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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

PAUL R. LEPAGE
GOVERNOR

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

January 15, 2015

Senator Peter E. Edgecomb, Senate Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine Senate
3 State House Station
Augusta, Maine 04333

Representative Craig V. Hickman, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine House of Representatives
2 State House Station
Augusta, Maine 04333

RE: 2013 Annual Performance Report – Maine Land Use Planning Commission (LUPC)

Dear Senator Edgecomb and Representative Hickman:

Enclosed please find the Land Use Planning Commission's Annual Performance Report for 2014. This report, required by 12 M.R.S. § 685-H:

- Highlights the Commission's efforts over the last calendar year;
- Summarizes the progress the Commission has made to implement recent legislation;
- Contains permit processing data, including processing times;
- Provides a status report on the Commission's prospective zoning initiative, Community Guided Planning and Zoning; and
- Identifies the Commission's goals for 2015.

We hope you find this report is informative. If you would like, I am prepared to present the report to the committee and to answer any questions you or your fellow committee members may have. Please contact the Commission's Director, Nick Livesay, if you would like to schedule a report presentation.

Sincerely,

Gwen Hilton, Chair
Land Use Planning Commission

Enclosure

cc: Walter E. Whitcomb, Commissioner, Dept. of Agriculture, Conservation and Forestry
Nicholas D. Livesay, Director, LUPC, Dept. of Agriculture, Conservation and Forestry

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LAND USE PLANNING COMMISSION
MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

ANNUAL PERFORMANCE REPORT – 2014

REPORT TO THE JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY

January 15, 2015

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY	2
I. INTRODUCTION	3
II. OVERVIEW OF THE COMMISSION’S ACTIVITIES IN 2014	3
A. Community Guided Planning and Zoning	3
B. Review of the Rangeley Plan	4
C. Subdivision Rules Review	4
D. Recreational Lodging Initiative	5
E. Certification of Larger-scale Development	5
F. Local Assistance with FEMA Mapping Process	5
G. Planned and Initiated Rulemakings	6
H. Metallic Mineral Mining	7
I. Deorganizations/Organizations	7
J. The Commission and its Staff	8
III. REPORT ITEMS REQUIRED BY SECTION 685-H	9
A. Number of Permits Processed in 2014 by Category	9
B. Time for Rendering a Decision	12
C. Preapplication Consultation Activities	18
D. Community Guided Planning and Zoning	18
E. Staff and Commissioner Training	20
1. Staff Training and Customer Service	20
2. Commissioner Orientation and Continuing Education	21
IV. Commission Goals for 2015	22
Appendix A: LUPC Commissioners	A-1
Appendix B: Types of LUPC Permits and Actions	B-1
Appendix C: Community Guided Planning and Zoning Information	C-1

SUMMARY

The Land Use Planning Commission enjoyed another busy year in 2014. Prospective planning and zoning was a leading priority over the past year, with the Commission evaluating the previously completed Prospective Zoning Plan for the Rangeley Lakes Region, continuing its Community Guided Planning and Zoning (CGPZ) initiative in Aroostook County in collaboration with the Northern Maine Development Commission, and commencing CGPZ in Western Maine in Franklin and Somerset counties. Significant review of the Commission's subdivision rules are underway and the Commission has continued its efforts to assist the recreational lodging industry. This annual report summarizes these initiatives, as well as other key projects undertaken by the Commission in 2014. This report also summarizes the Commission's permitting activity. In 2014, the Commission issued 520 permits, representing approval of 99 percent of all complete applications received. Of the permits issued, 407 were building permits and the majority of these were approved the same day the application was determined to be complete.

The Commission provides valuable services to residents of and property owners in the unorganized and deorganized areas, as well as to surrounding regions and, more broadly, the entire State. This report provides a high-level overview of the Commission's work in 2014 and concludes with a look ahead to the Commission's goals for 2015.

I. INTRODUCTION

Title 12, section 685-H requires the Commission to provide an annual performance report to the Legislature. This section states:

1. Report due. By January 15, 2013 and by January 15th annually thereafter, the commission shall report to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the commission's performance under this subchapter for the previous year and goals for the coming year.

2. Report components. The report must include:

A. The number of permits processed for the previous calendar year, by category;

B. A summary of preapplication consultation activities;

C. The average time for rendering a decision, with goals for improving processing times;

D. The status of regional planning and zoning initiatives, with goals for the calendar year; and

E. A description of staff and commission training initiatives to ensure increased customer service and consistency in application of commission rules and regulations, with goals for the calendar year ahead.

3. Public meeting. The chair of the commission shall present the annual performance report to the joint standing committee of the Legislature having jurisdiction over conservation matters at a meeting of that committee. The committee shall give the public an opportunity to comment on the performance report at this meeting.

This document constitutes the Land Use Planning Commission's annual performance report for calendar year 2014. This is the third year in which the Commission has provided the report.

II. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2014

A. Community Guided Planning and Zoning

Prospective planning and zoning projects are underway in Aroostook County and jointly in Somerset and Franklin counties as part of the Commission's Community Guided Planning and Zoning initiative. This initiative, which flows from the 2012 reform legislation, allows regions to self-identify and for those within a region to work collaboratively to plan for future land uses in their area of the State. Aroostook County was the first region selected to participate in this initiative in 2013. Somerset and Franklin counties proposed a joint effort for Western Maine that was selected in May 2014. Community Guided Planning and Zoning and the status of the efforts in Aroostook County and Western Maine are discussed in more detail below in Section III.D. The Commission anticipates that Community Guided Planning and Zoning will be initiated in Washington County in 2015.

B. Review of the Rangeley Plan

In 2014, the Commission reviewed the Prospective Zoning Plan for the Rangeley Lakes Region and assessed whether the plan, which became effective in 2001, is in need of revision or update. The plan is the product of a multi-year effort that involved over 30 meetings with landowners, assessors, organizations and others in a 10 township and plantation region surrounding the Town of Rangeley. Among other objectives, the plan was designed to ensure enough room for development over the 20-year period following plan adoption. The question of whether sufficient area remains zoned to accommodate development was raised during the Commission's review of a recent zoning petition and one of the focuses of the Commission's 2014 review.

LUPC staff contacted 20 stakeholders in the local area, representing a broad range of interests. All of the contacted individuals were asked a common set of questions and provided an opportunity to offer any comments they had on the plan or land use issues and zoning in the region. These contacts resulted in written responses from and/or phone interviews with 14 individuals, as well as brief responses from 2 others. Following this initial outreach, the Commission conducted a 5-year review of the plan, updating the available data on the performance of the plan and evaluating whether the plan was meeting the needs of the region. A public meeting was held on the resulting report and people in the area provided comments about the plan's performance to date. After reviewing the survey results and data, and hearing from the public, the Commission identified several specific, long-term tasks that staff will undertake, but overall concluded the plan is still working well.

C. Subdivision Rules Review

Presently, the Commission is in the middle of a process for reviewing and revising its rules governing residential subdivision development. As part of this process, the Commission has been gathering advice and suggestions from property owners, individual stakeholders, consultants, businesses and other organizations familiar with the development process in the LUPC service area.

As a first step, the Commission conducted a survey of a small group of stakeholders in April of 2014, to develop a sense for the types of issues that could be focused on in the review. The Commission followed the initial survey with an online survey in September of 2014 to reach out to a much larger group of stakeholders for advice and suggestions about how the agency's subdivision rules can be improved. In addition, the Commission held a workshop in October with a panel of experts to discuss what makes for good subdivision rules. Issues that were identified in the surveys and the workshop have been incorporated into a master issues list.

For the next steps, the Commission has scheduled a series of facilitated stakeholder meetings to further develop the issues list, prioritize issues that have been identified, and discuss ways the rules could be revised to address the issues. The first meeting for stakeholders was held on October 29, 2014. The second meeting was held January 7, 2015, and the third meeting is scheduled for February 25; all three facilitated meetings have been made possible by grant funding obtained by the Commission. The master issues list, the meeting one report and background information, as well as meeting materials for meeting two have been posted on the

Commission's webpage. Additional related material will be posted as the review continues. Rulemaking in response to the facilitated stakeholder process is anticipated in 2015.

