§ 805. Adirondack park land use and development plan. 1. Adoption; status report. a. The Adirondack park land use and development plan is hereby adopted and shall hereafter serve to guide land use planning and development throughout the entire area of the Adirondack park, except for those lands owned by the state.

b. The agency shall, in consultation with the Adirondack park local government review board, continually review and evaluate the land use and development plan as an ongoing planning process in the light of changing needs and conditions. The agency shall consult and work closely with local governments and local, county and regional planning agencies in this ongoing planning process, particularly as it pertains to their respective territorial areas and jurisdictions. In February, nineteen hundred seventy-six, the agency shall submit a comprehensive report to the governor and the legislature, furnishing a copy thereof to the clerk of the county legislative body of each county wholly or partly within the park and to the review board concerning the status of this planning process and the administration and enforcement of the land use and development plan, as provided for herein, by the agency and local governments.

2. Official Adirondack park land use and development plan map. a. The official Adirondack park land use and development plan map shall have the land use planning and regulatory effect authorized under this article.

b. Within twenty days after the enactment of this section, the agency shall file the Official Adirondack park land use and development plan map, as approved by the agency on March third, nineteen hundred seventy-three, and filed in the capitol, at its headquarters and a certified copy thereof with the secretary of state and reasonable facsimiles thereof with the review board and the clerk of each county and local government wholly or partially within the Adirondack park. Within twenty days after any amendment to the plan map, whether by law or by the agency, except an amendment granting in part a request by the legislative body of a local government pursuant to subparagraph three of paragraph c of this subdivision, the agency shall enter such amendment

on the plan map filed at its headquarters and file a certified copy thereof with the review board and each of the state and local officers with whom a copy of the plan map is on file hereunder. The agency shall enter and file amendments granting in part a request by the legislative body of a local government pursuant to subparagraph three of paragraph c of this subdivision no sooner than sixty days and no later than ninety days after making such amendments. Such state and local officers shall enter such amendment on the plan map on file with them upon receipt of such certified copy in accordance with procedures prescribed by the agency. Such amendments shall take effect upon conclusion of such twenty-day or ninety-day filing period.

c. The agency may make the following amendments to the plan map in the following manner: (1) Any amendment to reclassify land from any land use area to any other land use area or areas, if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, at the request of any owner of record of the land involved or at the request of the legislative body of a local government.

(2) Any amendment to reclassify land from any land use area to any other land use area or areas for which a greater intensity of development is allowed under the overall intensity guidelines if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, on its own initiative.

(3) Any amendment to reclassify land from any land use area to any other land use area or areas, if the reclassification effects a comprehensive review and evaluation of the plan map, at the request of the legislative body of a local government which has (a) completed and submitted to the agency a current and comprehensive inventory and analysis of the natural resource, open space, public, economic and other land use factors as may reflect the relative development amenability and limitations of the lands within its entire jurisdiction, and (b) formally adopted after public hearing a comprehensive master plan prepared pursuant to section two hundred seventy-two-a of the town law or section 7-722 of the village law, after public hearing thereon and upon an affirmative vote of a majority of its members. If the agency

grants the amendment request in part, it shall not enter or file the amendment or amendments for a period of sixty days thereafter, during which time the legislative body of the local government may withdraw its request.

(4) Any amendment to clarify the boundaries of the land use areas as shown on the plan map, to correct any errors on the map or effect other technical changes on the map, upon an affirmative vote of a majority of its members and without a public hearing thereon, unless the agency determines that a public hearing is appropriate, on its own motion or at the request of the legislative body of a local government or at the request of any owner of record of the land involved.

(5) Before making any plan map amendment, except pursuant to subparagraph four of this paragraph, the agency must find that the reclassification would accurately reflect the legislative findings and purposes of section eight hundred one of this article and would be consistent with the land use and development plan, including the character description and purposes, policies and objectives of the land use area to which reclassification is proposed, taking into account such existing natural resource, open space, public, economic and other land use factors and any comprehensive master plans adopted pursuant to the town or village law, as may reflect the relative development amenability and limitations of the land in question. The agency's determination shall be consistent with and reflect the regional nature of the land use and development plan and the regional scale and approach used in its preparation.

