



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

AMANDA E. BEAL
COMMISSIONER

STACIE R. BEYER
EXECUTIVE DIRECTOR

JANET T. MILLS
GOVERNOR

Memorandum

To: LUPC Commissioners
CC: Stacie R. Beyer, Executive Director
From: Ben Godsoe, Planning Manager
Date: February 7, 2024
Re: Location of Development Annual Report

In 2019, the Land Use Planning Commission (LUPC or the Commission) adopted rule changes related to applying the adjacency principle and permitting residential subdivisions. This was a significant change in policy regarding where new businesses or subdivisions requiring rezoning could be located, and the Commission remains committed to tracking the outcome of the rule changes. The basis statement accompanying the rulemaking described this commitment and further noted that the LUPC would conduct a review of the rule changes after five years, five rezonings in a county, or the creation of 100 subdivision lots. In 2020, the staff created a work plan to identify the types of data that should be collected and analysis that should be completed on an annual basis, as well as at the intervals predetermined by the basis statement.

At the Commission Meeting on February 7, 2024, staff will present the Annual Adjacency and Subdivision Rulemaking Report, which is attached to this memo. The report includes a summary and analysis of rezoning and permitting actions occurring over the last year that are relevant to the 2019 Adjacency and Subdivision Rulemaking.

Attachments:

1. Annual Adjacency and Subdivision Rulemaking Report: February 7, 2024
2. Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN

LAND USE PLANNING COMMISSION
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

Annual Adjacency and Subdivision Rulemaking Report

February 7, 2024



Reporting Period: January 5, 2023 – December 31, 2023

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Overview, Methodology, and Summary of Results

Overview

This report addresses data collected and analyzed according to the *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN*. The purpose of the work plan, a companion document to this report, is to summarize and assess the outcomes of the 2019 Adjacency and Subdivision Rulemaking. It includes goals and strategies to evaluate the effectiveness of the new rules and describes data collection and analysis tasks to be completed during reporting periods.

The first part of this report includes a high-level summary. Following are tables with detailed information about relevant rezoning and permitting actions. For example, tables contain information about distances from new zones or development to rural hubs and the application of new standards for development on hillsides and wildlife corridors. Many tables are accompanied by additional written analysis. Finally, information about the Land Use Planning Commission's (LUPC, or the Commission) data and terms used in the report are included for reference at the end of this document.

Methodology

The accompanying *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN* identifies the types of information the Commission should collect over time, and when to complete different types of analysis. This is the fourth annual summary completed since adoption of the Commission's Location of Development standards, and where appropriate, staff have noted observations about the data collection process.

This report is based on review by Commission staff of all permitting and rezoning actions recorded during the reporting period in the Geographically Oriented Action Tracker (or GOAT) database, which is maintained by the LUPC. Staff identified relevant zoning petition, subdivision permit, development permit, or building permit records and then analyzed decision documents, application materials, correspondence, GIS data, and other available background information.

While the Commission tracks and reports on all official actions for its *Annual Report to The Joint Standing Committee on Agriculture, Conservation, and Forestry*, only certain permitting or rezoning actions are relevant to the measurement of the effectiveness of the 2019 Adjacency and Subdivision Rulemaking. For example, the designation of new, or expansion of existing, development subdistricts for development is relevant, while the designation of protection or management subdistricts for purposes other than development is not. Permits for new or the expansion of existing residential subdivisions are relevant, but amendments to existing subdivision permits that are administrative or otherwise involve changes within the existing subdivision boundaries that do not add lots are not relevant. Additionally, this report does not include an analysis of expansion to, or development occurring in, Planned Development Subdistricts, the designation of which was unaffected by the 2019 rulemaking. Finally, it is also important to note that this report reflects permitting or rezoning processes that reached a final disposition, such as approval or disapproval of an application to rezone or for a permit. Applications that did not reach a final disposition were not analyzed in this report.

Data Challenges and Limitations

Challenges and limitations to the data analyzed in this report are listed in detail in the accompanying work plan. The LUPC’s permitting data represent activities that required permit approval from the LUPC when applicants sought permit approval. Commission initiated actions, such as Commission initiated rezonings, are not included in permitting data.

Generally, approval is sought prior to commencement of an activity requiring a permit. In some instances, individuals apply for after-the-fact permits for activity previously undertaken without the required permit. All data and tables include after-the-fact permits. Additionally, some activities do not require permit approval. Permitting trends only loosely reflect development trends, in that many activities permitted by the LUPC either may not have been started or may not have been completed. Additionally, some activities may have been completed without a permit (illegally and without the Commission’s knowledge) where a permit was required.

Summary of Relevant Rezoning and Permitting Actions in 2023

“Relevant rezoning and permitting actions” are permits or zoning decisions issued by the Commission, which relate to topics covered by the 2019 Adjacency and Subdivision Rulemaking. For more information, please see the accompanying *Adjacency & Subdivision Implementation Tasks: REPORTING SYSTEM WORKPLAN*.

Action(s)	Summary	County(s)
Zoning Petition ZP # 792	Rezone land for development of a fire station in Sinclair Twp	AR
Subdivision Permit # SP 4098-B	Addition of 2 new lots to a 7-lot subdivision	SO
25 Building Permits	Building Permits issued in areas that meet the definition of a hillside	FR, SO, OX
1 Major Home-based Business Permit	12-person family childcare business	FR

Additional Takeaways & Lessons Learned

While there was not a lot of relevant data to analyze during this reporting period, the approved rezoning and permitting actions offer some insight into how best to collect the information needed for this report. The first five-year report is due in 2024, and it will be important to provide more detailed maps and supporting information illustrating where and how development occurred since the rulemaking was adopted in 2019.

