

Review of the Adjacency Principle

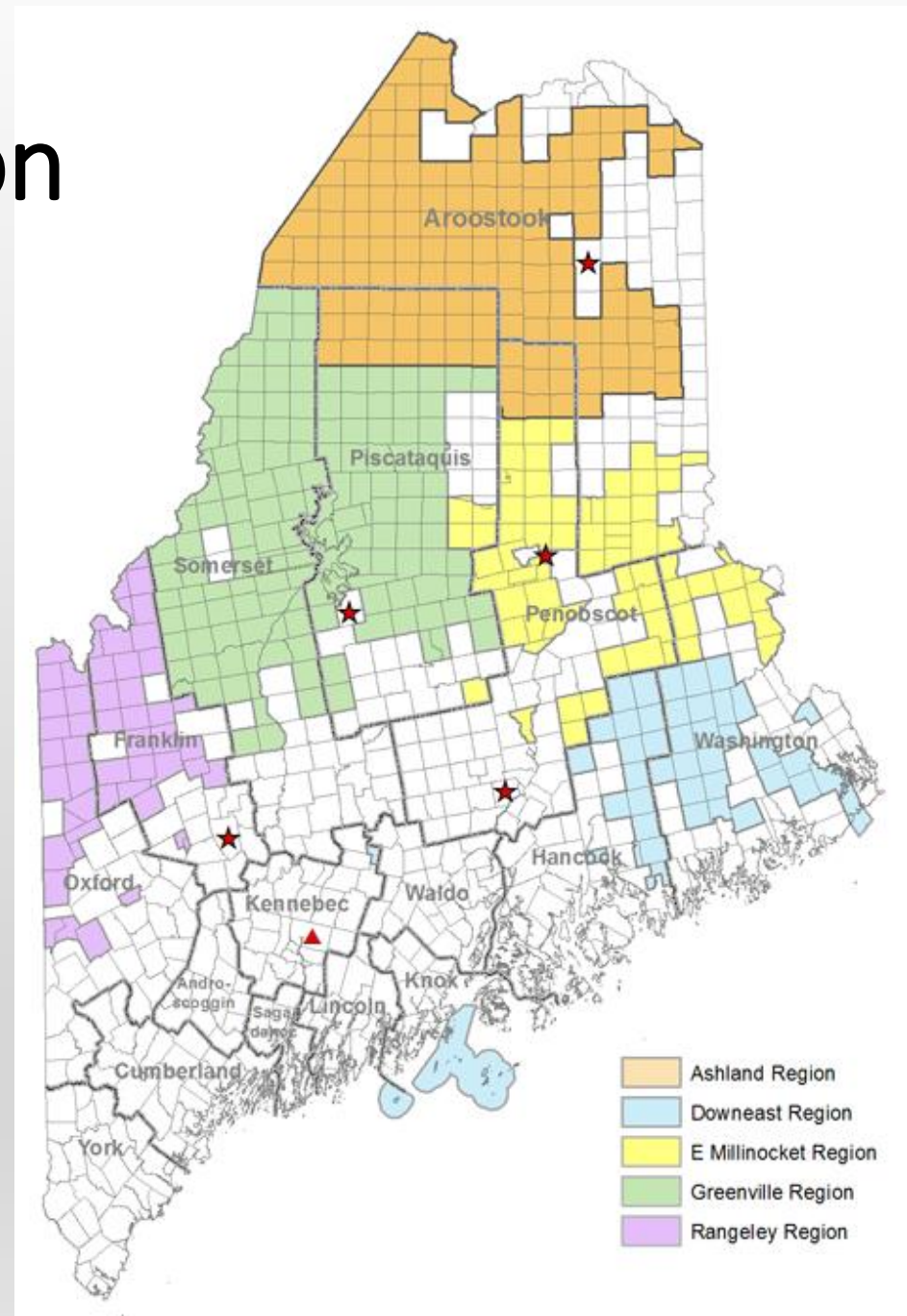
“The Legislature finds that it is desirable to extend principles of sound planning, zoning and development to the unorganized and deorganized townships of the State... .” 12 MRS § 681

Land Use Planning Commission Public Hearing

June 20, 2018

Land Use Planning Commission

- The Commission provides planning, zoning, permitting and code enforcement services for unorganized townships, and some plantations and towns in Maine's unorganized territories
- Made up of citizen representatives of eight counties with most UT land area and one appointed by the Governor



The Commission's Charge

- *This place is important to many people.*
- *It is important for economic, community, recreational and environmental reasons.*
- *Many different land uses occur here, and they can't all happen everywhere or it will end up serving no one.*
- *By planning ahead, we can best serve the current and future generations who live, work, own property or recreate here and care about this place.*

The Commission's Charge

“The Legislature declares it to be in the public interest, for the public benefit, for the good order of the people of this State and for the benefit of the property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. ... ” 12

MRS § 681

The Adjacency Principle - 1976

“Adjacent areas’ shall mean areas or land parcels within the vicinity of existing patterns of building development. In determining adjacency, the Commission shall endeavor to create homogeneous development areas where the benefits of shared community services can be enjoyed. Spread out, linear patterns of development will be avoided and discouraged. Adjacency to nonstructural development, such as a commercial gravel pit shall not, however, by itself be sufficient reason for the extension of that subdistrict for unrelated commercial and industrial uses.” (1976 CLUP p. 82)

