant; Greg Drummond; Eliza Donoghue, Natural Resources Council of Maine; Mark Doty, Plum Creek Timber Co.; Richard and Cathy Horn; Roy and Paula Huff; Norm Kalloch, Carrying Place Town Township; Kay Michka, New Portland.

Agenda

1. Introductions, meeting overview
2. Approval of minutes
3. Discussion of three key issues
 - Area of focus of effort
 - Two-phase scheduling approach
 - Consensus decision making
4. Review of rest of Straw Man Proposal
5. Public comment
6. Vote on document
7. Next steps

Introductions, meeting overview, approval of minutes

After everyone introduced themselves, Frank reviewed the agenda and the minutes of the previous two workshops were approved with the following changes and clarifications:

June 24th Workshop 1 minutes:

- Kay Michka and Jean Antonucci were in attendance, Betsy Squibb was not.

July 22nd Workshop minutes:

- Commissioners Barker and Trafton (referenced under (1) of the straw man proposal) were not there. Frank clarified that the reference was to a telephone communication with Commissioner Trafton before the workshop.

Discussion of three key issues

Area of focus of effort

The convening agencies struggled with the balance between too much specificity and too little. What is the right balance between focus (e.g., trails) and breadth of focus (i.e., recreation)? Jim, Chris and John suggested language as a first step toward prospective zoning in the UT:

“The steering committee recommends that:

1) The initial area of focus of the planning effort be anticipated land uses needed to support outdoor recreation growth, and zoning changes needed to encourage/allow such uses – the facilities, trails, and land uses needed to support economic growth in the area including “hub” communities. This effort shall consider and account for protection of the resources, existing uses, and environmental quality of the area, infrastructure needs, zoning for associated uses, “hub” community impacts, the rights of landowners, the interests of local residents, and the needs of the wood-products industries. For more specific information about the reasons for this initial area of focus and trends and objectives, please see the final report of the Steering Committee.”

Clarifications:

- The initial focus may differ from the scope of focus once the Planning Committee begins work. This process document envisions allowing for a broader initial focus, while anticipating that the focus may be narrowed later on. The budget is also likely to force a narrowed focus initially. If additional funds become available, the focus could broaden again.
- The planning process does not necessarily involve creating new protection areas or zones, but instead envisions locating development zones away from sensitive areas.
- While the Rangeley planning process limited the opportunity for rezoning, LUPC does not envision that will be the case with this plan. The planning committee can recommend anything, but the LUPC has to consider the landowner equity issue and would not want to broadly limit other opportunities. The regular rezoning process will probably apply.

Comments/Concerns:

- Gordon and Jim: The focus on recreation may not consider industrial uses. The statement should add “and other growth opportunities.”
- Alan: Stimulating activity in the hub communities warrants an initial focus on those areas, but other opportunities may come up later.
- Russell: The document should say that the recreational planning group is looking for guidance from landowners on issues that affect the landowners.
- Tom: The document needs to define the meaning of “hub community” versus “service center”.

Two-phase Planning Process

Phase 1 – mainly defining focus area; Phase 2 – the planning for the area. The three agencies want to have enough resources at the end of the first phase so that a product could come out of it, if necessary.

Clarification:

- The Steering Committee's process document has to be approved by Commission before the Planning Committee can begin. The LUPC staff will monitor the planning process to ensure that the Planning Committee follows the process document or gets LUPC approval to change the document.

Consensus decision making

The modified consensus process was adopted in Aroostook to provide a strong recommendation to the LUPC, without opening up the process to “hostage-taking” where one person could prevent consensus until they get what they want. The modified consensus decision making process (consensus-minus-one) would apply to the Steering Committee and the subcommittees.

Review of the Rest of the Straw Man Proposal

Gordon: What is the process for selecting committee chairs and committee members?

John: Candidates need to submit letter of interest or fill out a form provided by KVCOG or AVCOG, stating what they can bring to the planning process. The agencies will consolidate the lists, contact the finalists, and submit the final list to their respective boards. Those not selected will be put on the contact list.

Alan: what is a “special effort” to involve the public? “Community guided planning” implies that there will be extensive outreach to stakeholders. Alan encouraged the agencies to send notice to all residents of the UT in Somerset and Franklin counties at the beginning of the planning process, letting them know how to participate. In the past, the Maine Revenue Services has included materials with their tax mailings. Their next mailing would be in April. This process would notify out-of-state landowners as well as local residents.

Public comment

Norman Kalloch (Carrying Place Town Township) expressed concern about the role of residents of the UT in the planning process. Residents are not adequately represented on the Steering Committee, and need to be involved on the planning committee. One resident from each county is not adequate representation, as residents are the largest stakeholder group. Process should be driven by residents and should include outreach to everyone.

Frank: What would adequate representation be? Norman said he thought the agencies should figure that out, but one is not adequate.

Kay: As written, there is no public input into amendment process.

