

3.1.4. YORK, ME

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|---------------------------|---------------------|
| Population Density | 229/ sq. mi. |
| Form of Government | Town |
| Category | Seasonal Oceanfront |
| CRS Rating | 8 |

| Median Household Income | Median Per Capita Income | % Owner Occ | Population | 2000-2010 Pop Growth Rate | % White | % Hispanic Minority | % Seasonal Housing |
|-------------------------|--------------------------|-------------|------------|---------------------------|---------|---------------------|--------------------|
| 73907 | 39548 | 49.6 | 12529 | -0.26 | 97.6 | 1% | 31.6 |

| Adaptations | Status | Incorp orates CC | Type | Impact | Standard Costs | | Funding Source |
|--|-------------|------------------|---------------|----------------|----------------|------------------|----------------|
| Comprehensive Plan - Incorporates Climate Change | Completed | Yes | Procedural | Recommendation | Above Required | Low (< \$10,000) | Other |
| Flood Hazard Development Permits Apply to Minor Projects | Implemented | No | Accommodation | Mandatory | Above Required | Zero | None |
| Freeboard Requirement - 2 or 3 Ft. | Implemented | No | Accommodation | Mandatory | Above Required | Zero | None |
| Transfer of Development Rights | Implemented | No | Prevention | Permissive | Unique | Zero | None |

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POPULATION AND GEOGRAPHY

The town of York—although technically in the Portland census metropolitan statistical area—is located in extreme southern Maine, only 5 miles from the New Hampshire border. Its famous Gulf of Main shore is to the east, while the towns of Kittery and Eliot border its south. South Berwick is on the northwest, and Ogunquit to its north along the coast. It has a land area of nearly 55 square miles and a population density of 229 people per square mile.

York has been a summer resort for the well-off for more than 100 years. The resort area is famous for its beaches—York Beach, Long Sands, and Short Sands Beach—as well as the historic villages of York Harbor, York Village, York Beach, and Cape Neddick, which became popular destinations in the early 20th century. York reportedly has the highest real estate values in the state of Maine. Its median household income of \$73,907 is likely skewed low because many owners of second homes are not counted in the census—over 31% of the housing stock is reported as seasonally occupied. York's population is over 97% white.

York's landscape is characterized as rugged. (York, Me. Comprehensive Plan, Natural Resources Chapter, p. 3) The town's 55 square miles are also geographically diverse, with elevations that range from sea level to the 692-foot-high Mount Agamenticus, which is only 5 miles from the beach. Much of the town's remaining open space has been preserved. Over 6,000 acres of contiguous land remains preserved in its natural state.

COASTAL ISSUES

The York coastline is characterized by sandy beaches of up to a mile long that terminate in headlands. The historic villages, particularly York Beach, are located in vulnerable locations; significant flooding recently occurred during the Mother's Day and Patriot's Day storms. About 10 repetitive loss flood properties are in town.

The comprehensive plan characterizes much of this development as having occurred in environmentally unsuitable areas, such as coastal dunes and former salt marsh behind the primary dune. In a rare acknowledgement that the existing historic community might have been a result of flawed planning in the past, the plan boldly states, "many of the current land use problems faced in York are a result of uninformed decisions over 100 years ago" (York, Me. Comprehensive Plan (2007), Natural Resources Chapter, Inventory and Analysis, p. 4)

The town also readily acknowledges in multiple documents the impact that sea level rise will have on the community. The existing plan is being updated to include a chapter to look at the issue in much more detail, though the current plan characterizes the issues that sea level rise will bring, including rising floodplains, the degradation of salt marshes into mud flats, worsening erosion and destabilizing shorelines, and threats to the coastal road network.

ADAPTATIONS

Sea Level Rise Incorporated into Comprehensive Plan

Sea level rise is addressed in parts of the current comprehensive plan, and the town is drafting an entire chapter on sea level rise for its upcoming plan update.

The current plan contains a sea level rise subsection of the Coastal Resources Inventory & Analysis section of the Natural Resources Chapter, and contains a specific goal to implement a variety of strategies to adapt to sea level rise. The plan considers sea level rise and the impact it will have on the exacerbation of coastal flooding, as well as shoreline stability as a specific risk to natural resources (p. 6) The plan also frames the goal of coastal sand dune protection as a bulwark against sea level rise. (p. 39) It states, "The buffering function will become more vital ... development of municipal policies regarding dunes must occur in conjunction with a response to the issues of sea level rise and beach erosion." (p. 40)

The section on Sea Level Rise cites the State of Maine marine geologist's prediction of a 2-foot sea level rise in a century. The plan acknowledges the lack of specific data, which is one reason the town is pursuing the current effort to expand the analysis. It nevertheless states that "it is clear that properties within the 100 year floodplain today will remain in the flood prone area and the floods will become deeper." It recommends the town should "pursue preventative policies such as requiring greater freeboard in new construction and renovations" (p. 44).

The impacts on salt marshes and erosion are detailed, and the section asks questions about policies of the town, such as "When large coastal storms hit, should the Town automatically pursue rebuilding roads ... and infrastructure where it exists today?" (p. 44) What role should the Town have in permitting homes to be replaced on site?" (p. 44) The section recommends these issues integrate with emergency planning.

