

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

STAFF RESPONSE

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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:

- 1) **Use Listings** – categorize recreational lodging uses based on performance and resource goals;
- 2) **Definitions and Standards** – revise and otherwise update assorted definitions and standards that are problematic or inappropriately restrictive for recreational lodging uses and businesses; and
- 3) **Subdistricts** – create appropriate options for those facilities that may still need to rezone to a more suitable subdistrict

The following document attempts to respond to stakeholder feedback by further developing concepts. **Please note that these are truly only concepts** – all aspects and components of this document are open for discussion.

For the sake of clarity, communication, and efficiency, we ask you to consider the following questions when reviewing, discussing and commenting on these concepts:

- Setting aside any conceptual details, is the idea (e.g. use categorization, standard, factor, subdistrict, etc.) worth pursuing or not?
- Are these the right set of factors and are there too many?
- Where detail is provided, are the thresholds or number ranges reasonably appropriate? And if not, what should they be? If they are appropriate, do you have thoughts on what the specific number should be?

Given the Commission’s directive to by year’s end solve as many known issues as possible, knowing where to focus our efforts will be critical, but also receiving suggested solutions will best ensure we understand your concern and that we’ll have the time to address the maximum number of issues.

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

Under this concept, the following components would be incorporated where appropriate into the LUPC's Chapter 10 rules.

Recreational Lodging Facilities include site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities are generally resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these uses. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are generally described as follows:

Level A Facilities have minimal impacts on the natural and man-made resources within the development site and surrounding areas. Level A facilities are remote by definition and the standards for these facilities are designed to maintain remoteness.

Level B Facilities have low impacts on the natural and man-made resources within the development site and surrounding areas. Level B facilities are semi-remote by definition and the standards for these facilities are designed to maintain semi-remoteness.

Level C Facilities have moderate impacts on the natural and man-made resources within the development site and surrounding areas. Level C facilities are often resource-based and the standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas.

Level D Facilities have moderate to high impacts on the natural and man-made resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the greater region. Level D facilities may be resource-based and the standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas.

Level E Facilities have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region. Level E facilities may be resource-based and the standards for these facilities are designed to allow large scale development while conserving the natural resource and recreation values of the development site and surrounding areas.

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Part A. Initial categorization

*** Unless otherwise noted, factors were identified by stakeholders; bolded factors represent the top six factors as prioritized by stakeholders. ***

The following table outlines the factors used to determine what category a recreational lodging facility fits into and subsequently which subdistricts allow such a use. The highest of all factors determines category. *For example: if a site meets all the factors of a Level C facility except that the facility chooses to include a single incidental fuel pump, then the facility would be regulated as a Level D facility.*

Facility elements may be allowed and permitted as a separate use in a given subdistrict (e.g. restaurant, store, fuel sales, equipment rental, services, etc.). However, if proposed as part of a recreational lodging development, or proposed by the same property owner/developer in close proximity to a proposed recreational lodging development, then that facility element must be considered for categorization purposes.

Factors	Recreational Lodging Categories				
	Level A	Level B	Level C	Level D	Level E
Facility Elements <i>(factor added by LUPC staff)</i>					
<i>Dining</i>	• none	• private/self-serve dining facilities	• private/self-serve and/or common dining facilities	• private/self-serve and/or common dining facility; and/or • dining facility available to public on incidental basis	• private/self-serve and/or common dining facility; • dining facility available to public on incidental basis; and/or • restaurant available to public
<i>Utilities</i>	• no public utilities • no indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing	• may have public utilities • may have indoor plumbing
<i>Other features</i> <i>Retail</i>	• none	• incidental retail ≤100 sf	• incidental retail ≤200 sf	• incidental retail ≤300 sf	• incidental retail ≤500 sf
<i>Fuel sales</i>	• none	• none	• none	• incidental fuel sales, 1 pump	• fuel sales, 2 pumps
<i>Recreation – Services</i> <i>(equipment rental, guiding services, rafting base)</i>	• none	• ≤100 sf of indoor or outdoor space	• ≤200 sf of indoor or outdoor space	• ≤200 sf of indoor or outdoor space	• ≤500 sf of indoor or outdoor space
<i>Recreation – Activity</i> <i>? How do/could sports fields fit?</i>	• none	• none	Low impact activities:	• Medium impact activities:	• High impact activities:
<i>Noise/odors inherent in activity</i>	NA	NA	<i>Little or none</i>	<i>Occasional</i>	<i>Routine</i>
<i>Likely visibility from waterbody/trail used by public, or neighboring properties??</i>	NA	NA	<i>None or low</i>	<i>Occasional</i>	<i>Very likely</i>
<i>Utilized by non-guests</i>	NA	NA	<i>No</i>	<i>Incidental use by others</i>	<i>Routine use by others</i>
<i>Examples include but are not limited to:</i>	NA	NA	<i>climbing wall, ropes course, etc.</i>	<i>small shooting range, low-development paintball, etc.</i>	<i>large shooting range, highly developed paintball, waterpark, motorized sports</i>

