

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

Maine Land Use Planning Commission
Recreational Lodging Facilities Stakeholder Input
Meeting One Notes / Meeting Two Discussion Items

STAFF REPORT

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I. INTRODUCTION

(NOTE: This staff report provides a more detailed illustration of the initial staff response to stakeholder feedback.)

During the first session both LUPC staff and/or stakeholders identified the following issues and brainstormed various conceptual solutions. As a result, the group requested that LUPC staff consider this input and provide a preliminary response to which stakeholders would respond and discuss at the second session on October 17th. The conceptual solutions discussed here are not the only or even preferred option; other, more suitable solutions may be identified through this continuing stakeholder process.

II. CATEGORIZING USES

A. Use listings. LUPC’s use listings do not adequately accommodate development trends particularly at larger scales and for combinations of multiple uses.

Key Principles (group identified):

- Expand and otherwise update use listings and definitions to be more accurate and informative to current and anticipated development needs
- Categorize facilities (use listings) based on impacts and by subdistrict
- Consider performance-based impacts rather than regulated-use-impacts, with specific attention to human impact (number of people)

Conceptual Solutions:

1. **Develop categories of facilities – Performance Based Approach**
Typical land use zoning is proscriptive – it allows only certain uses, at certain scales, within designated zones.

The group suggested that the LUPC should consider a performance based approach to regulate recreational lodging facilities. A performance based approach looks at a set of factors and requires the total impact from the facility, as determined by those factors, to meet some set measurement. Such an approach may provide greater flexibility for accommodating a variety of types of uses. A sample performance based approach would

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assign points to a number of factors that reflect the impact of the facility or use. If the facility or use can stay within a set maximum score for that subdistrict it would be allowed. Factors might include:

- Size in square footage, acreage or proportion of the acreage allocated to buildings
- Number of people served
- Types of uses / activities / amenities on site:
 - o *Lodging Type (e.g. Exclusive use, Commercial use, Public use)*
 - o *Lodging Facility*
 - o *Recreation on-site*
- Activities primarily based on-site or off-site; regularity and type of transport (e.g. guide and clients in pickup truck, multiple buses with staff and 50 clients per bus)
 - o *Off site (e.g. Small party, Medium party, Large party)*
- Size of infrastructure (e.g. *One large structure, Multiple small structures*)
- Permanency vs. temporary
- Historical significance (Traditional sporting camp needs its own designation)
- Traditional uses versus new uses
- Setting
- Access (e.g. vehicle (*hike, drive, boat, plane*); road type (*state route, private road, private road w/seasonal limitation*); or distance (*miles from state route: <2, <5, <20, etc*))
- Traffic
- Over-night versus day use only
- Visual – visual influence upon resource
- Phosphorus / stormwater

Pros:

- While difficult to establish, this performance based approach is poised to provide the maximum opportunities for flexibility.
- This particular form of performance based approach might be somewhat systematic but also more complex to administer for both the landowner and the LUPC than was originally envisioned.
- The more factors equals more flexibility in which subdistricts any given category is allowed (e.g. successful categorization would allow the maximum types of facilities in the maximum number of subdistricts).

Cons:

- This approach does not address if and to what degree multiple uses within once facility category could exist on one site. For example: the categories must contemplate that one facility may want to utilize all their “allowed intensity” (whether square footage or people served) as a sporting camp, while another facility may want to utilize their “allowed intensity” through a campground, commercial sporting camp, and rental cabins. Most specifically, if read too liberally, the categories could be read to allow a maxing out of each use within the category.
- Too few categories can reduce the flexibility within the subdistricts any given category is allowed (e.g. unsuccessful categorization would limit the minimum types of facilities in the minimum number of subdistricts).
- This approach will be labor intensive to develop and may not provide commensurate benefits.

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2. Develop categories of facilities – Tier Approach

This approach sorts facilities into tiers based on approximate impact but employs square footage and either number of sites, or cabins, etc as a substitute for measuring impact.

