

# Municipal Climate Adaptation Guidance Series: Comprehensive Planning

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## MAINE COMPREHENSIVE PLANNING CLIMATE CHANGE CONSIDERATIONS

CONTENTS OF BLUE BOXES ARE OFFERED TO FACILITATE CONSIDERATION OF CLIMATE CHANGE-RELATED ISSUES FOR ANY MUNICIPALITY THAT CHOOSES, AT ITS OPTION, TO ADDRESS SUCH ISSUES IN ITS COMPREHENSIVE PLAN.

**THE SUGGESTIONS FOUND IN THE BLUE BOXES ARE NOT PART OF  
THE COMPREHENSIVE PLAN REVIEW CRITERIA RULE.**

EXCERPTS OF THE COMPREHENSIVE PLAN REVIEW CRITERIA RULE APPEAR OUTSIDE THE BLUE BOXES, AND ARE SHOWN SOLELY TO PROVIDE CONTEXT FOR THE SUGGESTED CLIMATE CHANGE CONSIDERATIONS.

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### SECTION 2. REQUIRED ELEMENTS

#### 1. Vision Statement

The plan must include a vision statement that summarizes the community's desired future community character in terms of economic development, natural and cultural resource conservation, transportation systems, land use patterns and its role in the region.

#### **Vision Statement:**

Communities may also wish to use this section to express how they will address the challenges of climate change. For coastal areas this may mean sea level rise, and increased scale and frequency of storm events.

Example Language to add to Vision:

- The community will attempt to operate in a secure, effective and efficient manner in a changing climate.
- The community will attempt to reasonably assess its vulnerability to climate change, implement appropriate adaptation strategies, and collaborate with surrounding communities to strengthen regional adaptation efforts.

**SECTION 3. REQUIRED TOPIC AREAS****1. Historic and Archaeological Resources****B. Analyses**

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.1(C) to answer the following questions.

- (1) Are historic patterns of settlement still evident in the community?
- (2) What protective measures currently exist for historic and archaeological resources and are they effective?
- (3) Do local site plan and/or subdivision regulations require applicants proposing development in areas that may contain historic or archaeological resources to conduct a survey for such resources?
- (4) Have significant historic resources fallen into disrepair, and are there ways the community can provide incentives to preserve their value as an historical resource?

**C. Condition and Trends**

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Historic Preservation Data Set prepared and provided to the community by the Historic Preservation Commission, and the Office, or their designees.
- (2) An outline of the community's history, including a brief description of historic settlement patterns and events contributing to the development and character of the community and its surroundings.
- (3) An inventory of the location, condition, and use of any historical or archaeological resource that is of local importance.
- (4) A brief description of threats to local historic resource and to those of state and national significance as identified by the Maine Historic Preservation Commission.

**Historic and Archaeological Resources****Analysis**

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- Has the community developed any strategies to deal with the issue of historic architecture in the floodplain, and shoreland zones?
- Has the community attempted to apply for competitive grants to retrofit flood-damaged properties and elevate structures?
- The evaluation criteria used by the National Register conflicts with the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP). How will the community deal with this conflict? Has it been an issue for any rehabilitation projects to date?
- Do historic or archeological resource plans include discussion of climate adaptation strategies, or incorporate a preference for sustainable building standards that are sensitive to historic materials and techniques? Does the community require new planning efforts to include discussion of strategies to deal with such impacts?

**Conditions and Trends:**

- A description of past natural disasters and their effects on historic neighborhoods, structures, or culturally significant areas. If possible, perhaps include maps of the structures or areas affected.

**Policies:**

- Reduce impacts of climate change on the community's historic and archeological resources.
- Work with preservation professionals and local stakeholders to incorporate more sustainable construction methods and materials

**Strategies:**

- Develop and promote education programs.
- Incentivize methods to increase adaptation of historic resources to climate change that is consistent with NPS standards and protects the long term stability of these structures.

D. **Policies**

Minimum policy required to address state goals:

Protect to the greatest extent practicable the significant historic and archaeological resources in the community.

E. **Strategies**

Minimum strategies required to address state goals:

- (1) For known historic archeological sites and areas sensitive to prehistoric archeology, through local land use ordinances require subdivision or non-residential developers to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.
- (2) Adopt or amend land use ordinances to require the planning board (or other designated review authority) to incorporate maps and information provided by the Maine Historic Preservation Commission into their review process.
- (3) Work with the local or county historical society and/or the Maine Historic Preservation Commission to assess the need for, and if necessary plan for, a comprehensive community survey of the community's historic and archaeological resources.

## 2. Water Resources

### A. State Goal

To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.2(C) to answer the following questions.

- (1) Are there point sources (direct discharges) of pollution in the community? If so, is the community taking steps to eliminate them?
- (2) Are there non-point sources of pollution? If so, is the community taking steps to eliminate them?
- (3) How are groundwater and surface water supplies and their recharge areas protected?
- (4) Do public works crews and contractors use best management practices to protect water resources in their daily operations (e.g. salt/sand pile maintenance, culvert replacement street sweeping, public works garage operations)?
- (5) Are there opportunities to partner with local or regional advocacy groups that promote water resource protection?

### C. Conditions and Trends

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Water Resources Data Set prepared and provided to the community by the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection and the Office, or their designees.
- (2) A description of each great pond, river, surface drinking water supply, and other water bodies of local interest including:
  - a. ecological value;
  - b. threats to water quality or quantity;
  - c. documented water quality and/or invasive species problems.

## Water Resources

### Analysis:

- Does the community consider the impact of climate change when prioritizing or protecting the resources that are more likely to be vulnerable?
- Is the municipal stormwater system a combined system? What steps has the community taken so far to reach that goal?
- Does the system overflow directly into a waterbody? If this is a pollution concerns, has the community taken steps to mitigate this issue?

### Policies:

- Minimize climate change impacts to water resources and infrastructure, and increase planning activities to establish strategies for long term adaptation responses.

### Strategies:

- Enhance climate adaptation planning efforts and prioritize and protect the water resources that are more likely to be vulnerable to climate change impacts.
- Encourage conservation, and reuse of water resources where there is opportunity.
- Collaborate with stakeholders to mutually support efforts sharing data, education efforts, and assessment tools.
- Consider land use policy that promotes the reduction of impervious surfaces, increase vegetated infiltration basins for new development, and retrofit existing developments to reduce storm flow runoff and increase infiltration of rainfall whenever possible.
- Upgrade stormwater and combined stormwater and sewage systems to prepare for more frequent and heavier rainfall events and investigate opportunities for the beneficial reuse of stormwater and wastewater.

- (3) A summary of past and present activities to monitor, assess, and/or improve water quality, mitigate sources of pollution, and control or prevent the spread of invasive species.
- (4) A description of the location and nature of significant threats to aquifer drinking water supplies.
- (5) A summary of existing lake, pond, river, stream, and drinking water protection and preservation measures, including local ordinances.

#### D. **Policies**

Minimum policies required to address state goals:

- (1) To protect current and potential drinking water sources.
- (2) To protect significant surface water resources from pollution and improve water quality where needed.
- (3) To protect water resources in growth areas while promoting more intensive development in those areas.
- (4) To minimize pollution discharges through the upgrade of existing public sewer systems and wastewater treatment facilities.
- (5) To cooperate with neighboring communities and regional/local advocacy groups to protect water resources.