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					<i>track, etc.</i>
Factors	Recreational Lodging Categories				
	Level A	Level B	Level C	Level D	Level E
Dimensional Factor (<u>floor area</u> or footprint of principle buildings)	≤1,000 sf	≤8,000 sf	≤12,000 sf	≤20,000 sf	>20,000 sf
Overnight occupancy capacity (# of beds/pillows/campers) <i>?consider #/acre of waterbody?</i>	≤X Possibly 60-80?	≤X Possibly 60-80?	≤X Possibly 70-100?	≤X Possibly 90-120?	>X Possibly >150?
Footprint of clearing <500 feet from waterbody	≤X Possibly <2-4 times the dimensional factor (see above); may depend whether or not the greater than and less than 500 feet from the waterbody clearing factors are additive.				
>500 feet from waterbody	≤X Possibly <4-6 times the dimensional factor (see above); may depend whether or not the greater than and less than 500 feet from the waterbody clearing factors are additive.				
<i>The following examples are provided only to aid in discussing this conceptual Use Categorization Table. These ideas are currently thought of as 'book ends'; most of our discussion will need to focus on how to deal with the middle ground.</i>					
<i>Examples</i>	<i>Remote campgrounds, remote rental cabin</i>	<i>Campground, rental cabins (few), outpost cabins</i>	<i>CSC, campground, rental cabins (mod. #), backcountry huts</i>	<i>Rental cabins(high #), CSC, youth camp, campground, backcountry huts</i>	<i>Hotel, motel, resort, large youth camp, large backcountry hut, very large campground</i>
<i>Allowed with a <u>permit</u></i>	<i>Management subdistricts and certain protection subdistricts</i>	<i>Most likely examples: M-GN; D-RS?</i>	<i>Most likely examples: M-GN; D-GN; D-CI</i>	<i>Most likely examples: D-CI; D-GN; New Rec</i>	<i>Most likely examples: D-CI; D-GN; New Rec; D-PD</i>
<i>Allowed by <u>special exception</u></i>	<i>Certain protection subdistricts?</i>	<i>Most likely examples: D-RS?</i>	<i>Most likely examples: P-FP; D-GN3; D-ES?</i>	<i>Most likely examples: M-GN?; D-GN2; D-RS?; P-FP; P-SG [only limited accessory uses, structures (e.g. rock climbing etc.)]</i>	<i>Most likely examples: P-FP; P-SG [only limited accessory uses, structures (e.g. rock climbing etc.)]</i>
<i>Likely Subdistricts, of concern / specifically <u>not allowed</u></i>	<i>Most development subdistricts</i>	<i>Most likely examples: D-CI; D-MT</i>	<i>Most likely examples: D-MT</i>	<i>Most likely examples: M-GN?; P-GP2; P-AL; D-MT; D-RS2; D-RS3</i>	<i>Most likely examples: M-GN; P-AL; P-AR; P-GP2; D-MT; D-RS</i>

