

SPECIAL MEETING NOTICE

The Ellsworth City Council will hold a special meeting on Monday, August 31, 2026, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

YouTube: <https://www.youtube.com/@CityofEllsworthMaine>

Public Access/Spectrum Channels 5 and 7

AGENDA

1. Call to Order.
2. Council Order #083100, Public Hearing and potential action on a moratorium on RV Parks in the City of Ellsworth.
3. Adjournment.



MEMORANDUM

CITY OF ELLSWORTH, MAINE
OFFICE OF THE CITY MANAGER

TO: City Council
FROM: Charlie Pearce
DATE: August 27, 2026
SUBJECT: RV Moratorium Discussion

SUGGESTED MOTION:

If the Council wishes to adopt the proposed moratorium as drafted:

"I move that the Ellsworth City Council enact the proposed City of Ellsworth Moratorium Ordinance – Large-Scale Campgrounds, as presented in the August 31, 2026 City Council packet."

As drafted by City legal counsel, the ordinance would apply to any commercial campground with five or more sites anywhere within the City of Ellsworth, including campgrounds accommodating tents, recreational vehicles, camper trailers, yurts, domes, rental cabins, or cottages. Campgrounds with four or fewer sites would not be subject to the moratorium.

If the Council wishes to limit the moratorium to the Rural Zoning District rather than applying it citywide, the Council should direct counsel to amend the ordinance accordingly before final enactment.

ADDITIONAL MATERIALS BEFORE THE COUNCIL

Since the Council's previous discussion, two significant additional materials have been prepared for Council consideration.

1. City Planner Memorandum

City Planner Brittany Merrill has prepared a separate memorandum dated August 26, 2026, which is attached to this memorandum in full and should be reviewed by Council prior to taking action.

The Planner strongly recommends against adoption of a moratorium while the pending Planning Board review remains underway.

Her memorandum notes that campgrounds are currently permitted uses in both the Rural and Urban Zoning Districts and that the Unified Development Ordinance already contains campground-specific requirements addressing density, access, environmental protection, stormwater, and wastewater. She further notes that the pending application is undergoing full Site Plan Review and that staff and the applicant have invested substantial time preparing for the upcoming Planning Board review, at which outstanding technical questions are expected to be addressed.

The Planner also emphasizes that the Planning Board has authority under the existing ordinance to require additional studies, impose conditions, or deny the application if the applicable standards are not met. Her professional assessment is that the record has not demonstrated a regulatory gap that the Planning Board lacks authority to address.

More substantively, the Planner concludes that staff has not identified an overburdening of public facilities or significant effects on water, sewer, emergency services, road capacity, or public recreational facilities sufficient to establish the type of problem normally addressed through a moratorium.

The Planner also offers a different interpretation of the Comprehensive Plan from that advanced by residents opposing the campground. She notes that the Plan anticipates limited rural commercial and recreational uses and identifies expanded recreation, a balanced tourism economy, and Ellsworth's role as a recreation and vacation destination among its objectives. Her conclusion is that a campground is not inherently inconsistent with the Comprehensive Plan's vision for the Rural District.

Finally, the Planner recommends that any changes Council believes should be made to campground standards be prioritized through Phase 2 of the City's Comprehensive Ordinance Review, allowing those changes to be developed deliberately and applied consistently to future development rather than interrupting a single application already substantially through the review process.

2. Revised Moratorium Ordinance Prepared by City Legal Counsel

City legal counsel has prepared a revised proposed moratorium ordinance for Council consideration.

Counsel has advised that, **if enacted as presently drafted, the ordinance would halt the pending Anchor In Campground proposal as well as any other project meeting the ordinance's definition of a "Large-Scale Campground."**

Importantly, the term "Large-Scale Campground" in the proposed ordinance does not refer only to a campground comparable in size to the proposed 28-site Anchor In project. The ordinance defines the term as a commercial facility in which tents, recreational vehicles, camper trailers, yurts, domes, rental cabins, or cottages are permitted on five or more sites for compensation or indirect compensation. A campground with four or fewer sites would therefore fall outside the proposed moratorium.