#### E. **Strategies**

Minimum strategies to meet state goals:

- (1) Adopt or amend local land use ordinances as applicable to incorporate stormwater runoff performance standards consistent with:
  - a. Maine Stormwater Management Law and Maine Stormwater regulations (Title 38 M.R.S.A. §420-D and 06-096 CMR 500 and 502).
  - b. Maine Department of Environmental Protection's allocations for allowable levels of phosphorus in lake/pond watersheds.
  - c. Maine Pollution Discharge Elimination System Stormwater Program
- (2) Consider amending local land use ordinances, as applicable, to incorporate low impact development standards.
- (3) Where applicable, develop an urban impaired stream watershed management or mitigation plan that will promote continued development or redevelopment without further stream degradation.
- (4) Maintain, enact or amend public wellhead and aquifer recharge area protection mechanisms, as necessary.

- (5) Encourage landowners to protect water quality. Provide local contact information at the municipal office for water quality best management practices from resources such as the Natural Resource Conservation Service, University of Maine Cooperative Extension, Soil and Water Conservation District, Maine Forest Service, and/or Small Woodlot Association of Maine.
- (6) Adopt water quality protection practices and standards for construction and maintenance of public and private roads and public properties and require their implementation by contractors, owners, and community officials and employees.
- (7) Participate in local and regional efforts to monitor, protect and, where warranted, improve water quality.
- (8) Provide educational materials at appropriate locations regarding aquatic invasive species.



### 3. Natural Resources

#### A. State Goal

To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas.

#### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.3(C) to answer the following questions.

- (1) Are any of the community's critical natural resources threatened by development, overuse, or other activities?
- (2) Are local shoreland zone standards consistent with state guidelines and with the standards placed on adjacent shorelands in neighboring communities?
- (3) What regulatory and non-regulatory measures has the community taken or can the community take to protect critical natural resources and important natural resources?
- (4) Is there current regional cooperation or planning underway to protect shared critical natural resources? Are there opportunities to partner with local or regional groups?

#### C. Conditions and Trends

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Natural Resources Data Set prepared and provided to the community by the Department of Inland Fisheries and Wildlife, Department of Environmental Protection and the Office, or their designees.
- (2) A map or description of scenic areas and scenic views of local importance, and regional or statewide importance, if available.

#### D. Policies

Minimum policies required to address state goals:

- (1) To conserve critical natural resources in the community.

#### Natural Resources:

##### Analysis:

- Does the community measure the direct or indirect impacts of climate change on existing species in need of conservation or protection?
- The scope, scale and uncertainty of climate change impacts will require a high level of expertise support and collaboration. Has the community considered coordinating with state, regional or nonprofit partners to measure these impacts?
- Does the community engage in coordination efforts across municipal boundaries to address adaptation issues as they relate to natural resources?
- Has the community engaged in efforts to maintain or restore landscape and habitat connectivity?

##### Policies:

- Improve and expand the ability of the community's natural resources to adapt to the impacts of climate change.

##### Strategies:

- Promote conservation of low-lying, undeveloped uplands where coastal marshes, beaches, and other intertidal natural communities can migrate inland with sea level rise.
- Engage in efforts to protect and restore natural protective features, such as floodplains, wetlands, marshes, and dunes

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- (2) To coordinate with neighboring communities and regional and state resource agencies to protect shared critical natural resources.

**E. Strategies**

Minimum strategies required to address state goals:

- (1) Ensure that land use ordinances are consistent with applicable state law regarding critical natural resources.
- (2) Designate critical natural resources as Critical Resource Areas in the Future Land Use Plan.
- (3) Through local land use ordinances, require subdivision or non-residential property developers to look for and identify critical natural resources that may be on site and to take appropriate measures to protect those resources, including but not limited to, modification of the proposed site design, construction timing, and/or extent of excavation.
- (4) Through local land use ordinances, require the planning board (or other designated review authority) to include as part of the review process, consideration of pertinent BwH maps and information regarding critical natural resources.
- (5) Initiate and/or participate in interlocal and/or regional planning, management, and/or regulatory efforts around shared critical and important natural resources.
- (6) Pursue public/private partnerships to protect critical and important natural resources such as through purchase of land or easements from willing sellers.
- (7) Distribute or make available information to those living in or near critical or important natural resources about current use tax programs and applicable local, state, or federal regulations.

#### 4. Agricultural and Forest Resources

##### A. State Goal

To safeguard the State's agricultural and forest resources from development which threatens those resources.

##### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.4(C) to answer the following questions.

- (1) How important is agriculture and/or forestry and are these activities growing, stable, or declining?
- (2) Is the community currently taking regulatory and/or non-regulatory steps to protect productive farming and forestry lands? Are there local or regional land trusts actively working to protect farms or forest lands in the community?
- (3) Are farm and forest land owners taking advantage of the state's current use tax laws?
- (4) Has proximity of new homes or other incompatible uses affected the normal farming and logging operations?
- (5) Are there large tracts of agricultural or industrial forest land that have been or may be sold for development in the foreseeable future? If so, what impact would this have on the community?
- (6) Does the community support community forestry or agriculture (i.e. small woodlots, community forests, tree farms, community gardens, farmers' markets, or community-supported agriculture)? If so, how?
- (7) Does the community have town or public woodlands under management, or that would benefit from forest management?

##### C. Conditions and Trends

Minimum data required to address Analyses:

#### **Agricultural and Forest Resources:**

##### **Analysis:**

- Has the community developed effective strategies to deal with future/long term impacts of climate on agriculture and forest resources?
- Has the community experienced any climate impacts on agriculture and forest resources to date (examples include insect infestations, crop selection changes, reoccurring storms and flooding issues impacting these areas)?
- Has the community assessed its vulnerability to climate change related to such factors as local water demand and availability, the length of growing seasons, excessive precipitation or drought, adequate soils, pests or disease-causing pathogens?
- In agricultural sectors, does the community have sufficient irrigation and /or drainage/stormwater infrastructure capacity to meet water needs of their entire acreage during extended periods of summer drought, or excessive precipitation?

##### **Policies:**

- To reduce the impacts of climate change on the community's forestry and agricultural resources.
- Increase infrastructure capacity to better protect forestry and agricultural resources.

##### **Strategies:**

- Support and promote sustainable Forestry and agricultural practices such as improving adaptive capacity and to respond to changes in water demands.

- (1) The community's Comprehensive Planning Agriculture and Forestry Data Set prepared and provided to the community by the Department of Agriculture, the Maine Forest Service, and the Office, or their designees.
- (2) A map and/or description of the community's farms, farmland, and managed forest lands and a brief description of any that are under threat.
- (3) Information on the number of parcels and acres of farmland, tree growth, and open space enrolled in the state's farm, tree growth, and open space law taxation programs, including changes in enrollment over the past 10 years.
- (4) A description of any community farming and forestry activities (e.g. community garden, farmer's market, or community forest).

#### D. **Policies**

Minimum policies required to address state goals:

- (1) To safeguard lands identified as prime farmland or capable of supporting commercial forestry.
- (2) To support farming and forestry and encourage their economic viability.

#### E. **Strategies**

- (1) Minimum strategies required to address state goals: Consult with the Maine Forest Service district forester when developing any land use regulations pertaining to forest management practices as required by 12 M.R.S.A. §8869.
- (2) Consult with Soil and Water Conservation District staff when developing any land use regulations pertaining to agricultural management practices.
- (3) Amend land use ordinances to require commercial or subdivision developments in critical rural areas, if applicable, maintain areas with prime farmland soils as open space to the greatest extent practicable.
- (4) Limit non-residential development in critical rural areas (if the town designates critical rural areas) to natural resource-based businesses and services, nature tourism/outdoor recreation businesses, farmers' markets, and home occupations.
- (5) Encourage owners of productive farm and forest land to enroll in the current use taxation programs.
- (6) Permit land use activities that support productive agriculture and forestry operations, such as roadside stands, greenhouses, firewood operations, sawmills, log buying yards, and pick-your-own operations.
- (7) Include agriculture, commercial forestry operations, and land conservation that supports them in local or regional economic development plans.