Appendix III includes a map depicting relevant rezoning, subdivision, and resource-based commercial development that has occurred since the Commission adopted the Adjacency and Subdivision Rulemaking. The map illustrates in which minor civil divisions each action occurred.

In addition to following the tasks prescribed by the work plan, over the next reporting period, Commission staff will focus on improving internal mechanisms and processes to collect data, including by:

1. Continuing to capture information about applications that do not reach a final disposition; and
2. Ensuring staff continues to solicit feedback about rezoning proposals from rural hub towns and neighboring municipalities.

Results

A. ZONING PETITIONS:

Five zoning petitions (ZPs) reached final dispositions in 2023. However, only one ZP proposed a new zone in accordance with the Location of Development standards adopted by the Commission in the 2019 Adjacency and Subdivision Rulemaking and therefore is relevant to this report. The other four zoning petitions acted upon within this time frame were unrelated.

Summary of the four ZPs with a final disposition during the reporting period, but which were not relevant to the analysis of the new rules:

- One ZP was associated with the Planned Development Subdistrict (D-PD) encompassing the Hammond Ridge development;
- Three ZPs were associated with Resource Protection or Concept Plans. One ZP authorized the renewal of a resource protection plan for the White Mountain National Forest, and the other two designated replacement zoning for expiring concept plans.

Relevant Zoning Petitions: Purpose, Size, Location, Disposition

Zoning Petition	Purpose	Sub-district	Acres	MCDs	County	Location Criteria (10.08 & 10.08-A)	Disposition
ZP # 792	Rezone area for new fire station	D-GN	7.96	Sinclair Twp	AR	Primary Location	Approved

Relevant Zoning Petitions: Distance Measurements¹

Zoning Petition	Location Criteria (10.08 and 10.08-A)	Rural Hub(s)	Distance from Public Road	Distance to Rural Hub Boundary ²		Travel Distance to Fire Dept.	Travel Distance to Ambulance Service	Travel Distance to Developed Center of Saint Agatha
				Straight Line	Travel Dist.			
ZP # 792	Primary Location	Saint Agatha	0 feet	2.5 miles	4.5 miles	N/A	N/A	12 miles

Relevant Zoning Petitions: Analysis and Discussion

The one relevant zoning petition approved in 2023 was for a new fire station in Sinclair Township.

- Review under prior regulations (e.g., one-mile rule of thumb):
 - ZP # 792 for the new first station in Sinclair Township would likely have been approvable under the one mile rule-of-thumb. It is located within .5 mile by road of an existing village with a range of uses including dense residential development, existing businesses, and an existing fire station (which it would replace).

- Fire and Ambulance Service:
 - N/A

- Outreach to Rural Hubs and Municipalities:
 - ZP # 792. The applicant was Aroostook County. LUPC staff called the town managers in both Saint Agatha and Madawaska to notify them and offer to discuss the proposal. Neither had questions about the proposal or raised concerns.

- Additional analysis proposed in the work plan but not applicable or not available for rezonings completed in 2023: Based on anecdotal information obtained through interviews with Commission staff over the course of the year, general interest in rezoning for development in 2023 was low (even though building permit activity remained high for the same period), and there were no relevant rezoning proposals that did not make it to the application stage because of incompatibility with the Location of Development standards. Commission staff intends to continue gathering this type of information as resources and time allow.

¹ Distance measurements were only included for ZPs established pursuant to Section 10.08, and not for rezonings authorizing resource dependent development in the D-RD subdistrict.

² Distance measurements, either in a straight line or along existing roads, start at the boundary of the D-GN subdistrict located closest to the boundary of Saint Agatha, or locations within Saint Agatha.

2019-2023 Summary Table of Relevant Rezoning Actions

Action	Rezoning Completed (Year)	Summary	County	Subsequent Permitting (Permit # and Year)
ZP # 776	2019	Rezone to D-CI for a Medical Marijuana Facility	AR	None
ZP # 781	2021	Rezone to D-GN for a Commercial Repair Garage	HC	DP # 5094; issued 2021
ZP # 772-A	2022	Rezone to D-RD for a Large-scale Solar Project	HC	SLC-12-A; issued 9/30/2022
ZP # 783-A	2022	Rezone to D-RD for a Large-scale Solar Project	PE	DP # 5121; Issued 6/23/2023
ZP # 776-A	2022	Reconfigure a D-CI Subdistrict for a Large-scale Solar Project	KE	SLC-16; issued 1/31/2022
ZP # 792	2023	Rezone to D-GN for a new Fire Station	AR	None

Please refer to Appendix III to see a map depicting the location of rezoning actions relevant to this report and authorized between 2019-2023.

B. RESIDENTIAL SUBDIVISIONS

During the reporting period, five residential subdivision permit decisions (SPs) were issued. However, only one of these actions is relevant to this report. Four SPs issued in this time frame were administrative, re-authorized development that had already been approved for that location, included minor revisions or reconfigurations to existing (already platted) subdivision designs, or were located within a Planned Development Subdistrict.