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Part B. Categorization Adjustment or Special Exception Criterion	
<p><u>Concept:</u> While the categorization of uses approach is intended to address permitting issues for most facilities or otherwise appropriately streamline permitting in most locations; opportunities seem to exist where a “bonus” would be appropriate for those facilities that are particularly well sited. Specifically this concept is intended to provide flexibility to property owners and allow higher intensity recreational lodging facilities in more appropriate or less sensitive areas, and/or where the property owner/developer is willing to take extra steps to minimize impacts from the proposed development. The following describe a couple alternatives to implement this concept.</p>	
Factor	“Bonus”
<p>1. Provide a “bonus” or “reward” to those facilities that are located in a more appropriate or less sensitive area. Staff has identified at least two possible mechanisms to identify “more appropriate areas”:</p> <p>a. IF, a facility were located within 5-10? miles (straight line) from a service center AND within ½ -1? miles (straight line) of a town, county, state or federal route;</p> <p>b. IF, a facility were located in a pre-identified township or plantation (like Level 2 Subdivisions, 10.25,Q,2)</p> <p>? Policy decision: staff will need to confer with the Commission to determine whether or not these facilities would serve toward other development meeting the adjacency criterion, or only for other recreational lodging facilities – that could change how the policy could be implemented?</p>	<p>Staff has identified two possible mechanisms to provide a commensurate bonus for this factor:</p> <p>a. THEN, the facility will be regulated as one level lower than the facility level that the proposal meets, as determined above (e.g. In part A, above, consider a proposal that would be classified as a Level C facility. However, the proposal also meets the categorization adjustment described to the left, then the facility would be allowed where a Level B facility is allowed.)</p> <p>b. THEN, the Level X facilities are allowed by special exception in the M-GN Subdistrict</p>
<p>2. IF, a facility/proposal includes legally binding provisions that:</p> <ul style="list-style-type: none"> - requires an increased vegetative buffer from roads and waterbodies by/of XXXX; or - requires an increased road or waterbody setback of XXXX more than is otherwise required; 	<p>THEN, that facility may include XXXX square feet of additional square footage beyond what is allowed by the category.</p>

Items needing additional discussion and work:

1. Resource Goal – We heard that relating the amount of development to the resource goal is important to both flexibility and to the protection of resources. This categorization tool improves clarity and flexibility of what a facility can include and where it is allowed, which should reduce the need for rezoning. However, some subdistricts are so broad (e.g. “not all M-GN is the same”) and given the increased development opportunities considered as part of this recreational lodging effort, some resources may be under an increased risk – two points that seem to indicate that additional consideration of a few resource goals (e.g. P-AL, P-GP2, P-RR) may be necessary. Is there a factor that would be appropriate here? Or are there clear standards that would be appropriate as part of allowing one or more of these facility levels through a special exception?
2. Proximity to other facilities – Staff needs more information and clarification on this item, is this a factor: of density (e.g. distance) or remoteness (e.g. experiential); or a factor between two or more facilities, between other development and a facility, or a factor of the carrying capacity of a resource?
3. Consider how to differentiate between core facility elements that may not be appropriate in a subdistrict, but also appropriately accommodate the ‘accessory uses’ that will need to be allowed in locations where main facility may not be allowed: trails, docks, water dependent structures, etc.
4. Elements must be common ownership? What about a collection of dwellings on contiguous properties all owned by different people but rental is managed by one company? What about a Level E facility that might end up with a hotel and rental cabins, but the restaurant is later owned by a second entity?
5. Need to address expansion of a legally existing nonconforming facility where it changes the category of the facility.

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Factors not included

Stakeholders identified and prioritized a list of factors, many of which were included in this proposal. The concept of categorizing uses based upon a set of factors must utilize factors and thresholds that are measurable but also as a whole ensure that the system is manageable. The following factors were suggested by the group but in attempting to implement them, staff found that these factors are very challenging to objectively describe and measure or are already dealt with through other measures.