Interim Land Use Guidance Map

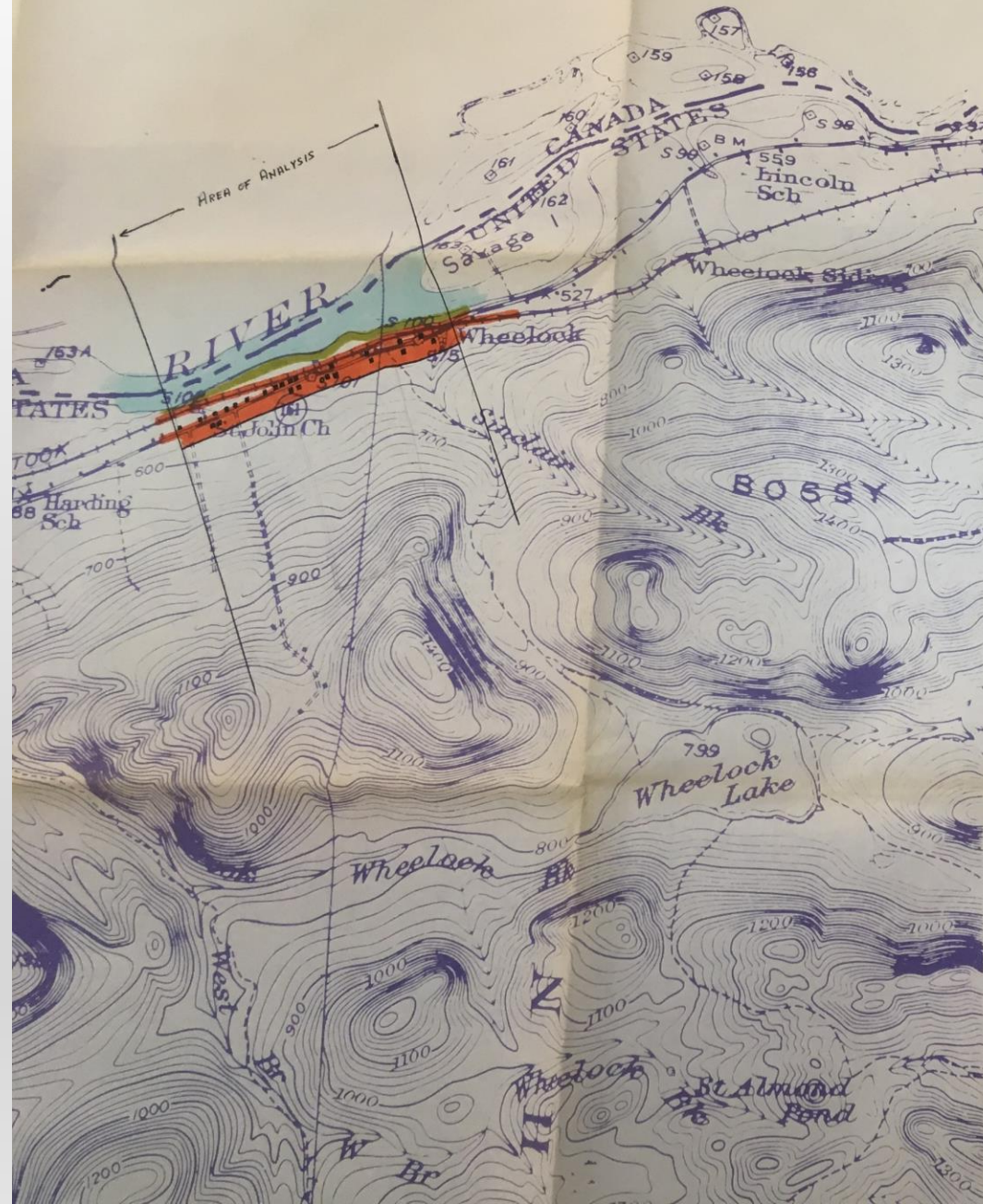
St. John North half

Scale 0 1 mile

Land Use Regulation Commission
Augusta, Maine 04330

Legend

- ▣ PRINCIPLE STRUCTURE
- DEVELOPMENT DISTRICT
- PROTECTION DISTRICT
- MANAGEMENT DISTRICT



The Adjacency Principle - 1983

The issue: *"Most development zones have been delineated based strictly on the existence of a relatively few structures within a 500 foot radius. The result is that a large number of relatively small, scattered areas have been designated as development zones, irrespective of their proximity to other development, or the availability of suitable infrastructure or public services to serve existing and future development. There are two concerns here."*
(1983 CLUP p. 82)

The concerns:

- 1) basing further development on these scattered, small nodes would lead to sprawl, and
- 2) because zones were tightly drawn around existing development, new activities sited next to existing ones required rezoning.

The Adjacency Principle - 1983

The intended solution: *“The Commission may respond to these concerns by considering new zoning schemes to designate development zones in areas comprising bona fide communities or relatively large patterns of development. In this way, fewer but larger areas could be set aside as appropriate nodes for future growth.” (1983 CLUP p. 82)*

The current policy... begins in 1997 CLUP



1 MILE BY ROAD



Objectives of Adjacency - Summary

- Encourage appropriate uses
- Support natural-resource based economy and environment
- Encourage health of development centers and regional economic viability
- Ensure efficient and economical public services
- Minimize development near natural resource-based activities
- Protect resources and values of the jurisdiction
- Ensure future development in keeping with current character
- Pace development and allow for incremental assessment of impacts

Why now?

- Shortcomings of one-mile policy long-recognized in CLUP
- Woods economy changing at a rapid pace
- Recreational lodging process caused rethinking of adjacency
- Washington County and Aroostook county regional processes also reworked adjacency
- Request for adjacency revision for subdivision
- We learned important lessons from these and other experiences
- **It is time for a comprehensive solution**



Farm stands



Recreation day use facilities



Forest processing near the resource

Process Summary



- Subdivision rule revision process
- Background research and outreach
- Public survey
- Focus group meetings
- Public information sessions
- Rulemaking process

2014 - 2015

- Subdivision design research/facilitated stakeholder meetings

2016 - 2017

- Creation, distribution, analysis of **public survey**. Email notices to our mailing list and a postcard to 21,740 UT property owners of record (2,000+ responses) ,
- Stakeholder **focus group** meetings to discuss economic development; issues important to property owners; conservation and wildlife; and provision of public services
- **Public comment** on proposed new planning framework

2018

- Commission consideration of **proposed adjacency rule concepts** (Feb/March)
- **Public information meetings** in Bingham and Millinocket; staff also contacted interested groups and individuals to answer questions and get feedback (April)
- **Written/oral public comment** opportunity on proposed adjacency rule concepts (April)
- Draft adjacency rule available (May)
- Staff **meet with stakeholders and community** groups (ongoing)
- Email **notices sent to municipalities** proposed as rural hubs plus others (~80) (June)