Summary of SPs with a final disposition, but which are not relevant for this report:

- DP # 4131, Amendment CC: A 14 lot Flex Design subdivision within the Saddleback D-PD
- DP # 4131, Amendment HH: Minor Amendment to modify the boundary between two lots
- SP # 3172, Amendment D: Completion of a Level C Road project in the subdivision
- SP # 4097, Amendment F: After-the-fact modification of a drinking water system for the condominium development

Relevant Subdivision Permits: Purpose, Type, Size, Location, Disposition

Permit#	Purpose	Sub-district	Total Acres	Subdivision Type	MCD	County	Disposition
SP # 4098, Amendment B	Expand existing subdivision	D-RS	6.4 acres ³	Moderate Density	Big Moose Twp	Somerset	Approved

Relevant Subdivision Permits: Design Characteristics

Permit	10.25,Q Locations	Type	Density	Layout	Lot Characteristics			Open Space	
					# of Lots	Avg Lot Size	Sell or Lease	Wildlife Corridor?	Total Open Space
SP # 4098, Amendment B	Shoreland	Residential	Moderate	Basic	7 (total)	2.1 acres	Sell	No; qualified as in-fill development	Waived b/c in-fill development

Relevant Subdivision Permits: Analysis and Discussion

- Review under prior regulations: SP # 4098, Amendment B, was for expansion of an existing subdivision that was approved and found to be consistent with the adjacency screen in 2014-15 (Reference: ZP #'s 744 and 758). The expansion area in Big Moose Twp, while not in a primary or secondary location⁴, was already in a D-RS Subdistrict and did not require rezoning.
- Wildlife Passage Corridor: SP # 4098, Amendment B, qualified as in-fill development, and therefore, the design was not required to include a wildlife passage corridor [See Chapter 10, Section 10.25,Q,3,d,(3),(b)]. The site is located on a peninsula and the subject parcel is surrounded by other residential lots. Any designated wildlife corridor would have resulted in an isolated pocket of common open space, providing little long-term value. Additionally, the Department of Inland Fisheries and Wildlife indicated in their comments for ZP # 744, which established the D-RS zone around the subdivision, that there were no known endangered, threatened, or special concern wildlife species in the vicinity of the property.
- Scenic Byways: SP # 4098 pre-exists the 2019 Location of Development rule revisions. It is located approximately one mile by road from Routes 6/15, the Moosehead Lake Scenic Byway (.7 miles in a straight line), and is not visible due to existing vegetation and topography.

³ This is the acreage of the lot that was further subdivided (formerly known as lot 2). The acreage of the existing subdivision authorized in SP # 4100 is 16.2 acres.

⁴ Primary and Secondary Locations were removed by the Commission in Big Moose Twp as a result of the Moosehead Lake Region Planning Process (2020-2022).

- Fire and Ambulance Services: In the application for SP # 4098, Amendment B, the applicant stated that fire and ambulance services would be provided by the Greenville Fire Department (~7.5 miles away) and Greenville Emergency Medical Services (~6.5 miles away).
- Overall: SP # 4098, Amendment B, does not raise specific concerns about the functionality of the new standards for residential subdivision design.

Summary of Relevant Residential Subdivision Permitting Actions: 2019-2023

Action	Year	Summary	County	Zone	# of Lots
SP # 4100	2020	Permit for General Management Subdivision	FR	M-GN	7 lots
SP # 4100, Amendment A	2022	Expansion of General Management Subdivision	FR	M-GN	11 lots ⁵
SP # 4098	2023	After-the-fact expansion of existing moderate density subdivision	SO	D-RS	2 lots ⁶

Please refer to Appendix III for a map depicting the location of subdivision permits relevant to this report and issued between 2019-2023.

C. RESOURCE-BASED COMMERCIAL USES

This section includes information about permits issued for resource-dependent commercial development that did not require rezoning.

During the reporting period, there were 29 development permits (DPs) issued. One development permit was for a resource-based commercial use related to topics addressed in the 2019 Adjacency and Subdivision Rulemaking.

Examples of DPs with a final disposition but which are not relevant for this report:

- Expansion of existing development in zones where the use is allowed with a permit (e.g., change of use or building a new structure);
- Development of new facilities in existing development zones where the use is allowed with a permit;
- Development of various components of the Saddleback Ski Area Planned Development Subdistrict (including a solar farm, staff housing, and a mid-mountain lodge)
- Structural development at several recreational lodging facilities;

⁵ SP # 4100 originally authorized 7 lots. In 2022, the permit was amended to include 4 additional lots (SP # 4100-A), for 11 total lots.

⁶ The existing subdivision has a total of 7 lots, 2 of which were authorized in 2023.

- Other recreational development associated with trails, trailheads, or other management activities (in a variety of locations); and
- Development of a family burial plot/cemetery.

Resource-based Commercial Development Permits: Location, Purpose, Disposition

Permit	Use	Purpose	MCD	County	Sub-district	Disposition
DP # 5121	Solar – Large-scale	10.7 acre solar farm	Greenfield Twp	PE	D-RD	Approved

Resource-based Commercial Development Permits: Resource Dependency and Distances

Permit	Resource Dependency	Affected Resource	Rural Hub (RH)	Distance to Rural Hub Boundary	Travel distance to Rural Hub Boundary	Travel distance to the Developed Center of Old Town
DP # 5121 Amendment B	Proximity to distribution lines	Nearby forestland	Old Town	12.8 miles	16.2 miles	16.5 miles

Resource-based Commercial Development Permits: Analysis and Discussion

- Resource dependency: DP # 5121, Amendment B authorized construction of a 1.35 MW ground-mounted solar energy generation facility, along with an access road and other relevant activities such as vegetation clearing, in Greenfield Township on 9.6 acres. Locational criteria in the Resource-Based Development Subdistrict require that large-scale solar facilities be located as closely as possible to transmission lines, and the point of interconnection must be within three miles. Cross road solar is directly adjacent to existing transmission lines (the point of interconnection is approximately 1,500 feet from the lines) and near the intersection of Cross Road and Greenfield Road.
- Outcome under prior regulations: Prior to the 2019 Adjacency and Subdivision rulemaking, this proposal would have required rezoning to a development subdistrict, but may not have been approved under the one-mile rule of thumb because 1) the Commission did not have a use listing for large-scale solar farms at the time and no precedent for determining what uses were similar types or intensities; and 2) the site is located approximately 1.5-2 miles⁷ from the nearest non-residential development, which includes an equipment storage and blueberry processing facility, a small church, a gas station, a metal fabrication business, etc.