## 5. Marine Resources (if applicable)

### A. State Goal and State Coastal Policies

- (1) To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public.
- (2) For coastal communities, the *Growth Management Act* requires that a local comprehensive plan address the state coastal management policies (38 M.R.S.A. §1801). These are:
  - a. To promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation and recreation;
  - b. To manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources;
  - c. To support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources;
  - d. To discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides or sea-level rise, it is hazardous to human health and safety;
  - e. To encourage and support cooperative state and municipal management of coastal resources;
  - f. To protect and manage critical habitat and natural areas of state and national significance and maintain the scenic beauty and character of the coast even in areas where development occurs;
  - g. To expand the opportunities for outdoor recreation and to encourage appropriate coastal tourist activities and development;
  - h. To restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and,

### Marine Resources:

#### Analysis:

- Has the community completed a climate change vulnerability assessment to determine the impact of climate related issues on the marine environment and economy? Have specific adaptation strategies been developed and/or implemented through this effort?
- Does the community pursue opportunities to improve marine habitat, expand or create wetland areas, improve water quality, or purchase property to increase open space and access opportunities?
- Has the community drafted an emergency management plan that offers strategies to adapt to sea level rise or increased severity of storm events?

#### Policies:

- To reduce the impacts resulting from climate change on marine resources and the marine economy.

#### Strategies:

- Incentivize or promote design and landscape practices that are sensitive to environmental effects and impacts of climate change on marine resources and/or offer opportunities to adapt to these changes.

- i. To restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast.

## B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.5(C) to answer the following questions.

- (1) Is coastal water quality being monitored on a regular basis?
- (2) Is there a local or regional plan in place to identify and eliminate pollution sources?
- (3) Has closing of clam or worm flats threatened the shellfishing industry, and are sources of contamination known? If so, are sources point (direct discharge) or nonpoint sources?
- (4) Are traditional water-dependent uses thriving or in decline? What are the factors affecting these uses? If current trends continue, what will the waterfront look like in 10 years?
- (5) Is there reasonable balance between water-dependent and other uses, and between commercial and recreational uses? If there have been recent conversions of uses, have they improved or worsened the balance?
- (6) How does local zoning treat land around working harbors?
- (7) Is there a local or regional harbor or bay management plan? If not, is one needed?
- (8) Are there local dredging needs? If so, how will they be addressed?
- (9) Is there adequate access, including parking, for commercial fishermen and members of the public? Are there opportunities for improved access?
- (10) Are important points of visual access identified and protected?

## C. Conditions and Trends

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Marine Resources Data Set prepared and provided to the community by the Department of Marine Resources, and the Office, or their designees.
- (2) A map and / or description of water-dependent uses.
- (3) A brief summary of current regulations influencing land use patterns on or near the shoreline.
- (4) A description of any local or regional harbor or bay management plans or planning efforts.
- (5) The location of facilities (wharves, boat ramps, pump-out stations, etc.), with a brief description of any regional or local plans to improve facilities.
- (6) A description or map showing public access points to the shore. Include a brief description of their use, capacity, physical condition, and plans to improve, expand, or acquire facilities such as parking or toilets.

- (7) A list of scenic resources along the shoreline, including current ownership (public or private) and any protections.

**D. Policies**

Minimum policies required to address state goals:

- (1) To protect, maintain and, where warranted, improve marine habitat and water quality.
- (2) To foster water-dependent land uses and balance them with other complementary land uses.
- (3) To maintain and, where warranted, improve harbor management and facilities.
- (4) To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation, and tourism.

**E. Strategies**

Minimum strategies required to address state goals:

- (1) Identify needs for additional recreational and commercial access (which includes parking, boat launches, docking space, fish piers, and swimming access).
- (2) Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs.
- (3) Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities.
- (4) Support implement of local and regional harbor and bay management plans.
- (5) If applicable, provide sufficient funding for and staffing of the harbormaster and/or harbor commission.
- (6) Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.

**6. Population and Demographics****A. State Goal**

None required.

**B. Analyses**

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.6(C) to answer the following questions.

- (1) Is the rate of population change expected to continue as in the past, or to slow down or speed up? What are the implications of this change?
- (2) What will be the likely demand for housing and municipal and school services to accommodate the change in population and demographics, both as a result of overall change and as a result of change among different age groups?
- (3) Does your community have a significant seasonal population, is the nature of that population changing? What is the community's dependence on seasonal visitors?
- (4) If your community is a service center or has a major employer, are additional efforts required to serve a daytime population that is larger than its resident population?

**C. Conditions and Trends**

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Population and Demographic Data Set (including relevant local, regional, and statewide data) prepared and provided to the community by the Office or its designee.

**D. Policies**

None required.

**E. Strategies**

None required.

**Population and Demographics:****Analyses:**

- Are populations increasing or decreasing along sensitive coastal areas?
- Is there greater exposure to climate impacts for certain vulnerable populations (new immigrants or elderly) such as less ability to afford migration and adaptation actions?

**Strategies:**

- Identify populations and groups particularly vulnerable to each of the projected climate change impacts and establish a communication strategy to increase awareness, mitigation, and adaptation efforts, and to coordinate emergency response.
- Continue to support and expand regional cooperation for emergency response, water supply and sewer systems, adaptation measures, and climate related hazard prevention and preparedness.



## 7. Economy

### A. State Goal

Promote an economic climate that increases job opportunities and overall economic well-being.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.7(C) to answer the following questions.

- (1) Is the economy experiencing significant change, and how does this, or might this, affect the local population, employment, and municipal tax base?
- (2) Does the community have defined priorities for economic development? Are these priorities reflected in regional economic development plans?
- (3) If there is a traditional downtown or village center(s) in the community? If so, are they deteriorating or thriving?
- (4) Is tourism an important part of the local economy? If so, what steps has the community taken to support this industry?
- (5) Do/should home occupations play a role in the community?
- (6) Are there appropriate areas within the community for industrial or commercial development? If so, are performance standards necessary to assure that industrial and commercial development is compatible with the surrounding land uses and landscape?
- (7) Are public facilities, including sewer, water, broadband access or three-phase power, needed to support the projected location, type, and amount of economic activity, and what are the issues involved in providing them?
- (8) If there are local or regional economic development incentives such as TIF districting, do they encourage development in growth areas?
- (9) How can/does the community use its unique assets such as recreational opportunities, historic architecture, civic events, etc. for economic growth?

### C. Conditions and Trends

Minimum data required to address Analysis:

- (1) The community's Comprehensive Planning Economic Data Set prepared and provided to the community by the Office or its designee.
- (2) A brief historical perspective on how and why the current economy of the community and region developed.

## Economy

### Analysis

- Does the community provide technical assistance to support natural hazard assistance and mitigation strategies for vulnerable small businesses?

- (3) A list of local and regional economic development plans developed over the past five years, which include the community.
- (4) Where does the community's population work and where do employees in your community reside? A description of the major employers in the community and labor market area and their outlook for the future.
- (5) A description of any economic development incentive districts, such as tax increment financing districts, in the community.

**D. Policies**

Minimum policies required to address state goals:

- (1) To support the type of economic development activity the community desires, reflecting the community's role in the region.
- (2) To make a financial commitment, if necessary, to support desired economic development, including needed public improvements.
- (3) To coordinate with regional development corporations and surrounding towns as necessary to support desired economic development.