The ordinance as presently drafted would also apply throughout the entire City of Ellsworth, rather than only within the Rural Zoning District. Counsel has advised that the Council could choose a narrower approach. If the Council's concern is principally the compatibility of larger campground development with rural residential areas, the ordinance could instead be revised to apply only to qualifying campground proposals within the Rural Zoning District.

This is an important policy choice for Council.

A citywide moratorium would suspend campground development of five or more sites not only in the Rural District but also in other zoning districts where such activity is currently permitted. A Rural-District-only moratorium would more narrowly address the land-use concerns that have arisen from the Anchor In proposal and the questions raised about the relationship between campground development, rural neighborhood character, and the City's Comprehensive Plan.

The ordinance also contains an express retroactivity provision. As drafted, it would take effect immediately upon passage, apply retroactively to July 20, 2026, and apply to pending and future Large-Scale Campground applications to the maximum extent permitted by law. It expressly includes qualifying City permits that received lawful final approval fewer than 45 days prior to enactment.

Accordingly, adoption of the ordinance as drafted would not merely pause future campground applications while the City reviews its regulations. It is specifically structured to halt the pending Anchor In application as well.

The proposed ordinance contains legislative findings concerning potential wastewater, environmental, traffic, noise, lighting, solid-waste, infrastructure, and neighborhood compatibility impacts and concludes that the City's current Unified Development Ordinance does not sufficiently distinguish smaller campgrounds from developments consisting of five or more sites.

It further cites the City's single Rural District, the Comprehensive Plan's recommendation for more differentiated rural zoning, and the Council's proposed finding that current regulations contain insufficient provisions to assure that qualifying campground development protects rural character and is supported by adequate infrastructure and transportation systems.

The fact that City Counsel has prepared language intended to withstand legal review should not be understood as a recommendation that Council enact the moratorium. Legal defensibility and policy advisability remain separate questions for Council.

CITY MANAGER'S CONTINUING RECOMMENDATION

The Council has made clear, by a 3–2 vote, that it wishes to have a moratorium available for consideration prior to the Planning Board's anticipated final action. Consistent with that direction, the August 31 special meeting has been scheduled and the proposed ordinance prepared by City legal counsel has been placed before Council.

My recommendation nevertheless remains that the Council **not enact the moratorium on August 31 and instead allow the Planning Board to complete its pending review.**

That recommendation is reinforced, rather than diminished, by having the final proposed ordinance before us.

The ordinance as drafted would represent a significant legislative action. It would apply citywide to virtually any commercial campground containing five or more sites, suspend the processing of qualifying applications, and expressly apply retroactively in a manner intended to halt the Anchor In proposal. That may ultimately be the policy determination Council wishes to make, but I believe the breadth and consequences of that action warrant the benefit of the Planning Board's final technical review before Council reaches that conclusion.

There are only days between the August 31 Council meeting and the anticipated Planning Board consideration of this application.

Many of the factual concerns relied upon in the proposed moratorium findings (traffic, wastewater, environmental protection, infrastructure capacity, setbacks, compatibility, and impacts on surrounding properties) are also issues that the Planning Board and professional staff are presently evaluating through the Site Plan Review process.

The Planning Board's decision will therefore provide Council with meaningful additional information about whether those concerns can be addressed under the City's existing ordinance.

If the Planning Board determines that the proposal cannot satisfy existing standards and denies it, the immediate concern associated with this project would be substantially altered.

If the Planning Board determines that the concerns can be addressed through conditions, additional studies, or application of existing standards, that would be relevant to Council's proposed finding that the present regulatory structure is inadequate.

If the Planning Board approves the proposal despite impacts that Council believes existing law cannot adequately address, that could provide a stronger factual basis for legislative intervention.

For those reasons, I continue to believe the City loses little by allowing a nearly completed Planning Board process to conclude and gains considerable information with which to make what is ultimately a significant citywide land-use policy decision.

