



Natural Resources Council of Maine

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Land Use Planning Commission
Department of Agriculture,
Conservation and Forestry
22 State House Station
Augusta, ME 04330

February 9, 2016

To the Land Use Planning Commission:

Adjacency is the Commission's most important tool for sustainably guiding development in the unorganized territories. The adjacency principle, in its present form, effectively protects the North Woods—an increasingly rare resource in the Northeastern United States—by supporting development where the principle values of the jurisdiction are least impacted. The adjacency principle helps the Commission meet its responsibility to plan for the future and not to simply react to present conditions.

The Natural Resources Council of Maine, however, recognizes that the principle has its short comings. The Commission regularly struggles with developing and enforcing “one size fits all” regulations; the jurisdiction is a diverse landscape with numerous constituencies. For some time, this Commission has recognized that there exist weaknesses in their approach to the location of development that need to be addressed. Before adjacency is addressed, other tools need to be addressed, utilized, and studied and the subdivision rule review process needs to continue.

The Comprehensive Land Use Plan (CLUP), for instance, notes that the Commission's approach to guiding development should be refined. Among the proposed refinements is to address the exemptions to the subdivision rules, including the two-lots-every-five-years exemption that allows residential development in 84% of the jurisdiction. Addressing these exemptions would address the adverse economic and ecological impacts of scattering development across the landscape.

The CLUP also recommends further utilization of Prospective Zoning as a tool to balance growth and economic needs with protection of special resources. So far this has only been used in the high-growth Rangeley region, but it can also be used in lower-growth areas. Prospective Zoning, or Community Guided Planning and Zoning (CGPZ), works to protect the principle values of the jurisdiction, while also providing an efficient, predictable development review process that promotes economic development. As you know, the Commission is presently engaged in CGPZ in three areas of the jurisdiction and the processes are going well. Rather than focus staff attention on the adjacency

principle, it would be more effective to spend more time engaging in present and future CGPZ efforts. Options and tools exist that would address the concerns of a variety of stakeholders.

It is our understanding that the subdivision rule review process has been proposed to be put on hold because of the feeling that some stakeholders would not be satisfied with the changes proposed by staff. The LUPC's role is to listen carefully to all stakeholders and to adopt rules that are consistent with the law and the CLUP. In any stakeholder process, no one is going to get everything that they want. That includes the Natural Resources Council of Maine and our colleagues.

I suspect that some stakeholders will not be satisfied until the adjacency principle or its kin are abolished. I respectfully request that the Commission continue down the current subdivision rule review path and then consider the issues outlined in the CLUP, including a review of exemptions and further utilization of CGPZ. Only after the existing tools to guide development are addressed and are fully utilized should the adjacency principle be addressed.

In preparation for the eventual review of adjacency, that has the potential to throw open the door to speculative development in the jurisdiction, we urge the Commission to conduct an independent analysis of the location of development in the last decade and the impacts of development on the principle values of the jurisdiction. This was done in 1993 and 2006 with results that positively informed subsequent policy decisions. The Commission needs to address the effectiveness of the Commission's current policies and regulations in guiding development and protecting the principle values of the jurisdiction before it examines the adjacency principle.

Thank you for the opportunity to provide comment.

Sincerely,

A handwritten signature in cursive script that reads "Eliza P. Donoghue". The signature is written in black ink and is positioned above the typed name.

Eliza Donoghue, Esq.
North Woods Policy Advocate