Vote on document

After amending the draft to add a definition of hub communities, include manufacturing as an example of future uses to consider, add a caution that the process should consider potential future land uses; add Maine Revenue Service mailings and other outreach methods for residents, call for an appropriate number of residents on the subcommittees, and include a public input step in the amendment process -- the document was approved unanimously, 9-0, with no abstentions.

Next steps

Alison and Frank will revise the document and send it to the agency boards (see the attached marked-up document). The LUPC will vote on approving the document at their November 12 meeting. KVCOG and AVCOG want to recommend committee members at their December meetings.

An email about how to express interest in serving on the planning committee will also be sent out. Chris will develop a selection process and post it on the KVCOG website.

PROPOSAL FOR WESTERN MAINE COMMUNITY-GUIDED PLANNING PROCESS

Approved on October 6, 2014

Recommendation from the Western Maine Community Guided Planning Steering Committee to the boards of the Androscoggin Valley Council of Governments (AVCOG), the Kennebec Valley Council of Governments (KVCOG), the Somerset Economic Development Corporation (SEDC), and the Land Use Planning Commission (LUPC)

A. Background

Recent efforts to improve the effectiveness of land use planning and zoning in the unorganized and deorganized areas of Maine have focused, in part, on the need for more prospective or proactive planning for these areas, particularly in identifying appropriate areas for development.

In May of 2012, the Legislature passed, and the Governor signed, L.D. 1788, *An Act to Reform Land Use Planning in the Unorganized Territory*. Among other provisions, the law called for the Land Use Planning Commission to work with regional planning and development districts to “initiate prospective zoning.” The exact text of the law reads as follows:

Sec. 34. Directive to initiate prospective zoning. The Maine Land Use Planning Commission shall initiate prospective zoning in the unorganized and deorganized areas of the State. The commission shall allocate staff resources to prospective zoning in areas prioritized by the commission and shall coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts. In the 2013 annual report submitted under the Maine Revised Statutes, Title 12, section 685-H, the commission shall identify the area or areas for which prospective zoning has begun and provide a timeline for completion of these initiatives.

In this context, “prospective zoning” means planning to proactively direct growth in certain areas of the jurisdiction. Prospective zoning identifies areas within a community or region that are most appropriate for additional growth based on existing development patterns, natural resources, constraints, and future planning considerations.

In the fall of 2012, the Land Use Planning Commission (LUPC) sent out a “Request for Letters of Interest” to counties, planning commissions, and other organizations in rural Maine, to identify who was ready to partner for a successful regional planning effort. Fifteen letters of interest were submitted. In the spring of 2014, the LUPC chose one proposal from the Androscoggin Valley Council of Governments, and another from the Kennebec Valley Council of Governments and Somerset Economic Development Corporation, and combined the two into one community-guided planning effort for Franklin and Somerset counties.

The Land Use Planning Commission lays out the following five tests for a successful planning

process:

1. The process must be locally desired and driven;
2. The process must allow for broad participation by all with an interest in the region;
3. The resulting zoning must address property owner equity through consideration of the distribution of development subdistricts, both geographically and across large land holdings, within a single ownership;
4. Taken together, all community-guided planning and zoning efforts must balance regional uniqueness with jurisdiction-wide consistency in regulatory structure and predictability for property owners; and
5. Any plan and zoning proposed must be consistent with the LUPC's statutory purpose and scope and rezoning criteria.

In the spring of 2014, staff from LUPC, AVCOG, KVCOG, and SEDC met and decided to set up a steering committee to design the planning process. The staff recruited fourteen members for the steering committee, each representing important groups of stakeholders in the unorganized district of Franklin and Somerset counties:

1. Steve Seward, Bingham Selectman
2. Luke Muzzy, Plum Creek Timber
3. Russell Walters, Northern Outdoors
4. Tom Rumpf, The Nature Conservancy
5. Lloyd Trafton, Somerset County Commissioner
6. Janet Peruffo, CSM Real Estate
7. Gordon Gamble, Wagner Forest Management
8. Clyde Barker, Franklin County Commissioner
9. Jay Wyman, Eustis First Selectman
10. Rich Wilkerson, Sugarloaf
11. Alison Hagerstrom, Greater Franklin Development Corporation
12. Betsy Squibb, High Peaks Alliance
13. Alan Michka, Friends of Highland Mountains
14. Don Kleiner, Maine Professional Guides Association

The steering committee met three times. In the first meeting, the group discussed possible focus areas for the planning, and general guidelines for the process. In the second meeting, the group discussed sponsorship and leadership for the effort, and how resources could be assembled to make the process happen. In the third meeting, the group reviewed a draft of the proposed planning process and made changes.

B. The Proposed Focus for the Planning

The unorganized territory in Franklin and Somerset counties covers over 2.4 million acres. The steering committee acknowledged the need for the planning process to create a focus, either by geography or content matter, or both, in order to produce a practical and effective recommendation.