**E. Strategies**

Minimum strategies required to address state goals:

- (1) If appropriate, assign responsibility and provide financial support for economic development activities to the proper entity (e.g., a local economic development committee, a local representative to a regional economic development organization, the community's economic development director, a regional economic development initiative, or other).
- (2) Enact or amend local ordinances to reflect the desired scale, design, intensity, and location of future economic development.
- (3) If public investments are foreseen to support economic development, identify the mechanisms to be considered to finance them (local tax dollars, creating a tax increment financing district, a Community Development Block Grant or other grants, bonding, impact fees, etc.)
- (4) Participate in any regional economic development planning efforts.

## 8. Housing

### A. State Goal / Minimum Policy

To encourage and promote affordable, decent housing opportunities for all Maine citizens.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.8(C) to answer the following questions.

- (1) How many additional housing units (if any), including rental units, will be necessary to accommodate projected population and demographic changes during the planning period?
- (2) Is housing, including rental housing, affordable to those earning the median income in the region? Is housing affordable to those earning 80% of the median income? If not, review local and regional efforts to address issue.
- (3) Are seasonal homes being converted to year-round use or vice-versa? What impact does this have on the community?
- (4) Will additional low and moderate income family, senior, or assisted living housing be necessary to meet projected needs for the community? Will these needs be met locally or regionally?
- (5) Are there other major housing issues in the community, such as substandard housing?
- (6) How do existing local regulations encourage or discourage the development of affordable/workforce housing?

### C. Conditions and Trends

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Housing Data Set prepared and provided to the community by the Maine State Housing Authority, and the Office, or their designees.
- (2) Information on existing local and regional affordable/workforce housing coalitions or similar efforts.
- (3) A summary of local regulations that affect the development of affordable/workforce housing.

### D. Policies

Minimum policies required to address state goals:

## Housing

### Analysis:

- Has the community considered increasing the Base Floor Elevation (BFE) standards in areas vulnerable to flooding?
- Has the community incorporated any other building design specifications that increase resistance to impacts from sea level rise or more intense storm events?

### Policies:

- Reduce the impacts of climate change on quality, amount and affordability of housing in the community.

### Strategies:

- Review current zoning codes, regulations, and policies to incorporate more sustainable building practices, such as LID design standards.
- Consider climate impacts when identifying future growth areas.

- (1) To encourage and promote adequate workforce housing to support the community's and region's economic development.
- (2) To ensure that land use controls encourage the development of quality affordable housing, including rental housing.
- (3) To encourage and support the efforts of the regional housing coalitions in addressing affordable and workforce housing needs.

**E. Strategies**

Minimum strategies required to address state goals:

- (1) Maintain, enact or amend growth area land use regulations to increase density, decrease lot size, setbacks and road widths, or provide incentives such as density bonuses, to encourage the development of affordable/workforce housing.
- (2) Maintain, enact or amend ordinances to allow the addition of at least one accessory apartment per dwelling unit in growth areas, subject to site suitability.
- (3) Create or continue to support a community affordable/workforce housing committee and/or regional affordable housing coalition.
- (4) Designate a location(s) in growth areas where mobile home parks are allowed pursuant to 30-A M.R.S.A. §4358(3)(M) and where manufactured housing is allowed pursuant to 30-A M.R.S.A. §4358(2).
- (5) Support the efforts of local and regional housing coalitions in addressing affordable and workforce housing needs.
- (6) Seek to achieve a level of at least 10% of new residential development built or placed during the next decade be affordable.

## 9. Recreation

### A. State Goal

To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.9(C) to answer the following questions.

- (1) Will existing recreational facilities and programs in the community and region accommodate projected growth or changes in age groups in your community?
- (2) Is there a need for certain types of services or facilities or to upgrade or enlarge present facilities to either add capacity or make them more usable?
- (3) Are important tracts of open space commonly used for recreation publicly-owned or otherwise permanently conserved?
- (4) Does the community have a mechanism, such as an open space fund or partnership with a land trust, to acquire important open spaces and access sites, either outright or through conservation easements?
- (5) Does the public have access to each of the community's significant water bodies?
- (6) Are recreational trails in the community adequately maintained? Are there use conflicts on these trails?
- (7) Is traditional access to private lands being restricted?

### C. Condition and Trends

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Recreation Data Set prepared and provided to the community by the Department of Conservation, and the Office, or their designees.
- (2) A description of important public and private active recreation programs, land and water recreation areas (including hunting and fishing areas), and facilities in the community and region, including regional recreational opportunities as appropriate, and identification of unmet needs.

## Recreation

### Analysis:

- Is there an inventory of publicly-owned and maintained recreation facilities in vulnerable areas?

### Policies:

- Discourage the location of new active recreation facilities in areas vulnerable to climate change impacts.

### Strategies:

- Use tools such as TIF and impact fees to fund capital improvements, including recreation facilities, to attract development to growth areas and away from vulnerable ones.
- Limit public funding for recreation facilities in vulnerable areas.

- (3) An inventory of any fresh or salt water bodies in the community determined locally to have inadequate public access.
- (4) A description of local and regional trail systems, trail management organizations, and conservation organizations that provide trails for all-terrain vehicles, snowmobiling, skiing, mountain biking, or hiking.
- (5) A map or list of important publicly-used open spaces and their associated facilities, such as parking and toilet facilities.

**D. Policies**

Minimum policies required to address state goals:

- (1) To maintain/upgrade existing recreational facilities as necessary to meet current and future needs.
- (2) To preserve open space for recreational use as appropriate.
- (3) To seek to achieve or continue to maintain at least one major point of public access to major water bodies for boating, fishing, and swimming, and work with nearby property owners to address concerns.

**E. Strategies**

Minimum strategies required to address state goals:

- (1) Create a list of recreation needs or develop a recreation plan to meet current and future needs. Assign a committee or community official to explore ways of addressing the identified needs and/or implementing the policies and strategies outlined in the plan.
- (2) Work with public and private partners to extend and maintain a network of trails for motorized and non-motorized uses. Connect with regional trail systems where possible.
- (3) Work with an existing local land trust or other conservation organizations to pursue opportunities to protect important open space or recreational land.
- (4) Provide educational materials regarding the benefits and protections for landowners allowing public recreational access on their property. At a minimum this will include information on Maine's landowner liability law regarding recreational or harvesting use, Title 14, M.R.S.A. §159-A.

## 10. Transportation

### ***Sensible Transportation Policy Act***

If a community has adopted a local or applicable regional long-range transportation plan that has been approved by the Maine Department of Transportation as consistent with the *Sensible Transportation Policy Act* (23 M.R.S.A. §73), then the transportation section is deemed complete for the purposes of review under this Chapter. The transportation section of the comprehensive plan need only include a letter from the Maine Department of Transportation stating that the community's long-range transportation plan is consistent with 17-229 CMR Chapter 103 subchapter 3 and is current in accordance with 17-229 CMR Chapter 103 subchapter 3.2(F).

Absent such approval, the following information, analyses, policies and strategies are required. Regional transportation plans must be consulted in preparing this section.

#### A. State Goal

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

#### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.10(C) to answer the following questions.

- (1) What are the transportation system concerns in the community and region? What, if any, plans exist to address these concerns?
- (2) Are conflicts caused by multiple road uses, such as a major state or U.S. route that passes through the community or its downtown and serves as a local service road as well?
- (3) To what extent do sidewalks connect residential areas with schools, neighborhood shopping areas, and other daily destinations?
- (4) How are walking and bicycling integrated into the community's transportation network (including access to schools, parks, and other community destinations)?
- (5) How do state and regional transportation plans relate to your community?

## Transportation

### Analysis:

- Has the community evaluated the vulnerability of its transportation infrastructure to the effects of climate change such as flooding, storm surge, or excessive precipitation?
- How does the transportation infrastructure relate to vulnerable areas where impacts are expected?
- Does the community track maintenance costs associated with flooding damage to its transportation infrastructure?

### Policies:

- To consider the impacts of climate change on future construction and maintenance priorities related to transportation infrastructure.