Planning Framework

3 Phase Power

Industrial & manufacturing

Workforce
Electricity
Broadband
Retail/ services
Existing Residential

Retail, services, rec. spaces

Low, Mod., high density res. subdivision

Home occupations

Public Roads

Emergency Services

Mod. density res. subdivision dependent on resource

Nat. resource dependent processing, extraction, manufacturing

Rec. experiences/ support services near the resource

Natural Resource

Permanent Recreation Resources

Unfragmented Blocks

2014 - 2015

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2016 - 2017

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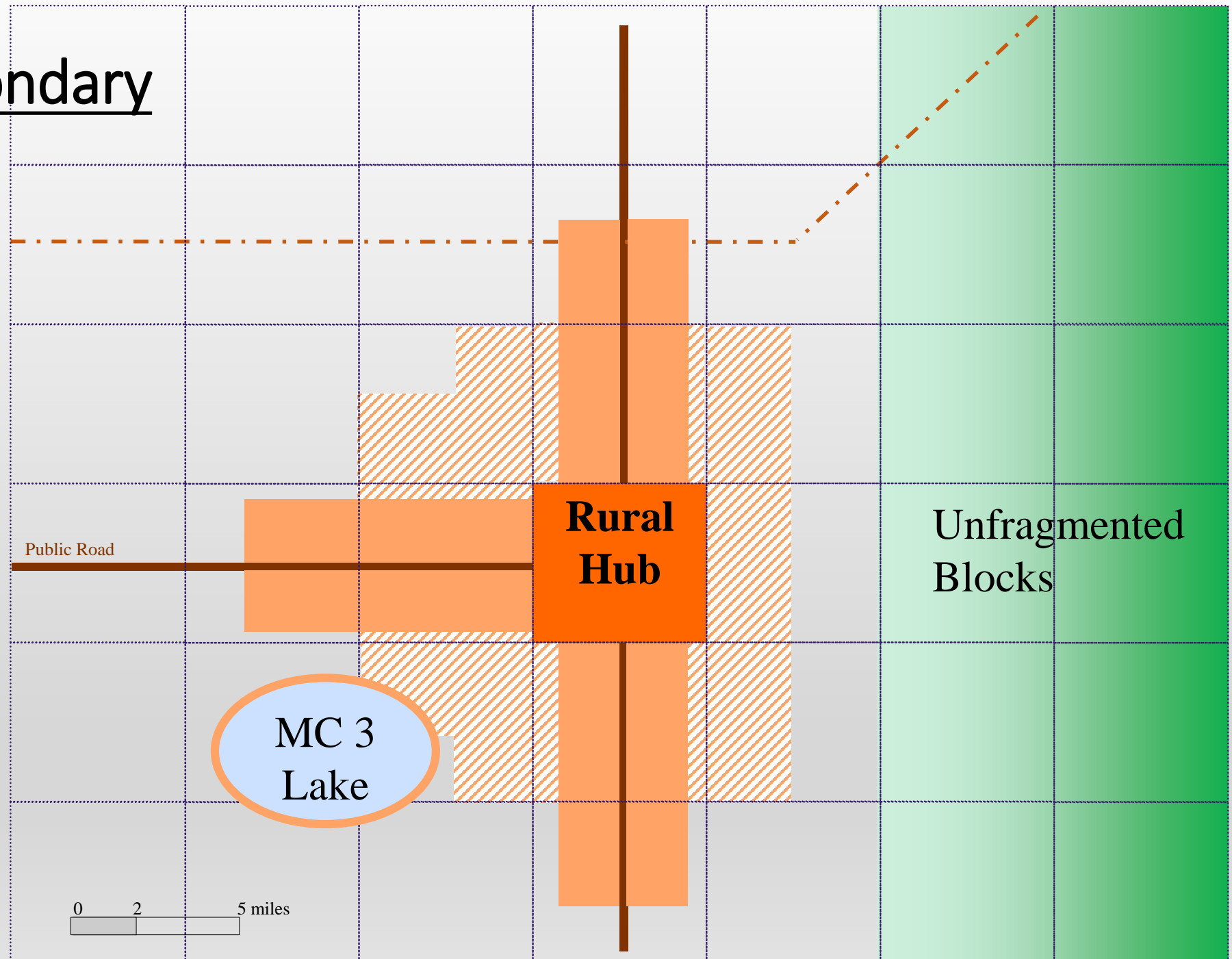
Primary and Secondary Locations