Sample Recreational Lodging Facility Categories				
	Type A	Type B	Type C	Type D
Activity	campground [1- _____ sites]	campground [1- _____ sites and < _____ ft ² of permanent structures]	campground [_____ - _____ sites and < _____ ft ² of permanent structures]	campgrounds [> _____ sites and < _____ ft ² of permanent structures]
	remote rental cabins [< _____ cabins or < _____ ft ²]	NA	NA	NA
	rental cabin 1	rental cabins [< _____ cabins or < _____ ft ²]	rental cabins [< _____ cabins or < _____ ft ²]	rental cabins [< _____ cabins or > _____ ft ²]
		backcountry hut [< _____ rooms or < _____ ft ²]	backcountry hut [< _____ rooms or < _____ ft ²]	NA?
		group camp [< _____ ft ²]	group camp [_____ - _____ ft ²]	group camp [> _____ ft ²]
			inn [< _____ rooms or < _____ ft ²]	inn [< _____ rooms or < _____ ft ²]
			bed and breakfast [< _____ rooms or < _____ ft ²]	NA
			hotel / motel [< _____ rooms or < _____ ft ²]	hotel / motel [< _____ rooms or < _____ ft ²]
				resort

Pros:

- Facility categories are best equipped to provide flexibility by allowing an operation to change use while remaining within the same “use listing”.
- Categories are poised to fully, partially or contribute to addressing at least half of the identified issues
- The more categories equals more flexibility in which subdistricts any given category is allowed (e.g. successful categorization would allow the maximum types of facilities in the maximum number of subdistricts).

Cons:

- This approach does yet not address if and to what degree multiple uses within once facility category could exist on one site. For example: the categories must contemplate that one facility may want to utilize all their “allowed intensity” (whether square footage or people served) as a sporting camp, while another facility may want to utilize their “allowed intensity” through a campground, commercial sporting camp, and rental cabins. Most specifically, if read too liberally, the categories could be read to allow a maxing out of each use within the category.
- Too few categories can reduce the flexibility within the subdistricts any given category is allowed (e.g. unsuccessful categorization would limit the minimum types of facilities in the minimum number of subdistricts).

Proposed Discussion Points:

- Should any uses be excluded from the categories and defined separately? Specifically, stakeholders expressed significant acknowledgement of and concern for the traditional Commercial Sporting Camp but also expect flexibility. Should

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Commercial Sporting Camp be considered within these categories or listed as a separate use?

- To some degree commercial sporting camps, campgrounds, rental cabins, group camps, and back-country huts rely upon natural resources, should hotel, motel, inn, and bed and breakfast be included in these categories of recreational lodging?
- While the idea of “performance-based impacts rather than regulated-use-impacts, with specific attention to human impact (number of people)” is intriguing; implementation and administration seem more difficult and problematic. [From a land use regulatory standpoint, regulation of number of people is significantly more difficult to administer and enforce.]

Group Response:

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3. Update and clarify other use listings – Clarify all appropriate use listings which are not/should not be included in the “lodging categories”. Examples include:

- Campsite: Commercial, Private, Public, and Remote
- *Commercial Sporting Camp?*
- *Remote rental cabin*

Pros:

- Singling out low-intensity uses and perhaps specific uses (Commercial Sporting Camps) creates appropriate distinction between very light intensity uses and the more intensive lodging categories;
- This approach provides the best opportunity for landowner flexibility (e.g. operations are more likely to change between uses within a category not between the uses in a category and the uses singled out).

Cons:

- None identified

Proposed Discussion Points:

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Group Response:

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III. LOW-HANGING FRUIT

- A. Commercial Sporting Camps¹ – Size Limitation: Many lodging clients are expecting more amenities or more privacy (i.e. it takes more square footage to accommodate clients today). Because commercial sporting camps are currently limited to 10,000 square feet, this trend can be difficult to address. Should the square footage limit be increased? If so, how much? Should the size depend upon the subdistrict or location?**

Key Principles (group identified):

- Relax regulations in light of new technology, new customer demands, and other realities, yet balanced with protecting the resource and traditional uses

Conceptual Solutions:

1. Relax the square footage cap

2. Specify how to calculate total floor area

Any square footage limitations for such a facility shall be a calculation of the total floor area for all principle buildings associated with the facility. For purposes of this calculation principle buildings generally include: main lodge, cabins for the housing of guests, bathroom facilities, sauna/spa, caretaker housing, etc. (e.g. the principle space available to or necessary for serving the guests). Further, accessory structures are not counted, including: wood shed, generator building, workshop, composting toilet infrastructure, etc.