If Council nevertheless determines that a moratorium should be enacted on August 31, I recommend that Council specifically discuss **the geographic and substantive scope of the ordinance before voting.**

In particular, Council should determine whether its concern supports:

- a **citywide moratorium on all commercial campgrounds of five or more sites**, as presently drafted; or
- a **more limited moratorium on qualifying campground development within the Rural Zoning District**, as City counsel has indicated can be prepared.

That distinction matters. Much of the public testimony and policy discussion leading to this proposal has focused on compatibility between larger campground development and residential uses within Ellsworth's Rural District. If that is the problem Council intends to address, limiting the ordinance geographically may more closely correspond to the identified concern and avoid unnecessarily suspending campground development in portions of the City where the same compatibility questions may not exist.

Ultimately, Council has the authority to make that policy judgment. My recommendation remains that it do so after receiving the final Planning Board record, but if Council elects to proceed on August 31, it should be clear about both why a moratorium is necessary and how broadly that moratorium needs to apply. I've also added my recommendation on additional process considerations should council choose to wait to enact a moratorium until after the Planning Board decision but still consider a moratorium within the 45 day window as discussed at the last council meeting.

From Prior Meeting:

If the Planning Board approves the application, I recommend the following expedited process:

September 14 – Special Council Workshop: Neighborhood and Moratorium Proponents

This meeting would be devoted primarily to the residents requesting the moratorium and their attorney. Unlike a standard three-minute public-comment format, the group would have sufficient time to present its proposed ordinance, legal argument, Comprehensive Plan analysis, concerns regarding the existing campground ordinance, and evidence regarding traffic, public safety, environmental impacts, neighborhood compatibility and other alleged public harms.

Councilors could then question the presenters in detail.

September 28 – Special Council Workshop: Applicant, Property Rights, City Staff and Legal Review

The applicant/property owner should be provided an equivalent opportunity to explain the project, its reliance upon existing zoning, investments already made, proposed mitigation measures, and the consequences of applying a new ordinance or moratorium to the project after Planning Board approval.

The City Attorney should also provide Council with an analysis of the proposed moratorium, including the findings necessary under 30-A M.R.S. §4356, the implications of §§3007(6) and (7), procedural requirements for adoption, potential retroactivity, and litigation risk.

Planning, Code, Public Works, Fire, Police and other appropriate staff could address technical questions within their respective areas without advocating for either outcome.

The discussion should also include the broader policy implications for economic development, housing and confidence in Ellsworth's permitting environment.

Following those two meetings, the Council should hold whatever formally noticed public hearing and legislative meeting City counsel determines is required, sufficiently in advance of approximately October 17 to permit lawful adoption and implementation if Council determines that a moratorium is warranted.

Conclusion

The residents who have organized around this proposal have raised substantial and thoughtful questions that deserve more than a three-minute exchange at a Council meeting. They have identified issues regarding neighborhood compatibility, traffic and emergency access, rural character, the distinction between modern RV parks and traditional campgrounds, and the relationship between Ellsworth's newly adopted Comprehensive Plan and ordinances written before that plan was completed. Those questions deserve a full hearing.

The applicant and property owner are entitled to equal consideration. They have proceeded under ordinances enacted by the City that currently permit campground development in the Rural District. The Council must therefore consider the implications of changing those rules during or immediately following an active permitting process and what that could communicate to other property owners, housing developers and businesses considering investment in Ellsworth.

The Planning Board should first be allowed to perform the responsibility assigned to it.

After that decision, if the application is approved, Council will still have an opportunity (subject to the statutory requirements and timelines described above) to determine whether this proposal has revealed a regulatory problem sufficiently serious to justify the extraordinary step of a temporary development moratorium.

My recommendation is therefore not to prejudge either the campground application or the proposed moratorium today, but to protect the integrity of the Planning Board process, continue listening to all parties, and, if final approval occurs September 2, immediately commence the structured and expedited Council process outlined above.

That approach gives the affected neighborhood a meaningful opportunity to make its case; affords the property owner and developer the same opportunity; provides Council with independent legal and professional advice; and allows the Council ultimately to make this significant decision based on a complete record and with consideration of both the neighborhood interests immediately at stake and the long-term interests of the City of Ellsworth.