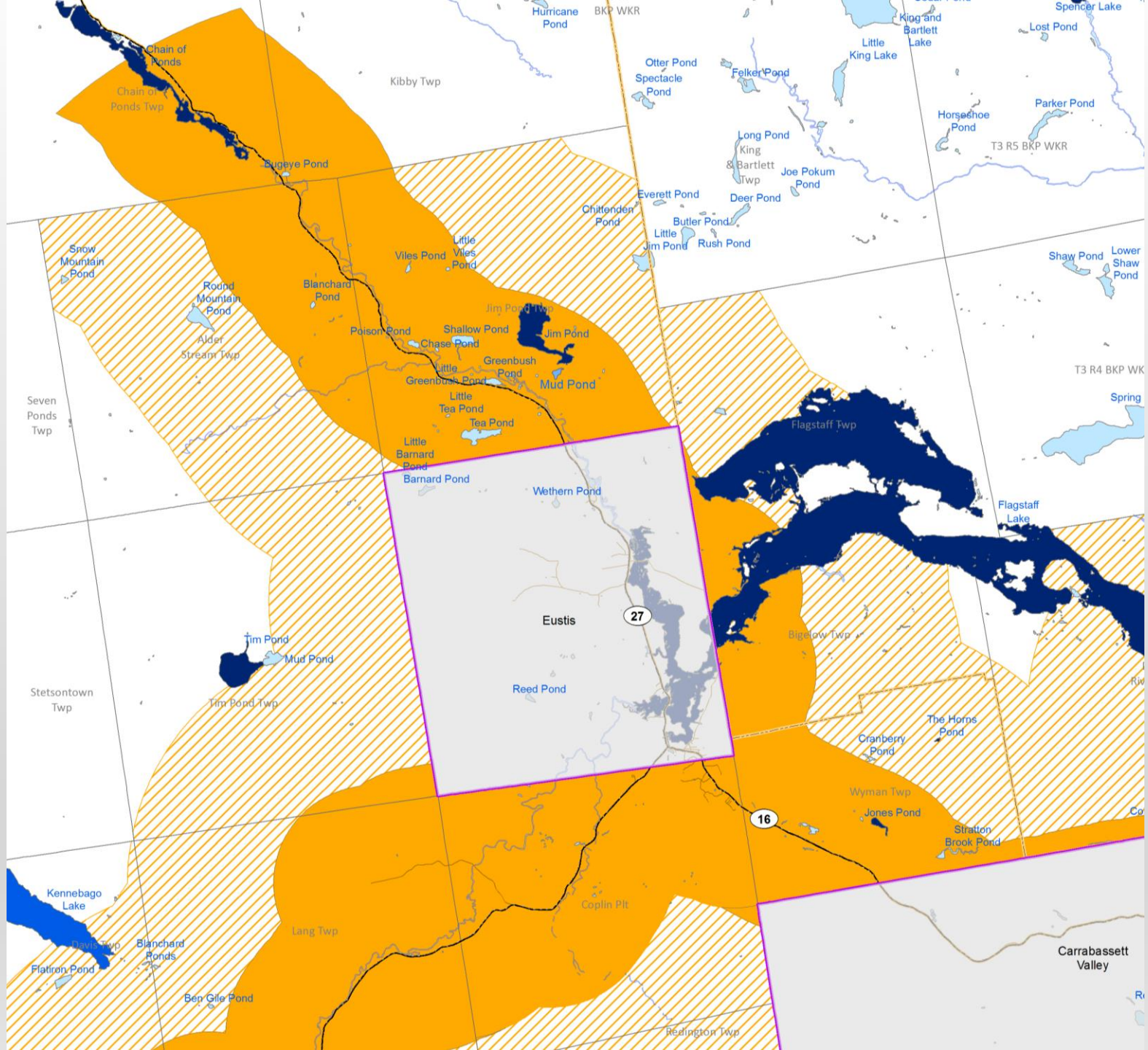


Low, moderate, or high density residential subdivision