Pros:

- Provides additional expansion opportunities as a deliberate yet moderate step to enable facilities to respond to customer demands.

Cons:

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Proposed Discussion Points:

- An expansion of the square footage limit should make reasonable improvements for the industry and yet maintain appropriate resource protections. As many Commercial Sporting Camps are in semi-remote settings does 15,000 strike the appropriate balance?
- Should there be more distinction in size limits based on location or subdistrict (e.g. up to X square feet in Y subdistrict; Z square feet in Q subdistrict, etc.)?

Group Response:

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¹ Statutory additions: 1995 added definition of Commercial Sporting Camp which has remained unchanged. In 2000 LURC revised its Land Use Districts and Standards to further clarify and explain the definition of Commercial Sporting Camps.

B. Commercial Sporting Camps (outpost cabins). The industry's use of outpost cabins is a valued tradition. However, there is no guidance on how far away an "Outpost Cabin" needs to be in order to be excluded from the square footage limitation?

Key Principles (group identified):

- Outpost cabins are a traditional and valuable component to a number of operations
- Avoid defacto resorts

Conceptual Solutions:

1. Revise standards for Commercial Sporting Camps / Outpost Cabins, in a way that addresses the following:

- i) outpost cabins located more than ___ feet by trail, ___ feet by water, and ___ feet by road from the primary commercial sporting camp facility shall not be counted toward the applicable total floor area limitations.
- ii) to exclude Outpost Cabins from any square footage limitations for a Commercial Sporting Camp or specify the total square footage
- iii) address reconstruction in place
- iv) address clusters and density
- v) outpost cabin owned by commercial sporting camp owner
- vi) clarify in which subdistrict outpost cabins are allowed

Pros:

- Employing a component of distance works to minimize efforts to circumvent the square footage limit or create a 'resort' under the label of a sporting camp
- Works to clarify and retain as a tool Outpost Cabins

Cons:

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Proposed Discussion Points:

- Is 0.25 miles reasonable? If not, what distance is more appropriate?
- Note how this may interact with site law ("compatible type of development")

Group Response:

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C. Commercial Sporting Camps (self-contained cabins). If a Commercial Sporting Camp includes, in-part or in-whole, self-contained cabins is it consistent with the statutory intent and purpose of the codified protections and the culturally historic idea of Commercial Sporting Camp”?

Key Principles (group identified):

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Conceptual Solutions:

1. Clarify whether or not Commercial Sporting Camps can include self-contained cabins.

Pros:

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Cons:

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Proposed Discussion Points:

- The file for the 2000 LURC rule change indicates that housekeeping cabins; are self contained cabins considered to be housekeeping cabins? If so, remove issue item; no action necessary?

Group Response:

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D. Change of Use – Over time many facilities seek to change to some other uses (e.g. commercial sporting camp that changes to a private fin and feather club facility or to a group camp)

Key Principles (group identified):

- Expand and otherwise update use listings and definitions to be more accurate and informative to current and anticipated development needs
- Categorize facilities (use listings) based on impacts and by subdistrict
- Consider performance-based impacts rather than regulated-use-impacts, with specific attention to human impact (number of people)

Conceptual Solutions:

1. Change of use – Create an appropriate standard and/or definition that would enable a facility change between various types of uses within the category of facility.

Add standard clarifying how a change of use may occur

Add a definition of Change of Use:

Pros:

- This concept would build upon other solutions suggested herein and further build flexibility for facilities provided the change would still constitute a 'similar impact'

Cons:

- This approach does not remove the need for a permit where the change of use would then define the development as a facility of a different category (e.g. a Category B facility chooses to change its use such that it no longer constitutes a Category B facility; then if a Category C facility is allowed within the subdistrict then a permit would be required.

Proposed Discussion Points:

- Does this type and amount of flexibility address industry needs and provide appropriate resource protections in a fair and balanced way?