d. The agency may, after consultation with the Adirondack park local government review board, recommend to the governor and legislature any other amendments to the plan map after public hearing thereon and upon an affirmative vote of a majority of its members.

e. Upon receipt of a request to amend the plan map or upon determining to amend the map on its own initiative, the agency shall provide notice of receipt of the request or notice of the determination and a brief description of the amendment requested or contemplated to the Adirondack park local government review board, the chairman of the county planning agency, if any, the chairman of the appropriate regional planning board,

and to the chief elected officer, clerk and planning board chairman, if any, of the local government wherein the land is located, and shall invite their comments.

f. The public hearings required or authorized in this subdivision shall be held by the agency in each local government wherein such land is located after not less than fifteen days notice thereof by publication at least once in a newspaper of general circulation in such local government or local governments, by conspicuous posting of the land involved, and by individual notice served by certified mail upon each owner of such land to the extent discernible from the latest completed tax assessment roll and by mail upon the Adirondack park local government review board, the persons named in paragraph e of this subdivision, and the clerk of any local government within five hundred feet of the land involved.

g. The agency shall act upon requests for amendments to the plan map within one hundred twenty days of receipt of a request in such form and manner as it shall prescribe; provided, however, that in the case of requests concerning which it determines to hold a public hearing, it shall, within ninety days of receipt of the request, schedule the hearing and shall act within sixty days of the close of the hearing. In the case of a request received when snow cover or ground conditions prevent such field investigation as is necessary to act with respect to the request, or in the case of a request or series of related requests exceeding five hundred acres, the time periods herein provided shall be extended an additional ninety days or until adequate field inspection is possible, whichever is the lesser period. Any of the time periods specified in this paragraph may be waived or extended for good cause by written request of the applicant and consent of the agency or by written request of the agency and consent by the applicant.

3. Land use areas: character descriptions, and purposes, policies and objectives; overall intensity guidelines; classification of compatible uses lists. a. The primary uses on the classification of compatible uses list for each land use area except hamlet areas, as set forth in this subdivision, are those uses generally considered compatible with the

character, purposes, policies and objectives of such land use area, so long as they are in keeping with the overall intensity guideline for such area. The secondary uses on such list are those which are generally compatible with such area depending upon their particular location and impact upon nearby uses and conformity with the overall intensity guideline for such area.

b. The classification of compatible uses lists shall also include any additions thereto by agency amendment pursuant to this section, and the agency may, after consultation with the Adirondack park local government review board, recommend subtractions thereto to the governor and legislature upon an affirmative vote of a majority of its members and after public hearing thereon. The agency may amend the classification of compatible uses lists to make additions thereto after public hearing thereon and upon an affirmative vote of two-thirds of its members. A certified copy of the agency's resolution adopting such amendment shall, within twenty days after adoption thereof, be filed by the agency with the Adirondack park local government review board and the same state and local officers with whom the plan map is required to be filed under paragraph b of subdivision two and with the legislature. Such amendments shall take effect upon conclusion of such twenty-day filing period. The public hearings authorized or required in this paragraph shall be held in any county wholly or partially within the Adirondack park after not less than fifteen days notice thereof by publication at least once in a newspaper of general circulation in each county wholly or partially within the park and in at least three metropolitan areas of the state, and individual notice served by mail upon:

(1) the chairman of the planning board, if any, and the clerk of each local government, and the chairman of the county planning agency, if any, and the clerk of each county, wholly or partially within the park;

(2) the chairman of each regional planning agency whose jurisdiction is wholly or partially within the park; and

(3) the Adirondack park local government review board.

c. Hamlet areas. (1) Character description. Hamlet areas, delineated in brown on the plan map, range from large, varied communities that contain a sizeable permanent, seasonal and transient populations with a

great diversity of residential, commercial, tourist and industrial development and a high level of public services and facilities, to smaller, less varied communities with a lesser degree and diversity of development and a generally lower level of public services and facilities.