D. Recreational Lodging Initiative

In 2012-13, the Commission carried out a major overhaul of its rules that apply to the recreational lodging. That effort included a stakeholder process that provided those working in this industry an opportunity to explain their business needs and afforded these same individuals, and other interested parties, the chance to discuss potential changes to existing land use regulations. The revised rules provide those in the recreational lodging industry greater flexibility, with the goal of allowing them to deliver the services customers demand and better compete in the marketplace, while protecting natural resources (including the resources on which many in this industry depend) and traditional uses.

Staff continue to implement the new rules so facility owners and operators can take advantage of the greater flexibility and benefits they provide. The Commission's staff are reaching out to facility owners in order to provide assistance. The Commission also is initiating rulemaking to address issues that have arisen in the first year of implementation. Overall, the response to the new rules has been very positive.

E. Certification of Larger-scale Development

With the enactment of the 2012 reform legislation, P.L. 2011, ch. 682, the Commission is no longer responsible for permitting larger development projects within the unorganized and deorganized areas of Maine. The Department of Environmental Protection (DEP) now reviews and permits larger development projects – grid-scale wind energy development and projects triggering the Site Location of Development Law – within the unorganized and deorganized areas of Maine. For these larger projects now permitted by DEP, the Land Use Planning Commission, in many respects filling the role of a municipal planning board, is responsible for certifying to DEP that the development (a) is an allowed use within the subdistricts in which it is proposed and (b) complies with land use standards not considered by DEP in its review.

In 2014, the Commission issued one new certification and one amendment to a certification that was issued in 2013. The new certification was issued for Fulghum Graanul Woodland's proposed wood pellet production facility in Baring Township, Washington County; and the certification amendment was issued for the addition of a sand/salt storage building at Irving Forest Product's Pinkham Lumber Mill in Nashville Plantation, Aroostook County. In total, since the Commission assumed certification responsibilities in September of 2012, the Commission has issued four certifications for development of new facilities, three for grid-scale wind energy projects and one for Fulghum's proposed wood pellet facility. In addition, the Commission has issued three certification determinations for development activity at existing or previously certified facilities.

F. Local Assistance with FEMA Mapping Process

The Federal Emergency Management Agency (FEMA) is working on updating the flood insurance rate maps for all coastal counties across the United States, including Maine. The new

maps will be created on a county-wide basis and use a new digital format. During the map revision process, the Commission has been working to coordinate communication with property owners in the unorganized territories in affected counties.

Early in 2014, FEMA released preliminary maps for the following five Maine counties: Hancock, Knox, Lincoln, Sagadahoc, and Waldo. These revised maps included the addition or modification of base flood elevations, base flood depths, special flood hazard area boundaries, zone designations, and regulatory floodways. FEMA then provided an opportunity for landowners and communities to comment on or file an appeal of the proposed maps. The Commission mailed notice of the proposed map changes to property owners in these counties with information on how to appeal. The 90-day period for comments and appeals closed for each of the counties with no comments or appeals filed by landowners in the unorganized territories. FEMA is now working to resolve all appeals from organized municipalities and issue a letter of final determination for the new maps, which is expected early in 2015. At that point, the LUPC will have 6 months to adopt references to the new FEMA maps into its regulations to remain compliant with the National Flood Insurance Program.

FEMA also is working on new maps for Washington County, but the release of the preliminary maps for that county is not expected until early 2015.

G. Planned and Initiated Rulemakings

As discussed further in Section II.G below, the Commission completed statutorily required rulemaking regarding metallic mineral mining in 2014. This rulemaking was not approved by the Legislature.

As noted in Section II.C above, the Commission commenced substantive review of its subdivision rules in 2014. In addition, the Commission is in various stages of planning and initiating rulemakings that it anticipates completing in 2015. Specifically, planned proposals to revise the Commission's Land Use Districts and Standards (Chapter 10), include:

- Updates to make the Commission's rules consistent with the Natural Resources Protection Act;
- Modifications to incorporate changes contained in P.L. 2013, chapter 536 (An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats);
- Refinement of recreational lodging rules;
- Allowance of small storage structures on certain pre-Commission, nonconforming lots;
- Clarification of revegetation standards;
- Allowance of greater flexibility to reconstruct nonconforming structures with historical and cultural significance; and
- Assorted administrative improvements to make the rules easier to understand and apply.

The Commission also plans to revise its Land Use Districts and Standards and Land Use Maps to conform to FEMA's revisions of its flood insurance rate maps.

www.maine.gov/dacf/lupc/projects/fema/FEMA_Map_Modernization.pdf

H. Metallic Mineral Mining

Legislation enacting the Maine Metallic Mineral Mining Act (P.L. 2011, ch. 653) directed the LUPC to undertake several rulemakings related to mining. In response to these directives, in 2013 the Commission, following public hearing, amended its Chapter 12 rules, Land Use District Requirements for Metallic Mineral Mining and Level C Mineral Exploration Activities, to separate from the mining rezoning requirements those provisions related to the permitting of mining activities. In early 2014, in compliance with the legislatively set deadline, the Commission provisionally adopted and submitted to the Legislature major substantive amendment to Chapter 13, Rules for Metallic Mineral Exploration, Advanced Exploration and Mining. This rulemaking, which also followed a public hearing, established requirements governing certification of metallic mineral mining and advanced exploration in the unorganized and deorganized areas of the State to be permitted by the Department of Environmental Protection under the Maine Metallic Mineral Mining Act. While completed by the LUPC as required, this rulemaking was not approved by the Legislature and did not go into effect. (See LD 1772, 126th Legislature.) Finally, in 2014 the LUPC also work on amendments to its Chapter 13 rules to clarify the Commission's role with regard to review and permitting of exploration activities not permitted by the Department of Environmental Protection. Draft amendments were posted for public comment, but this rulemaking effort was ceased by the Commission in light of the final disposition of LD 1772.

I. Deorganizations/Organizations

In 2014, the Commission communicated with two plantations that are drafting comprehensive plans and land use ordinances. The LUPC provided comments and information to both Carroll Plantation and Highland Plantation, and coordinated with the Municipal Planning Assistance Program to provide information on (a) the requirements the plantations must satisfy to leave the Commission service area and (b) the steps the plantations must take and measures they must implement to be consistent with the Growth Management Act as they take over their own planning, zoning, and permitting. If either plantation completes its work and submits a plan, zoning map, and ordinance for approval, these will be presented to the Commissioners for review and approval.

One town voted to deorganize. The Commission will work with the residents and property owners of the Town of Bancroft to develop a zoning map. The deorganization will take effect on July 1, 2015, and the new name will be Bancroft Township. Commission staff have been in touch with local officials and will be visiting Bancroft this winter to talk to local residents and obtain information that is necessary for drafting the zoning map for Bancroft.

Commission staff also participated on the Commission on Municipal Deorganization to review the deorganization efforts of Oxbow Plantation and Atkinson. Neither Oxbow nor Atkinson has an approved deorganization plan at this time. Atkinson's deorganization procedure is not complete because there are some infrastructure issues and environmental issues that require additional work and negotiation.

J. The Commission and its Staff

In 2012, the number of seats on the Commission was increased from seven to nine and the appointment process was revised. Prior to the 2012 changes, the Governor filled all the seats on the Commission, with nominees subject to a public hearing held by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate. While the legislative review and confirmation process has not changed, the 2012 legislation shifted the appointment authority for eight of the nine seats from the Governor to the eight counties with the most acreage within the unorganized and deorganized areas of the State. These counties, listed from largest to smallest in terms of qualifying acreage, are: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock.

Presently, the Commission is in a transition period. Aroostook and Piscataquis counties filled the two seats added by the 2012 legislation, with Somerset, Penobscot, and Washington counties having filled seats as they became vacant. The four remaining seats are filled by gubernatorial appointees, all of whom were appointed prior the 2012 changes. If all the existing Commissioners complete their present terms, the next vacancies will be in 2015, when three terms are set to expire. One of these seats is filled by a Somerset County appointee and Somerset County will continue to be responsible for filling this seat. The remaining two seats with expiring terms in 2015 will be filled by Franklin and Oxford counties, respectively. (*See Appendix A for a list of the Commissioners.*)

The Commission typically meets once per month and may meet more regularly if needed. The Commission schedules its meetings in different regions of the State, in or near unorganized or deorganized areas. In selecting meeting locations, the Commission attempts to hold meetings close to geographic areas involving matters of public interest.