Group Response:

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E. Conversion – Over time many facilities seek to convert to some other category of use (e.g. commercial sporting camp converted to a residential subdivision). Can facilities be converted to another, very different, category of use? If so, how can that conversion occur while maintaining fairness, landowner equity, appropriate review, and predictability?

Key Principles (group identified):

- Expand and otherwise update use listings and definitions to be more accurate and informative to current and anticipated development needs
- Categorize facilities (use listings) based on impacts and by subdistrict
- Consider performance-based impacts rather than regulated-use-impacts, with specific attention to human impact (number of people)
- Logical, natural conversions should not trigger a rezoning

Conceptual Solutions:

1. Conversion – If a facility wishes to convert to another use then options currently exist to: i) allow a change to another use that is allowed within the existing subdistrict; and/or ii) the site could be rezoned to another subdistrict. However, additional research should be completed in order to determine whether or not there are more specific clarifications that are warranted.

Pros:

- Other changes considered herein should make improvements in options to convert.

Cons:

- These conversion standards will result in restricting some operations from converting to another use; but such restriction is viewed as an appropriate balance of the Commission's responsibilities and landowner rights.
- Conversion must be balanced with any special allowances provided to such facilities (e.g. commercial sporting camps are allowed to reconstruct in an existing nonconforming location because

Proposed Discussion Points:

- What specific point has been the issue in regards to conversion to another use?

Group Response:

F. **Accessory Uses** – A number of facilities tend to include accessory uses (e.g. a campstore, sale of gas, bait, etc.). However, typically retail stores are only allowed in a development subdistrict. **To what extent can we accommodate accessory uses without compromising the resource or requiring a rezoning?**

Key Principles (group identified):

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Conceptual Solutions:

1. Clarify and quantify incidental accessory uses (e.g. category X recreational lodging facilities may include XYZ as accessory uses). This concept would need to specify and quantify the types and intensities of these uses (e.g. up to Y square feet/ up to Y% of allowed facility square footage; etc.)

Add a definition of camp store or incidental retail:

Camp Store (or Incidental Retail) – The use of a building for limited retail sales pertinent, and incidental to the primary facility that provides on-site goods and/or services to primarily meet the needs of facility guests, and that while they may be patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Such facilities are intended to provide opportunities for the sale of facility merchandise (e.g. hats, shirts, patches, etc), fishing tackle, and ammunition, though some small component may include unprepared food, candy, snacks, beverages, and/or ice. An incidental retail store must be accessory and secondary to the primary use of the property. An incidental retail store does not include, partially or wholly: restaurant, food counter, convenience store, etc.

Pros:

- Provides flexibility [the degree of balance will depend upon the specific details or performance standards]

Cons:

- May be difficult to be specific enough while retaining flexibility, clarity, and simplicity.

Proposed Discussion Points:

- According to what performance standards or thresholds should this use based?

Group Response:

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G. Transient Occupancy (Campgrounds) – State statute defines transient occupancy² as “occupancy that does not exceed 120 days in a calendar year.” However, some campgrounds rely upon customers that rent a site for the whole season, leaving their RV at that site continuously. How do we strike a balance of allowing seasonal sites/clientele within campgrounds while providing appropriate resource protections and non-exclusive use?

Key Principles (group identified):

- Allow landowner to choose whether or not to restrict length of occupancy
- Ensure that RVs/camping structures do not degrade into environmental or safety risks

Conceptual Solutions:

1. Clarify that “transient occupancy” (i.e. “campsite”) does not apply to a campground.

Campground:

Any area, other than a campsite, designed for transient temporary occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter on 5 or more camping sites. Campground includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. Campground does not include parking lots or areas where camping is not authorized.

Pros:

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Cons:

- Campsites currently require a reduced setback, when compared to other uses; that reduced setback is presumed in part to be a balance point for limiting use to transient occupancy. If transient occupancy is relaxed, then is a change warranted to the setback requirements?

