

## 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.
- (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.)

**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?

**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;
  - 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.