At the end of 2014, the Commission was supported by 20 staff. This includes a director, a planning manager, a permitting and compliance manager, four planners, a GIS specialist, 11 permitting and compliance staff, and a secretary associate. One part-time senior planner position currently is vacant and in the process of being filled; a part-time office associate position also is vacant with the late December departure of the individual in that position for a full-time State position outside the LUPC. The Commission also has retained a part-time contract employee in an effort to achieve staffing levels that allow the Commission to assist with Community Guided Planning and Zoning in multiple regions at a time.

The LUPC operates offices in Ashland, Augusta, Bangor, Greenville, East Millinocket, and West Farmington. The permitting and compliance manager, one senior planner, and 10 permitting and compliance staff work in the regional offices.

III. REPORT ITEMS REQUIRED BY SECTION 685-H

A. Number of Permits Processed in 2014 by Category

In administering its land use standards, the Commission issues permits for a range of activities, including: shoreline alterations, new dwellings, campgrounds, construction of certain roads, subdivisions, and utility lines. While not permitting actions, the Commission also reviews and acts on matters such as zoning petitions. For the purposes of this annual report, these other actions are included in the permitting summary tables. Not all development or Commission assistance, however, is captured in these tables or this report. Many activities are allowed without a permit, such as the development of certain accessory structures and agricultural activities. Although the Commission assists the public with understanding any requirements applicable to these activities, where a permit is not required this activity is not reflected below.

As noted above, the 2012 reform legislation established larger projects within the unorganized and deorganized areas are now permitted by DEP (*i.e.*, projects triggering DEP review under the Site Location of Development Law or qualifying as grid-scale wind energy development). For these projects, the LUPC must certify to DEP the proposed development (a) is an allowed use within the subdistrict or subdistricts in which it is proposed and (b) meets any land use standard established by the Commission not considered in DEP’s permit review. A LUPC certification is not a permit. However, for the purpose of this report and calculating the processing times presented in this report, certifications are included among the permits grouped together under the heading “All Other” in the tables below.

Tables 1 through 4 present the number of permits processed, by permit type. Only complete applications are processed. As a result, if the Commission receives an incomplete application, it will be returned to the applicant. In 2014, the Commission received 37 building permit applications, six development permit applications, and six applications in the all other category that were never completed. Incomplete applications are not reflected in the following tables. Tables 1 and 4 also show the type of action (*i.e.*, outcome) on various types of permits. Appendix B describes each type of permit and action listed in these tables.

Table 1. Permit Processing, 2014¹ by Outcome

Permit Type	Permit Type Name	Count by Action Type					TOTAL
		Approved	Approved / Disapproved in-part	Disapproved	Application Withdrawn	Application Returned	
BP	Building Permit	407		4			411
DP	Development Permit	32					32
All Other		77	0	0	0	0	77
BCP	Bridge Construction Permit	2					2
FOP	Forest Operation Permit	6					6
GP	Great Pond Permit	29					29
HP	Hydropower Permit	1					1
RP	Road Construction Permit	4					4
SA	Shoreland Alteration Permit	9					9
SD	Service Drop Permit	10					10
SLC	Site Law Certification	2					2
SP	Subdivision Permit	4					4
ULP	Utility Line Permit	2					2
WL	Wetland Alterations Permit	2					2
ZP	Zoning Petition	6					6
TOTAL		516	0	4	0	0	520

¹ The LUPC’s permitting data represent activities that required permit approval from the LUPC when applicants sought permit approval. Generally, approval is sought prior to commencement of the activity requiring a permit. In some instances, individuals apply for after-the-fact permits for activity previously undertaken without the required permit. This table and the following tables include after-the-fact permits in the totals. Additionally, some activities do not require permit approval. Permitting trends only loosely reflect development trends, in that an unknown number of activities permitted by the LUPC may not have been started or may not have been completed. Additionally, some activities may have been completed without a permit where a permit was required.

Table 2. Permit Processing, 2014 by County

Permit Type	Permit Type Name	Total Actions by County													
		AR	FR	HA	KE	KN	LI	OX	PE	PI	SA	SO	WA	WL	TOTAL
BP	Building Permit	73	52	21		3	4	17	60	88		62	31		411
DP	Development Permit	7	6	1		1	1	1	4	4		3	4		32
All Other		17	8	2	0	2	1	7	12	13	0	5	10	0	77
BCP	Bridge Construction Permit	2													2
FOP	Forest Operation Permit		3	1					1				1		6
GP	Great Pond Permit	11		1				1	5	5		3	3		29
HP	Hydropower Permit		1												1
RP	Road Construction Permit								1	2			1		4
SA	Shoreland Alteration Permit		1					2	2	2		2			9
SD	Service Drop Permit	3	2					1	1				3		10
SLC	Site Law Certification	1											1		2
SP	Subdivision Permit		1					2		1					4
ULP	Utility Line Permit								1	1					2
WL	Wetland Alterations Permit					1	1								2
ZP	Zoning Petition					1		1	1	2			1		6
	TOTAL	97	66	24	0	6	6	25	76	105	0	70	45	0	520
<i>Towns, Plantations, Townships, and (Islands) served by the LUPC</i>		123	31	16	1	3	3	21	46	90	1	88	37		459
				(71)		(88)	(37)			(109)			(70)	(2)	(308)

Aroostook (AR); Franklin (FR); Hancock (HA); Kennebec (KE); Knox (KN); Lincoln (LN); Oxford (OX); Penobscot (PE); Piscataquis (PI); Sagadahoc (SA); Somerset (SO); Washington (WA); Waldo (WL)

Table 3. Permit Processing, 2009-2014 Totals

Permit Type	Permit Type Name	Total Applications Processed					
		2009	2010	2011	2012	2013	2014
BP	Building Permit	512	475	453	450	413	411
DP	Development Permit	67	55	79	56	46	32
All Other		94	73	84	81	97	77
BCP	Bridge Construction Permit		4	2	1	3	2
FOP	Forest Operation Permit		14	22	16	13	6
GP	Great Pond Permit		8	9	26	36	29
HP	Hydropower Permit		0	1	1	0	1
RP	Road Construction Permit		3	3	9	4	4
SA	Shoreland Alteration Permit		5	12	4	9	9
SD	Service Drop Permit		19	19	7	18	10
SLC	Site Law Certification	na	na	na	0	5	2
SP	Subdivision Permit		9	5	7	4	4
ULP	Utility Line Permit		4	7	4	3	2
WL	Wetland Alterations Permit		1	1	1	2	2
ZP	Zoning Petition		6	3	5	5	6
	TOTAL	652	614	613	603	561	520

Table 4. Permit Processing, 1971-2013 Annual Average by Outcome

Permit Type	Permit Type Name	Annual Average of Applications Processed					Total
		Approved	Approved / Disapproved in-part	Disapproved	Application Withdrawn	Application Returned	
BP	Building Permit	528	2	12	26	2	570
DP	Development Permit	70	1	2	6	1	80
All Other		127	1	4	10	1	143
BCP	Bridge Construction Permit	6	0	0	1	0	7
FOP	Forest Operation Permit	24	0	0	2	0	26
GP	Great Pond Permit	26	1	2	1	0	30
HP	Hydropower Permit	1	0	0	0	0	1
RP	Road Construction Permit	7	0	0	1	0	8
SA	Shoreland Alteration Permit	6	0	0	0	0	7
SD	Service Drop Permit	8	0	0	0	0	9
SP	Subdivision Permit	13	0	1	2	0	16
ULP	Utility Line Permit	18	0	0	1	0	19
WL	Wetland Alterations Permit	2	0	0	0	0	2
ZP	Zoning Petition	15	0	1	2	0	19
TOTAL		725	4	18	42	3	792

In administering its land use standards, the Commission also issues a range of other determinations regarding land uses and development, including: advisory rulings, boat launch notifications, certifications of compliance, coastal zone management area consistency reviews, letters of exemption, review and approval of certain activity permitted by the Maine Forest Service, and water quality certifications. While these actions do not involve the issuance of permits, they are official determinations made by the Commission regarding allowed land uses and development, and current standards. Table 5 presents the number of these determinations processed, by type. Appendix B describes each type of action listed in Table 5.