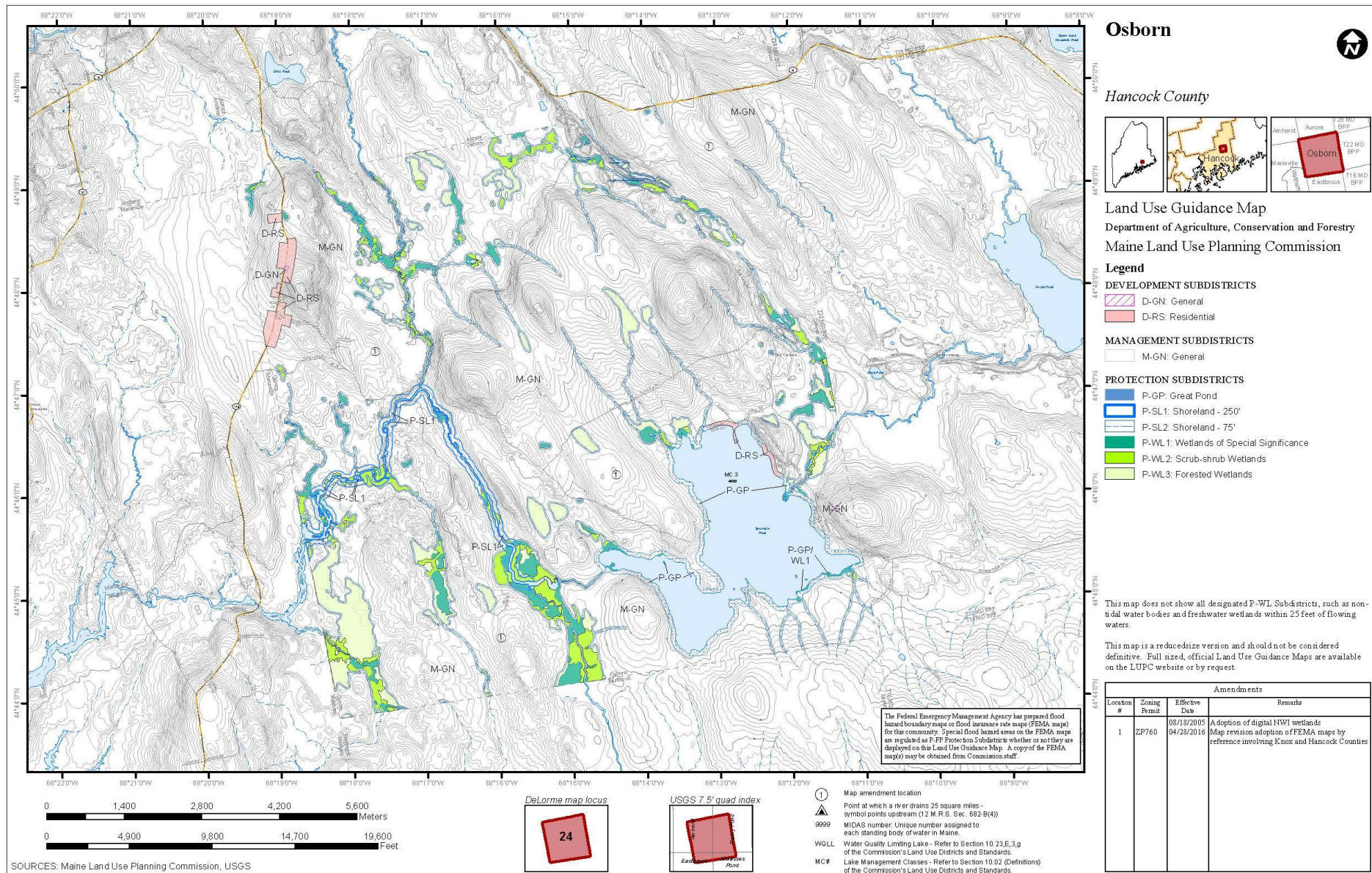


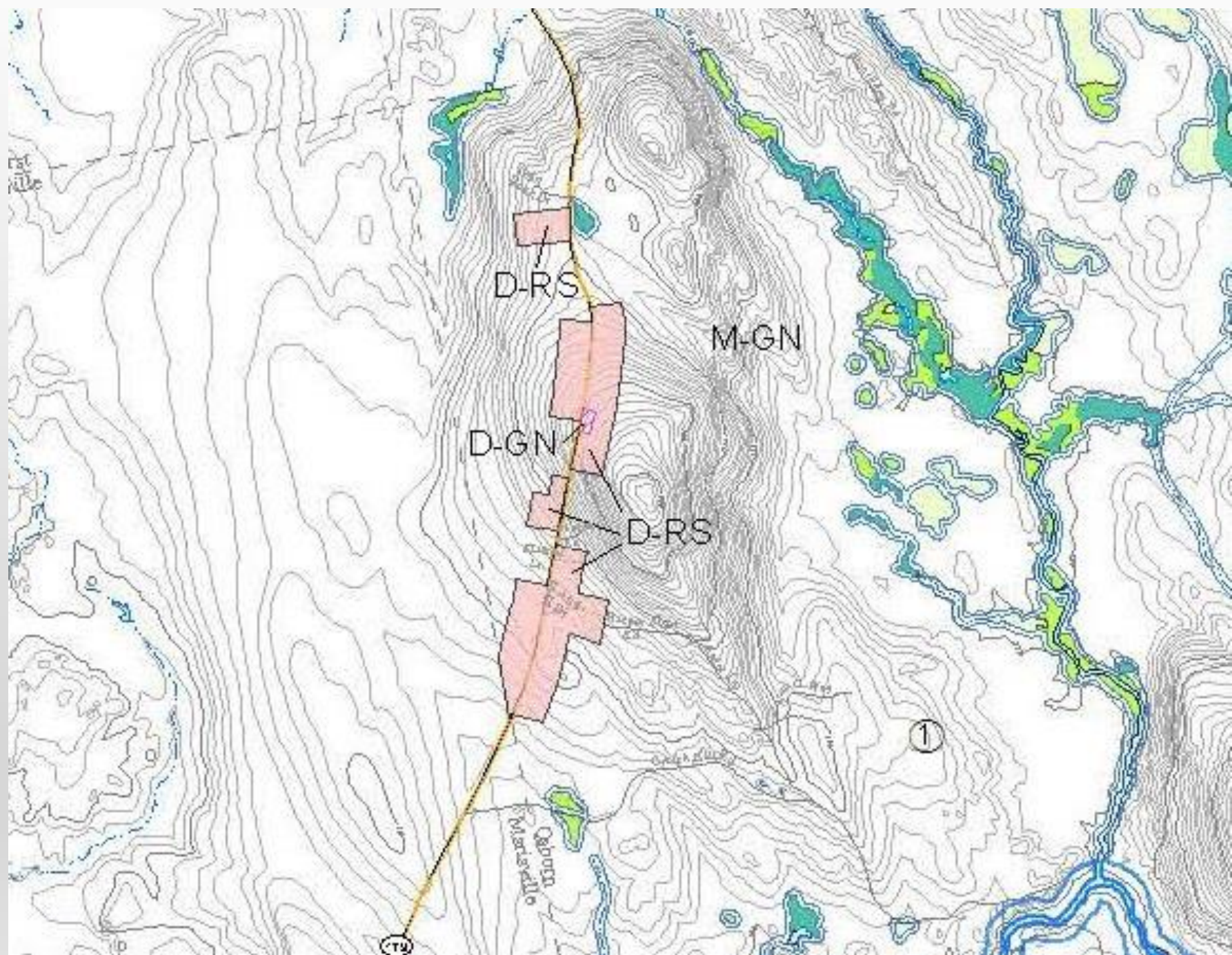
Most commercial & industrial