Factor	Description of reasons not included
Type of use: motorized or not; group or not; managed or not; on-site or not; natural resource dependent	<ul style="list-style-type: none"> • While this factor may play a role in the impacts of a facility, it is impractical to regulate the potentially changing nature of uses at a site given the resources and priorities of the agency and Commission. • Difficult to quantify if a combination of uses is proposed; and • Impacts based on type of use are more appropriately addressed by other factors which are currently considered.
Setback from waterbody	<ul style="list-style-type: none"> • Setbacks and buffers are addressed by existing standards; and
Vegetative Buffers	<ul style="list-style-type: none"> • Flexibility regarding these standards is provided in the “Part B. Category Adjustment” section.
Management structure (on-site oversight)	<ul style="list-style-type: none"> • Management structure may not be a good indicator of impact and such a factor would likely create a challenge for enforcement staff
Anticipated Traffic Trips	<ul style="list-style-type: none"> • Too much of a burden for smaller operations; and • Difficult to quantify if a combination of uses is proposed
Noise	<ul style="list-style-type: none"> • This factor is addressed by existing standards; and • Other factors (# of guests, setbacks, etc.) will supplement existing noise standards
Solid waste disposal	<ul style="list-style-type: none"> • Regulated by other state/county agencies
Visibility [visual impact]	<ul style="list-style-type: none"> • Clearing and scenic standards in existing rules address this factor in part. Additional considerations are included in the Part B. Categorization Adjustment section below.
Amount of on-site use area	<ul style="list-style-type: none"> • Covered by Dimensional Factor and Footprint of Clearing factors.

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”.

This section includes concepts for new and revised definitions, and standards for various aspects of recreational lodging facilities.

This section utilizes “tracked changes”. Underlined text represents conceptual text that would be added to the applicable rule; ~~stricken~~ text represents conceptual text that would be deleted from the applicable rule.

10.02 DEFINITIONS

Bed and Breakfast: An owner-occupied, single-family dwelling comprising a single residential building and its accessory structures, in which up to six sleeping rooms are rented for a fee for transient occupancy by guests. ~~Breakfast is the only meal to be served to overnight guests~~ Meals are provided to overnight guests but not to the public at large. There must be no kitchen facilities in rented rooms and no separate ownership of rooms.

NOTE: Consider revising Chapter 10 to apply the Bed and Breakfast definition and use listing to the whole jurisdiction as it is currently limited to only the Rangeley Prospective Zoning Plan Area.

Bunkhouse: An accessory structure consisting of a detached ~~bedroom~~ sleeping quarters having no plumbing, for the temporary accommodations of ~~non-paying~~ guests of the property owner while the owner is an occupant of the principal dwelling. A bunkhouse can be no larger than 50% of the footprint of the principal dwelling unit.

Campground: ~~Any area, other than a~~ A group of campsites, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter, without structural additions to or removal of wheels from vehicles admitted. Campground does not include Residential Campsites.

Campsite, Residential: A camping location containing tents, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device used for non-public and/or non-commercial camping. “Residential Campsite” may 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. Such other permanent structures shall not exceed 100 square feet in floor area. A campsite may be designed to contain a maximum of 1 camping site for transient occupancy by 12 or fewer people. The Commission may require a residential campsite permit if it determines that the recreational policy is inconsistent with the Commission’s Comprehensive Land Use Plan. 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.

Conversion of Use: The alteration of a use or structure such that the use or structure constitutes a different Use Listing or Defined Term.”

Commercial Sporting Camp: A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than a transient ~~lodging facility~~ development unit or a base of

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operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and may typically consist of, but not necessarily include, all of the following: a number of cabins for the housing of guests including ~~housekeeping~~ cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. ~~Outpost cabins are considered a part of the commercial sporting camp.~~ A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. ~~Such a facility shall have a total floor area no greater than 10,000 square feet for all principal buildings associated with the facility.~~

Commercial Use: The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or incidental sales of goods or services as may be allowed within a recreational lodging facility or forest management activities where such activities are otherwise exempt from review.

Incidental: A use or structure that is subordinate to and dependent upon the principal use or structure. An incidental use or structure shall provide only limited services or purpose for the convenience of guests, and that, while they may be occasionally patronized by others, are not of a type, scale or design intended to meet the needs primarily of the greater region. Examples may include a campstore within a campground. Uses and structures that are not incidental are regulated as a separate use.

Outpost Cabin: A building used primarily as part of a Commercial Sporting Camp on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in an isolated and remote setting. Outpost cabins located more than ———1,320 feet/miles from a Commercial Sporting Camp are not considered in determining conformance with the limitation to ———the applicable limitation of square feet of floor area. Placement of these buildings does not create a lot for subsequent lease or sale.