Proposed Discussion Points:

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Group Response:

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2. Add standards for campgrounds (balance the proposed allowance for seasonal units within a campground with necessary regulatory purposes). The standards might cover:

- a. RVs and other structures at individual sites shall not have permanent foundations, or accessory structures (such as porches, screen room, etc.) that were not part of, or installed, by the manufacturer of the RV.
- b. Wastewater shall be managed and processed in a sufficient and appropriate manner.
- c. If a campground is converted to another use:
 - i. the location of individual sites, RVs, or other structures at individual sites do not establish a vested right (e.g. if a campground is subdivided, the new lots would need to

² Statutory definition for Transient Occupancy added 1995, “...occupancy for 14 or fewer days in any 30-day period.”; Revised 2001, “...occupancy that does not exceed 90 consecutive days.”; Revised 2009, “...occupancy that does not exceed 120 days in a calendar year.”

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meet subdivision design standards and therefore would not necessarily be able to remain in the same configuration as the campground);

- ii. the location of 'permanent structures' (office, store, bathhouses, recreation buildings, etc.) may be able to remain and/or converted to another use, in conformance with other provisions of the Commission's Land Use Districts and Standards

Pros:

- Some set of standards are critical to balancing the proposed allowance for seasonal units within a campground.

Cons:

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Proposed Discussion Points:

- Check with DHHS regarding the wastewater perspective.

Group Response:

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H. Campsites – (Structures) – State statute defines “campsite”, in part, as not having access to pressurized water or permanent structures other than outhouses, picnic shelters, or lean-tos. However, many individual owners wish to develop a campsite on their own property for their own use. In many cases they may wish to have electricity at the site or an accessory structure in which to store their camping supplies, boating gear, etc.

Key Principles (group identified):

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Conceptual Solutions:

1. Distinguish between exclusive use campsites and non-exclusive use campsites – Clarify all appropriate use listings regarding campsites (i.e. #. Campsite: public, commercial and private). Also, consider as balance: i) only public and commercial campsites allowed to meet reduced setback; private campsites must meet residential setbacks; ii) consider whether or not establishing a reasonable square foot limitation on accessory structures at private campsites will be appropriate.

Campsite:

“A **public or commercial** camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “Campsite” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner’s recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission’s comprehensive land use plan.” 12 M.R.S.A §682(15). The term “tents” includes but is not limited to tents with ground level platforms not to exceed 150 square feet in area. The shelters for picnic tables shall not exceed 120 square feet in area.

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Pros:

- Provides necessary distinction between private campsite and those for public or commercial purposes;
- Provides individual landowners necessary and logical ability to have modest accessory structures and power available.

Cons:

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Proposed Discussion Points:

- Investigate if and how this distinction can be made (i.e. revise statute?, revise Commission rules?, other?) given the definition of "Campsite" in statute/law.

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Group Response:

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2. Revise statutory definition of "Campsite"

"Campsite, Commercial or Public. "Campsite" means a commercial or public camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Campsite" does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission's comprehensive land use plan." 12 M.R.S.A. Section 682,15

Add a definition for Private Campsite:

Campsite, Private. "Private campsite" means a private camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. "Private Campsite" does not include a "Commercial or Public Campsite" and therefore are intended for private use by the landowner. A private campsite may be designed to contain a maximum of 4 camping sites for temporary occupancy.

Add standards for private campsites:

Private campsites may include:

- access to pressurized water and electrical services; p
- limited permanent structures including the following:
 - Outhouses, fireplaces, picnic table shelters, and lean-tos
- limited accessory structures: not to exceed 500 square feet and shall not be used for human habitation; larger structures or structures used for human habitation shall constitute a residential use and therefore no longer constitute a Private Campsite.

Revise 10.26,D,4 [Minimum Setbacks]:

4. The minimum setbacks for campsites and any allowed structures are:

- a. Commercial or Public Campsites: shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines.
- b. Private Campsites: shall meet the setback requirements of 10.26,D,1.

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- c. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

Pros:

- provides an appropriate clarification between private and commercial/public campsites

Cons:

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Proposed Discussion Points:

- Investigate if and how this distinction can be made (i.e. revise statute?, revise Commission rules?, other?) given the definition of "Campsite" in statute/law.