Table 5. Other Land Use Determinations, 2014

Determination Type	Actions Processed
Advisory Rulings	13
Boat Launch Notifications	1
Certifications of Compliance	54
Coastal Zone Management Area Consistency Determinations	0
Letters of Exemption	0
Maine Forest Service Review and Approvals	3
Water Quality Certifications (not incorporated in other permits)	0
TOTAL	71

B. Time for Rendering a Decision

The Commission utilizes a database referred to as the Geographic Oriented Action Tracker (GOAT) to manage and track permitting activities. Many stages of the permit review process are cataloged in GOAT. For example, an action status and date are entered when an application is filed, when an application is deemed to be complete, when a final action or disposition occurs (e.g., approval, denial, withdrawal of application), and when a certificate of compliance is issued. The permit processing time – the time for rendering a decision – can be calculated by comparing

the date when an application is deemed complete with the date of final action or disposition. The following figures and tables illustrate the processing times for the three main categories of permits – the same categories identified in the tables above:

- A. Building Permits (*i.e.*, residential development);
- B. Development Permits (*i.e.*, non-residential development); and
- C. All Other Permits.

Permit processing times may be impacted by any number of factors. For example, a thorough or well prepared application may help expedite review. Staff diligence and permitting work load also are factors. Common factors that may add to permit processing times, or otherwise warrant consideration when reviewing processing time data, include the following:

- Some permit actions may be after-the-fact permits, permits sought and issued after the development occurred without proper permit authorization. After-the-fact permits typically require additional review time due to the complexities of resolving components of the development that already exist, yet may not fully comply with the necessary rules and standards.
- Permits that are disapproved typically involve longer review times due to the effort to identify an approvable project. The same is true for withdrawn applications. (*See* Table 8 below.) In many instances an applicant may choose to withdraw a proposal rather than proceed and obtain a formal denial.
- Permit processing times may include periods when applications were put on hold to await information from the applicant.
- Some permit processing times include time required for review by outside agencies, notice periods preceding public comment, public comment periods, public hearings and the associated notice period, and/or presentation to the Commission for action at a monthly business meeting. Permits in the “All Other” category often are more complicated and trigger the additional procedural requirements noted here.

The following Figures A, B, and C show the percentage of permits processed within a given time period. These figures show, for example:

- Building Permits – Of the 411 building permit applications, the Commission processed 70.6 percent in less than one full day and 92 percent in a week or less.
- Development Permits – Of the 32 development permit applications, the Commission processed 68.7 percent in a week or less and 84.4 percent in three weeks or less.
- All Other Permits – Of the 77 permit applications in the all other category, the Commission processed 39 percent in less than one full day and 81.8 percent in two weeks or less.