Attachments: Memo from the City Planner and a draft ordinance



MEMORANDUM

CITY OF ELLSWORTH, MAINE
PLANNING DEPARTMENT

TO: City Council Members
FROM: Brittany Merrill, City Planner
DATE: August 26, 2026
SUBJECT: Campground Moratorium

SUGGESTED MOTION: *None.*

SUMMARY / PURPOSE This memo explains why enacting a moratorium mid-review would undermine the integrity of the Planning Board process, and recommends an alternative that addresses the Council's concerns without disrupting a review already underway.

BACKGROUND Since the 2012 adoption of Ellsworth's Land Use Ordinance, the Unified Building Ordinance (UDO), one campground application has been submitted. Campgrounds are an allowed use in the (R) Rural and (U) Urban Zoning Districts. This RV Campground project, Anchor In, involves a rural parcel with existing road access and minimal anticipated strain on public services. The UDO already contains campground-specific standards covering density, access, environmental protection, stormwater and wastewater. The application is undergoing full Site Plan Review with public comment and technical evaluation.

This is not an early-stage filing. Staff and the applicant have invested significant time preparing for the Board's next meeting, where outstanding technical questions will be answered and a more thorough review will take place. A moratorium now would land mid-process, after the review has been shaped and scheduled but before the Board has finished it.

ANALYSIS / DISCUSSION The integrity of City processes matter. The Board process exists to handle applications like this one. It has clear authority to impose conditions, require studies, or deny the application outright. Nothing in the record has revealed a gap the Board lacks to address. Interrupting the review now risks signaling that the

Board's existing authority and standards aren't trusted to do the job they were adopted for.

Enacting a moratorium mid-review, on an application that has already gone through notice, staff analysis, and Board deliberation, treats this applicant differently than one who might file tomorrow. That is a fairness and precedent concern: once the Council intervenes in a live, individual review, future applicants and Board will reasonably question whether a pending application can be derailed after the fact, regardless of how faithfully it followed the rules at submission. Broader policy concerning campground regulations belongs in the ordinance itself, not in an intervention on a specific pending case.

The existing standards have not shown to be inadequate. There is no burden on public facilities and no significant impacts on water, sewer, emergency services, road capacity, or public recreation facilities. This is a low-density, seasonal use, not the kind of sustained growth pressures moratoriums are typically built to address, and staff has not identified a regulatory gap that would allow public harm.

A moratorium would work against the direction set by Ellsworth's Comprehensive Plan. The Plan is explicit that the Rural District is intended to accommodate "limited rural commercial and recreational uses," and it names "expanding recreation and education opportunities" and "supporting a year-round economy and balanced tourism" as key community themes, alongside community values expressing a desire for Ellsworth to be "a destination city for recreation/vacation." A campground is precisely the kind of low-density, seasonal recreational use the Plan contemplates for this district. The Plan's separate concerns about undeveloped land and growth management are aimed at long-term residential and subdivision pressure — a different issue entirely, and not one this application presents. Pausing this project through a moratorium would not advance any goal identified in the Plan; it would delay a use the Plan affirmatively supports

Staff does not recommend a moratorium but advises to maintain normal procedures. Priority to the campground ordinances should be addressed in Phase 2 of the Comprehensive Ordinance Review project. This lets the Council address substantive concerns through the ordinance itself – applying evenly to future applicants – while preserving the Board's ability to complete its review on schedule and sets a clear near-term deadline rather than an open-ended moratorium.

CONCERNS / DRAWBACKS

1. Process disruption – halts a review mid-process after significant staff, Board, applicant and public investment in the upcoming meeting.
2. Precedent – signals pending applications can be interrupted mid-stream, weakening confidence and trust in the process for future applicants.
3. Board authority – may read as distrust of the Board's existing authority, without a demonstrated basis in this case
4. Uncertainty – leaves the applicant, abutters, and staff without clarity on if or when review resumes.