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Group Response:

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- I. Uses Requiring a Rezoning – When a use is not allowed in a subdistrict then a rezoning is necessary; the Commission must rely upon specific criteria (10.08), including “adjacency” - the principle that development should be generally within 1 mile from existing compatible development (e.g. existing development of similar type, use, occupancy, scale and intensity to that being proposed...). Many recreational lodging operations seek out or require secluded sites and demonstrating adjacency proves challenging.**

Key Principles (group identified):

- Logical, natural conversions should not trigger a rezoning
- My facility has been there for 120 years, I don’t want to see things change; development on the lake means that what my clients came for isn’t available anymore

Conceptual Solutions:

1. Consider establishing criteria to allow by Special Exception certain types of facilities within the General Management Subdistrict (M-GN).

The following uses may be allowed within M-GN and P-GP subdistricts as special exceptions upon issuance of a permit from the Commission provided that

- (a) the use can be buffered from other uses with which it is incompatible;
- (b) site has direct access to a municipal, county, state or federal route;
- (c) the site is near organized towns, villages, or cities; and
- (d) the site is near companion attractions, services, and/or cultural features:

- (1) XYZ Recreational Lodging Facilities

Pros:

- This approach is poised to make a valuable and necessary refinement as a companion to other options discussed herein, specifically Use Listings and Categories of Uses.
- This approach further minimizes those uses or locations that would require a rezoning through an existing tool, Special Exceptions, which provides reasonable predictability and flexibility and is primarily based on location.
 - o This tool is an important component to appropriately providing a ‘sliding scale’ for uses over a range of intensities (e.g. uses allowed with a permit; uses allowed by special exception; uses that should require a rezoning).
- Given that the M-GN Subdistrict includes over 80 percent of the jurisdiction, the Commission must be cautious about the uses that are allowed; this option provides a controlled manner to overcome that limitation in a logical and productive way.

Cons:

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Proposed Discussion Points:

- Note that this item issue may be minimized by solutions contemplated as part of the Use Listings and Categories of Uses, both discussed above.

Group Response:

IV. OTHER ITEMS

The following issues and conceptual solutions may be worth pursuing further; however, solutions may be more difficult and/or time consuming to work through and implement. While feedback is welcomed, Session 2 is likely to not include time to focus upon these items.

A. Dimensional (Standards) – Dimensional requirements are utilized for a number of purposes (e.g. safety, separation of uses, environmental purposes, etc). In regards to setbacks, allowing some development to be closer to interior roads makes sense, but we must also consider what happens as the road use increases or the use converts to another use?

Key Principles (group identified):

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Conceptual Solutions:

1. Apply residential setbacks and standards to components of commercial development that are similar to residential uses (e.g. rental cabins).

Pros:

- Change would be consistent with statutory³ allowances and the Commission's rules⁴ for cabins housing guests of a commercial sporting camp
- Reduces conflicts if and when a use is converted

Cons:

- This action will reduce setbacks and therefore may, partially, reduce compatibility between uses.

Proposed Discussion Points:

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Group Response:

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2. Better distinguish between the idea of "Roadway", "Driveway" and "interior road" in a functional way based on the type of road and/or type of use (see Road Classifications, Section 10.25,D,4,a). Specifically, update 10.25,D,4,a and revise 10.26,D (setbacks) based on road classification.

Pros:

- Provides common sense to the administration of LUPC rules [at the cost of effective longer-term planning principles]

Cons:

- This type of change does not address future conversion of the road to a through road.
- This action may necessitate a limitation of conversion; conversion and relaxed standards must be balanced.

Proposed Discussion Points:

³ Title 12 Section 685-A,5.

⁴ Chapter 10, Section 10.26,D

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- This item may be bigger than just recreational lodging; consider deferring to a separate rule making effort.

Group Response:

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B. Flexibility – How can LUPC’s standards provide additional flexibilities without making the standards unnecessarily complex?

Key Principles (group identified):

- Assess impact by looking at facility’s long range development plan
- Allow flexibility and trade-offs between activities and uses that result in more or less impact
- Within categories, allow for easy changes
- Fewer restrictions on private facilities than public facilities

Conceptual Solutions:

1. Implement ability for “Landowner / Facility long range development plan”

Pros:

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Cons:

- Requires more from landowner and agency on a regular basis (likely to be too labor intensive for what flexibility could be provided.)
- Ability to deliver simplistic flexibility within a system less stringent than a Planned Development Subdistrict (D-PD) remains to be seen.

Proposed Discussion Points:

- This option currently exists (Planned Development Subdistrict (D-PD) and concept plans), which are labor intensive given the complexities of the tools. Is this the type of landowner long-range development plan envisioned?

Group Response:

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2. Consider overall development potential for a waterbody when considering clearing and setbacks for recreational lodging facility (e.g. if a sporting camp is the only development on a waterbody the risk is reduced that other uses could be impacted by the increased visibility of the facility).

Pros:

- Provides flexibility and could meet some resource protections

Cons:

- Option would require current ownership of all shoreland areas and future deed restrictions against development to ensure that no other uses would be impacted.
- Option might create an inequity between owners

Proposed Discussion Points:

- Given the likely protections that would need to accompany this type of option, is this worth pursuing further?
- Are there other ways to consider this concept and provide adequate balance?

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Group Response:

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3. Reconstruction – Provide to more recreational lodging uses the same “reconstruction in place” allowances that are currently afforded to Commercial Sporting Camps.

Pros:

- Allows structures to be replaced in place

Cons:

- Option might necessitate being less permissive for conversion or other provisions because as a whole these new allowances would create a problematic loophole to existing requirements for other uses.
- Perpetuates an inequality between property owners
- Reduces the core value of having setbacks
- Increases opportunity to circumvent Commission’s rules
- Perpetuates an unfair situation between existing uses versus new uses.

Proposed Discussion Points:

- Given the likely protections that would need to accompany this type of option, is this worth pursuing further?
- Are there other ways to consider this concept and provide adequate balance?
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Group Response:

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4. Setbacks – reduce setback requirements for certain uses (e.g. allow a new commercial sporting camp to be constructed very close to the lake).

Pros:

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Cons:

- If balancing of various statutory purposes is achieved, this new option would make other allowances (conversion, change of use, adjacency, etc) discussed in this document less appropriate
- Perpetuates an inequality between property owners
- Reduces the core value of having setbacks
- Increases opportunity to circumvent Commission’s rules

Proposed Discussion Points:

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Group Response:

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C. Signs –Issue: LUPC’s sign standards may not fully contemplate larger developments which necessitate multiple signs throughout the property, for example: directional or road signs, identification signs (e.g. the main sign when entering the property, signs identifying a cabin or amenity, etc); educational signs (e.g. public access, road safety, etc.).

Key Principles (group identified):

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Conceptual Solutions:

1. Revise sign standards to clarify how large parcels and sites with multiple development components relate to standards (10.27,I). [Solution may best fit as part of any new recreational lodging standards established for 10.27,Q., discussed herein]

Pros:

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Cons:

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Proposed Discussion Points:

- This issue may involve more than just Recreational Lodging; if time constraints necessitate a prioritization of work on solutions, defer this item to another rule making effort.

Group Response:

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D. Coordination of regulations from multiple agencies – Issue: Depending upon the type of development, various state agencies can be involved/permits may be required from various agencies. Further, each agency utilizes different rules or definitions for arguably the same type of development.

Key Principles (group identified):

- Agencies should better coordinate approval process (one stop shopping)
- Process and requirements too complex
- Consistency between different agency rules important

Conceptual Solutions:

1. Unify defined terms with those of other agencies as appropriate.
2. One stop shopping – Improve knowledge and use and functionality of www.maine.gov/online/businessanswers/ (a state portal to getting license and permit advice based on the type of development being considered). This added functionality might include: distinction of location of proposal; expansion of the type of business proposed (e.g. list does not include a number of common or critical types of business); add “expand or change a business, not just “start”. Conceptual action may include LUPC and stakeholders providing to the Department of Economic and Community Development a list of suggested edits for the website tool.

Pros:

- Improves customer service and therefore better encourages economic activity
- Potential for significant, up-front identification of various agencies requiring approval
- Solution has significant value beyond just recreational lodging; value for all businesses (depending upon revisions, could have value for non-business development)

Cons:

- Does not necessarily change the need for permits from various agencies
- Would require agencies to add coordination with separate webmaster when rules are amended such that questions on website need to change.

Proposed Discussion Points:

- From industry perspective, could this type of technological tool help?

Group Response:

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