The selection of an area of focus for the effort was a complex question. On the one hand, the steering committee did not want to unduly limit the freedom of the future planning committee, which would have the benefit of extensive public input, from selecting an area of focus. On the other hand, the steering committee understood that the sponsoring organizations (KVCOG, AVCOG, and SEDC) are limited in their resources, and would not be able to make an up-front commitment to conducting an open-ended comprehensive planning process for the unorganized territories. Furthermore, the steering committee also recognized that it will be helpful when recruiting future planning committee members to have a clearly-identified area of focus and a good sense of the tasks and time commitment for the planning committee.

In an effort to balance these varying considerations, the steering committee recommends that:

- 1) The initial area of focus of the planning effort be anticipated land uses needed to support outdoor recreation growth and other uses such as manufacturing, zoning changes needed to encourage/allow such uses** – the facilities, trails, and land uses needed to support economic growth in the area especially the “hub” communities.² This effort shall take into account other types of potential economic growth in the future and consider and account for protection of the resources, existing uses, and environmental quality of the area, infrastructure needs, zoning for associated uses, “hub” community impacts, the rights of landowners, the interests of local residents, and the needs of the wood-products industries.
- 2) As the process goes forward, the planning committee be able to identify focus areas for future phases of the Community Guided Planning & Zoning process,** provided it does so in consultation with the general public, and the sponsoring organizations that will be supporting and staffing the process agree to any revisions.
- 3) The planning process proceed in two phases**
 - **A first phase (6-9 months) that involves**
 - a** Appointing the planning committee and subcommittees
 - b** Holding public forum(s)
 - c** Refining the area of focus (provided by the steering committee)
 - d** Identification of goals for the planning process
 - e** Identification of key issues relating to the area of focus;
 - f** Outlining the contents of the document/submission that is planned for LUPC at the end of the process. If no additional funds are anticipated, the phase one report should identify concrete measures that could be taken.
 - **A second phase (9-15 months) that involves**
 - a** Data collection and mapping
 - b** Goals, vision, and values development

²² For the purposes of this document, a “hub community” is a relatively densely developed area where essential services for the surrounding area can be found – such as a post office, churches, restaurants, groceries, gas, lodging, convenience goods, and employment opportunities.

- c* Alternative proposal development
- d* Additional public input
- e* Draft report development and submission to sponsoring organizations and county commissioners
- f* Final report submission to LUPC

4) That in the fall of 2014, the sponsoring organizations:

- ***Initiate phase 1 of the planning process (with a commitment of up to \$40,000 to complete this phase.)***
- ***Create milestones for the planning process*** that establish products and dates for planned activities
- ***Undertake fundraising to support phase 2 planning activities commencing in the summer of 2015*** (with the understanding that phase 2 will only get underway when funds are in hand)

5) Initial principles underlying the effort include:

- ***Emphasize quality over quantity***
- ***Preserve the “wood basket” for paper and wood products industries***
- ***Support the revitalization of service centers and hub communities such as Jackman, Eustis, The Forks, Kingfield, ski resorts, etc.***
- ***Preserve connectivity for wildlife habitat***
- ***Allow flexibility for property owners***
- ***Attract and retain young people with economic opportunity, arts and culture, education, etc.***
- ***Provide for a “sustainable” solution – e.g., trails that can be realistically maintained***
- ***Meet the 5 Land Use Planning Commission goals for community planning (see list on page 2)***

C. The proposed sponsoring organizations

1) AVCOG, SEDC, and KVCOG will serve as sponsoring organizations for the project

- As sponsors, the organizations will:
 - a* Approve the final process document
 - b* Appoint the chair and committee members
 - c* Approve the final product before it is submitted to LUPC