Figure A. Permit Processing Times, 2014 – Building Permits

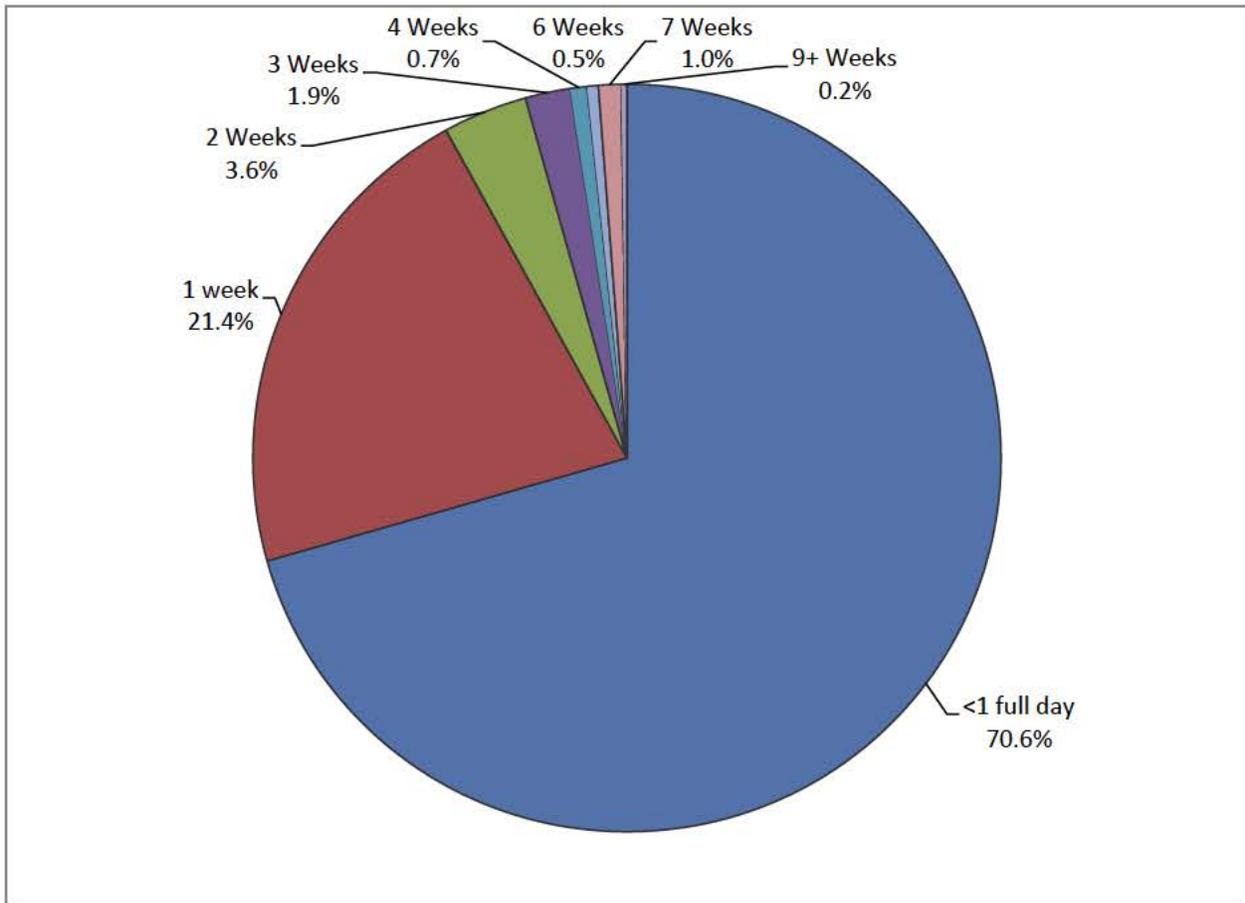


Figure B. Permit Processing Times, 2014 – Development Permits

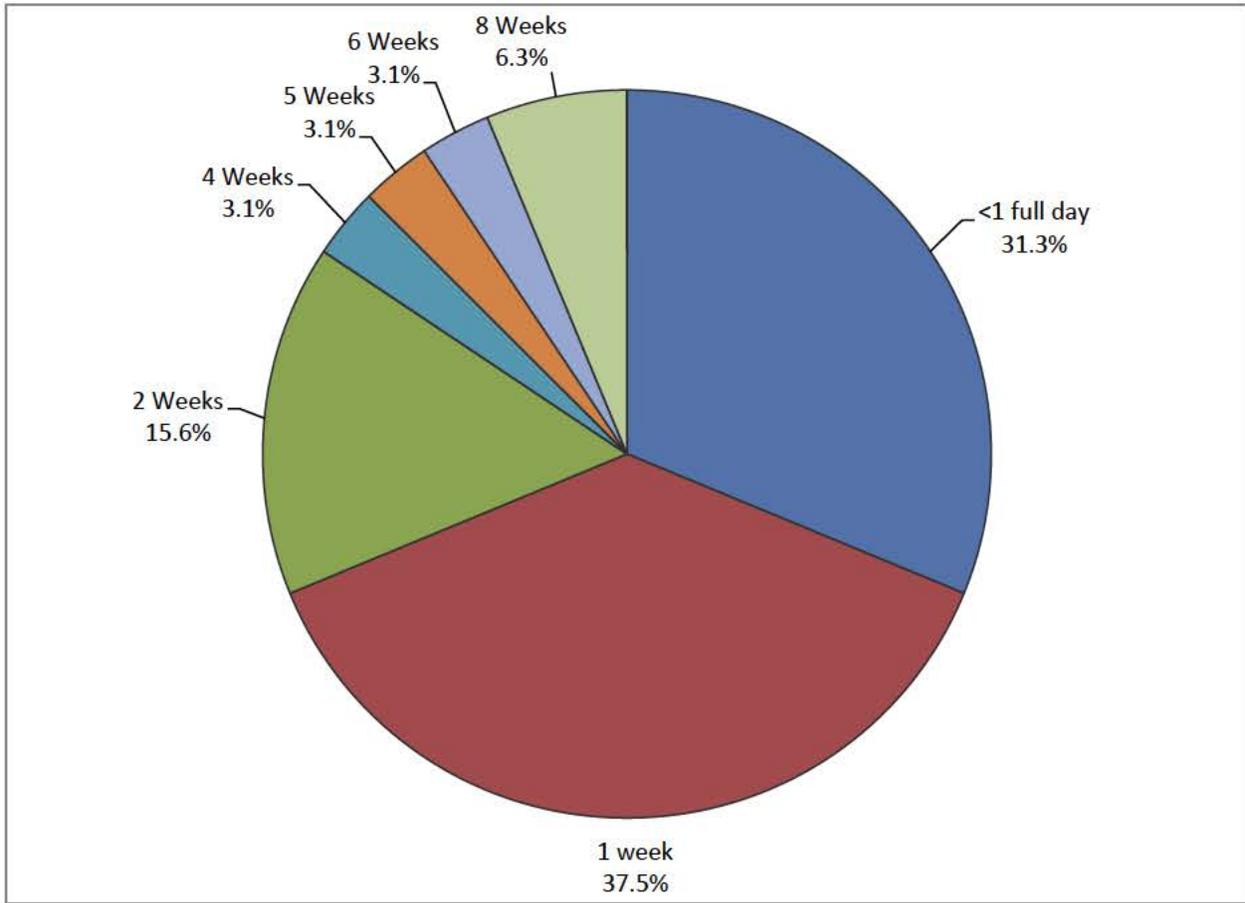
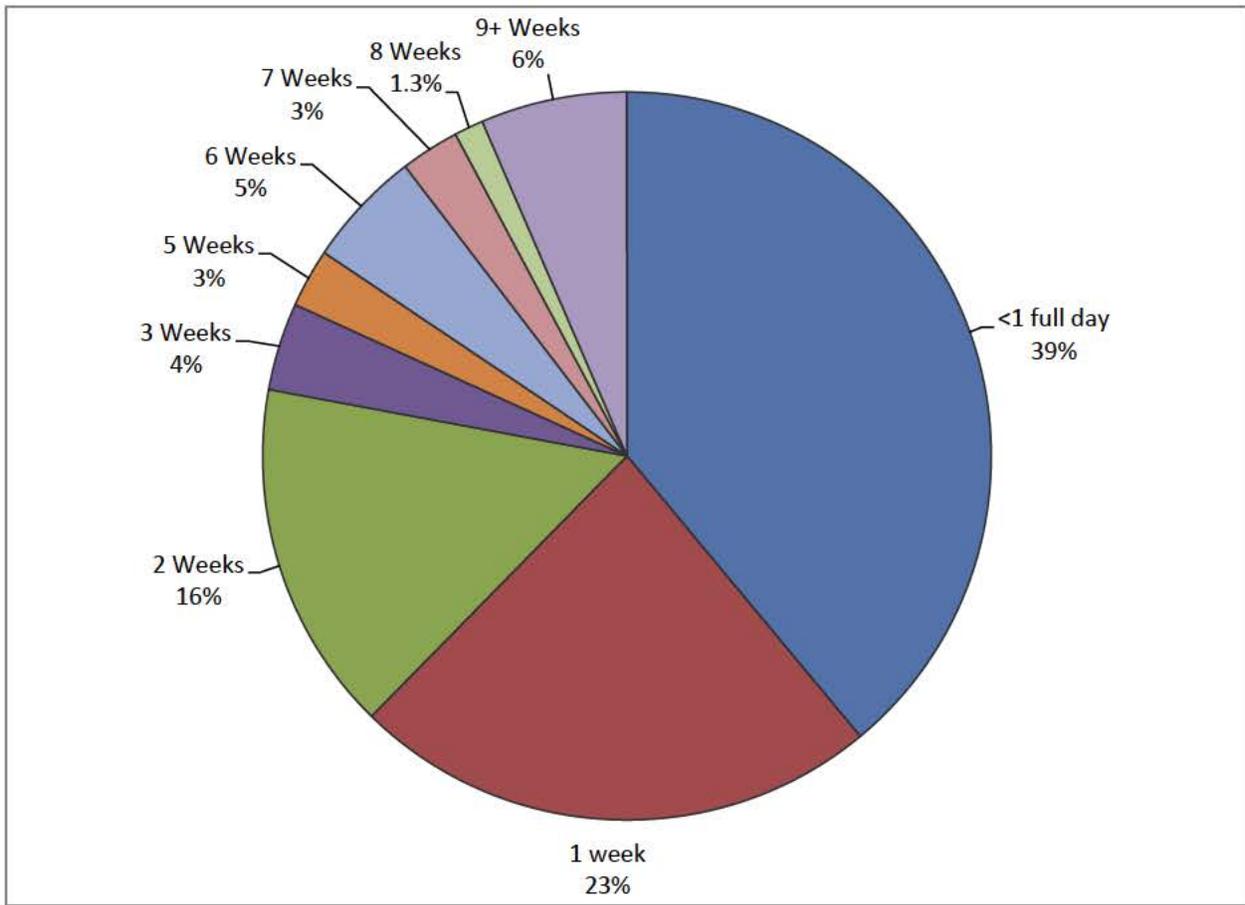


Figure C. Permit Processing Times, 2014 – All Other Permits



Tables 6 and 7 present the average and median processing times for 2013 and, to provide context, for the preceding four years. The data for the Table 6 calculations are the same data reflected in Figures A, B, and C above. Also to provide context, Table 8 presents both the average and median processing times for all types of permits, in aggregate, based on the type of action (*e.g.*, approval, disapproval). In each of the following three tables, for the specified category of permit:

- Average = the sum of the processing time for all permit actions divided by the number of actions
- Median = the processing time in the middle of the of the range of processing times for all permit actions

Where the Commission determined an application was complete and made a final permitting decision the same day, the processing time is less than one full day. In calculating the average and median permit processing times, permitting decisions made in less than one full day are assigned a processing time of zero days. A median processing time of less than one full day (*i.e.*, <1) means the Commission made a final permitting decision on at least half of the applications on the same day the application was deemed complete.

Table 6. Permit Processing Times, 2014

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	2.8	<1
Development Permits (DP)	8.9	3
All Other Permits	13.5	2

Table 7. Annual Permit Processing Times, 2010-2013

Permit Type	2010		2011		2012		2013	
	Average (Days)	Median (Days)						
Building Permit (BP)	7	7	7	<1	4	<1	3.7	<1
Development Permits (DP)	24	25	24	8	98	11	17.8	8
All Other Permits	47	35	47	9	38	3	15.7	1

Table 8. Permit Processing Times by Outcome, 2010-2014

Action Type (Outcome)	Processing Time (Days)		Percent of All Actions
	Average	Median	
Approvals	13	0	99.0%
Approval/Disapproval in-part	73	71	0.1%
Disapprovals	262	81	0.5%
Withdrawn	753	259	0.3%
Returned	2,376	3,091	0.2%

Note: The processing time for the withdrawn and returned applications includes six applications that appear not to have been transferred to new staff when the staff person handling the matter left the Land Use Regulation Commission (the LUPC’s predecessor). These six applications, two of which were withdrawn and four of which were returned, pended for years. If not included in the calculations, the average processing time for all complete applications withdrawn or returned over the last five years is 176 days and 18 days respectively. In late 2012 and early 2013, the Commission conducted a comprehensive review of all pending matters and modified its approach to tracking permits.