Recreational Lodging Facilities include site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities are generally resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these uses. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are generally described as follows:

Level A Facilities have minimal impacts on the natural and man-made resources within the development site and surrounding areas. Level A facilities are remote by definition and the standards for these facilities are designed to maintain remoteness.

Level B Facilities have low impacts on the natural and man-made resources within the development site and surrounding areas. Level B facilities are semi-remote by definition and the standards for these facilities are designed to maintain semi-remoteness.

Level C Facilities have moderate impacts on the natural and man-made resources within the development site and surrounding areas. Level C facilities are often resource-based and the standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas.

Level D Facilities have moderate to high impacts on the natural and man-made resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the greater region. Level D facilities may be resource-based and the standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas.

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Level E Facilities have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region. Level E facilities may be resource-based and the standards for these facilities are designed to allow large scale development while conserving the natural resource and recreation values of the development site and surrounding areas.

Recreational Vehicle: For purposes of regulating development in flood prone areas, a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; ~~and~~
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- e. without structural additions to or removal of wheels from vehicles.

Remote Camp: A dwelling unit consisting of not more than 750 square feet of gross floor area, that is not served by any public utilities providing electricity, water, sewer, or telephone services, except radio communications.

10.21 THROUGH 10.23 SUBDISTRICTS

Use Listings: The following example illustrates how Recreational Lodging Facilities would be listed in any given subdistrict.

Uses Requiring a Permit

- o Lodging Facilities, Recreational: Category XX, and YY in accordance with Section 10.27,Q,1 [see sample language for a draft of 10.27,Q below]

Special Exceptions

- (1)Lodging Facilities, Recreational: Category XX in accordance with Section 10.27,Q,1

Confirm whether or not other use listings need to be added. Likely candidates include those uses that do not warrant being included within the “Recreational Lodging Facilities” use listing, specifically:

Campsite

Campsite, Residential (add this use listing as appropriate – likely candidates include in all subdistricts where residential uses are allowed)

10.26 DIMENSIONAL REQUIREMENTS

D. MINIMUM SETBACKS

1. The minimum setbacks for structures, other than those described in Section 10.26,D,2 and except as provided in Section 10.26,G are:
 - a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - c. 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
 - d. 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5;
 - e. 20 feet from the traveled portion of all roadways on coastal islands; and
 - f. 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, ~~and those structures within a sporting camp complex~~ recreational lodging facility constructed solely for the housing of guests, ~~and residential campsites~~.

2. The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26,D,1 and 3 and except as provided in Section 10.26,G and 10.27,Q are:
 - a. 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - c. 75 feet from the traveled portion of the nearest roadway except as provided for in Section 10.26,D,2,d below;
 - d. 20 feet from the traveled portion of all roadways on coastal islands; and
 - e. 25 feet from the side and rear property lines.

Except as provided for in Section 10.26,D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a ~~sporting camp complex~~ recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.

4. Campsites.

- a. 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. Any structure located at or as part of a campsite shall also be set back 75 feet from the upland edge of wetlands designated as P-WL1 subdistricts. Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.
- a.b. 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.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

- ~~9. The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.~~
16. The Commission may apply the dimensional requirements and standards for recreational lodging facilities in accordance with Section 10.27.Q.
17. An exception may be made to road setback requirements for campsites within a campground where the road is wholly internal within the campground.

10.27 ACTIVITY-SPECIFIC STANDARDS

10.27, Q RECREATIONAL LODGING FACILITIES

All new recreational lodging facilities, and substantial improvements to existing recreational lodging facilities, must be developed in conformance with the standards of this Section or in accordance with other applicable provisions of this Chapter. If the requirements the standards below are at variance with the requirements of any other provisions of this Chapter, or other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreational and historic resources governs.

1. Recreational Lodging Categories

INSERT TABLE FOR CATEGORIZING USES

2. Measuring square footage limits

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, recreation rooms, 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, storage, composting toilet infrastructure, etc.

