



STATE OF MAINE
JOHN E. BALDACCI
GOVERNOR

Department of Conservation
MAINE LAND USE REGULATION COMMISSION
18 Elkins Lane – Harlow Building
22 State House Station
Augusta, Maine 04333-0022



PATRICK MCGOWAN
COMMISSIONER

CRITERIA FOR APPROVAL OF CONCEPT PLANS

A SUMMARY PREPARED BY THE PLANNING DIVISION OF THE MAINE LAND USE REGULATION COMMISSION

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The Commission established the "concept plan" process as a flexible alternative to traditional subdivision and development regulation, designed to accomplish both public and private objectives. Concept plans are landowner-created, long-range plans for the development and conservation of a large block of shoreland on a lake or group of lakes. The plans are a clarification of long-term landowner intent that indicate, in a general way, the areas where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected. Concept plans are initiated by a landowner and must be approved by the Commission.

The Commission's *Comprehensive Land Use Plan* describes concept plans in its discussion of the agency's lake management program. Concept plans are implemented by rezoning land to a Resource Plan Protection (P-RP) subdistrict. Consequently, the principal regulatory review criteria for concept plans are the Commission's statutory criteria for rezoning and the Commission's Land Use Districts and Standards.

Statutory Criteria

Under provisions of the Commission's statute, 12 M.R.S.A. §685-A(8-A), no change in a district boundary may be approved unless:

1. There is substantial evidence that the change would be consistent with the standards for district boundaries in effect at the time; the *Comprehensive Land Use Plan*, and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
2. The change in zoning will satisfy demonstrated need in the community or area and will have no undue adverse impact on existing uses or resources or is more appropriate for the protection and management of existing uses and resources within the affected area.

Commission's Rules

Under provisions of Section 10.23,H of the Commission's Land Use Districts and Standards, the Commission may approve a resource plan and any associated rezoning to the Resource Plan Protection (P-RP) Subdistrict only if it finds that the following criteria are satisfied:

1. The plan conforms with redistricting criteria;
2. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;
3. The plan conforms with the Commission's *Comprehensive Land Use Plan*;
4. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of lake concept plans, this means that any development gained through any waiver of the adjacency criterion is matched by comparable conservation measures;
5. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of lake concept plans, includes in its purpose the protection of those resources in need of protection;
6. In the case of concept plans, the Plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and
7. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.

Other review criteria that may apply in the evaluation of concept plans include Section 10.24 (General Criteria for Approval of Permit Applications), Section 10.25 (Development Standards, including review standards for structures adjacent to lakes); Section 10.26 (Dimensional Requirements); and Section 10.27 (Activity-Specific Standards) of the Commission's Land Use Districts and Standards.