### Strategies:

- If not already done, evaluate current transportation infrastructures vulnerability to climate change and flooding impacts.
- Use transportation policies to guide growth to safe locations and limit access to natural hazard areas.
- Newly constructed infrastructure should be designed and built in recognition of the best current understanding of future environmental risks. Incorporated future costs needed to increase infrastructure resiliency into CIP.
- Minimalize the risk to key transportation assets from floods, storms, landslides, and power outages through land use and development decisions, or retrofitting/replacement of utilities and infrastructure.
- Develop an inventory of all municipal Transportation infrastructure, and track maintenance related to flooding and other climate impacts.
- Review emergency access and evacuation And their vulnerability to extreme weather events.

- (6) What is the community's current and approximate future budget for road maintenance and improvement?
- (7) Are there parking issues in the community? If so what are they?
- (8) If there are parking standards, do they discourage development in village or downtown areas?
- (9) Do available transit services meet the current and foreseeable needs of community residents? If transit services are not adequate, how will the community address the needs?
- (10) If the community hosts a transportation terminal, such as an airport, passenger rail station, or ferry terminal, how does it connect to other transportation modes (e.g. automobile, pedestrian, bicycle, transit)?
- (11) If the community hosts or abuts any public airports, what coordination has been undertaken to ensure that required airspace is protected now and in the future? How does the community coordinate with the owner(s) of private airports?
- (12) If you are a coastal community are land-side or water-side transportation facilities needed? How will the community address these needs?
- (13) Does the community have local access management or traffic permitting measures in place?
- (14) Do the local road design standards support the community's desired land use pattern?
- (15) Do the local road design standards support bicycle and pedestrian transportation?
- (16) Do planned or recently built subdivision roads (residential or commercial) simply dead-end or do they allow for expansion to adjacent land and encourage the creation of a network of local streets? Where dead-ends are unavoidable, are mechanisms in place to encourage shorter dead-ends resulting in compact and efficient subdivision designs?

### C. **Conditions and Trends**

Minimum data required to address Analyses:

- (1) The community's Comprehensive Planning Transportation Data Set prepared and provided to the community by the Department of Transportation, and the Office, or their designees.
- (2) Location and overall condition of roads, bridges, sidewalks, and bicycle facilities, including any identified deficiencies or concerns.
- (3) Identify potential on and off-road connections that would provide bicycle and pedestrian connections to neighborhoods, schools, waterfronts and other activity centers.
- (4) Identify major traffic (including pedestrian) generators, such as schools, large businesses, public gathering areas/activities, etc. and related hours of their operations.
- (5) Identify policies and standards for the design, construction and maintenance of public and private roads.
- (6) List and locate municipal parking areas including capacity, and usage.



- (7) Identify airports within or adjacent to the community and describe applicable airport zoning and airspace protection ordinances your community has in place.
- (8) Identify bus or van services.
- (9) Identify existing and proposed marine and rail terminals within your community including potential expansions.
- (10) If coastal communities identify public ferry service and private boat transportation support facilities (may be covered under Marine Resources with cross reference) including related water-side (docks/piers/wharves) and land-side (parking) facilities.

#### D. **Policies**

Minimum policies required to address state goals:

- (1) To prioritize community and regional needs associated with safe, efficient, and optimal use of transportation systems.
- (2) To safely and efficiently preserve or improve the transportation system.
- (3) To promote public health, protect natural and cultural resources, and enhance livability by managing land use in ways that maximize the efficiency of the transportation system and minimize increases in vehicle miles traveled.
- (4) To meet the diverse transportation needs of residents (including children, the elderly and disabled) and through travelers by providing a safe, efficient, and adequate transportation network for all types of users (motor vehicles, pedestrians, bicyclists).
- (5) To promote fiscal prudence by maximizing the efficiency of the state or state-aid highway network.

#### E. **Strategies**

Minimum strategies required to address state goals:

- (1) Develop or continue to update a prioritized improvement, maintenance, and repair plan for the community's transportation network.
- (2) Initiate or actively participate in regional and state transportation efforts.
- (3) Maintain, enact or amend local ordinances as appropriate to address or avoid conflicts with:
  - a. Policy objectives of the *Sensible Transportation Policy Act* (23 M.R.S.A. §73);
  - b. State access management regulations pursuant to 23 M.R.S.A. §704; and
  - c. State traffic permitting regulations for large developments pursuant to 23 M.R.S.A. §704-A.
- (4) Maintain, enact or amend ordinance standards for subdivisions and for public and private roads as appropriate to foster transportation-efficient growth patterns and provide for future street and transit connections.

## 11. Public Facilities and Services

### A. State Goal

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.11(C) to answer the following questions.

- (1) Are municipal services adequate to meeting changes in population and demographics?
- (2) Has the community partnered with neighboring communities to share services, reduce costs and/or improve services? In what ways?
- (3) If the community has a public sewer system, what issues or concerns are there currently and/or anticipated in the future? Is the sanitary district extension policy consistent with the Future Land Use Plan as required by (38 M.R.S.A. §1163), or will it be?
- (4) If the community has a public water system are any public water supply expansions anticipated? If so, have suitable sources been identified and protected? Is the water district extension policy consistent with the Future Land Use Plan?
- (5) If the town does not have a public sewer or water system, is this preventing the community from accommodating current and projected growth?
- (6) Are existing stormwater management facilities adequately maintained? What improvements are needed? How might future development affect the existing system?
- (7) How do residents dispose of septic tank waste? Are there issues or concerns regarding septic tank waste?
- (8) Is school construction or expansion anticipated during the planning period? Are there opportunities to promote new residential development around existing and proposed schools?
- (9) Is the community's emergency response system adequate? Are improvements needed?

### Public Facilities

#### Analysis:

- Is there an inventory of publicly-owned and maintained facilities in vulnerable areas?

#### Policies:

- Discourage the location of new facilities in areas vulnerable to climate change impacts.

#### Strategies:

- Build an interconnected network of infrastructure such as roads, pipelines, and cables. The network structure will allow impacted equipment to be isolated as necessary so as not to shut down the entire area.
- Locate police, fire stations or emergency response in safe locations that are not likely to be affected by flooding.
- Use tools such as TIF and impact fees to fund capital improvements to attract development to growth areas and away from vulnerable ones.
- Limit public funding for infrastructure and facilities in vulnerable areas.

- (10) Is the solid waste management system meeting current needs? Is the community reducing the reliance on waste disposal and increasing recycling opportunities? Are improvements needed to meet future demand?
- (11) Are improvements needed in the telecommunications and energy infrastructure?
- (12) Are local and regional health care facilities and public health and social service programs adequate to meet the needs of the community?
- (13) Will other public facilities, such as town offices, libraries, and cemeteries accommodate projected growth?
- (14) To what extent are investments in facility improvements directed to growth areas?
- (15) Does the community have a street tree program?

### C. **Conditions and Trends**

Minimum data required to address Analyses includes the identification of the following as applicable for the public facilities and services in 3.11 C (5) (a through i):

- (1) location of facilities and service areas (mapped as appropriate);
- (2) general physical condition of facilities and equipment;
- (3) capacity and anticipated demand during the planning period;
- (4) identification of who owns/manages the systems;
- (5) estimated costs of needed capital improvements to public facilities; and
- (6) the following information related to each of these public facilities and services:
  - a. **Sewerage and/or Water Supply** – Identify number and types of users, and percent of households served
  - b. **Septage** – Identify any community policies or regulations regarding septage collection and disposal.
  - c. **Solid Waste** – Describe the community’s solid waste management system. Identify types and amounts of municipal solid waste and recycled materials for the past five (5) years.
  - d. **Stormwater Management** – Identify combined sewer overflows. For Municipal Separate Stormwater System (MS4) communities, describe plan and status of the major goals of the MS4 requirements.
  - e. **Power and Communications** – Availability of 3-phase power, Internet (including broadband), and cable within the community.
  - f. **Emergency Response System** –Average call response times for fire, police, and emergency/rescue.