⁷ The Commission may have considered downtown Greenfield Township to be a village with a range of uses and so justified rezoning to a development zone outside of 1 mile by road in this instance.

- Overall: DP # 5121, Amendment B, does not raise specific concerns about the functionality of the location of development rule, or the new standards for resource-dependent development.

Summary of Relevant Resource-Based Commercial Permitting Actions: 2019-2022

Action	Year	Summary	County	Zone
DP # 5071	2020	Recreation supply facility: mobile business providing water-skiing lessons on Indian Pond	SO	P-GP
DP # 5085, Amendment B	2022	Natural Resource Processing Facility (wood waste processing)	HA	M-GN
DP # 5121	2023	Large-scale Solar Energy Generation Facility	PE	D-RD

D. NEW DEVELOPMENT STANDARDS

This section includes information about permits issued for residential or non-residential development where new standards created as part of the 2019 Adjacency and Subdivision Rulemaking were applied.

In addition to a revised system for locating new zones for development and updating the Commission’s standards for residential subdivisions, the 2019 rulemaking included new standards for:

- Development in areas meeting the definition of a hillside (see Chapter 2, Section 2.02,101);
- Designating wildlife corridors for non-residential development in subdistricts established after the new rules became effective; and
- Agricultural processing and ag-tourism businesses.

In 2023, actions where “new development standards” applied included: development on hillsides. Future reports will include information on permits where other new standards apply, if applicable.

Permits Issued in 2023 Where New Development Standards Applied

Permit	Relevant Standard	MCD	County	Use	Disposition	Near Scenic Byway?
BP # 11043-A ⁸	Hillside: 10.25,E,2	Sandy River Plantation	FR	Residential Dwelling	Approved	Yes – Rt. 4

⁸ “BP # 11043-A” refers to Building Permit number 11043, Amendment A.

Permit	Relevant Standard	MCD	County	Use	Disposition	Near Scenic Byway?
BP # 17001-A	Hillside: 10.25,E,2	Parkertown Twp	OX	Residential Dwelling	Approved	No
BP # 17102-B	Hillside: 10.25,E,2	Township C	OX	Residential Dwelling	Approved	No
BP # 17175	Hillside: 10.25,E,2	Albany Twp	OX	Residential Dwelling	Approved	No
BP # 17193	Hillside: 10.25,E,2	Long Pond Twp	SO	Residential Dwelling	Approved	Yes – Rt. 6/15
BP # 17194	Hillside: 10.25,E,2	Dallas Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17248	Hillside: 10.25,E,2	Coplin Plt	FR	Residential Dwelling	Approved	Yes – Rt. 27
BP # 17256	Hillside: 10.25,E,2	Dallas Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17258	Hillside: 10.25,E,2	Madrid Twp	FR	Residential Dwelling	Approved	No
BP # 17270	Hillside: 10.25,E,2	Lynchtown Twp	OX	Residential Dwelling	Approved	No
BP # 17299	Hillside: 10.25,E,2	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17314	Hillside: 10.25,E,2	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17317	Hillside: 10.25,E,2	Dallas Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17318	Hillside: 10.25,E,2	Andover North Surplus Twp	OX	Residential Dwelling	Approved	No
BP # 17363	Hillside: 10.25,E,2	Rangeley Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4

Permit	Relevant Standard	MCD	County	Use	Disposition	Near Scenic Byway?
BP # 3185-F	Hillside: 10.25,E,2	Rangeley Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 5608-A	Hillside: 10.25,E,2	Dallas Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17381	Hillside: 10.25,E,2	Dallas Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17411	Hillside: 10.25,E,2	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17375	Hillside: 10.25,E,2	Rangeley Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 17406	Hillside: 10.25,E,2	Sandy River Plt	FR	Residential Dwelling	Approved	Yes – Rt. 4
BP # 15001	Hillside: 10.25,E,2	Rangeley Plt	FR	Residential Garage	Approved	Yes – Rt. 4
BP # 17393	Hillside: 10.25,E,2	Greenfield Twp	PE	Residential Dwelling	Approved	No
BP # 17402	Hillside: 10.25,E,2	Monhegan Isl. Plt	LI	Residential Dwelling	Approved	No
BP # 17404	Hillside: 10.25,E,2	Albany Twp	OX	Residential Dwelling	Approved	No
DP # 5121-B	Wildlife Passage: 10.27,S,1	Greenfield Twp	PE	Large-scale Solar	Approved	No

New Development Standards: Discussion and Analysis

- Hillside Standards:
 - During the reporting period, 25 building permits, and one development permit were issued in areas meeting the definition of a hillside. Most permits were issued in the Western Maine Region, with 16 in Franklin County, the majority of which were in Sandy River Plt., Rangeley Plt., and Dallas Plt.