3. Outpost Cabins

NOTE: this is a significant policy issue; staff intends to consult with the Commission regarding appropriate policies. Key considerations include:

- a. Floor area totals – Outpost cabins located more than ___ feet by trail, ___ feet by water, and ___ feet by road from the primary commercial sporting camp facility and any other outpost cabin shall not be counted toward the applicable total floor area limitations for Commercial Sporting Camps.
- b. Reconstruction – What conditions should apply to warrant providing the same reconstruction rights as currently provided to commercial sporting camps? Factors may include: ownership, density, distance, floor area relative to size of commercial sporting camp, and connection with primary commercial sporting camp.

4. Campgrounds

- 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 an 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 meet subdivision design

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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

5. Conversion of use. Recreational lodging facilities may be converted to another use provided such use is allowed within the subdistrict, shall require a permit, and in accordance with the following. The subdivision, and ultimate conversion to a residential use, of a recreational lodging facility may only occur when either:

a. The lots and structures will comply with all applicable rules including subdivision standards of 10.25,Q; OR

b. The subdivision of the facility into individual lots would not meet the necessary subdivision design standards of 10.25,Q or minimum lot standards, then

i. the principal structures may be sold individually but be limited by deed covenants to existing square footage of floor area or footprint; and

ii. the lot must be commonly owned may subdivided as a condominium residential lot

6. Water-dependent structures. Recreational lodging facilities may include water-dependent structures, specifically swimmer sign-out boards, boat racks, and/or a shed building for the storage of personal floatation devices, paddles, anchors, etc. Such buildings and structures shall:

a. Contain less than 75 square feet of floor area;

b. Not be constructed on a permanent foundation;

c. Not be habitable or inhabited;

d. Be located no less than 25 feet from the normal high water mark of any waterbody or watercourse;

e. Be used only for the purposes of this section; and

f. Be screened from the waterbody.

IV. SUBDISTRICTS

In considering the ideas expressed during the past stakeholder sessions, staff acknowledges that solving the range of issues will require a range of tools. As a result, 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, once revised and polished, are poised to solve most of the known issues, some issues will be best addressed by providing additional options when a rezoning is necessary.

The following concepts start to piece together these subdistrict tools that could be part of the Commission's rule making efforts regarding recreational lodging facilities. As with other parts of this package, **please note that the following are truly only concepts** – all aspects and components of this document are open for discussion.

First Subdistrict Concept – D-RF Subdistrict

The Recreation Facility (D-RF) Subdistrict is intended to encourage the development of moderate intensity recreation lodging facilities that are not well suited to locations in developed areas. Because the developments allowed under this Subdistrict are moderately intense, and may contain activities and structures which have an impact on surrounding areas, particularly sensitive recreational opportunities and habitats, more control over the location is warranted than for smaller, less intense facilities which may be located in management or protection subdistricts. However, since these facilities do not rise to the level of a resort or other very intense use, it is not necessary to specify that they can only be located in places that have unique resources, such as is done with Planned Development (D-PD) subdistricts.

The key issue here is what is the appropriate level of locational control for this type of facility? That may partly depend on the ultimate contents of the category listing, so the specifics here may have to change as the proposed categories become more firm. In general, though, the location should be 1) near a resource and setting that is important to recreational lodging businesses that cannot also be found in developed areas, 2) suitable so as not to create undue adverse impacts on other recreation users in the area, wildlife, etc., and 3) does not impose a substantial burden on the public for provision of services. Because, depending on how tightly drawn the locational criteria are, the location of these facilities may attract future, unrelated development, provision may need to be made for avoidance of these impacts through conservation or deed restriction measures at the rezoning stage, or site design considerations at the development permit stage.

Because a waiver of adjacency is inherently necessary in this Subdistrict, but the nature of the areas involved will not be generally appropriate for other types of commercial and industrial development, subsequent development within the subdistrict will not be the basis for adjacency for future proposals.