C. Preapplication Consultation Activities

The Commission has developed procedures by which an applicant may request a public preapplication consultation meeting with the Commissioners to discuss a project. This is an option provided for in P.L. 2011, ch. 682. Staff routinely notify potential applicants of this option. In 2014, the Commission held a preapplication meeting with the prospective developer of a wood pellet facility in Washington County. The preapplication meeting also involved a site visit. Other prospective applicants have expressed appreciation that they may request a preapplication meeting with the Commission.

Additionally, Commission staff routinely meet with prospective applicants in order to provide assistance and guidance regarding the application processes. Staff also provides opportunities for unofficial but documented staff opinion through Advisory Rulings and Letters of Exemption. In 2014 the staff issued 13 advisory rulings.

D. Community Guided Planning and Zoning

The 2012 reform legislation directed the Land Use Planning Commission to “initiate prospective zoning in the unorganized and deorganized areas of the State” and to “coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts.” After conducting extensive outreach, in 2012 the Commission sought to identify those interested in participating in Community Guided Planning and Zoning – the prospective zoning directed by the Legislature. Six distinct regions emerged from the letters of interest submitted by County Commissioners, non-profits, citizen groups and others from across the jurisdiction.² On February 1, 2013, the Commission selected Aroostook County as the first regional project. Western Maine (including both Somerset and Franklin counties), was selected on May 8, 2014. Washington County has indicated interest to begin a Community Guided Planning and Zoning process in 2015. Lessons learned during these first three projects will help inform future projects in other parts of the unorganized territories.

² The six regions included: Aroostook County, Hancock County, parts of Oxford County (Albany, Mason, and Milton townships, Piscataquis County, Washington County, and Western Maine (Franklin and Somerset counties).

The Aroostook County Community Guided Planning and Zoning effort is led by the Northern Maine Development Commission (NMDC), and a 13 member steering committee representing the county, municipalities, service providers, business owners, land owners, agricultural interests, environmental organizations, recreation/guide/sporting industry, Native American tribes, and permanent resident camp owners. In 2013, NMDC worked with the LUPC and a stakeholder group to design the planning process. The resulting process document established the procedure for the various interests in this region to work together to develop land use recommendations that best serve the region. Those prospective or proactive planning recommendations may include zoning or other approaches or combination of approaches.

In 2014, NMDC and the Aroostook Region Steering Committee explored possible topics, some of which could be addressed in Community Guided Planning and Zoning. (*See Appendix C, containing notice of the first Steering Committee meeting a CGPZ overview.*) The committee has begun to formulate recommended changes to the Commission's rules and standards that could benefit small business development, property owners, and residents in the unorganized and deorganized areas (the UT) in Aroostook County. While exploring topics, the committee consulted local and regional organizations and individuals engaged in regional economic development initiatives, representatives of the agriculture, forest products, and tourism industries, and others knowledgeable about areas of particular interest to people living and working in the UT. During this process small business development emerged as a potential topic area where some changes to the Commission's regulatory framework could be beneficial to the economy of the region. Going into 2015, the LUPC will work closely with NMDC and the committee to formulate a specific proposal around small business development and other potential areas to be submitted to the NMDC board and the Commission for consideration.

The Western Maine Community Guided Planning and Zoning region includes the UT in both Franklin and Somerset counties. This regional effort is led by convening agencies Androscoggin Valley Council of Government (AVCOG), Kennebec Valley Council of Government (KVCOG), and the Somerset Economic Development Corporation (SEDC). In summer and fall of 2014, the LUPC worked with AVCOG, KVCOG, SEDC, and a steering committee representing local government, environmental, recreational, large and small landowner, and resident interests to design the planning process. The resulting process document was modeled after the project in Aroostook County and established the procedure for the various interests in this region to work together to develop land use recommendations that best serve Western Maine. In 2015, a Planning Committee will be selected by the convening agencies. It will be composed of two sub-committees located in each county. In order to ensure that the process moves forward efficiently in Western Maine and best utilizes existing resources, the Steering Committee and convening agencies decided to initially focus on anticipated land uses needed to support the growth of outdoor recreation. Other topics of interest may be identified during the planning process for future phases of Community Guided Planning and Zoning in Western Maine.

Washington County has expressed interest in a Community Guided Planning and Zoning process and the Washington County Council of Governments has sought approval for funding from the Washington County Commissioners to begin in 2015.

These are exciting prospective zoning projects that are locally driven and collaborative in nature. Throughout the Community Guided Planning and Zoning process in all regions, Commission

staff assist sponsoring agencies and each steering committee by providing information and highlighting relevant statutory requirements to help ensure that the results of each region's commitment of time and resources both achieve local goals and are consistent with the Commission's statutory review criteria and statutory purpose, as well as with the guiding principles adopted by the Commission at the outset of this prospective planning and zoning process. The Commission anticipates continuing to communicate with the other regions to help them prepare for a future round and/or take immediate steps that would be less comprehensive and resource intensive than broad-scale prospective planning and zoning, but meet their immediate zoning needs.

E. Staff and Commissioner Training

1. Staff Training and Customer Service

In 2014, Commission staff attended both internal and external training sessions and workshops intended to help with the delivery of quality customer service. For example, some of the training focused directly on how to better identify soil types in wetlands, how to size culverts, and how to make stream determinations. Other sessions focused on promoting consistency across regional offices and providing staff with the substantive knowledge to be best positioned to answer questions and address challenges individual property owners may have or face. While this type of training is not focused directly on customer service, it positions staff to provide the quality service the Commission strives to provide.

External staff training in 2014 included:

- *Subsurface Wastewater Disposal Rules* – On one of two days (March 19 or March 26), several permitting and compliance staff attended an all-day training on *Subsurface Wastewater Disposal Rules*. The class was administered by the Department of Health and Human Services. The program helped staff better understand how site evaluations, permitting, and compliance inspections are performed.
- *Soils & Wetlands Training* – On May 20, all permitting and compliance staff attended a half-day classroom and half-day field training provided by State Soil Scientist. This all day training allowed staff to work hands on and as a group to better understand and more consistently identify different soil types in a wetland environment.
- *Natural Resource & Soils* – On September 3, several Commission staff participated in the *2014 MAPSS/MAWS/MASE/SSSNNE Soils and Natural Resource Workshop* held at Mt. Blue State Park in Weld, Maine. This workshop combined soil evaluation with natural resource identification and included discussion of regulatory issues faced by the Commission and other agencies with permitting responsibilities.
- *Managing Floodplain Development* – From September 15 to September 18, Regional Representative Karen Bolstridge attended a 4-day training workshop put on and funded by the Federal Emergency Management Agency (FEMA) in Emmitsburg, Maryland. The course was designed to provide an organized training opportunity for local officials responsible for administering their local floodplain management ordinance. The course

focused on the NFIP and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. This training will better prepare staff for when they are working in the floodplain areas.

- *Streams and Stream Crossings* – On one of two days (November 14 or November 20), several staff from the Commission, along with multiple State and federal agencies, participated in a Stream-Smart Workshop. The training was held to educate staff how to maintain fish and wildlife habitat while protecting roads and public safety. It taught staff how to evaluate and size culverts and how to create stream-smart crossings. The training also was intended to help better prepare for the large and frequent storm events that have been washing out roads around the State and the northeast.

Internal training in 2014 included:

- *Rule Changes & Consistency* – On December 17, Commission field staff participated in a full-day training session to discuss the proposed rule changes in regards to wetlands and water bodies, to review how to consistently make stream determinations, to review the current FEMA rules and discuss potential changes to those rules, to discuss the implementation of the new and potential rules pertaining to recreational lodging, forestry, and certification of Site Law projects permitted by DEP. This training was designed to help the Commission provide consistent and reliable customer service throughout the unorganized and deorganized areas.