- g. **Education** – Identify school administrative unit. Include primary/secondary school system enrollment for the most recent year information is available and for the ten (10) years after the anticipated adoption of plan.
- h. **Health Care** - Describe major health care facilities (hospitals, clinics) and other providers serving the community. Identify public health and social services supported by the community through municipal subsidy.
- i. **Municipal Government Facilities and Services** – Describe facilities and staffing for municipal administrative, enforcement, and public works operations.
- j. **Street Tree Program** - Describe the community's street tree program.

#### D. **Policies**

Minimum policies required to address state goals:

- (1) To efficiently meet identified public facility and service needs.
- (2) To provide public facilities and services in a manner that promotes and supports growth and development in identified growth areas.

#### E. **Strategies**

Minimum strategies to meet state goals:

- (1) Identify any capital improvements needed to maintain or upgrade public services to accommodate the community's anticipated growth and changing demographics.
- (2) Locate new public facilities comprising at least 75% of new municipal growth-related capital investments in designated growth areas.
- (3) Encourage local sewer and water districts to coordinate planned service extensions with the Future Land Use Plan.
- (4) If public water supply expansion is anticipated, identify and protect suitable sources?
- (5) Explore options for regional delivery of local services.

## 12. Fiscal Capacity and Capital Investment Plan

### A. State Goal

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

### B. Analyses

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.12(C) to answer the following questions.

- (1) How will future capital investments identified in the plan be funded?
- (2) If the community plans to borrow to pay for capital investments, does the community have sufficient borrowing capacity to obtain the necessary funds?
- (3) Have efforts been made by the community to participate in or explore sharing capital investments with neighboring communities? If so, what efforts have been made?

### C. Conditions and Trends

Minimum data required to address Analyses:

- (1) Identify community revenues and expenditures by category for the last five (5) years and explain trends.
- (2) Describe means of funding capital items (reserve funds, bonding, etc.) and identify any outside funding sources.
- (3) Identify local and state valuations and local mil rates for the last five (5) years.
- (4) How does total municipal debt (including shares of county, school and utility) compare with the statutory and Maine Bond Bank recommended limits on such debt?

### D. Policies

Minimum policies required to address state goals:

- (1) To finance existing and future facilities and services in a cost effective manner.
- (2) To explore grants available to assist in the funding of capital investments within the community.

## Fiscal Capacity and Capital Investment Plan

### Analysis:

- Is there an inventory of publicly-owned and maintained facilities in vulnerable areas?

### Policies:

- Discourage the location of new facilities in areas vulnerable to climate change impacts.

### Strategies:

- Build an interconnected network of infrastructure such as roads, pipelines, and cables. The network structure will allow impacted equipment to be isolated as necessary so as not to shut down the entire area.
- Locate police, fire stations or emergency response in safe locations that are not likely to be affected by flooding.
- Use tools such as TIF and impact fees to fund capital improvements to attract development to growth areas and away from vulnerable ones.
- Limit public funding for infrastructure and facilities in vulnerable areas.

- (3) To reduce Maine's tax burden by staying within LD 1 spending limitations.

E. **Strategies**

Minimum strategies required to address state goals:

- (1) Explore opportunities to work with neighboring communities to plan for and finance shared or adjacent capital investments to increase cost savings and efficiencies.

F. **Capital Investment Plan**

The comprehensive plan must include a capital investment plan that:

- (1) Identifies and summarizes anticipated capital investment needs within the planning period in order to implement the comprehensive plan, including estimated costs and timing, and identifies which are municipal growth-related capital investments;
- (2) Establishes general funding priorities among the community capital investments; and
- (3) Identifies potential funding sources and funding mechanisms.

**13. Existing Land Use****A. State Goal**

None required.

**B. Analyses**

To generate minimum analyses to address state goals, use Conditions and Trends data in Section 3.13(C) and the community's vision statement to answer the following questions.

- (1) Is most of the recent development occurring: lot by lot; in subdivisions; or in planned developments? Is recent development consistent with the community's vision?
- (2) What regulatory and non-regulatory measures would help promote development of a character, and in locations that are consistent with the community's vision?
- (3) Is the community's administrative capacity adequate to manage its land use regulation program, including planning board and code enforcement officer?
- (4) Are floodplains adequately identified and protected? Does the community participate in the National Flood Insurance Program? If not, should it? If so, is the floodplain management ordinance up to date and consistently enforced? Is the floodplain management ordinance consistent with state and federal standards?

**C. Conditions and Trends**

Minimum data required to address Analyses:

- (1) An existing land use map, by land use classification (such as mixed-use, residential, commercial, institutional, industrial, agricultural, commercial forests, marine, park/recreational, conserved, and undeveloped land).
- (2) A summary of current lot dimensional standards.
- (3) A description or map identifying the location of lots and primary structures created within the last ten years. Include residential, institutional, commercial, and industrial development.
- (4) Provide a brief description of existing land use regulations and other tools utilized to manage land use, including shoreland zoning, floodplain management, subdivision, site plan review, and zoning ordinances.
- (5) Estimate the minimum amount of land needed to accommodate projected residential, institutional, commercial, or industrial development at least ten (10) years into the future.

**Existing Land Use****Analysis:**

- Has the community analyzed hazard exposure and vulnerability?

**Policies:**

- Discourage growth and new development in areas where, because of coastal storms, flooding, changes in precipitation, landslides or sea level rise, it is hazardous to human health and safety.

**Strategies:**

- Establish regular schedule for updating flood maps and risk assessment, with provisions for extra mapping when new information becomes available that will substantially change high risk areas.
- Update development guidelines to include adaptation to future climate conditions.
- Take advantage of redevelopment to obtain or restore public and natural amenities that increase resilience through density bonuses, variances, or purchase.

## SECTION 4. FUTURE LAND USE PLAN

### 1. State Goal

To encourage orderly growth and development in appropriate areas of each community, while protecting the state's rural character, making efficient use of public services, and preventing development sprawl.

### 2. Future Land Use Plan Overview

The plan must include a Future Land Use Plan that is consistent with the community's vision and other policies in the plan. The Future Land Use Plan brings together plan elements that affect land use. It is intended to synthesize these elements into a cohesive guide to realizing the community's vision, including the development of land use regulations/ordinances. Use the analysis of conditions and trends data in Section 4, in conjunction with the vision statement, to develop the community's Future Land Use Plan.

The Future Land Use Plan divides the community into geographical areas identified as either most suitable for growth or most suitable for rural uses unless exempted under 30-A M.R.S.A. §4326(3-A), more fully described below. The Future Land Use Plan also incorporates a map of critical natural resources and any designated critical rural and critical waterfront areas within the community. The Future Land Use Plan will be the focus of the Office review for consistency with the Act.

### 3. Review Criteria for Future Land Use Plan Designations

#### A. Growth Areas

A community's Future Land Use Plan must identify a growth area or areas. The designation of growth areas is intended to ensure that planned growth and development and related infrastructure are directed to areas most suitable for such growth and development. Land areas designated as growth area must be consistent with the following provisions.

- (1) The Future Land Use Plan must designate as growth area those lands into which the community intends to direct a minimum of 75% of dollars for municipal growth-related capital investments made during the planning period.
- (2) Built-out or developed areas that may not have capacity for further growth but require maintenance, replacement, or additional capital investment to support existing or infill development must also be designated as growth areas.
- (3) Growth areas must generally be limited to land areas that are physically suitable for development or redevelopment. Growth areas may include incidental land areas that are physically unsuitable for development or redevelopment, including critical natural resource, however, the plan must address how these areas will be protected from negative impacts of incompatible development to the greatest extent practicable or, at a minimum, as prescribed by law.