FINANCIAL IMPACT

Continuing the standard review processes has no meaningful financial impact. A moratorium may require additional legal time and could carry unbudgeted costs if challenged. Expediting campground standards as part of the Chapter 56 Article 8

Performance standards review of the Comprehensive Ordinance Review Phase 2 project fits within the Planning Department's existing budget.

NEXT STEPS

No formal vote is needed. Staff recommends allowing the Board process to proceed to its next meeting, and directing staff to prioritize campground standards with Phase 2 of the Ordinance review as the appropriate vehicle for any broader changes the Council wants to see.

Attachments: none

CC: Technical Review Team, City Manager, Deputy City Manager

PROPOSED MORATORIUM ORDINANCE

City of Ellsworth Moratorium Ordinance – Large-Scale Campgrounds Legal Authority:

30-A M.R.S §§ 3001, 4356

The CITY OF ELLSWORTH, MAINE, through its legislative body, adopts the following Moratorium Ordinance:

WHEREAS, a commercial use development that fits into the category of a Large-Scale Campground development (defined below) consisting of more than two dozen Recreational Vehicle sites has been proposed, and

WHEREAS, campgrounds consisting of five (5) or more campsites are classified under Maine law as commercial campgrounds subject to state regulation, illustrating the type of land use intensity that may result from such uses and the need for appropriate regulations of even larger such projects; and

WHEREAS, Large-Scale Campground developments may produce mass quantities of septic wastewater that have the possibility of impacting wetlands, vernal pools and neighboring properties as well as potential spillovers into surrounding waters; and

WHEREAS, Large-Scale Campground developments have the potential to adversely impact traffic congestion and road safety; and

WHEREAS, the noise and light generated by Large-Scale Campground activities can disrupt wildlife habitats, causing stress and disturbances to local fauna; and

WHEREAS, Large-Scale Campground developments have the potential to generate a significant amount of trash, including plastic waste, and inadequate waste management can result in harm to the environment; and

WHEREAS, without appropriate regulation, such Large-Scale Campground developments could pose a threat to the quality of life, health and safety of City residents; and

WHEREAS, the City's current Unified Development Ordinance does not contain standards specifically governing Large-Scale Campground developments, including standards relating to traffic impacts, infrastructure capacity, wastewater management, environmental protection, density, setbacks, and compatibility with surrounding land uses; and

WHEREAS, the Unified Development Ordinance does not currently differentiate between smaller-scale and Large-Scale Campground developments and Campgrounds; and

WHEREAS, there is a strong likelihood that the City will continue to be subjected to this type of development due to the amount of undeveloped land, proximity to Mount Desert Island, and high demand for sites for such development; and

WHEREAS, Campgrounds are currently permitted throughout the Rural (R) Zoning District, which makes up the majority of the City's land area (exclusive of water bodies and wetlands identified in the National Wetlands Inventory); and

WHEREAS, the Unified Development Ordinance currently provides for only one rural district, the Rural (R) Zoning District, despite encompassing the majority of the City's land area, including areas with vastly different characteristics and typical land uses; and

WHEREAS, the City Comprehensive Plan adopted in 2024 recommended an amendment to the Unified Development Ordinance to create more than one rural zone including Rural, Rural Conservation, and Rural Village, each with its own land use regulations designed for the area's unique characteristics; and

WHEREAS, the City Council believes that the current Unified Development Ordinance contains insufficient provisions to ensure that Large-Scale Campground development in the Rural (R) Zoning District protects the rural character and environmental attributes of those areas and is supported by adequate infrastructure and transportation systems; and

WHEREAS, the City needs at least 180 days to evaluate the concerns raised in regard to anticipated or proposed Large-Scale Campground developments, to determine the adequacy of existing land use ordinances and regulations; and

WHEREAS, during the effective period of this Moratorium, City staff and the Planning Board will work to develop appropriate zoning and regulations for the development of Large-Scale Campgrounds to provide adequate protection for the property, health, welfare, and safety of the City of Ellsworth's residents; and

WHEREAS, in the judgment of the City, these facts establish that a Moratorium Ordinance in accordance with 30-A M.R.S. 4356 (1) is immediately necessary for the preservation of the public health, safety, and welfare.