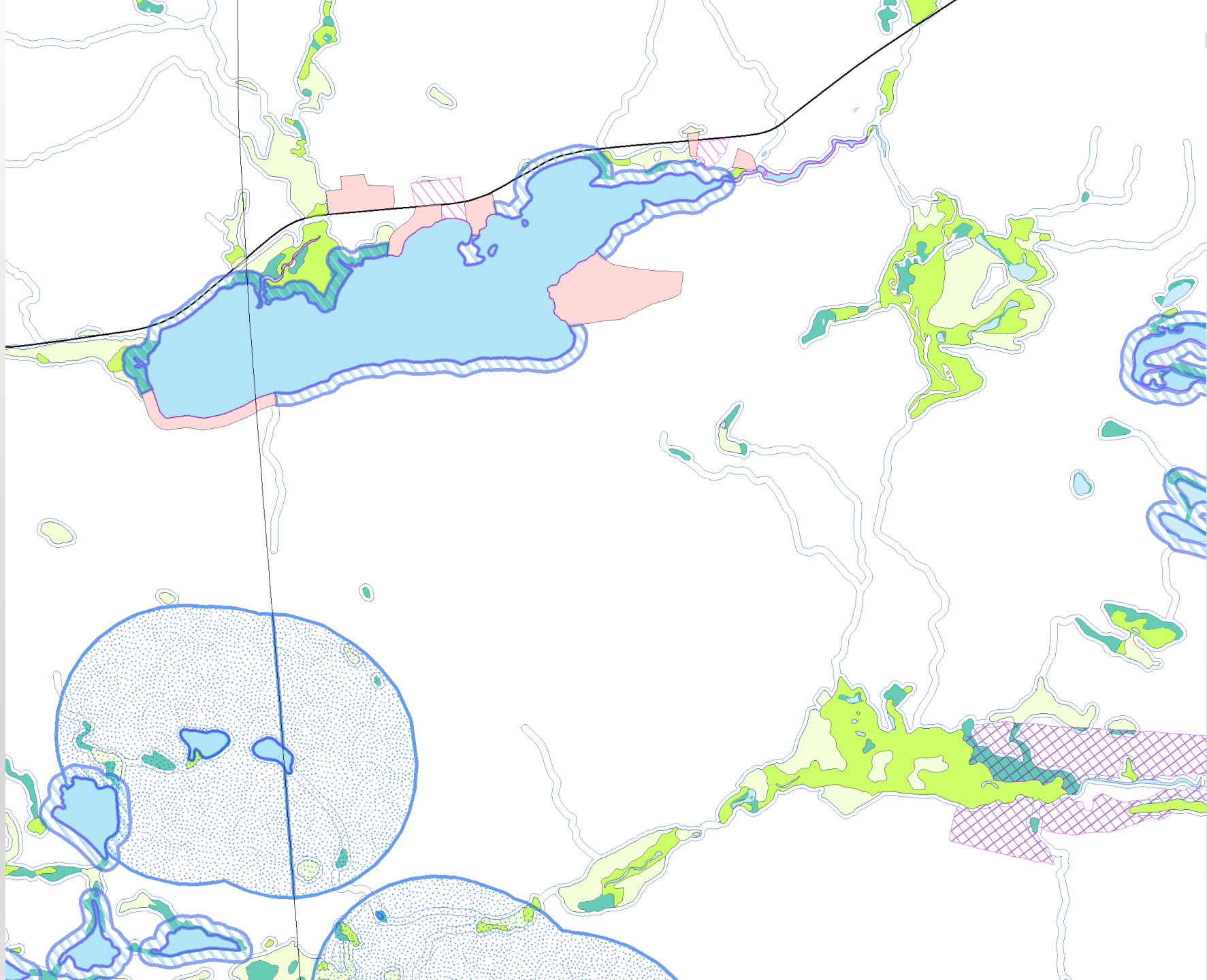


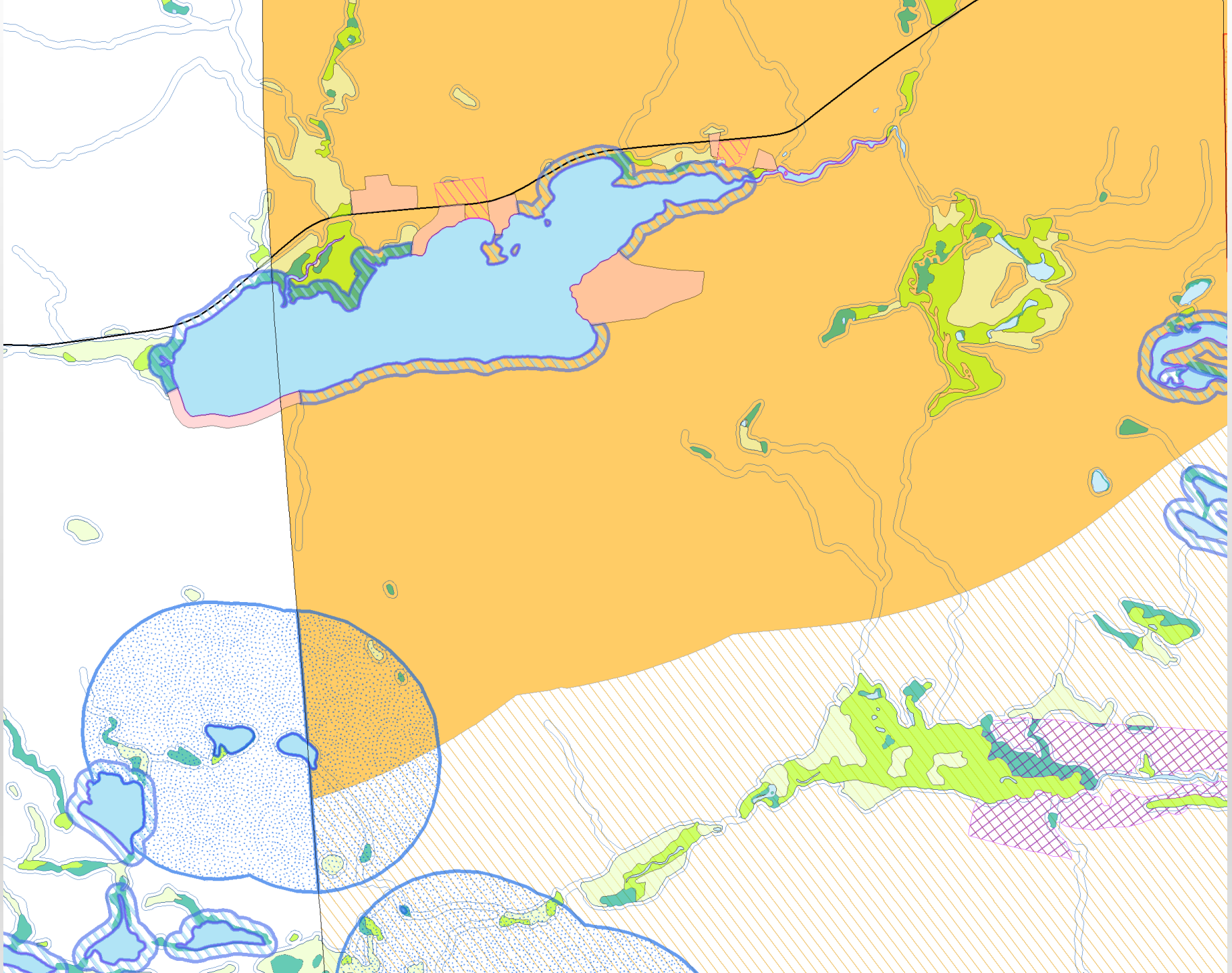


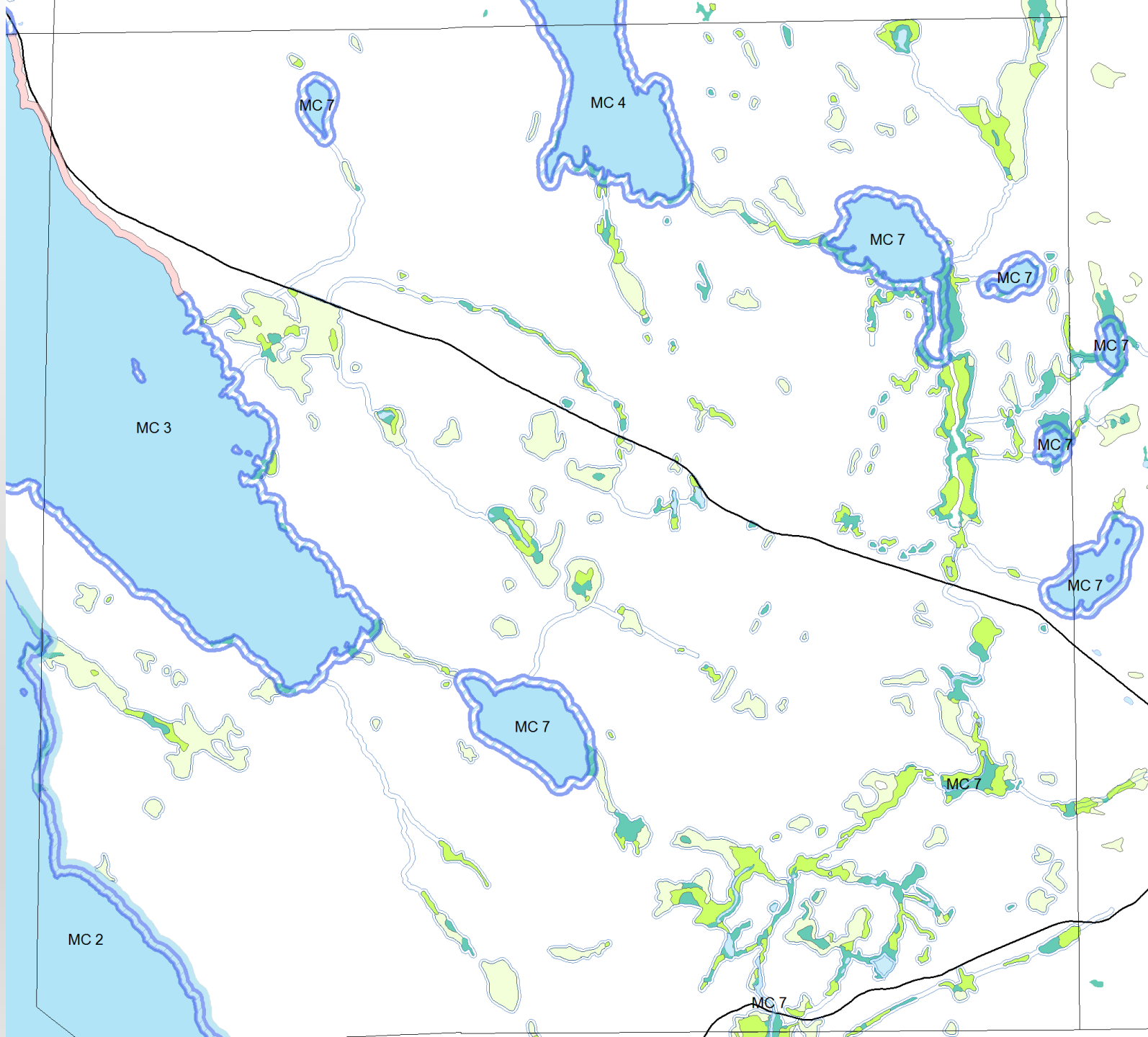