#### **Future Land Use:**

**Note: The Future Land Use Plan should avoid, if possible, designating as growth areas those lands that are vulnerable to flooding or impacts from increased storm events. If such areas are designated as growth areas, the community should carefully outline adaptation measures it will pursue to mitigate this the negative impacts.**



- (4) To the greatest extent practicable growth areas should be located adjacent to existing densely-populated area.
- (5) Growth areas, to the greatest extent practicable, should be limited to an amount of land area and a configuration to encourage compact, efficient development patterns (including mixed uses) and discourage development sprawl and strip development.
- (6) Growth areas along roads should be configured to avoid strip development and promote nodes or clusters of development.

#### **B. Growth Area Exemptions**

In some communities, conditions may make the identification of specific areas for residential, institutional, commercial, and/or industrial growth inappropriate. These conditions, as described in 30-A M.R.S.A. §4326(3-A) and Section 4.5 of this Chapter, include:

- (1) Severe physical limitations;
- (2) Minimal or no growth; or
- (3) The lack of a village or densely populated area.

Communities with one or more of these conditions may develop a Future Land Use Plan that does not identify growth areas for residential, institutional, commercial, or industrial growth pursuant to the criteria identified in Section 4.5. If a growth area exemption is proposed, the plan's description of existing trends and conditions must support the exemption request. Communities with growth caps or rate-of-growth ordinances are not eligible for a growth area exemption.

#### **C. Shared Growth Areas**

Pursuant to and in accordance with 30-A M.R.S.A. §4325, communities may enter into an interlocal agreement with one or more neighboring communities to designate regional growth areas for anticipated residential, institutional, commercial, or industrial growth and/or related services or infrastructure.

#### **D. Transitional Areas**

The Future Land Use Plan may designate as transitional area those land areas which the community identifies as suitable for a share of projected residential, institutional, commercial or industrial development but that is neither intended to accept the amount or density of development appropriate for a growth area nor intended to provide the level of protection for rural resources afforded in a rural area or critical rural area. Designated transitional areas are intended to provide for limited suburban or rural residential development opportunities. Land areas designated as transitional area must be consistent with the following provisions:

- (1) Transitional areas cannot be defined as growth areas for the purposes of state growth related capital investment pursuant to 30-A M.R.S.A. §4301(5-B).
- (2) Development standards in transitional areas must limit strip development along roads through access management, minimum frontage requirements, and other techniques.

- (3) Transitional areas cannot include significant contiguous areas of working farms, wood lots, properties in state tree growth and farm and open space tax programs, prime agricultural and forestry soils, unfragmented habitat, or marine resources identified in the conditions and trends in Sections 3.3, 3.4, and 3.5.
- (4) Transitional areas must be compatible with designations in adjacent communities or provide buffers or transitions to avoid land use conflicts with neighboring communities.

#### E. Rural Areas

The community's Future Land Use Plan must identify a rural area or areas. The designation of rural areas is intended to identify areas deserving of some level of regulatory protection from unrestricted development for purposes that may include, but are not limited to, supporting agriculture, forestry, mining, open space, wildlife habitat, fisheries habitat and scenic lands, and away from which most development projected over ten (10) years is diverted.

A community's Future Land Use Plan must designate as rural area or areas any portion of the community consistent with the following provisions:

- (1) To the greatest extent practicable, rural areas must include working farms, wood lots, properties enrolled in current-use tax programs related to forestry, farming or open space, areas of prime agricultural soils, critical natural resources, and important natural resources.
- (2) The Future Land Use Plan must identify proposed mechanisms, both regulatory and non-regulatory, to ensure that the level and type of development in rural areas is compatible with the defined rural character and does not encourage strip development along roads.
- (3) Rural areas shall not include land areas where the community actively encourages new residential, institutional, or commercial development.
- (4) Rural areas must be compatible with designations in adjacent communities or provide buffers or transitions to avoid land use conflicts with neighboring communities.

#### F. Critical Natural Resources

For the purpose of protecting Critical Natural Resources from the impacts of incompatible development, the Future Land Use Plan must distinguish between areas where those resources are present and where they are absent.

The Future Land Use Plan must include a map or maps depicting Critical Natural Resources and a description of proposed regulations (including ongoing local, state and federal regulations) and non-regulatory measures designed to ensure that these resources are, to the greatest practicable extent, protected from the impacts of incompatible development. (Typically, some of the information contained in a plan's Natural Resources section will be repeated or summarized in the Future Land Use section.)

#### **Future Land Use:**

**Note: Incompatible development may also include development that does not consider vulnerability to sea level rise, or impacts from increased storm frequency and intensity.**

#### G. Critical Rural Areas and Critical Waterfront Areas

As an option, the community may identify and designate one or more critical rural areas or critical waterfront areas as defined in this Chapter on the Future Land Use Plan. If the community chooses to make such designations, land areas so designated must be consistent with the following provisions:

- (1) Critical rural areas and critical waterfront areas are those rural and waterfront areas in a community most vulnerable to impacts from incompatible development.
- (2) The Future Land Use Plan must identify current and proposed mechanisms, both regulatory and non-regulatory, to ensure that critical rural areas and critical waterfront areas are, to the greatest extent practicable, protected from the impacts of incompatible development.
- (3) Critical rural areas and critical waterfront areas must be compatible with designations in adjacent communities or provide buffers or transitions to avoid land use conflicts with neighboring communities.

#### 4. Required Elements for the Future Land Use Plan

##### A. Analyses

- (1) Does the Future Land Use Plan align and/or conflict with the community's vision statement?
- (2) Is the configuration of the growth area(s) shaped by natural opportunities and/or constraints (i.e. the physical suitability or unsuitability of land for development)? The location of public facilities? The transportation network?
- (3) How does the Future Land Use Plan relate to recent development trends?
- (4) Given current regulations, development trends, and population projections, estimate how many new residential units and how much commercial, institutional, and/or industrial development will likely occur in the planning period? Where is this development likely to go?
- (5) How can critical natural resources and important natural resources be effectively protected from future development impacts?

##### Future Land Use

###### Analysis:

- Does the Future Land Use Plan consider the future impacts of climate change?

##### B. Components

The Future Land Use Plan must include:

- (1) A map or maps showing:
  - a. Growth area(s) (unless exempted) and Rural area(s) and any land use districts within each;

##### Future Land Use

###### Components:

- A map of areas vulnerable to sea level rise or increased flooding resulting from sea level rise or storm events, including such resources as historic or culturally significant areas, schools, hospitals, utilities, and critical infrastructure.

- b. Critical Natural Resources in accordance with 4.3.F, above
  - c. Any of the following optional land use areas, if proposed, along with any land use districts within each: Transitional, Critical Rural, Critical Waterfront.
- (2) A map depicting the constraints to development identified in the plan (may be a combination of maps from other sections).
- (3) A narrative description of each land use district including:
- a. The district's relationship to the community's vision;
  - b. The district's natural opportunities and/or constraints;
  - c. The types and intensity of proposed land uses, including residential density;
  - d. The compatibility or incompatibility of proposed uses to current uses, critical natural resources and important natural resources within and around the district along with any special development considerations (e.g. need for additional buffers, conservation subdivision provisions, architectural design standards, etc.); and
  - e. Any anticipated major municipal capital investments needed to support the proposed land uses.