(2) Purposes, policies and objectives. Hamlet areas will serve as the service and growth centers in the park. They are intended to accommodate a large portion of the necessary and natural expansion of the park's housing, commercial and industrial activities. In these areas, a wide variety of housing, commercial, recreational, social and professional needs of the park's permanent, seasonal and transient populations will be met. The building intensities that may occur in such areas will allow a high and desirable level of public and institutional services to be economically feasible. Because a hamlet is concentrated in character and located in areas where existing development patterns indicate the demand for and viability of service and growth centers, these areas will discourage the haphazard location and dispersion of intense building development in the park's open space areas. These areas will continue to provide services to park residents and visitors and, in conjunction with other land use areas and activities on both private and public land, will provide a diversity of land uses that will satisfy the needs of a wide variety of people.

The delineation of hamlet areas on the plan map is designed to provide reasonable expansion areas for the existing hamlets, where the surrounding resources permit such expansion. Local government should take the initiative in suggesting appropriate expansions of the presently delineated hamlet boundaries, both prior to and at the time of enactment of local land use programs.

(3) All land uses and development are considered compatible with the character, purposes and objectives of hamlet areas.

(4) No overall intensity guideline is applicable to hamlet areas.

d. Moderate intensity use area. (1) Character description. Moderate intensity use areas, delineated in red on the plan map, are those areas where the capability of the natural resources and the anticipated need for future development indicate that relatively intense development,

primarily residential in character, is possible, desirable and suitable.

These areas are primarily located near or adjacent to hamlets to provide for residential expansion. They are also located along highways or accessible shorelines where existing development has established the character of the area.

Those areas identified as moderate intensity use where relatively intense development does not already exist are generally characterized by deep soils on moderate slopes and are readily accessible to existing hamlets.

(2) Purposes, policies and objectives. Moderate intensity use areas will provide for development opportunities in areas where development will not significantly harm the relatively tolerant physical and biological resources. These areas are designed to provide for residential expansion and growth and to accommodate uses related to residential uses in the vicinity of hamlets where community services can most readily and economically be provided. Such growth and the services related to it will generally be at less intense levels than in hamlet areas.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any moderate intensity use area should not exceed approximately five hundred principal buildings per square mile.

(4) Classification of compatible uses:

Primary uses in moderate intensity use areas:

1. Single family dwellings.

2. Individual mobile homes.

3. Open space recreation uses.

4. Agricultural uses.

5. Agricultural use structures.

6. Forestry uses.

7. Forestry use structures.

8. Hunting and fishing cabins and hunting and fishing and other private club structures.

9. Game preserves and private parks.

10. Cemeteries.

11. Private roads.

12. Private sand and gravel extractions.

13. Public utility uses.

14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in moderate intensity use areas:

1. Multiple family dwellings.

2. Mobile home courts.

3. Public and semi-public buildings.

4. Municipal roads.

5. Agricultural service uses.

6. Commercial uses.

7. Tourist accommodations.

8. Tourist attractions.

9. Marinas, boatyards and boat launching sites.

10. Campgrounds.

11. Group camps.

12. Golf courses.

13. Ski centers.

14. Commercial seaplane bases.

15. Commercial or private airports.

16. Sawmills, chipping mills, pallet mills and similar wood using facilities.

17. Commercial sand and gravel extractions.

18. Mineral extractions.

19. Mineral extraction structures.

20. Watershed management and flood control projects.

21. Sewage treatment plants.

22. Major public utility uses.

23. Industrial uses.

e. Low intensity use areas. (1) Character description. Low intensity use areas, delineated in orange on the plan map, are those readily accessible areas, normally within reasonable proximity to a hamlet, where the physical and biological resources are fairly tolerant and can

withstand development at an intensity somewhat lower than found in hamlets and moderate intensity use areas. While these areas often exhibit wide variability in the land's capability to support development, they are generally areas with fairly deep soils, moderate slopes and no large acreages of critical biological importance. Where these areas are adjacent to or near hamlets, clustering homes on the most developable portions of these areas makes possible a relatively high level of residential units and local services.

(2) Purposes, policies and objectives. The purpose of low intensity use areas is to provide for development opportunities at levels that will protect the physical and biological resources, while still providing for orderly growth and development of the park. It is anticipated that these areas will primarily be used to provide housing development opportunities not only for park residents but also for the growing seasonal home market. In addition, services and uses related to residential uses may be located at a lower intensity than in hamlets or moderate intensity use areas.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any low intensity use area should not exceed approximately two hundred principal buildings per square mile.