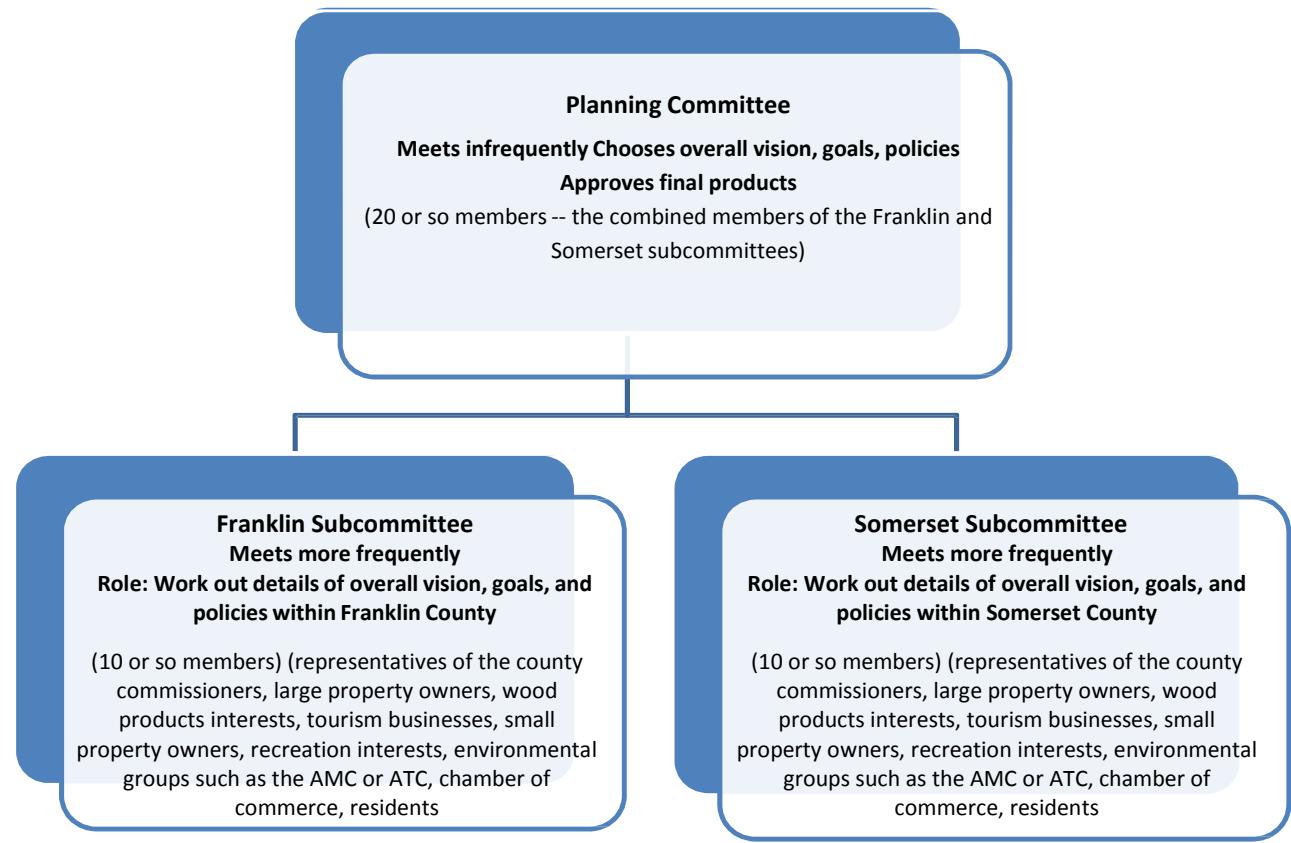
Each organization will set up its own internal review procedures to perform these functions
- Sponsors will also submit grant applications and undertake other efforts to obtain resources to support the planning process

2) The County Commissioners of Franklin and Somerset counties shall serve as advisors to the sponsoring organizations

- As advisors, the county commissioners will
 - a Provide representatives to serve on the planning committee
 - b Review important documents with the full county commissioner boards and give comments to the planning committee and sponsoring organizations
 - c Assist in identifying and soliciting resources to support the effort

D. The proposed planning structure

- 1) A planning committee that consists of the combined members of Franklin and Somerset subcommittees (see chart below for details of structure)**
- 2) Two subcommittees, one in Franklin County and one in Somerset County, that are representative of the range of interests in the unorganized areas of each county.**



3) Planning Committee Co-chairs

- One chair for each county subcommittee
- Each serves as co-chair for the Planning Committee
- Appointed by the sponsors
- Should be widely respected, with no ax to grind, lend credibility to the effort among the public, and have the time to lead the effort
- Role is not administrative, but big picture – to make sure that the process is on track, that it is working on things of value, that the right parties are being engaged.

Staffing

- For subcommittees
 - a* AVCOG shall provide the primary staff for the Franklin Subcommittee
 - b* KVCOG and SEDC shall provide the primary staff for the Somerset Subcommittees
 - c* LUPC shall make staff available to help with research, mapping, and understanding of the LUPC statute and rules.
- For the Planning Committee
 - d A Project Coordinator* shall be designated by the sponsoring organizations. This person could be one of the existing staff of the sponsoring organizations, or could be from the outside. The sponsoring organizations shall work out a financing arrangement to support the efforts of the project coordinator.
 - e* The Project Coordinator shall be responsible for organizing the overall effort, for assigning tasks to staff from the sponsoring organizations, for coordinating the efforts of the subcommittees and larger Planning Committee, and for assuring that the process proceeds in an effective and efficient way.

E. Public Input

- 1) Goal:** provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as to allow for a respectful consideration of divergent views
- 2) Special Times:** Opportunities for more extensive public input (such as public hearings or forums) to be provided at key decision-making junctures of the Planning Committee and subcommittees
- 3) Ongoing:** All meetings in the process to be publicized in the media, and provide an opportunity for (at least) brief public comment at some point during the meeting
- 4) Minutes:** To be taken at every meeting, with results posted on the web.
- 5) Website:** A website to be maintained by the sponsoring organizations that contains all documents involved in the process, and provides an opportunity for public comment and feedback
- 6) Residents:** A special effort (such as including a notice with the regular mailing from Maine Revenue Services) to be made to inform residents of the existence of the

planning effort and how they can get involved

- 7) **Transparency:** All proceedings of the group to be in compliance with freedom of access laws of the State of Maine.

