

**** For discussion purposes only ****

Maine Land Use Planning Commission
Recreational Lodging Facilities Stakeholder Input
Meeting Three Discussion Items

STAFF EXECUTIVE SUMMARY

I. INTRODUCTION

Informed by the two full-day discussions in September and October, the Land Use Planning Commission (“LUPC”) staff has been working to develop ideas of how to update the Commission’s rules regarding recreational lodging. As a result staff has developed several concepts focused around three areas: Use Listings; Definitions and Standards; and Subdistricts.

II. CATEGORIZING USES

Issue and Introduction

The Commission’s rules typically define a use and specify in which subdistricts the use will be allowed. Because recreational lodging facilities are often diverse and may include any combination of amenities; definitions and use listings are currently inappropriately narrow and restrictive for this diverse industry.

“In order to categorize recreational lodging facilities for regulatory purposes, the LUPC should consider [stakeholder identified and] prioritized factors in light of the environmental conditions and resource protection goals where it exists.” Emerging conclusion from October stakeholder meeting

Summary of Staff Concepts

1. Based on preliminary stakeholder input to eliminate the need to label each unique facility, staff created a mechanism to categorize recreational lodging uses based on a set of factors, including:
 - o Facility elements (*dining, utilities, retail, fuel sales, recreation services, and recreation activities*)
 - o Footprint of buildings
 - o Overnight occupancy
 - o Footprint of clearing
2. Current concept includes five (5) categories, ranging from low-intensity facilities (*e.g. remote rental cabins and ‘wilderness’ campgrounds*) to more intensive facilities (*e.g. resorts*), with three facility levels between;
3. Goal: assign factors and details for each facility level in order to: a) allow the lowest to moderate impact facilities in the general management and some protection subdistricts; and b) minimize those facility levels that would only be most appropriate in development subdistricts; and
4. This component is expected to address a majority of the known issues for most facilities

II. DEFINITIONS AND STANDARDS

Issue and Introduction

In addition to developing and implementing a mechanism to categorize recreational lodging uses, stakeholders and staff agreed that other definitions and standards where solutions are most readily achieved also warrant revision – referred to as “low-hanging fruit”.

These changes include concepts for new and revised definitions and standards that are problematic or inappropriately restrictive for recreational lodging uses and businesses.

Summary of Staff Concepts

1. Staff prepared minor tweaks to various definitions relating to recreational lodging, examples include: bunkhouse, commercial use, and remote camp;
2. Staff prepared more substantial revisions and new definitions that are more critical to appropriately resolve known issues. Examples include:
 - New definition of “residential campsite” to enable the distinction between public and commercial campsites from a campsite on a single property for the use only by the property owner;
 - Clarification of outpost cabins (*note: this is a placeholder, several aspects of this term are described in the new section 10.27,Q*);
 - Revision to Commercial Sporting Camp in accordance with new approach to categorize uses; and
 - New definitions for the five categories of recreational lodging facilities
3. Add “Campsite, Residential” as a use listing in appropriate subdistricts – likely candidates include in all subdistricts where residential uses are allowed)
4. Dimensional requirements:
 - Extend to recreational lodging facility components constructed solely for the housing of guests the current residential setback requirements (expansion of the current standard for commercial sporting camps);
 - Provide an exception to road setbacks for campsites within a campground; and
 - Add other necessary legal cross-references
5. Recreational Lodging Facility standards – add a new section focused on these facilities in order to provide a consolidated set of assorted standards.
 - Clarify existing practices, examples include: measuring square footage limits and many aspects of conversion of use
 - Campgrounds – add standards to appropriately allow ‘seasonal clients’ while also providing necessary environmental protections
 - Water dependent uses – add standards to appropriately allow limited structures near waterbodies while also providing necessary environmental protections

IV. SUBDISTRICTS

In addition to the categorization of uses and revised definitions and standards, staff has developed the concept for two additional subdistricts. While the categorization of uses and revised standards would likely solve most of the known issues, some issues will be best addressed by providing additional options when a rezoning is necessary.

Summary of Staff Concepts

1. Create new Recreation Facility Subdistrict (D-RF):
 - Purpose: Enable moderate intensity recreation facilities to locate in areas which are distant from existing patterns of development, but are relatively accessible to visitors;
 - Purpose / Location: Intended to be:
 - a) near a resource and setting that is important to recreational lodging businesses that cannot also be found in developed areas,
 - b) suitable so as not to create undue adverse impacts on other recreation users in the area, wildlife, etc., and
 - c) does not impose a substantial burden on the public for provision of services;
 - Adjacency: Because this subdistrict is most appropriate distant from development (*i.e. a waiver of adjacency is inherently necessary*), as a result:
 - a) these areas will not necessarily be appropriate for other types of residential, commercial and industrial development;
 - b) conversion to residential use will be discouraged; and
 - c) constructing a recreational lodging facility in this subdistrict will not be the basis for adjacency for other development nearby;
 - Process: The application process will be the same as a rezoning to most other subdistricts (e.g. relatively lower level of detail);
 - Use Listings: Use listings will be detailed, as in most other subdistricts, and will use the recreational lodging facility categories (if implemented) as appropriate.

2. Create new Planned Recreation Facility Subdistrict (D-PR)
 - Purpose: Tool for siting relatively intense recreational lodging facilities that are not substantial enough to warrant all of the application and process requirements associated with a Planned Development (D-PD) Subdistrict;
 - Intensity: This subdistrict is meant to accommodate those well-sited proposals that fall in between the D-RF and the D-PD in terms of size and intensity.
 - Flexibility: This subdistrict may give applicants and the commission the opportunity to use performance-based measures for obtaining the desired planning, land use, and environmental goals the Commission's current regulations are geared to achieve;
 - Adjacency: Because this subdistrict must be located only in places where the specific resource is necessary for the development (*i.e. a waiver of adjacency is inherently necessary*) as a result:
 - a) these areas will not necessarily be appropriate for other types of residential, commercial and industrial development;
 - b) conversion to residential use will be discouraged; and
 - c) constructing a recreational lodging facility in this subdistrict will not be the basis for adjacency for other development nearby;
 - Process: The application process will be the similar to the Planned Development Subdistrict (D-PD) but will be comparatively less rigorous;
 - Use Listings: The uses will be customized to the proposal