Typical Zoning Map











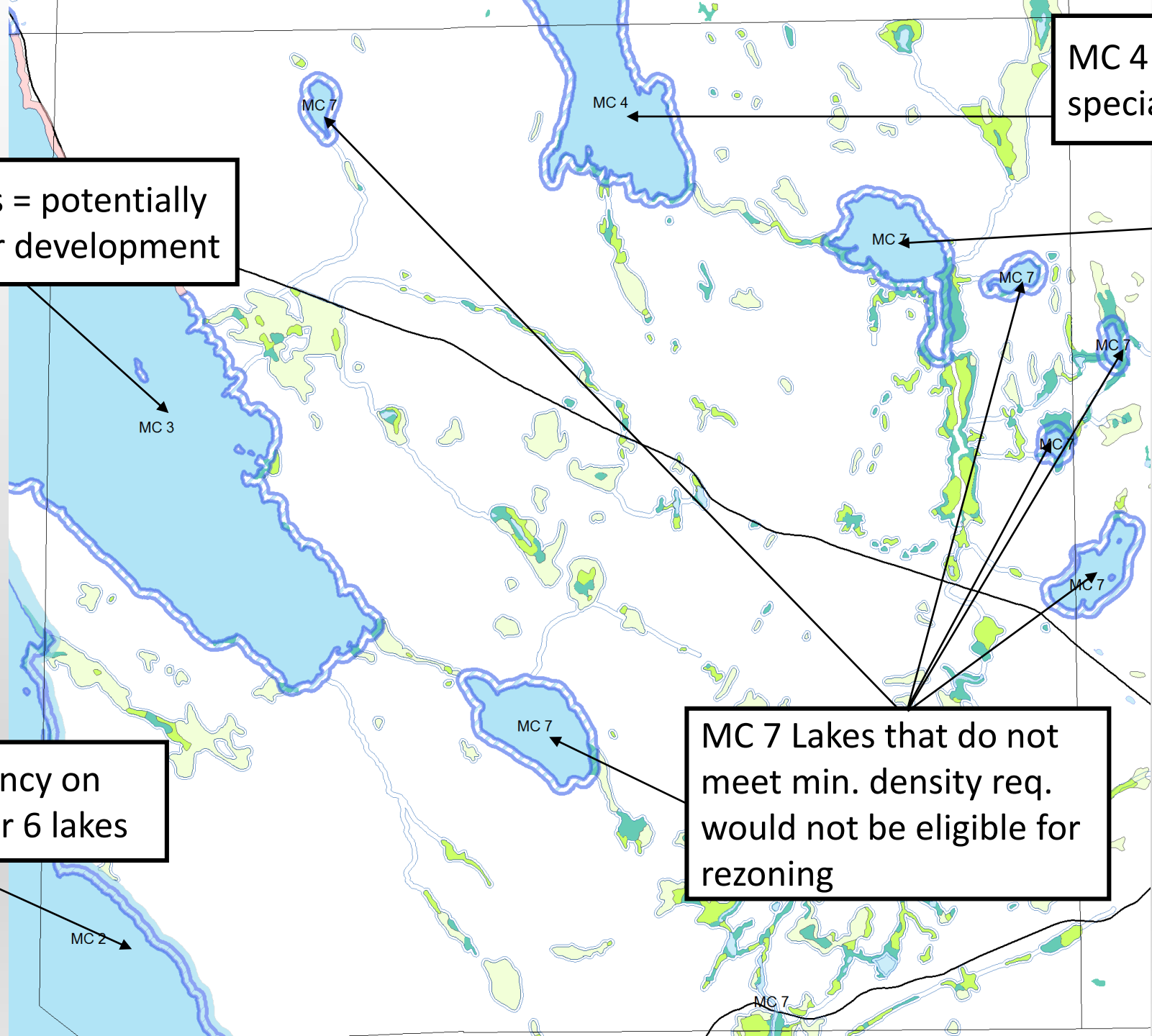
MC 3 Lakes = potentially suitable for development