F. Coordination with tribes

LUPC staff will coordinate consultation with the tribal governments as needed (a tribal representative was invited to be on the Western Maine Community Guided Planning Steering Committee but did not attend meetings).

G. Decision-making process for Planning Committee and subcommittee meeting

- 1) **Recommend a “Modified consensus” (see Appendix A for description)**

- Requires all members (less one) to agree
- Advantages of consensus process over a “majority rule” process
 - Consensus gives more authority to a recommendation when it moves to next step
 - “Minus one” does not allow one person to have veto power over recommendation
 - This is the approach Aroostook County has followed successfully

H) Roles of LUPC

- Staff attends committee meetings, provides technical assistance as needed and as resources allow
- Staff and Commission provide input during the planning process with regard to specific ideas and procedures, consistency with the LUPC’s Overarching Principles, the statutory purpose and scope of community guided planning, and LUPC’s rezoning criteria
- LUPC receives the final report, approves or disapproves, and acts upon the approved recommendations

I) Approval of plan

Before submission to LUPC, the plan to be reviewed by both sets of county commissioners, and approved by the sponsoring organizations.

J) Approval of Community Guided planning process

The county commissioners for both counties to be given a chance to review and comment on the process as described in this document. Following county review, the sponsoring organizations shall review and approve the proposed process and submit it to the LUPC for its review and approval

The LUPC shall review the process and approve, or send back to the sponsors for further work. Once approved by the LUPC, the work can begin.

K) Amendments to the planning process

If the Planning Committee wants to amend the process as described in this document over the course of the community-guided planning, it must submit its request to the sponsoring organizations after soliciting public input. The sponsoring organizations shall request input from the LUPC staff about whether the proposed changes are consistent with the LUPC's Overarching Principles.

If the LUPC staff determines that a serious issue is raised by the change, they may bring the issue to the full LUPC Commission for a determination of whether the change is consistent with LUPC's Overarching Principles.

Following input from the LUPC staff and/or Commission, the sponsoring organizations will act upon the committee's request.

L) Resources

In order to have the resources to proceed to Phase 2 of the planning effort, the sponsoring organizations, county commissioners, and LUPC shall cooperate in seeking additional funding.

Appendix

Land Use Planning Commission Community
Guided Planning and Zoning Western Maine
Region

In December 2012 the Androscoggin Valley Council of Governments (AVCOG), Kennebec Valley Council of Governments (KVCOG) and the Somerset Economic Development Corporation (SEDC) all submitted letters of interest to the LUPC to participate in the Community Guided Planning and Zoning (CGPZ) process. Subsequent to the LUPC receiving these and other letters of interest from various organizations and individuals representing interests in Somerset and Franklin Counties the LUPC staff recommended that the two counties be combined into one region they refer to as the Western Maine Region.

During recent conversations with the LUPC staff, representatives of AVCOG, KVCOG and SEDC have discussed the potential of working together to facilitate a CGPZ process in previously identified portions of Somerset and Franklin Counties. We have reviewed the Aroostook County Process Document developed to guide CGPZ in the County and have agreed that much of their process can be used to guide ours. We do feel that since the Aroostook process has laid much of the ground work for future CGPZ efforts in the Unorganized Territories that the Western Maine Region can forego some of the initial time spent on developing the Process Document and move into the actual planning by the summer/fall of 2014.

We envision the following steps in the development of the process document and facilitation of the CGPZ process.

- Meet with Frank O'Hara on May 19, 2014 to define the Western Maine process using the Aroostook Process Document as a model.
- Select a Steering Committee (SC) from Franklin and Somerset Counties to review the process as outlined in the Aroostook Process Document and to offer suggestions that will be needed in Western Maine. This meeting could occur in June, 2014.
- We anticipate that the S.C. would not need to meet more than twice with the ultimate goal to approve (with needed modifications) the structure being utilized in Aroostook County. We expect that this would be accomplished by the end of summer 2014. If the S.C. has compelling reasons to hold a third meeting it would need to be scheduled by the end of summer 2014, in order to take advantage of currently available planning funds.
- The process outlined above would be overseen by the Directors of the three organizations or their designated staff persons. A single project manager may be assigned from one of the organizations to coordinate the effort with the

approval of all the Boards of Directors. We will keep our respective Boards of Directors informed and request their approval to move forward. A decision to move forward will need the approval of all three Boards of Directors. In the event one or more Boards does not vote to move forward then the remaining Board or Boards could vote to move forward to complete the CGPZ process. The S.C. will collaborate with the Directors to select members of the Planning Committee (P.C.). Members of the S.C. may be members of the P.C. The P.C. will be broad based in its representation and may include entities that submitted other LOI's to the LUPC. Membership of both the S.C. and the P.C. will have equal representation from both counties. It is possible that one member could be representative of both counties, e.g. in the case of a large land owner with holdings in both counties.