2. Commissioner Orientation and Continuing Education

All new Commissioners receive an orientation/training session prior to their first meeting. This orientation involves a discussion of the controlling statutory and regulatory provisions, the functions served by the Commission and its staff, and the various resources that a Commissioner may refer to for assistance. In addition, orientation also includes a discussion of the legal roles and responsibilities of Commissioners lead by an Assistant Attorney General (AAG).

Over the course of a year, the Commission also schedules agenda items at its regular, monthly meetings that serve as annual continuing education on Title 12, chapter 206-A; Commission rules; and planning and regulatory processes. For example, in 2014 topics presented to the Commission included an overview of the regulation of subdivisions in the UT, a presentation by a representative of the Maine Floodplain management Program on FEMA Letters of Map Change and the role of the Commission, an overview of Maine Revenue Service taxation within the unorganized and deorganized areas and the State's tree growth program, and a review of the Commission's regulation of accessory structures over the years. Training to be provided by the Office of the Attorney General on variances, originally scheduled for December 2014 has been rescheduled for the Commission's January 2015 meeting after cancellation of the December meeting due to weather.

IV. Commission Goals for 2015

Throughout each year, the Commission reviews its goals and priorities in order to best focus its efforts and most efficiently use its resources. Presently, the Commission's goals for 2015 include:

- Continuing to assist Aroostook County and Northern Maine Development Commission with Community Guided Planning and Zoning, completing that regional initiative in the summer of 2015.
- Collaborating with the Androscoggin Valley Council of Governments, Kennebec Valley Council of Governments, and Somerset Economic Development Corporation on Community Guided Planning and Zoning in the Western Maine region including Franklin and Somerset counties.
- Commencing Community Guided Planning and Zoning in Washington County in cooperation with the Washington County Council of Governments.
- Completing the stakeholder review of the Commission's subdivision rules and companion rule revisions.
- Continuing the recreational lodging initiative through further rule refinement, direct communication and coordination with existing facilities, and assisting with needed rezonings to aid facilities.
- Completing assorted rulemakings referenced in Section II.G.
- Evaluating road setbacks and identifying whether any rule modifications are warranted.
- Undertaking a review of the Commission's Land Use Standards and identifying and implementing beneficial changes.
- Assisting Town of Bancroft with deorganization process and development of zoning for the community.
- Reviewing the Fish River Chain of Lakes concept plan proposal that includes the proposed rezoning of more than 51,000 acres in Aroostook County.

The Commission anticipates adding to this list as the year progresses and new issues emerge and as new legislation is adopted.

Finally, throughout the year and in addition to its list of goals and policies, the Commission and its staff are committed to working to provide efficient, quality service to the people with whom they interact and the people of this State.

**Appendix A:
LUPC Commissioners as of December 31, 2014**

The Land Use Planning Commission (LUPC) is in the middle of transitioning from a 7-member board filled with gubernatorial appointees to a 9-member board with both county and gubernatorial appointees. Eight of the seats on the 9-member board will be filled by the counties with the most acreage within the unorganized and deorganized areas of the State. Each of the following counties (listed from largest to smallest in terms of qualifying acreage) will fill one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board will continue to be filled by the Governor.

To accomplish this transition two new seats were created. They have been filled by Aroostook and Piscataquis counties, respectively. These two counties will continue to be responsible for filling these seats. As other seats become vacant, either because a term expires or a commissioner vacates his/her seat early, they will be filled by the next county in line. At the head of the line will be the county with the most acreage in the unorganized and deorganized areas of the State that has not yet made an appointment. Once all eight counties have appointed an individual to the LUPC, the Governor will then have an opportunity to do so as well.

Presently, the five counties with the most qualifying acreage have appointed individuals to the LUPC. These counties will continue to be responsible for filling these seats. Of the four remaining seats, the next one that becomes vacant will be filled by Franklin County, followed by Oxford and Hancock counties, and, finally, by the Governor.

The following table shows who currently fills each seat on the LUPC and who has appointed this individual. Where the appointing authority is identified as Gov./county, the seat currently is filled by an individual appointed by the Governor under the prior process. Assuming these gubernatorial appointees serve out their full terms, the counties next in line to fill a seat on the Commission are indicated after the slash. The final opening will continue to be filled by the Governor. (Note, seat #8 has been removed; it used to be filled by the LUPC Director.)

Seat No.	Commissioner	Appointing Authority	Appointed	Term Expiration	Comments
9	Paul Underwood	Aroostook	3/14/13	3/13/17	
10	Everett Worcester, Vice-Chair	Piscataquis	5/23/13	5/22/17	
7	Gwendolyn Hilton, Chair	Somerset	6/13/13	7/29/15	Filled unexpired term
3	Charles Pray	Penobscot	7/10/13	7/9/17	
4	Betsy Fitzgerald	Washington	1/21/14	7/9/17	
6	Robert Dunphy	Gov./Franklin	4/4/12	8/20/15	
5	Durward Humphrey	Gov./Oxford	4/4/12	11/4/15	
2	William Gilmore	Gov./ Hancock	9/6/12	7/9/16	
1	Michael Theriault	Gov./Gov.	9/6/12	7/9/16	

Appendix B: Types of LUPC Permits and Actions

Action Types

Each application received by the Maine Land Use Planning Commission is reviewed and results in a final action or disposition. Final action or disposition includes the following outcomes:

- *Approved* – The proposed activity meets the necessary standards; a decision (*i.e.*, permit) indicating approval is issued by staff or the Commission.
- *Approved / Disapproved in-part* – Parts of the proposed activity meet the necessary standards and are approved, and parts of the proposed activity do not meet the necessary standards and are disapproved. A decision (*i.e.*, permit) indicating the approved and disapproved components is issued by staff or the Commission.
- *Disapproved* – The proposed activity does not meet the necessary standards; a decision (*i.e.*, denial) is issued by staff or the Commission.
- *Application Withdrawn* – The applicant chooses to withdraw their application prior to final action by staff or the Commission. The application is returned and no final action is issued by staff or the Commission.
- *Application Returned* – The application often is incomplete and the applicant has made insufficient effort to address the issue(s). The application is returned and no final action is issued by staff or the Commission.

Permit Types & Land Use Determinations

The Commission uses a variety of action types to identify and record various permitting actions and land use determinations. Each action includes the action type and number (*e.g.*, AR 95-001, BP 123, and ZP 456) at the top of the document and a corresponding entry in the LUPC’s database – Geographic Oriented Action Tracker (GOAT). The following summarizes the various types of permits and land use determinations:

Type	Permit Type	General Description ³
AR	Advisory Ruling	A documented yet informal staff opinion requested at the option of the landowner / developer. Applicants typically seek advisory rulings in order to receive advice as to whether or not a permit is required for specified activities, or for the interpretation of specified provisions of the Commission’s rules. (<i>See</i> LAR and LOE below.)
BCP	Bridge Construction Permit	Permits for the construction, replacement or repair of bridges.

³ Chapter 10 of the Commission’s rules, *Land Use Districts and Standards*, contains specific criteria and standards.

Type	Permit Type	General Description ³
BLN	Boat Launch Notice	A landowner notification to the LUPC, after providing their intent to file notice yet prior to construction or repair of a boat launch, in accordance with 10.27,L of the Commission’s <i>Land Use Districts and Standards</i> .
BP	Building Permit	Permits for activities associated with residential development that requires a permit (<i>e.g.</i> , activities involving: a camp, a garage, porches, etc.).
COC	Certificate of Compliance	A Commission document confirming the development, activity, and/or use complies with both the applicable rules and permits issued.
CZMA Consistency Determination	Coastal Zone Management Area Consistency Determination	A letter from the LUPC staff regarding concurrence with the Federal Consistency Determination; that the proposed activities, in Federal Waters within the coast of Maine, do not trigger review by the LUPC. (16 U.S.C. § 1456(c) and 15 C.F.R., Part 930, Subpart C)
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit (<i>e.g.</i> , activities involving: commercial sporting camps, retail store, warehouse, mill, wind turbines, campground, resort, etc.)
FOP	Forestry Operations Permit	Permits for forest operations that exceed the standards of Section 10.27,E of the Commission’s <i>Land Use Districts and Standards</i> or are located within a Development Subdistrict or the Mountain Area Protection (P-MA) Subdistrict. FOPs issued after July 15, 2013, depending upon the subdistricts involved, may differ from FOPs issued before that date. (<i>See</i> MFS-RA below for more details.)
GP	Great Ponds Permit	Permits for activities affecting great ponds (<i>i.e.</i> , bodies of standing water greater than 10 acres in size). Activities permitted as a Great Ponds Permit include but are not limited to, permanent docks, dredging, some boat launches/ramps, breakwaters, and retaining walls.
HP	Hydropower Permit	Permits for and relating to hydropower activities.
IFN	Intent to File Notice	A landowner notification to the LUPC, of their intent to file a Boat Launch Notification (BLN) described above, in accordance with 10.27,L of the Commission’s <i>Land Use Districts and Standards</i> .