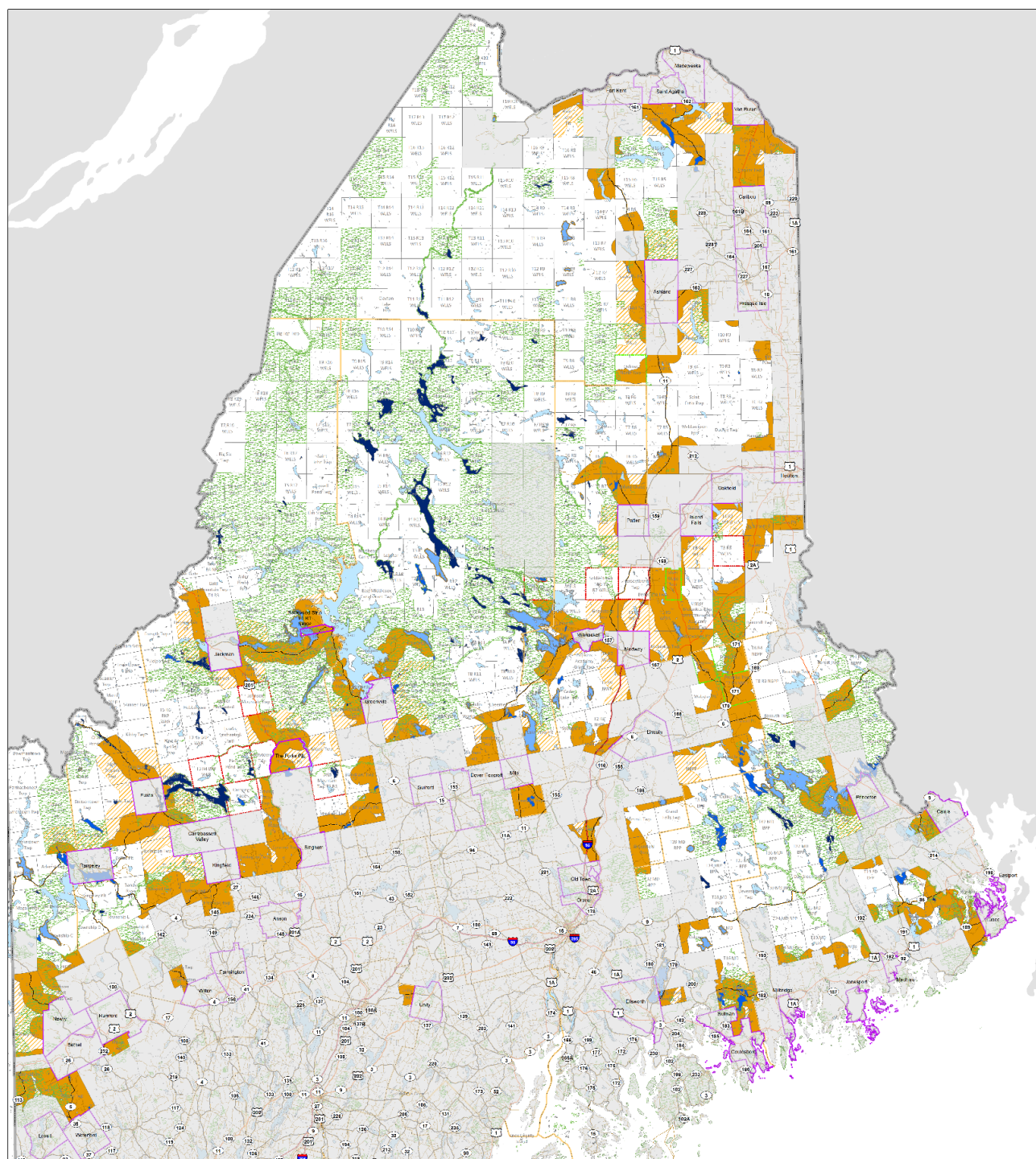
MC 4 Lakes require special planning

MC 7 lakes that DO meet min. density req. may be eligible for rezoning

MC 7 Lakes that do not meet min. density req. would not be eligible for rezoning

No adjacency on MC 1, 2, or 6 lakes





How do we know this will work?

- This system is based on the location of larger nodes of development, not where small pockets of development happened to occur in the past
- It gives future decision-makers more specific direction about how to implement the policies in the CLUP and improves predictability
- A comprehensive solution avoids a patchwork of smaller solutions that could produce unintended results
- The CLUP policies remain in place; as we gain experience, if adjustments to the rule are needed to better implement the CLUP policies, future Commissions can do that through rulemaking.

Frequently Asked Questions

- **Will remote, undeveloped lakes and ponds have subdivisions?**

No. The proposal does not allow rezoning for subdivisions on remote, undeveloped lakes and ponds. This proposed policy would be more protective of remote, undeveloped lakes than the policy in place today.

- **Does the proposal zone new areas?**

No. Adjacency serves as an initial screening tool, it is not a substitute for going through the rezoning process.

Frequently Asked Questions

- **Why use town boundaries and not village centers as the starting point for a measurement?**

The Commission is not aware of any simple, effective, consistent way to identify the edge of a village center. This would make it impossible to build into a rule. Town boundaries are much simpler to identify, especially for the public or landowners.

- **Why measure as the crow flies, and not by road?**

Measuring by road incentivizes road building, and is difficult to measure if the road is not already constructed. Measuring as the crow flies from existing roads can be done by anyone with access to the internet, and would create incentives for people to plan around existing roads instead of building new ones.

Frequently Asked Questions

- **How does the proposal affect service center communities?**

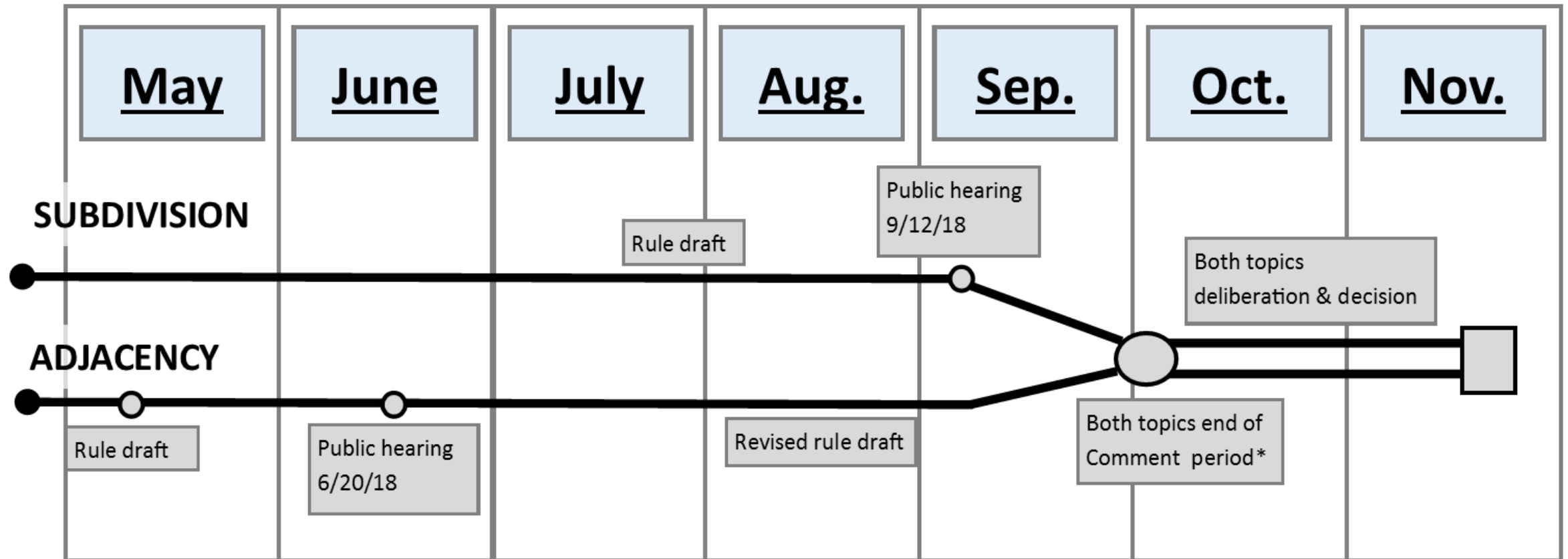
Many communities prefer development within their borders, but for some it is also important to have enough people in the surrounding area to support hospitals, schools, and other important services. The Commission cannot regulate whether development occurs in organized towns, but it can direct most growth to locate close enough to be in the town's service provision area. The Commission is seeking input from organized communities.

Frequently Asked Questions

- **Would the proposal eliminate the Adjacency Principle?**

No. The adjacency principle would remain one of the most important tools that the Commission uses to help guide the location of new development. How it is applied would change to better reflect the objectives of the principle.

Timeline and Comment Opportunities



May—Nov.2018

*Notes:

- Written comment period ends 9/24/2018
- Rebuttal comment period ends 10/1/2018

For Commission consideration: 5/23/2018

Public Comment today

- Public comments are important.
- You can agree with another speaker without repeating.
- Each speaker will be limited to a three minute presentations for fairness.