- Planning Committee meetings will be held on a rotating basis in Franklin and Somerset Counties at venues near the UT to the degree possible.
- Public meetings with the P.C. to seek input will be held in the fall and early winter of 2014/2015.
- Ultimate approval of the final document will be required by an "Oversight Committee" comprised of the Executive Directors of the three agencies and a, yet to be determined, number of Board Members of the three agencies.
- Preparation of the CGPZ draft document during the winter of 2014/2015 with a draft for comment available by late spring 2015
Decisions regarding implementation of the CGPZ Plan will be made by the aforementioned Oversight Committee

Technical Elements and Resources:

- Data collection – KVCOG, LUPC, AVCOG
- Mapping – Somerset County, KVCOG, LUPC, AVCOG
- Policy Development -- SEDC, KVCOG, AVCOG
- Report Writing -- SEDC, KVCOG, AVCOG

Procedural Elements and Resources:

- "Process Document" – Planning Decisions
- Stakeholder contact/involvement – SEDC, LUPC, KVCOG, AVCOG
- Meeting Facilitation – KVCOG, SEDC, AVCOG

Community Guided Planning and Zoning for Aroostook County

CGPZ Products Descriptions

Introduction

The CGPZ initiative is a planning process that allows for regions and communities to determine what land uses are desirable in that region, and what locations within the region are appropriate for those land uses. While this is an initiative that addresses land use in unorganized and deorganized areas of the state, and thus by law are within the jurisdiction of the Land Use Planning Commission, the CGPZ process seeks to incorporate the goals and desires of the residents and stakeholders of the region into the planning and regulatory structure of the LUPC for that region. Through a facilitated pre-planning phase, the CGPZ process was designed to provide for broad participation, opportunity for meaningful input from all stakeholders, and reliance on local knowledge and information. The final products from CGPZ should reflect the needs and concerns of the region.

The CGPZ process could result in any one of a number of types of products, addressing a range of topics or issues. Products that seek to revise LUPC rules or policies would need to go through the statutorily mandated approval process with the Commission, because the LUPC continues to have jurisdiction over the land use planning and regulation in the unorganized and deorganized areas of the state. Examples of products that would be subject to Commission approval are zoning changes, amendments to existing land use standards, or creation of new land use districts (new “zones”). More generalized plans, without specific regulatory criteria or standards, would likely not require any Commission approval, and could be used as significant guidance in future land use decision making, or could serve as a broad indicator of community or regional values and needs.

Goals

A primary goal of CGPZ is to effect some change in the land uses – what is built, located or developed, or how structures, land and resources are utilized – as long as that is achieved in a manner that is consistent with the following:

- The community or region, those most affected by and invested in the use of the land, decide what type of changes in land uses are most desirable or valuable to the community/ region, within the framework established in statute.

- The community or region determine, in a systematic, objective and information-based manner, what are the most appropriate locations for new or different land uses.

Additionally, a goal is to provide a mechanism or process that allows for an efficient, predictable and fair path for those with an interest in the land to achieve that change once the desirability of the land use, and the appropriateness of the location have been established.

The outcome should be actual changes to what is happening on the ground.

Examples of Products

CHANGES TO WHAT IS ALLOWED IN PARTICULAR PLACES

1. Rangeley-style Plan with prospective zoning

A land use plan for a region of the unorganized and deorganized areas of the state, developed through a broad planning process with significant public input and which includes a long term vision for the region, policies for guiding the location and type of desired development, and implementation of a future land use plan through new zoning and land use standards applied within the region.

2. Rezoning: Broad rezoning for selected uses (multiple types in multiple locations)

A process where participants identify land in the region that is appropriate for future development of various types and then the Commission or the County initiates a rezoning of that land, in accordance with the LUPC statutory criteria for rezoning, to districts that allow for the desired types and amount of development.

3. Rezoning: Specific/ Targeted selected uses (A few key locations for targeted uses)

A process where participants identify specific desired uses or development for the region, and a few specific locations in the region that are appropriate for the desired use or development, and then the Commission or the County initiates a rezoning of that land, in accordance with the LUPC statutory criteria for rezoning, to districts that allow for the desired types and amount of development.

CHANGES TO WHAT IS ALLOWED EVERYWHERE

4. New or revised Land Use Subdistricts

The LUPC has established zoning subdistricts (grouped in three categories: Management, Protection and Development) which specify what uses, activities and development are allowed within the subdistrict. New subdistricts could specify new or different sets of uses for the area within that subdistrict. Revised subdistricts could specify some additional uses that are compatible with other uses for that subdistrict and would generally apply throughout the LUPC jurisdiction.

5. New or revised Land Use Standards

The LUPC land use standards address a wide variety of development standards for the purpose of mitigating impacts, fitting development into the area, ensuring public safety and welfare, and promoting good design. The standards address things such as lot dimensions, building heights, traffic and parking, scenic character, lighting, soil suitability, vegetative clearing and water quality. New standards could be developed, or existing standards could be revised, to better accommodate desired uses and to meet the needs and expectations of the region.

