~~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

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