(4) Classification of compatible uses:

Primary uses in low intensity use areas:

1. Single family dwellings.

2. Individual mobile homes.

3. Open space recreation uses.

4. Agricultural uses.

5. Agricultural use structures.

6. Forestry uses.

7. Forestry use structures.

8. Hunting and fishing cabins and hunting and fishing and other private club structures.

9. Game preserves and private parks.

10. Private roads.

11. Cemeteries.

12. Private sand and gravel extractions.

13. Public utility uses.

14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in low intensity use areas:

1. Multiple family dwellings.

2. Mobile home courts.

3. Public and semi-public buildings.

4. Municipal roads.

5. Agricultural service uses.

6. Commercial uses.

7. Tourist accommodations.

8. Tourist attractions.

9. Marinas, boatyards and boat launching sites.

10. Golf courses.

11. Campgrounds.

12. Group camps.

13. Ski centers.

14. Commercial seaplane bases.

15. Commercial or private airports.

16. Sawmills, chipping mills, pallet mills and similar wood using facilities.

17. Commercial sand and gravel extractions.

18. Mineral extractions.

19. Mineral extraction structures.

20. Watershed management and flood control projects.

21. Sewage treatment plants.

22. Waste disposal areas.

23. Junkyards.

24. Major public utility uses.

25. Industrial uses.

f. Rural use areas. (1) Character description. Rural use areas, delineated in yellow on the plan map, are those areas where natural resource limitations and public considerations necessitate fairly

stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands. In addition, these areas are frequently remote from existing hamlet areas or are not readily accessible.

Consequently, these areas are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park.

(2) Purposes, policies and objectives. The basic purpose and objective of rural use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. Another objective of rural use areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefit derived from a park atmosphere along these corridors.

Residential development and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. This will provide for further diversity in residential and related development opportunities in the park.

(3) Guideline for overall intensity of development. The overall intensity of development for land located in any rural use area should not exceed approximately seventy-five principal buildings per square mile.

(4) Classification of compatible uses.

Primary uses in rural use areas:

1. Single family dwellings.

2. Individual mobile homes.

3. Open space recreation uses.

4. Agricultural uses.

5. Agricultural use structures.

6. Forestry uses.

7. Forestry use structures.

8. Hunting and fishing cabins and hunting and fishing and other private club structures.

9. Game preserves and private parks.

10. Cemeteries.

11. Private roads.

12. Private sand and gravel extractions.

13. Public utility uses.

14. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in rural use areas:

1. Multiple family dwellings.

2. Mobile home courts.

3. Public and semi-public buildings.

4. Municipal roads.

5. Agricultural service uses.

6. Commercial uses.

7. Tourist accommodations.

8. Marinas, boatyards and boat launching sites.

9. Golf courses.

10. Campgrounds.

11. Group camps.

12. Ski centers.

13. Commercial seaplane bases.

14. Commercial or private airports.

15. Sawmills, chipping mills, pallet mills and similar wood using facilities.

16. Commercial sand and gravel extractions.

17. Mineral extractions.

18. Mineral extraction structures.

19. Watershed management and flood control projects.

20. Sewage treatment plants.

21. Waste disposal areas.

22. Junkyards.

23. Major public utility uses.

24. Industrial uses.

g. Resource management areas. (1) Character description. Resource management areas, delineated in green on the plan map, are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities, are found throughout these areas.

Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species.

Other resource management areas include extensive tracts under active forest management that are vital to the wood using industry and necessary to insure its raw material needs.

Important and viable agricultural areas are included in resource management areas, with many farms exhibiting a high level of capital investment for agricultural buildings and equipment. These agricultural areas are of considerable economic importance to segments of the park and provide for a type of open space which is compatible with the park's character.

(2) Purposes, policies and objectives. The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park. Another objective of these areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along

these corridors.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites.

(3) Guidelines for overall intensity of development. The overall intensity of development for land located in any resource management area should not exceed approximately fifteen principal buildings per square mile.

(4) Classification of compatible uses.

Primary uses in resource management areas:

1. Agricultural uses.

2. Agricultural use structures.

3. Open space recreation uses.

4. Forestry uses.

5. Forestry use structures.

6. Game preserves and private parks.

7. Private roads.

8. Private sand and gravel extractions.

9. Public utility uses.

10. Hunting and fishing cabins and hunting and fishing and other private club structures involving less than five hundred square feet of floor space.

11. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in resource management areas:

1. Single family dwellings.

2. Individual mobile homes.

3. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.

4. Campgrounds.

5. Group camps.

6. Ski centers and related tourist accommodations.

7. Agricultural service uses.

8. Sawmills, chipping mills, pallet mills and similar wood using facilities.

9. Commercial sand and gravel extractions.

10. Mineral extractions.

11. Mineral extraction structures.

12. Watershed management and flood control projects.

13. Sewage treatment plants.

14. Major public utility uses.

15. Municipal roads.

16. Golf courses.

h. Industrial use areas. (1) Character description. Industrial use areas, delineated in purple on the plan map, include those areas that are substantial in size and located outside of hamlet areas and are areas (1) where existing land uses are predominantly of an industrial or mineral extraction nature or (2) identified by local and state officials as having potential for new industrial development.

(2) Purposes, policies and objectives. Industrial use areas will encourage the continued operation of major existing industrial and mineral extraction uses important to the economy of the Adirondack region and will provide suitable locations for new industrial and mineral extraction activities that may contribute to the economic growth of the park without detracting from its character. Land uses that might conflict with existing or potential industrial or mineral extraction uses are discouraged in industrial use areas.

(3) Classification of compatible uses.

Primary uses in industrial use areas:

1. Industrial uses.

2. Mineral extractions.

3. Mineral extraction structures.

4. Private sand and gravel extractions.

5. Commercial sand and gravel extractions.

6. Sawmills, chipping mills, pallet mills and similar wood using facilities.

7. Forestry uses.

8. Forestry use structures.

9. Agricultural uses.

10. Agricultural use structures.

11. Private roads.

12. Open space recreation uses.

13. Hunting and fishing cabins and hunting and fishing and other private club structures.

14. Public utility uses.

15. Major public utility uses.

16. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in industrial use areas:

1. Commercial uses.

2. Agricultural service uses.

3. Public and semi-public buildings.

4. Municipal roads.

5. Sewage treatment plants.

6. Waste disposal areas.

7. Junkyards.

(4) No overall intensity guideline is applicable to industrial use areas.

4. Development considerations. The following are those factors which relate to potential for adverse impact upon the park's natural, scenic,

aesthetic, ecological, wildlife, historic, recreational or open space resources and which shall be considered, as provided in this article, before any significant new land use or development or subdivision of land is undertaken in the park. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom:

a. Natural resource considerations.

(1) Water

(a) Existing water quality.

(b) Natural sedimentation of siltation.

(c) Eutrophication.

(d) Existing drainage and runoff patterns.

(e) Existing flow characteristics.

(f) Existing water table and rates of recharge.

(2) Land

(a) Existing topography.

(b) Erosion and slippage.

(c) Floodplain and flood hazard.

(d) Mineral resources.

(e) Viable agricultural soils.

(f) Forest resources.

(g) Open space resources.

(h) Vegetative cover.

(i) The quality and availability of land for outdoor recreational purposes.

(3) Air

(a) Air quality.

(4) Noise

(a) Noise levels.

(5) Critical resource areas

(a) Rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law.

(b) Rare plant communities.

(c) Habitats of rare and endangered species and key wildlife habitats.
(d) Alpine and subalpine life zones.
(e) Wetlands.
(f) Elevations of twenty-five hundred feet or more.
(g) Unique features, including gorges, waterfalls, and geologic formations.
(6) Wildlife
(a) Fish and wildlife.
(7) Aesthetics
(a) Scenic vistas.
(b) Natural and man-made travel corridors.

b. Historic site considerations.
(1) Historic factors
(a) Historic sites or structures.

c. Site development considerations.
(1) Natural site factors
(a) Geology.
(b) Slopes.
(c) Soil characteristics.
(d) Depth to ground water and other hydrological factors.
(2) Other site factors
(a) Adjoining and nearby land uses.
(b) Adequacy of site facilities.

d. Governmental considerations.
(1) Governmental service and finance factors
(a) Ability of government to provide facilities and services.
(b) Municipal, school or special district taxes or special district user charges.

e. Governmental review considerations.
(1) Governmental control factors
(a) Conformance with other governmental controls.