- 16 of the 26 permits issued were near national or state-designated scenic byways (Route 4, Route 27, and Route 6/15).
- Interviews with Commission staff in 2023 indicated that processing applications where hillside standards were applied can be time-consuming and difficult depending on the circumstances. During the building season, staff explored creating different types of informational materials about the hillside standards and learned more about which approaches are effective. Staff are currently finalizing a new exhibit for applicants, along with handouts explaining how to create vegetation management and stormwater management plans (expected to be ready for the 2024 building season).
- Wildlife Passage (for Commercial Uses):
 - DP # 5121, Amendment B, was for a large-scale solar energy generation facility, and was located in a primary location in Greenfield Twp. Commission staff determined that the characteristics of the site, which is located at the convergence of and between two public roads, provided no opportunity for a meaningful wildlife corridor because it was surrounded by other residential development. Any designated open space would have been an isolated pocket providing little long-term value. During the initial rezoning in 2022 (See ZP # 783, Amendment A), IF&W commented that the proposal would not result in any known adverse impacts to Maine-listed Endangered or Threatened species or habitats in the vicinity. During the review of DP # 5121, IF&W ultimately recommended the installation of wildlife permeable fencing (raised 7 inches above ground) and a protocol to handle trapped ungulates and other larger animals. DP # 5121 includes a condition requiring these measures.

E. PERMITS ISSUED FOR MAJOR HOME-BASED BUSINESSES:

The 2019 Adjacency and Subdivision Rulemaking revised the Commission’s rules for home-based businesses (HBB) by providing a modest increase in the amount of space within a dwelling that may be used by the business (50% of the dwelling and up to 2,500 sf). The definition of a home-based business includes two types: Major HBB, which typically requires a permit from the Commission, and Minor HBB, which is allowed without a permit subject to the standards described in Chapter 10, Section 10.27,N.

One permit was issued during the reporting period for a new dwelling with a family childcare business for up to 12 children. The major home-based business would occupy 780 square feet of the residence and would not employ additional people outside of the family. All permits issued for major home-based businesses since the adoption of the 2019 rulemaking are listed in the following table.

Summary of Major Home-Based Business Permitting Actions: 2019-2023

Permit	Year	Type of Business	Permitted Activities	Zone	MCD	County
BP # 13490	2020	Home-based arborist business including tree	Construction of dwelling, driveway, and	D-RS; P-WL	Coplin Plt	FR

		removal, landscaping, and snow removal	garage; filling and grading area for equipment storage; wetland alteration for driveway			
BP # 17196	2021	Home-based wood products manufacturing	Small-scale manufacturing in existing garage	D-RS	Molunkus Twp	AR
BP # 17196-A	2023	Family childcare for up to 12 children	New dwelling and family childcare business	D-RS	Freeman Twp	FR

Appendix I. Description of Permit Types

Land use regulations stipulate which land uses and development activities are: allowed without a permit; allowed without a permit subject to standards; allowed with a permit; allowed by special exception; and those not allowed. For those uses and activities which require permit approval, the LUPC reviews those proposals for conformance with applicable rules and issue a decision (*e.g.*, a permit). The Commission issues permits for a wide range of activities; examples include camp additions, reconstruction of permanent docks, new garages, grid-scale wind energy facilities, restaurants, and maple sugaring operations.

Permit database naming protocols

Given the range of activities allowed within the unorganized territories, the LUPC currently or formerly utilizes a variety of action types to identify and record various permitting actions.

Each permit includes the action type and number (*e.g.*, AR 95-001, BP 123, and ZP 456) at the top of the document and a corresponding entry in the LUPC’s permitting database – Geographic Oriented Action Tracker (GOAT). The use of sequential letters identifies amendments of previous actions (*e.g.*, BP 123; BP123-A; and BP 123-B (the first permit action, the first amendment, and the second amendment, respectively). Variations on this primary naming convention include AR 95-10 (*i.e.*, the 10th advisory ruling issued in 1995); and SP 3206-16 (*i.e.*, a Chapter 16 subdivision). The following summarizes the various types of actions included in this report:

Type (Acronym)	Permit Type (Name)	General Description
BP	Building Permit	Permits for activities associated with residential development that requires a permit (<i>e.g.</i> , activities involving: a camp, a garage, porches, etc.).
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit (<i>e.g.</i> , activities involving: a commercial sporting camp, retail store, warehouse, mill, wind turbines, campground, resort, etc.)

Type (Acronym)	Permit Type (Name)	General Description
SLC	Site Law Certification	Certifications issued by the Commission for projects which trigger review by the Maine Department of Environmental Protection (DEP) according to Site Law. In these cases, the Commission must certify i) that the use is allowed; and ii) whether or not the project conforms to its standards, which are not otherwise regulated by the DEP. Projects that typically trigger Site Law include subdivisions, commercial development, and grid-scale wind development.
SP	Subdivision Permit	Permits to create new lots where the lot(s) do not qualify as exemptions, see Section 10.25,Q,1 of the Commission's <i>Land Use Districts and Standards</i> .
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). See Section 10.08 of the Commission's <i>Land Use Districts and Standards</i> .