K. RECREATION FACILITY (D-RF)

1. Purpose

The purpose of the D-RF subdistrict is to allow for development of moderate intensity recreation facilities in locations that would not be suitable for other types of commercial development. Moderate intensity recreation facilities often rely on, and are compatible with, settings which are distant from existing patterns of development, but are relatively accessible to visitors. Such development may be appropriate in locations that provide access to recreational opportunities that are not overly sensitive to increased public use but are not present in developed areas. The D-RF

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Subdistrict is designed to allow for the location of moderate intensity recreation facilities in areas that are distant from other development, but where the location of such a facility would; not unreasonably interfere with existing uses such as forestry and agriculture activities, fish and wildlife habitat or other recreation opportunities; and will not substantially increase the demand for public services in areas that are distant from existing patterns of development. Where a D-RF subdistrict petition is granted, subsequent development in that subdistrict shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

2. Description

The D-RF subdistrict shall include:

- a. Areas that contain existing recreation facilities that meet the purpose and other provisions of the Subdistrict; and
- b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RF subdistricts:

- (1) Docking structures: Temporary docking structures for non-commercial use;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Forest management activities, except for timber harvesting;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RF subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New and expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;

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- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Hand-carry launches: Commercial and public hand-carry launches except on Management Class 1 and 2 lakes;
- (7) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (8) Road projects: Level A road projects;
- (9) Service drops;
- (10) Signs;
- (11) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
- (12) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (13) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g, h and i below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (6) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (7) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
- (8) Land management roads;
- (9) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C, and Level B mineral exploration activities;
- (10) Recreational lodging facilities: Level A, B, C, and D Recreational Lodging facilities;
- (11) Residential: Single family dwellings, two-family dwellings, and multi-family dwellings only for the provision of housing for the staff of the Recreational Lodging Facility and associated uses;

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- (12) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
- (13) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (14) Signs which are not in conformance with the standards of Section 10.27,J;
- (15) Subdivisions: commercial and industrial subdivisions for uses permitted in this subdistrict;
- (16) Timber harvesting;
- (17) Trailered ramps addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
- (18) Utility facilities compatible with residential uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (19) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (20) Water impoundments;
- (21) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following uses may be allowed within D-RF subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (1) Docking structures: New or expanded permanent docking structures;
- (2) Hand-carry launches: Commercial and public hand-carry launches on Management Class 1 and 2 lakes;
- (3) Marinas;
- (4) Trailered ramps: Commercial and private trailered ramps and public trailered ramps on Management Class 1 and 2 lakes; and
- (5) Water-access ways.

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e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-RF subdistrict.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to proposals for development units within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one development unit per shore mile as provided for in 10.23,A,3.

h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and recreation facilities, recreation lodging facilities, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
 - (a) area and shoreline length;
 - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
 - (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

i. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

Second Subdistrict Concept – D-PR Subdistrict

The Planned Recreation Facility (D-PR) Subdistrict is intended to function as a 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, but are not well suited to any of the Commission’s other subdistrict listings. Because the uses are relatively intense and have substantial impacts on the surrounding areas, they should ideally be located near existing development where no waiver of adjacency is needed. However, there are instances where a unique resource, or unique combination of resources, is required for the particular development proposed. In those cases, a careful review of the circumstances of the proposal is warranted. 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.

In addition, 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. Because most of the projects will trigger site law, careful consideration must be given to how the Commission’s rules interact with the DEP’s rules before agreeing to specific substitutions of performance based standards in place of traditional standards.

Because a waiver of adjacency is inherently necessary in this Subdistrict, but the nature of the areas involved will not be generally appropriate for other types of commercial and industrial development, subsequent development within the subdistrict will not be the basis for adjacency for future proposals.

L. PLANNED RECREATION FACILITY SUBDISTRICT (D-PR)

1. Purpose

The purpose of the D-PR subdistrict is to allow for well-planned recreation lodging and facility developments that otherwise do not meet the requirements of any of the subdistricts in section 10.21. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PR subdistrict petition is granted, the development within the subdistrict shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

The D-PR Subdistrict is also designed to encourage creative site design by allowing for the substitution, on a case-by-case basis, of performance-based standards for the Commission’s established land use standards.

2. Description

Areas separated from existing development patterns, proposed primarily for recreational lodging facilities and recreational use, but including any associated residential and commercial uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission. A D-PR Subdistrict shall contain a maximum of 40,000 square feet of building floor area. No development, other than access roads, utility lines, trails, and waterfront structures shall be less than 400 feet from any property line. (This

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dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.)