NOW, THEREFORE, the City of Ellsworth hereby ordains this City of Ellsworth Moratorium Ordinance – Large-Scale Campgrounds be enacted:

I. Authority & Purpose: This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. §4356 and the City of Ellsworth's home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001 for the purposes identified above.

II. Definitions: The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:

- A. "Large-Scale Campground" shall mean a commercial facility where tents, recreational vehicles, camper trailers, yurts, domes, rental cabins, and cottages are permitted on five or more sites for compensation or indirect compensation. "Large-Scale Campground"

includes, but is not limited to, sites intended for recreational purposes rather than permanent residency.

- B. “Recreational Vehicles” shall mean vehicles or vehicular attachments designed for temporary sleeping or living quarters for one or more persons, including, without limitation, pickup campers, travel trailers, tent trailers, motor homes, or converted vans or trucks.

III. Moratorium on Large-Scale Campground Developments: The City hereby declares and imposes a moratorium prohibiting the development of any Large-Scale Campground developments within the boundaries of the City of Ellsworth. No person or organization shall develop or operate a Large-Scale Campground development within the City of Ellsworth.

IV. Moratorium on Processing Applications: No officer, employee, official, board or body of the City of Ellsworth, including without limitation the City of Ellsworth Planning Board, Board of Appeals, or Code Enforcement Officer, shall accept, issue, act upon, or approve applications, plans, permits, licenses, certificates and/or fees for any projects, developments, construction or uses for or directly related to the development, construction, siting, or operation of a Large-Scale Campground development.

V. Severability: Any provisions of the City’s Unified Development Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for special use permit review by the Planning Board, and appeals by the Board of Appeals, are hereby suspended in their effect to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise. To the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

VI. Effective Date, Term and Retroactivity:

- A. This moratorium shall take effect immediately upon passage by the Ellsworth City Council. This moratorium shall apply retroactively to July 20, 2026, which is the date of the first discussion of these issues at a regularly scheduled City Council meeting. This moratorium shall remain in effect for the shorter of the following periods: (a) 180 days from the date of passage; or (b) immediately upon its repeal by a duly called City Council meeting.
- B. This moratorium may be extended for successive 180-day periods by vote of the City Council as permitted by 30-A M.R.S. §4356, after notice and hearing, if the City Council finds that the problem giving rise to the need for the moratorium still

exists and that reasonable progress is being made to alleviate it. The moratorium may also be extended at any duly called City Council meeting within the moratorium period and at which an article adopting such an extension and the subsidiary findings required by law passes.

- C. Upon its effective date, notwithstanding the provisions of 1 M.R.S.A. § 302, this Moratorium Ordinance shall be retroactive to July 20, 2026, and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Large-Scale Campground developments, including any which have not received all necessary final permits, licenses, certifications, approvals, and/or fees from the City of Ellsworth; and all proposed Large-Scale Campground developments that were not fully operational and/or did not have all the required State permits; and, shall be applicable to any City of Ellsworth permit that has received its lawful final approval issued less than 45 days prior to the effective date of the Moratorium Ordinance, in accordance with 30-A M.R.S.A. § 3007(6).

VII. Enforcement: The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance. Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. §4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall incur to the benefit of the City of Ellsworth.

URGENCY CLAUSE: In view of the urgency cited herein, this Moratorium Ordinance shall take effect immediately upon passage by the City, shall apply, to the maximum extent permitted by law but subject to the severability clause above, to all proceedings, applications, permits, and petitions as set forth in clause VI C.

By signing below the Ellsworth City Council certifies that this is a true copy of the approved Moratorium Ordinance to be considered by the inhabitants of Ellsworth at a Special City Council Meeting to be held on August 31, 2026.

CITY COUNCIL

Carol Patterson-Martineau

Patrick Shea

Marinna Smith

Nancy Smith

Steven E. O'Halloran

Patrick Lyons

Tabatha White