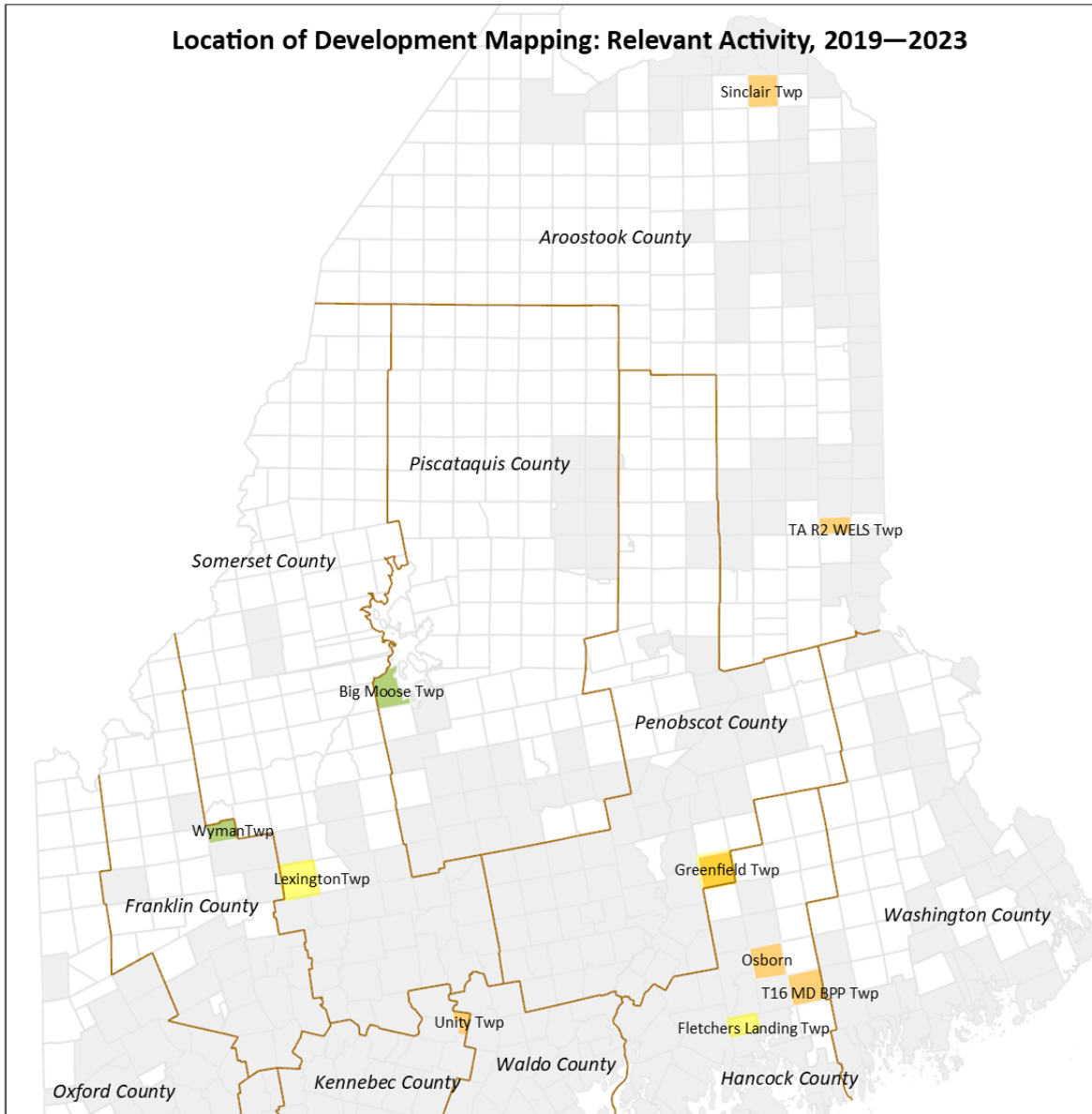


Appendix II. Description of Disposition Types

Each permit application and zoning petition the Maine Land Use Planning Commission receives is reviewed and results in a final action or disposition. Each type of disposition may be valuable to different data analyses (*e.g.*, approved and approved/disapproved in part best illustrate authorized activities; withdrawn and returned applications may illustrate unrealized interest in development). Final action or disposition includes the following outcomes:

- *Approved* – The proposed activity meets the applicable standards; a decision (*i.e.*, permit) indicating approval is issued by staff or the Commission.
- *Approved / Disapproved in part* – Parts of the proposed activity meet the applicable standards and are approved, and parts of the proposed activity do not meet the standards and are disapproved. A decision (*i.e.*, permit) indicating the approved and disapproved components is issued by staff or the Commission.
- *Disapproved* – The proposed activity does not meet the applicable standards; a decision (*i.e.*, denial) is issued by staff or the Commission.
- *Application Withdrawn* – The applicant chooses to withdraw their application before final action by staff or the Commission. The application is returned, and no final action is issued by staff or the Commission.
- *Application Returned* – The application is incomplete, and the applicant has made insufficient effort to address the issue(s). The application is returned, and no final action is issued by staff or the Commission.

Appendix III. Location of Development Mapping



Summary 2019-2023	Summary 2019-2023	Summary 2019-2023
<p>SUBDIVISION:</p> <ul style="list-style-type: none"> Wyman Twp: M-GN Subdivision; 11 lots (2 actions in 2020 and 2022) Big Moose Twp: 2 lot expansion (2023) 	<p>REZONING:</p> <ul style="list-style-type: none"> TA R2 WELS (to D-CI, 2020) Osborn (to D-GN, 2021) Unity Twp (to D-RD, 2022) T16 MD BPP (to D-RD, 2022) Greenfield Twp (to D-RD, 2022) Sinclair Twp (to D-GN, 2023) 	<p>PERMITS FOR RESOURCE-BASED COMMERCIAL:</p> <ul style="list-style-type: none"> Lexington Twp (Recreation Supply, 2020) Fletcher’s Landing Twp (Resource Processing, 2022) Greenfield Twp (Large-scale Solar, 2023)

**Adjacency & Subdivision Implementation Tasks:
REPORTING SYSTEM WORKPLAN
(January 13, 2021)**

INTRODUCTION

The following describes the LUPC staff proposed workplan to summarize and assess outcomes of what was referred to as the 2019 Adjacency & Subdivision rulemaking. That rulemaking:

- made changes to the ‘adjacency principle;’
- improved subdivision standards; and
- added other standards regarding an impact-based approach for residential and non-residential development, home and farm-based businesses, scenic byways, and hillside development.

Due to a number of factors, not all outcomes or aspects of performance can be measured or assessed quantitatively. In some instances, the workplan describes other information or assessments that may be informative substitutes.

Workload

This workplan includes an assessment of the workload anticipated to achieve each research and assessment task. While the Commission previously committed to certain tasks, and the additional tasks are valuable and appropriate, it will require the devotion of time and resources. Specifically, anticipated workloads are indicated as one of three levels:

Workload	Description
+	<u>Negligible effect on LUPC workload:</u> information is already collected by the LUPC; summaries are easily achievable;
+ +	<u>Some increase to LUPC workload:</u> data collection or analysis will require a moderate amount of backfilling, summary, or linking of data; or additional staff time will be required on a regular basis;
+ + +	<u>Significant increase to LUPC workload:</u> significant staff time or agency resources will be necessary to complete the task.

Experience implementing the rules and carrying out this workplan will further inform the Commission’s perspective, provide perspective on the workload, and may suggest whether refinements are appropriate.

CHALLENGES AND LIMITATIONS TO COLLECTING OR INTERPRETING DATA

This workplan and the related assessments are and will be influenced or otherwise limited by a number of factors. In order to provide context and to inform expectations, the following items describe several factors.

1. A number of changes included in the 2019 rulemaking do not warrant specific data collection or assessment. Examples include but are not limited to: basic change in terminology (e.g., home-based business, common open space); new defined terminology; format of citations and basic restructuring of the rule. These elements will be monitored for issues consistent with the agency's normal administrative responsibilities and efforts.
2. Assessment of some portions of the rule are not feasible, often due to the absence of data. Examples include but are not limited to:
 - a. Assessing the success or failure of some standards based on a ratio of approvals versus denials is constrained because it is not always possible to know the number of people who did not apply due to their knowledge of the applicable standards; and
 - b. Effects on the rate of parcelization¹ and exempt lot creation is limited due to the lack of any data² and limits to agency authority.

Whenever possible, other data will be considered provided that the data is viewed as a valuable substitute or proxy (in-part or in-whole).

3. To varying degrees, outcomes from current or prior rules may be influenced by outside factors, such as direct or indirect markets, landowner goals, and other regulatory programs. These factors are not within the Commission's purview and often change or fluctuate over time. Ultimately, assessment of any and all data should consider applicable factors to the extent possible.
4. Comparisons to historical permitting trends can become less informative as the Commission's rules evolve regularly. Further, in some instances, comparing recent outcomes to past trends may not offer valuable perspective due to the number of variables.
5. Impacts and benefits from development often occur at a slower rate than anticipated.
6. Development review and the approval process may occur in stages – zoning approval, subdivision approval, and development approval.
7. Construction activity and completion of any one site may take months, while full buildout may not occur for several years.
8. Habitation and regular use will likely be sporadic and indistinct.
9. Affects to local or regional resources, or the strain on community services, could be subtle or abrupt, but attributing impacts to a single cause or source likely will be difficult.

¹ The LUPC has limited access to parcel data in municipalities or plantations within its service area, who are not required by law to share parcel data with the LUPC.

² When a property owner uses a subdivision exemption(s) to create a lot division(s), there is no requirement to report the action to LUPC. While such divisions are recorded in the registry of deeds, currently the LUPC does not have the capacity to research, either periodically or on an ongoing basis, when and how exempt lots are created. (See Chapter 10, Section 10.25,Q,1,g for the list of exemptions.)

PURPOSE

To monitor, assess, and report on the outcomes of the 2019 rule revisions concerning adjacency and subdivision.

GOAL 1: Periodically assess the effectiveness and outcomes of the rulemaking³.

Strategies:

- a. Review rule revisions at predetermined intervals [see letter (i), below] with attention to emerging patterns of development and any potential long-term implications.

Predetermined review intervals/research and assessment tasks:

Workload

Task

- | | | |
|-------|-------|---|
| + + | (i) | Conduct a review of the effectiveness of the revised application of the adjacency principle: <ul style="list-style-type: none">- Five years after adoption (<i>i.e.</i>, 2024).- Following the approval of five petitions for rezoning to create new, or expand existing, development subdistricts in any single county. Group by resource-based and non-resource-based development [excluding certain resource dependent zones (D-PD, D-PR, and D-RF), deorganizations, and FEMA map revisions].- Conduct a review of the effectiveness and effects following the approval of 100 residential lots created through subdivision (excluding lots created in a concept plan). |
| + + + | (ii) | Survey rural hub towns potentially impacted by new development activity (e.g. located near, or serving, new development), and other municipalities as needed, to identify any long-term implications of the revised rules. |
| + + + | (iii) | Identify and describe the status or buildout of residential subdivisions or commercial development in subdistricts established after the effective date of the revised rules. |
| + + | (iv) | Summarize permitting and rezoning data in five-year increments, or in other date ranges if applicable and as needed. |
| + + + | (v) | Assess whether the hillside development standards effectively minimize views of development from scenic resources. |

³ “The Commission is committed to monitoring the effects of this policy change. In addition to collecting data about rezoning and permit approvals as part of the normal course of work, the Commission will initiate a review of the effectiveness of the application of the adjacency policy: five years after the adoption of the rules; upon the approval of five petitions for rezoning to create new, or expand existing, development subdistricts in any single county; or upon the approval of 100 residential subdivision lots outside of concept plans, whichever comes first.” June 17,2019 Chapter 10 basis statement, page 25.

- b. Annually track and report relevant development activity, with focus on identifying specific locations that may experience rezoning or permitting activity, flagging any issues that may emerge, and capturing lessons learned along the way.