3. Permitted Uses

All uses approved in the Final Development Plan shall be permitted. No other use shall be permitted except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.

4. Ownership

An application for the creation of a D-PR subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.

5. Burden of Proof

The burden of proof is upon the applicant to show by substantial evidence that the proposal satisfies the criteria established for the creation of D-PR subdistrict.

6. Procedure

The Planned Recreation Facility review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Preliminary Development Plan; and
- (3) Submission of Final Development Plan.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan that meets the requirements specified herein. The Commission shall provide notice of the application as described in Chapter 4 of the Commission's rules, and a hearing may or may not be held. Thereafter, the Commission may approve or deny the petition. An approval will amend the subdistrict(s) to a D-PR subdistrict and will include a preliminary development approval that specifies under what conditions, if any, the Commission will accept the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed except for activities necessary to gather site data for the Final Development Plan until a Final Development Plan is submitted and approved. Necessary site data gathering activities must be consistent with the proposed description as submitted in the Preliminary Development Plan and are allowed without a permit.

7. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and, if warranted for the particular proposal, representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PD application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations.

8. Preliminary Development Plan

a. Application

The Preliminary Development Plan shall include: Evidence that the proposal conforms with the Commission's the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A. §685-B(4) will be satisfied, including consistency with the Comprehensive Land Use Plan; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff shall make known its findings and recommendations, in writing, to the Commission.

The following items are required to be submitted with any Preliminary Development Plan application:

Written Statements and maps: This will be a scaled-down version of what the D-PD requires

b. Criteria for the Approval of a Preliminary Development Plan

After following the procedures for petitions for Subdistrict changes, consistent with Chapter 4 and 5 f the Commission's rules, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:

- (1) Conforms with the objectives and policies of the Comprehensive Land Use Plan and 12 M.R.S.A. Chapter 206-A;
- (2) Incorporates, where the land proposed for inclusion in the D-PR subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under such protection subdistrict;
- (3) Conserves productive forest and/or farm land;
- (4) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (5) Envisions a project that does not substantially increase the public services required in the area;
- (6) Provides for safe and efficient traffic circulation; and

c. Performance-based Standards

The applicant may propose that certain of the Commission's land use standards, as described in Chapter 10 of the Commission's rules, be replaced with alternative standards that measure the performance of a particular design or technology in achieving the relevant goals. The applicant may propose such a substitution for all or portions of the project area. In making such a proposal, the applicant must consult with Commission staff regarding the purpose of the particular standard and must demonstrate that the alternative standard will provide substantially equivalent or increased effectiveness.

d. Approval or Denial of Preliminary Development Plan (This section needs to be updated to include the site law connection.)

- (1) If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PR subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04. Simultaneously with such approval, a preliminary development permit will be issued. The preliminary development permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the

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Final Development Plan. The terms of the preliminary development permit will be in writing and shall be deemed to be incorporated in the D-PR subdistrict.

- (2) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (3) Within a maximum of 18 months following a Commission decision to designate an area as a D-PR subdistrict, the applicant shall file a Final Development Plan containing in detailed form the information required in Section 10.21,G,10 below. At its discretion, and for good cause shown, the Commission may extend the deadline for filing of the Final Development Plan.
- (4) If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan within the prescribed time, the D-PR subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.

9. Application Fee

To be determined

10. Final Development Plan (This section will need to be worked out to incorporate the site law information and to provide a process that is scaled-down from the D-PD.)

a. Application

- (1)

b. Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a permit pursuant to 12 M.R.S.A. §685-B, for the Final Development Plan. Such permit may contain reasonable conditions as the Commission may deem appropriate.

c. Amendments to the Final Development Plan

Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:

- (1) The addition of a land use not previously approved in the Preliminary Development Plan;
- (2) A material change in the site, scope or nature of the project;
- (3) A material increase in traffic volume;
- (4) A material reduction in open space, landscaping, or parking; or
- (5) A material change giving rise to adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,G,8,b.

d. Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PR subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply