



STATE OF MAINE

JOHN E. BALDACCI  
GOVERNOR

DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
18 ELKINS LANE - HARLOW BUILDING  
22 STATE HOUSE STATION  
AUGUSTA, ME 04333-0022



PATRICK MCGOWAN  
COMMISSIONER

# Memorandum

June 2, 2008

TO: Commissioners  
FROM: Agnieszka Pinette, Senior Planner, Land Use Regulation Commission  
SUBJECT: Commission-generated amendments to core elements of Plum Creek's proposed Concept Plan (Zoning Petition ZP 707) for posting to public comment

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During its May 27 and 28, 2008, deliberations on Zoning Petition 707, the Commission: (1) directed staff/consultants to make changes to certain recommendations made by staff/consultants in their May 20, 2008 proposal<sup>1</sup>; (2) approved other recommendations proposed by staff/consultants; and (3) directed staff/consultants to bring back to the Commission a document reflecting these decisions for Commission review, approval, and posting to public comment.

Attached to this memorandum please find the following documents in response to these Commission decisions:

- A "track changes" mark-up of the pre-deliberation document the Commission received from staff/consultants (*Staff and Consultant Recommendations For the Land Use Regulation's Commission's May 27-28 Deliberative Sessions*, dated May 20, 2008). This mark-up incorporates all Commission-requested changes to that document (shown as highlighted text) and also makes formatting edits required to transform a set of staff/consultant recommendations into a Commission-generated document. All of these changes are shown in strike-through and underline style.
- A "clean" copy of the same document, which includes all maps and images.
- A proposed transmittal memorandum from the Commission to the public and the parties that explains the procedural context of the amendments and the request for comment.

Staff/consultants recommend that the Commission post its amendments for a 30-day public comment period to begin on June 11.

XC: Zoning Petition ZP 707 File

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<sup>1</sup> *Staff and Consultant Recommendations For the Land Use Regulation's Commission's May 27-28 Deliberative Sessions* (May 20, 2008)



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PATRICK MCGOWAN  
COMMISSIONER

# Memorandum

June 4, 2008

TO: Members of the public; and  
Petitioner, Intervenor, Interested Persons in the matter of Zoning Petition ZP 707

FROM: Land Use Regulation Commission

SUBJECT: Request for public comment on Commission-generated amendments to core elements of Plum Creek's proposed Concept Plan for the Moosehead Lake Region (Zoning Petition ZP 707)

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At the conclusion of the public and party hearings in January, 2008, the Land Use Regulation Commission considered several procedural options for completing its review of Plum Creek's proposed Concept Plan ("the Plan"). Rather than moving directly to an up-or-down vote on the Plan as filed, Commission members expressed a preference for a post-hearing process in which it could explore potential amendments to the Plan that the Commission concluded would be required in order to satisfy governing review criteria. The Commission later identified a set of core issues presented by the Plan to guide its decision-making on potential amendments, and directed its staff and consultants to prepare recommendations on whether, and how, the Plan needed to be amended on each core issue in order to satisfy governing review criteria.

Staff and consultants presented their recommended amendments to the Commission in writing<sup>1</sup> and then orally during two days of deliberations on May 27 and 28, 2008. The Commission deliberated on these recommendations during these two days; these deliberations resulted in certain changes to the staff/consultant recommendations, while other staff/consultant recommendations were accepted unchanged by the Commission. Subsequently, in a Commission meeting of June 4, 2008, the Commission reviewed and approved the text of a document containing all Commission-generated amendments, and approved its posting for public comment. It is on this set of Commission-generated amendments that the Commission now seeks comment from the public and the parties.

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<sup>1</sup> See *Staff and Consultant Recommendations For the Land Use Regulation's Commission's May 27-28 Deliberative Sessions* (May 20, 2008)

It is important to understand that these amendments do not constitute the exact replacement language that would amend the Concept Plan. Instead, at this stage in the proceeding the Commission-generated amendments are designed to indicate how the Commission would resolve core issues presented by the Plan under governing review criteria. The Commission recognizes that, if eventually adopted into the Concept Plan, many of the amendments contained in this document involve approaches and directions that will need to be refined and carefully drafted by staff to ensure the Commission's intent is fully expressed. This specific Plan amendment language would then come back to the Commission for review and final approval.

The Commission recognizes that concept plans are initiated by the landowner, and that any amendments to this Plan would have to be accepted by the Petitioner before they could be incorporated into a final decision. Therefore, the Commission will not direct its staff to prepare specific plan amendment language unless it appears likely that the Petitioner will accept amendments necessary to satisfy governing review criteria. In order for the Commission to fully understand whether the Petitioner is prepared to initiate a Concept Plan that incorporates the Commission-generated amendments, the Commission requests that in comments filed by the Petitioner, the Petitioner organize its comments so as to expressly distinguish between two types of changes it may request to the Commission-generated amendments: (1) those changes it considers essential to Petitioner's willingness to go forward with the Concept Plan, and (2) those changes to the Commission-generated amendments that the Petitioner would prefer, but acknowledges to be non-essential, in terms of its willingness to go forward with the Concept Plan. If the Petitioner states in its comments that it is not willing to go forward with the Concept Plan unless certain changes to Commission-generated amendments are made, the Commission will evaluate whether to terminate its consideration of Plan amendments and proceed to an up-or-down vote on the Plan as filed. Conversely, the Commission understands that any statement in Petitioner's comments that Commission-generated amendments are generally acceptable is conditioned upon the Petitioner's review and approval of specific Plan amendment language that would be drafted subsequently.

The Commission also recognizes that changes to the Commission-generated amendments may be appropriate based on its review of comments received from the other parties to this proceeding, as well as any public comments it receives.

Against this background, the Commission will determine after public comment both whether to make substantive changes to the Commission-generated amendments, and whether it is worthwhile to continue to pursue a process that allows for Plan amendment. The Commission anticipates reviewing public comment on these amendments in August or September, and will determine the future course of this proceeding at that time.