#### C. **Policies**

Minimum policies to address state goals:

- (1) To coordinate the community's land use strategies with other local and regional land use planning efforts.
- (2) To support the locations, types, scales, and intensities of land uses the community desires as stated in its vision.
- (3) To support the level of financial commitment necessary to provide needed infrastructure in growth areas.
- (4) To establish efficient permitting procedures, especially in growth areas.
- (5) To protect critical rural and critical waterfront areas from the impacts of development.

#### D. **Strategies**

In addition to the strategies required below, include any strategies as necessary to support the establishment of any rate of growth or impact fee ordinances proposed. These may include strategies found in other sections of the plan.

Minimum strategies required to address state goals:

- (1) Assign responsibility for implementing the Future Land Use Plan to the appropriate committee, board or municipal official.

- (2) Using the descriptions provided in the Future Land Use Plan narrative, maintain, enact or amend local ordinances as appropriate to:
  - a. Clearly define the desired scale, intensity, and location of future development;
  - b. Establish or maintain fair and efficient permitting procedures, and explore streamlining permitting procedures in growth areas; and
  - c. Clearly define protective measures for critical natural resources and, where applicable, important natural resources.
  - d. Clearly define protective measures for any proposed critical rural areas and/or critical waterfront areas, if proposed.
- (3) Include in the Capital Investment Plan anticipated municipal capital investments needed to support proposed land uses.
- (4) Meet with neighboring communities to coordinate land use designations and regulatory and non-regulatory strategies.
- (5) Provide the code enforcement officer with the tools, training, and support necessary to enforce land use regulations, and ensure that the Code Enforcement Officer is certified in accordance with 30-A M.R.S.A. §4451.
- (6) Track new development in the community by type and location.
- (7) Direct a minimum of 75% of new municipal growth-related capital investments into designated growth areas identified in the Future Land Use Plan.
- (8) Periodically (at least every five years) evaluate implementation of the plan in accordance with Section 2.7.

## 5. Criteria for Growth Area Exemptions

### A. Severe Physical Limitations

The Future Land Use Plan need not identify growth areas if the plan demonstrates that it is not possible to accommodate future residential, institutional, commercial, or industrial growth because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils, or limitations imposed by critical natural resources.

To be considered for a growth area exemption because of severe physical limitations, the Future Land Use Plan must clearly indicate the physical limitation and the rationale for the exemption, based on one or more of the following three criteria:

- (1) **Water delivery and sewage disposal limitations.** To qualify under this criterion, the Future Land Use Plan shall include descriptions of existing water delivery system(s) and sewage disposal system(s), including an analysis of the current capacity of the system(s) and potential for service expansion or introduction of such services. This discussion must also include descriptions and maps of aquifers in the planning area, and a description of how these aquifers relate to future capacity to serve as water supply.

- (2) **Soils.** Description of soils types and conditions (available from the Natural Resources Conservation Service and the Maine Geological Survey), including the presence of ledge or steep slopes. This discussion must also describe the limitations of these soils related to wastewater disposal [pursuant to Maine Subsurface Wastewater Disposal regulations (10-144 CMR 241)], and describe how these soil limitations make designation of any growth areas in the community with densities in the range of 20,000 to 80,000 square feet impractical.
- (3) **Critical natural resources.** Description of critical natural resources, with accompanying map(s) detailing the location of those resources. Based on this information, this discussion must also include a description of the constraints placed on future development by critical natural resources, alone or in conjunction with other physical limitations.

#### B. **Minimal or No Growth**

The Future Land Use Plan is not required to identify growth areas for residential, institutional, commercial or industrial growth if it demonstrates that the community or region has experienced minimal or no residential, institutional, commercial, or industrial development over the past decade and this condition is expected to continue over the planning period. Communities that have adopted growth caps or rate-of-growth ordinances are not eligible for a growth area exemption.

For consideration of a growth area exemption because of minimal residential, institutional, commercial, or industrial development, the Future Land Use Plan must clearly indicate the rationale for the exemption according to the type of exemption, as described below:

- (1) **Residential growth area exemption.** For both the preceding 10-year period and the projected planning period, the Future Land Use Plan must include: the community's population; the number of households; and the average household size. Based on this information, the Future Land Use Plan must demonstrate that the community has experienced minimal or no residential development as defined in Section 1.2(CC) and expects such a trend to continue.
- (2) **Commercial/Institutional growth area exemption.** The Future Land Use Plan must include: information on the type and amount (square footage) of institutional or commercial development that occurred in the community during the preceding 10-year period, and a discussion of the type and amount of institutional or commercial development that is likely during the projected planning period. Based on this information, the Future Land Use Plan must demonstrate that the community has experienced minimal or no commercial/ institutional growth, as defined in Section 1.2(AA), and expects such trends to continue.
- (3) **Industrial growth area exemption.** The Future Land Use Plan must include: information on the type and amount (square footage) of industrial development that occurred in the community during the preceding 10-year period, and a discussion of what type and amount of industrial development is likely during the projected planning period. Based on this information, the Future Land Use Plan must demonstrate that the community has experienced minimal or no industrial development, as defined in Section 1.2(BB), and expects such a trend to continue.

#### C. **Lack of a Village or Densely Populated Area**

The Future Land Use Plan is not required to identify growth areas for residential, institutional, commercial, or industrial growth anywhere in the community if it demonstrates that the community or region growth patterns do not include a village center or other densely populated area, and that no such areas are expected over the planning period.

For consideration of a growth area exemption because of the absence of a village or densely populated area, the Future Land Use Plan must discuss the manner in which the community intends to remain a rural community. As part of this discussion, the Future Land Use Plan must describe the rationale for the exemption, and must meet the following three criteria:

- (1) Except for shoreland zones, the community has no land areas with residential dwelling densities greater than one unit per two acres within an area encompassed by any 500-foot radius; and
  - (2) The community has no land areas with village characteristics, such as a compact mix of commercial, civic, and residential development or a mix of housing types; and
  - (3) The community has no municipal or quasi-public water or wastewater systems.
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MAINE COMPREHENSIVE PLANNING  
CLIMATE CHANGE CONSIDERATIONS:  
**Climate Adaptation Resources for Communities**

**General References:**

- [Georgetown Climate Center](#)
- [FEMA Climate Change Tools](#)

**Historic Preservation:**

- [National Park Service's Climate Change Response Strategy](#)
- [Coastal Archaeological Resources Risk Assessment](#)
- [Cultural Heritage at Risk in the Twenty-First Century: A Vulnerability Assessment of Coastal Archaeological Sites in the United States](#)
- [National Park Service Policy Memorandum 14-02, section 2. Cultural Resources Decision-making in an Era of Climate Change](#)
- [Department of the Interior Climate Action Plan, section II: The Department of the Interior's Climate Adaptation Policy, Guiding Principles, Cultural and Heritage Resources](#)
- [National Park Service's Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings](#)

**Water Resources:**

- [Climate Change Handbook for Regional Water planning.](#)
- [Climate Ready Water Utilities Website](#)
- [Climate Resilience Evaluation and Awareness Tool \(CREAT\)](#)
- [Climate Ready Estuaries](#)
- [Climate Change and Water Resource Management: Adaptation Strategies for Protecting People and the Environment](#)

**Natural Resources:**

- [National Park Service-Climate Change Website](#)



- [U.S. Climate Resilience Toolkit: Adaptation Workbook for Natural Resources](#)

**Marine Resources:**

- [New York City Comprehensive Waterfront Plan: Vision 2020](#)

**Agricultural and Forest Resources:**

- [Climate Change and Agriculture in the United States: Effects and Adaptation, USDA Bulletin 1935, February 2013](#)

**Housing:**

- [The U.S. Department of Housing and Urban Development Policy Statement for Climate Change Adaptation](#)

**Land Use:**

- [USGS Website](#)