RECOMMEND SPECIFIC FUTURE CHANGES

6. Regional Land Use Plan: Generalized areas where development would be appropriate

Just as municipal comprehensive plans often identify areas within the municipal boundaries for certain types of development and then later base zoning on the more general comprehensive plan locations, a regional land use plan could identify areas that are

generally desirable and/ or suitable for development. A more specific drawing of boundaries

and a detailed review of those boundaries would be required in order to rezone those areas for development in the future but the generalized identification, based on data and public input, could serve as a basis for that rezoning.

7. Regional Land Use Plan: Set of criteria for identifying appropriate locations for development

Rather than pre-selecting areas for development, a regional land use plan could develop criteria that would identify land that is appropriate for development. The criteria could include the absence of constraints (such as valued natural resources or incompatible

uses) and the presence of positive factors (such as proximity to developed areas, existing roads and infrastructure, etc.) which would serve to identify areas that are desirable and/ or suitable for development. A more specific drawing of boundaries and a detailed review of those boundaries would be required in order to rezone those areas for development in the future but the criteria, based on data and public input, could serve as a basis for that rezoning.

RECOMMEND GENERAL FUTURE CHANGES

8. Regional Comprehensive Plan

Just as municipal comprehensive plans provide a broad set of information, a description of local needs and expectations, and recommendations on policies affecting the land use, governance and the operation of the jurisdiction, a regional comprehensive plan could

serve to provide broad policy guidance for the region. A regional comprehensive plan would likely be informative to, and influential upon, zonings and rulemakings in the future, but would not by itself provide sufficient basis for rezoning.

9. Sector specific plan & recommendations

- Resource Plan
- Update to Lakes Assessment
- Transportation Plan
- Infrastructure Plan
- Industrial Growth Plan
- Recreation Plan
- Open Space Strategy
- Habitat Connectivity Strategy

Sector specific plan & recommendations could provide a broad set of information, a description of local needs and expectations, and broad recommendations on policies affecting a specific sector and could serve to provide broad policy guidance for the region about that sector. Sector specific plan & recommendations would likely be informative to, and influential upon, zonings and rulemakings in the future, but would not by themselves provide sufficient basis for rezoning.

PROVIDE RELEVANT IDEAS & BACKGROUND MATERIALS

Any information, report, study or other background material that reflects the needs and concerns of the region and relies on local knowledge and information. These materials could be used as significant guidance in future land use decision making, or could serve as a broad indicator of community or regional values and needs. Such information or materials may be useful support for zonings and rulemakings in the future, but would not by themselves provide sufficient basis for rezoning.

COMBINATIONS OF CERTAIN PRODUCTS

Combinations may increase goal attainment, reduce overall resource requirements, and provide significant utility

Examples may include:

- Sector specific plan & recommendations
- Criteria to identify appropriate development locations

In combination, a sector specific plan could provide a rationale for siting new types of land uses, and the criteria could provide a methodology for evaluating the appropriateness of locations.

OR

- Rezoning: Specific/ Targeted selected uses
- New or revised Land Use Subdistricts

This combination could create new subdistricts for specific uses & rezone some land to the new subdistricts for those targeted uses.

The interaction of these products may provide results that accomplish more than what each product could provide separately.

Aroostook CGPZ Regional Land Use Planning Products

Product	Measure of How Well Product Meets Goal to:					Measure of Utility
	Identify Desirable Land Uses	Identify Appropriate Locations	Establish an Efficient and Fair Process	Develop Product	Integrate Product into LUPC Rules & Policies	
CHANGES TO WHAT IS ALLOWED IN PARTICULAR PLACES						
1 Rangeley-style Plan with prospective zoning	Hi	Hi	Hi	Hi	Hi	Hi
2 Rezoning: Broad rezoning for selected uses (multiple types in multiple locations)	Hi	Hi	Hi	Hi	Hi	Hi
3 Rezoning: Specific/ Targeted selected uses (A few key locations for targeted uses)	Med	Med	Med	Med	Med	Hi
CHANGES TO WHAT IS ALLOWED EVERYWHERE						
4 New or revised Land Use Subdistricts	Med	Med	Med	Med	Hi	Med
5 New or revised Land Use Standards	Med	Low	Med	Med	Hi	Med
RECOMMEND SPECIFIC FUTURE CHANGES						
6 Regional Land Use Plan: Generalized areas where development would be appropriate	Med	Med	Low	Med	Med	Med
7 Regional Land Use Plan: Set of criteria for identifying appropriate locations for development	Med	Med	Med	Med	Med	Med
RECOMMEND GENERAL FUTURE CHANGES						
8 Regional Comprehensive Plan	Med	Med	Low	Low	Low	Low
9 Sector specific plan & recommendations	Med	Med	Low	Low	Low	Low
PROVIDE RELEVANT IDEAS & BACKGROUND MATERIALS						
	Low	Low	Low	Low	Low	Low

Combinations of certain products may increase goal attainment, reduce overall resource requirements, and provide significant utility

Examples may include:

9 Sector specific plan & recommendations	Med	Med	Low	Low	Low	Low
7 Criteria to identify appropriate development locations	Med	Hi	Med	Med	Med	Med
Combined	Hi	Hi	Med	Hi	Med	Med

In combination this sector specific plan could provide a rationale for siting new types of land uses, and the criteria could provide a methodology for evaluating the appropriateness of locations

OR

3 Rezoning: Specific/ Targeted selected uses	Med	Med	Med	Med	Med	Hi
4 New or revised Land Use Subdistricts	Med	Low	Med	Med	Hi	Med
Combined	Hi	Hi	Med	Hi	Hi	Hi

This combination could create new subdistricts for specific uses & rezone some land to the new subdistricts for those targeted uses.