Community Development Director Stephen Burns described the reason the town is choosing to address sea level rise in its comprehensive plan: "We felt it was important to address regardless of the cause, whether it is man-made or not, because the sea level is going up—the gauges prove it—we need to figure out what it means for us" (Personal Communication, Oct. 17, 2012). While aware that other towns, such as Ogunquit, have made code changes to respond to sea level rise, York felt it was important to address it in the comprehensive plan first.

The amendments the town is making to its comprehensive plan are:

1. Amend the "Sea Level Rise" and "Beach Erosion" subsections of the existing Coastal Resources Inventory & Analysis section of the Natural Resources Chapter.
2. Add a new Inventory & Analysis Chapter entitled: "Adaptation to Sea Level Rise;" and
3. Add new Town Goals and Town Actions Under State Goal 6, to Implement a Variety of Strategies to Adapt to Sea Level Rise

The last of these is particularly significant, since the last adopted plan, while it presented the threats, did not include any specific strategies to adapt. This is taken seriously, since Maine law requires town codes to be in compliance with Comprehensive Plans within 2 years of adoption.

Funding to draft the SLR chapter, in the amount of \$7,000, came through the Southern Maine Regional Planning Commission, with a grant from the Maine Coastal Program, Maine Department of Agriculture, Conservation and Forestry. The town provided a match in staff time and soft costs.

Transfer of Development Rights Program

The town recently instituted a Transfer of Development Rights (TDR) program to discourage development in coastal wetlands in York Beach. The program was instituted after homeowners brought regulatory takings cases against the town, and the courts accepted the use of TDR as just compensation.

Owners of wetland property can now transfer the development rights to an area outside the wetlands. There is no credit bank, so the program only works if a seller can find a willing buyer. Unfortunately, the town has not yet seen any TDR transactions.

The program does not allow building in a wetland, but it allows landowners to recoup some of the loss of value from the development prohibitions.

2 or 3 Foot Freeboard Required

While the State of Maine requires a minimum of one foot freeboard, the town's floodplain management ordinance goes further and requires two feet of freeboard. The ordinance applies to all new construction or substantial improvement of any residence. Within the AE and A zones, the lowest floor must be elevated to two feet above base flood. (York, Me., Town Code, Floodplain Management Ordinance, Art. VI(F)) Zone AO requires "adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures," and elevation of the structure:

- a. at least two feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
- b. at least three feet if no depth number is specified. (Art. VI. F.3.)

Similar provisions also apply to manufactured homes. (Art VI. H.)

For Non-Residential structures, either two feet of freeboard is required or, alternately, structures can be floodproofed to two feet above the base flood elevation. Bridges in the AE, AO, A, and VE zones are also required to have the lowest horizontal member excluding pilots elevated to 2 feet above base flood. (Art. VI. M.)

Flood Hazard Development Permits Apply to Minor Projects

In York, as in many Maine communities, the municipality must issue a Flood Hazard Development Permit for any construction activity to take place in the floodplain.

There are three types of permits. Type I applies to elevated structures, and requires a two-part permit; Part I for the structure up to and including the first horizontal floor above the base flood. After this is completed, the applicant must then "provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor or registered professional engineer based on the Part I permit construction, "as built", for verifying

compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P." Once this requirement is met, the applicant may apply for the second permit to complete the construction.

Type II applies to non-residential structures that are not elevated, and requires they meet certain flood proofing standards.

Type III contains provisions for the issuance of a Flood Hazard Development Permit for construction in the floodplain that is less than 50% of the value of the structure. It applies to any "minor development," such as "repairs, maintenance, renovations or additions," or accessory structure. Minor development also includes land-altering activities such as dredging, excavation, paving, or drilling, as well as storage of equipment and non-structural projects such as fencing, pipelines, piers, and bridges. (Art. VI. F. 3)

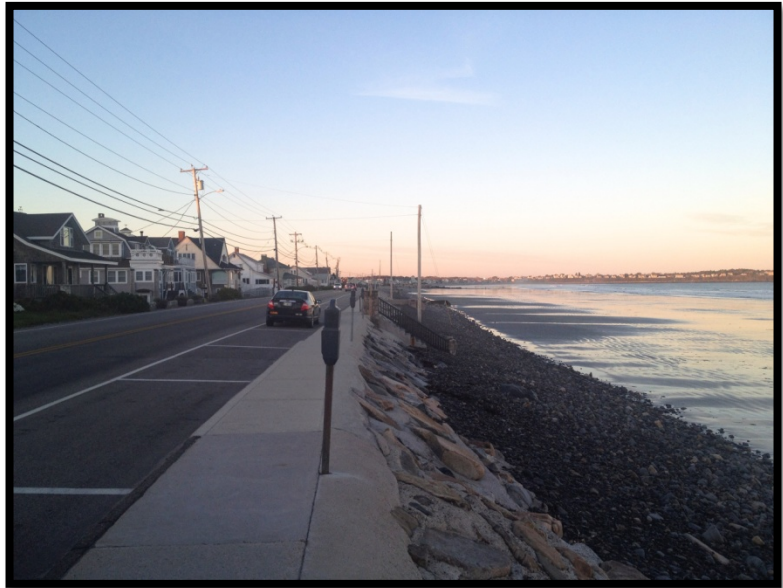


Figure 9 - The historic York Shoreline

This unique provision ensures compliance with flood regulations for all construction activity in the floodplain, whereas nearly all other ordinances in other states only apply once the 50% threshold is met.