Annual research and assessment:

<u>Workload</u>	<u>Task</u>
++	(i) Regardless of whether the rate and location of development triggers a formal review, as described above in strategy a,(i), staff will summarize outcomes to the Commission, and will likely include a summary in the annual performance report to the Legislative Committee on Agriculture, Conservation and Forestry.
++	(ii) Maintain a general summary of other outreach conducted by staff.
++	(iii) Work to measure or otherwise describe the number of potential projects that do not result in a permit application or zoning petition. Including:
++	- On a quarterly basis, check in with staff for anecdotal information regarding pre-application meetings / discussions that likely will not result in an application or petition; and
+	- Monitor use of the Commission’s mapping and informational resources.
+++	(iv) Analyze travel distances for emergency services from point of origin to new development zones. If applicable and practicable, also analyze distances by road and in a straight line from new development subdistricts to: the boundary of the nearest rural hub; and the center of the nearest rural hub.
++	(v) Reach out to potentially impacted rural hubs or municipalities during active permitting or rezoning processes to solicit comments, and then summarize feedback in annual reports.
++	(vi) Analyze implementation of the new wildlife corridor requirements, for residential subdivision designs and certain commercial development, to determine if wildlife corridors are being incorporated into designs as intended.
+	(vii) Share reports with stakeholders and the public.
+++	(viii) As appropriate or needed, the staff will check in with stakeholders.

ADDITIONAL GOALS, STRATEGIES, and TASKS

GOAL 2: Guide development subdistricts to appropriate locations, siting most development where there is existing development and where services can be provided efficiently.

Strategies:

- a. Replace the one-mile rule of thumb with a more refined and predictable system to locate non-resource-based commercial and non-recreation-based residential subdivision development closest to services.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all petitions processed for new or expanded (non-resource dependent) development zones. List to indicate:
+	- permit number, acres, Minor Civil Division (MCD), county, subdistrict, purpose, locational criterion (primary, secondary), lake management classification, disposition; and
++	- existing and resulting lake shoreline and area density calculations, and distance to the nearest rural hub;
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;
+++	(iii) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes; and
++	(iv) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.

- b. Allow subdistricts for resource dependent commercial uses to be located away from services, provided they do not undermine the quality of the surrounding natural or recreational resources, and do not create a burden for service providers.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List of all petitions processed for new or expanded resource dependent development zones. List to indicate: permit number, acres, MCD, county, subdistrict, purpose, locational criterion (resource or feature development is located near), and disposition;
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;

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- + + (iii) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes;
 - + + (iv) Identify and describe any adverse impacts on natural or recreational resources that have been identified;
- c. Allow subdistricts for recreation-based subdivisions near certain management class lakes that are already developed, and near permanent trails serving motorized vehicles, nonmotorized vehicles, or equestrian users.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all petitions processed for new or expanded D-RS subdistricts for recreation-based subdivisions. List to indicate:
+	- permit number, acres, MCD, county, subdistrict, purpose, applicable resource (lake or trail), lake management classification, disposition; and
+ +	- existing and resulting lake shoreline and area density calculations, distance to the nearest rural hub, and distance from a public road.
+	(ii) Summarize approved petitions by subdistrict, county, and locational criterion;
+ +	(iii) Assess the likelihood that the outcomes for approved and denied zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes;
+ +	(iv) If applicable, describe outcomes of any approvals or denials that have sparked reason for concern.

GOAL 3: Revise land use standards to improve flexibility and suitability for residential subdivisions proposed in the Commission’s rural service area.

Strategies:

- a. Encourage more lot creation through subdivision, rather than through exempt lot creation, by updating and broadening options for subdivision designs.

Annual Research and Assessment:

<u>Workload</u>	<u>Task</u>
+	(i) List all subdivisions processed. List to indicate: permit number, acres, MCD, county, subdistrict, net change in lots, purpose (for lease or sale), subdivision layout, and disposition;

- + (ii) Summarize approved subdivisions, by county and locational criterion, and by layout and density;
- + (iii) Comparison to historic data (20-year annual average of the net change in lots approved through subdivision); and
- + + (iv) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.

GOAL 4: Increase flexibility for resource-based development in locations that do not undermine the quality of the surrounding natural or recreational resources or create a burden on the service providers in the region while simultaneously limiting the potential for similar development in locations near sensitive resources.

Strategies:

- a. Establish detailed and customized standards for new and existing allowed uses that accomplish or otherwise improve existing protections of natural and cultural resources. (For example, standards that protect views from development on hillsides, provide for wildlife passage and road associations, and require deeded access by road, etc.)

Annual Research and Assessment:

Workload

Task

- + (i) Summarize the number of applications (BPs, DPs, or SPs) where Section 10.25,E,2 (Hillside standards) applied; and
- + + (ii) Summarize the amount and type of hillside development that occurred near scenic byways.

- b. Allow new, and continue to allow existing, resource-based commercial uses to be located away from services, provided they do not undermine the quality of the surrounding natural or recreational resources, and do not create a burden for service providers.

Annual Research and Assessment:

Workload

Task

- (i) List all applications for resource-based uses processed. List to indicate:
 - + - permit number, MCD, county, subdistrict, use, resource dependency, general characterization of the type of activity (new site/use, expanded site/use, other), disposition; and
 - + + - distance to the nearest rural hub.
- + (ii) Summarize the number and type of permits by Use Listing: (i.e., natural resource processing, natural resource extraction, recreation

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supply, recreation day use, home-based businesses, agricultural processing, agritourism). For each use listing, identify each business type (e.g., peat extraction; canoe rental)

- + (iii) Summarize approved permits, by use, county and resource;
- + + (iv) Assess the likelihood that the outcomes for approved and disapproved zoning petitions would have been any different according to prior rules and policies. Describe any likely different outcomes.
- + + (v) If applicable, describe outcomes of any approvals or disapprovals that have sparked reason for concern.