The interaction of these products may provide results that accomplish more than what each product could provide separately.

Description of “Modified Consensus” Process from Wikipedia

(See http://en.wikipedia.org/wiki/Consensus_decision-making)

Agreement vs. consent

Giving consent does not necessarily mean that the proposal being considered is one's first choice. Group members can vote their consent to a proposal because they choose to cooperate with the direction of the group, rather than insist on their personal preference. Sometimes the vote on a proposal is framed, "Is this proposal something you can live with?" This relaxed threshold for a yes vote can achieve full consent. This full consent, however, does not mean that everyone is in full agreement. Consent must be 'genuine and cannot be obtained by force, duress or fraud' [17]

Near-Unanimous Consensus

Healthy consensus decision-making processes usually encourage and out dissent early, maximizing the chance of accommodating the views of all minorities. Since unanimity may be difficult to achieve, especially in large groups, or unanimity may be the result of coercion, fear, undue persuasive power or eloquence, inability to comprehend alternatives, or plain impatience with the process of debate, consensus decision making bodies may use an alternative benchmark of consensus. These include the following:

- **Unanimity minus one** (or U-1), requires all delegates but one to support the decision. The individual dissenter cannot block the decision although he or she may be able to prolong debate (e.g. via a filibuster).

Dissent options

When a participant does not support a proposal, he does not necessarily need to block it. When a call for consensus on a motion is made, a dissenting delegate has one of three options:

- **Declare reservations:** Group members who are willing to let a motion pass but desire to register their concerns with the group may choose "declare reservations." If there are significant reservations about a motion, the decision-making body may choose to modify or re-word the proposal.
- **Stand aside:** A "stand aside" may be registered by a group member who has a "serious personal disagreement" with a proposal, but is willing to let the motion pass. Although stand asides do not halt a motion, it is often regarded as a strong "nay vote" and the concerns of group members standing aside are usually addressed by modifications to the proposal. Stand asides may also be registered by users who feel they are incapable of adequately understanding or participating in the proposal.
- **Block:** Any group member may "block" a proposal. In most models, a single block is sufficient to stop a proposal, although some measures of consensus may require more than one block (see previous section, "Decision rules"). Blocks are generally considered to be an extreme measure, only used when a member feels a proposal "endanger[s] the organization or its participants, or violate[s] the mission of the organization" (i.e., a principled objection). In some consensus models, a group member opposing a proposal must work with its proponents to find a solution that will work for everyone.

Consensus Process

There are multiple stepwise models of how to make decisions by consensus. They vary in the amount of detail the steps describe. They also vary depending on how decisions are finalized. The basic model involves:

- collaboratively generating a proposal,

- identifying unsatisfied concerns, and then
- modifying the proposal to generate as much agreement as possible.

After a concerted attempt at generating full agreement, the group can then apply its final decision rule to determine if the existing level of agreement is sufficient to finalize a decision.

Specific models

Consensus decision-making with consensus blocking

Groups that require unanimity commonly use a core set of procedures depicted in this flow chart. Once an agenda for discussion has been set and, optionally, the ground rules for the meeting have been agreed upon, each item of the agenda is addressed in turn.

Typically, each decision arising from an agenda item follows through a simple structure:

- **Discussion of the item:** The item is discussed with the goal of identifying opinions and information on the topic at hand. The general direction of the group and potential proposals for action are often identified during the discussion.
- **Formation of a proposal:** Based on the discussion a formal decision proposal on the issue is presented to the group.
- **Call for consensus:** The facilitator of the decision-making body calls for consensus on the proposal. Each member of the group usually must actively state their agreement with the proposal, often by using a hand gesture or raising a colored card, to avoid the group interpreting silence or inaction as agreement. The number of blocks is counted to determine if this step's consent threshold is satisfied. If it is, dissenters will be asked to collaborate on a minority position or statement so that any unique or shared concerns with proceeding with the agreement, or any harms, can be addressed/minimized. *This can happen even if the consent threshold is unanimity, especially if many voters stand aside.*
- **Identification and addressing of concerns:** If consensus is not achieved, each dissenter presents his or her concerns on the proposal, potentially starting another round of discussion to address or clarify the concern.
- **Modification of the proposal:** The proposal is amended, re-phrased or ridered in an attempt to address the concerns of the decision-makers. The process then returns to the call for consensus and the cycle is repeated until a satisfactory decision passes the consent threshold for the group.