Type	Permit Type	General Description ³
LAR	Letter of Exemption/Advisory Rulings	A letter from the LUPC staff confirming the proposed activity is exempt from one or more provisions of the Commission’s rules and therefore does not require permit approval and a documented, but informal, staff opinion regarding other aspects of the specified project. LARs are issued when both an Advisory Ruling and a Letter of Exemption are appropriate. (<i>See AR and LOE herein.</i>)
LOE	Letter of Exemption	A letter from the LUPC staff confirming the proposed activity is exempt from one or more provisions of the Commission’s rules and therefore does not require permit approval. Historically, LOEs were issued only for utility lines that were exempt; however, as of 2011 they are used for any proposed activity that is exempt from either the Commission’s review or exempt from permit approval. (<i>See AR and LAR above.</i>)
MFS-RA	Maine Forest Service Review and Approval	Review and approvals issued by the Commission for timber harvesting activities that are permitted by the Maine Forest Service (MFS) (12 M.R.S.A. § 685-A(12)). As of July 15, 2013, the MFS regulates timber harvesting, land management roads, water crossings on/for land management roads, and gravel pits less than five acres in size in management and protection subdistricts. When these activities require a permit from the MFS and are conducted in the Unusual Area Protection (P-UA), Recreation Protection (P-RR) and Special River Transition Protection (P-RT) subdistricts, Commission approval is required before the MFS may issue a permit. In these cases, the Commission must determine whether or not the project conforms to its standards that are not otherwise regulated by the MFS. Commission review focuses largely on impacts to existing uses, such as recreational, historic, cultural, or scenic resources, with the technical review of these activities remaining with the MFS. These activities, when conducted in development subdistricts and in development areas in Resource Plan Protection Subdistricts (P-RP) are regulated by the Commission, and not the MFS.
MISC	Miscellaneous	Applications returned or withdrawn prior to assignment of permit type. In GOAT queries these applications will be identified by the unpopulated “Permit_Type” and “ActionNumber” fields.

Type	Permit Type	General Description ³
RP	Road Construction Permit	Permits for the construction, realignment, and substantial repair of roads (excluding land management roads).
SA	Shoreland Alteration Permit	Permits for activities affecting the shoreline of lakes, ponds, rivers, or streams (<i>e.g.</i> , activities involving: riprap, dredging, permanent docks, the intrusion of structures into or over a wetland or waterbody, and utility lines within or buried beneath a wetland or waterbody).
SD	Service Drop	Permits for certain utility lines. See Section 10.02 of the Commission’s <i>Land Use Districts and Standards</i> . Some building permits (BP) and development permits (DP) include (d) authorization of a service drop.
SP	Subdivision Permit	Permits to create new lots where the lot(s) do not qualify as exemptions, see Section 10.25,Q,1 of the Commission’s <i>Land Use Districts and Standards</i> .
SPDP	Subdivision/Development Permit	Permits regarding activities including both the subdivision and subsequent development of a land area. This permit type combined the review of and action on subdivision permits (SP) and development permits (DP). <i>Permit type no longer in use.</i>
SLC	Statutory LUPC Certification or Site Law Certification	Certifications issued by the Commission for projects that trigger review by the DEP according to Site Law. In these cases, the Commission must certify whether the use is allowed in the subdistrict(s) in which it is proposed and whether the project conforms to Commission’s standards that are not otherwise effectively applied by the DEP. Projects that typically trigger Site Law include: larger subdivisions, larger commercial development, and grid-scale wind development.
ULP	Utility Line Permit	Permits for certain utility lines (<i>e.g.</i> , activities involving: electric power transmission or distribution lines, telephone lines, etc.) that require a permit and therefore do not qualify as an exemption or as a Service Drop described above.
WL	Wetlands Alteration Permit	Permits related to the alteration of wetlands (<i>e.g.</i> , activities involving: filling or dredging of wetlands, etc.).

Type	Permit Type	General Description ³
WQC	Water Quality Certification	A Commission action certifying that activities meet applicable water quality standards, pursuant to Section 401 of the U.S. Clean Water Act. ⁴ When permits are required the Commission incorporates the WQC into the permit; stand-alone WQC actions represent certification of projects that did not also require permit approval (<i>e.g.</i> , FERC relicensing).
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). <i>See</i> Section 10.08 of the Commission’s <i>Land Use Districts and Standards</i> .

⁴ Executive Order #16 FY 91/92 designated LURC (now the LUPC) as the certifying agency for issuance of Section 401 Water Quality Certifications for all activities located wholly within its jurisdiction. Section 401 is a reference to the U.S. Clean Water Act, 33 U.S.C. § 1341.

**Appendix C:
Community Guided Planning and Zoning Information**

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COMMUNITY GUIDED PLANNING & ZONING INFORMATION

INTRODUCTION

Community Guided Planning & Zoning (CGPZ) is an initiative of the Maine Land Use Planning Commission (LUPC or Commission) through which the Northern Maine Development Commission will assist Aroostook County to proactively plan for land uses in its unorganized and deorganized areas (the UT). This prospective planning and zoning initiative will provide those living, working, and owning land, as well as others with a direct interest in a region, an opportunity to evaluate the present and future land use needs for their region and to develop a strategy for meeting these needs. Prospective planning and zoning also will allow the LUPC to ensure greater predictability of land use regulation for businesses, property owners, and others with an interest in the use of land and development patterns in the UT.

Many approaches to planning proactively for land use in the UT are possible through CGPZ. The goal is to produce practical and effective recommendations – perhaps for a rezoning, the creation of new zones, a transportation and infrastructure plan, an industrial growth plan, a recreation plan, an open space strategy, a habitat connectivity strategy, a comprehensive plan for a specific area, or some other approach or some combination of the above approaches – in light of the need for more prospective or proactive planning, particularly in identifying appropriate areas for economic development.

After an open application period, the LUPC selected Aroostook County as the first region to participate in the CGPZ process. The Northern Maine Development Commission (NMDC) prepared a proposal and is now facilitating the planning process. NMDC has appointed a Steering Committee representing diverse interests whose task will be to lead the planning effort, conduct regular meetings open to the public, and develop a draft final report and recommendations. As described in NMDC's Process Document – a document developed by the Steering Committee which outlines the planning structure - the process is designed to provide opportunities for a broad spectrum of residents, property owners, and interested parties to participate, as well as to allow for a respectful consideration of different views. This work will take place at meetings held by NMDC starting in the Fall of 2013, with video conferencing available, when possible. These meetings are open to anyone interested and the public is encouraged to attend.

The first Steering Committee meeting is Wednesday, October 23rd at 9:00 AM at Caribou Inn and Convention Center in Caribou. For questions regarding the NMDC process, contact Jay Kamm, Senior Planner at 498-8736 or by email at jkamm@nmdc.org.

WHAT IS PROSPECTIVE PLANNING AND ZONING?

Prospective planning and zoning is a process that allows residents, property owners, businesses and other interested parties in the UT to work together to plan for future land uses of specific areas, including to allow for new appropriate uses which may include business, residential and/or recreational uses. Rather than a “top – down” plan from a State agency, this is an opportunity for a locally-driven redrawing of the map in the UT where co-operative, “bottom – up” solutions can be agreed upon by the participants and documented for LUPC consideration.

In regions that participate in a prospective planning and zoning process, suitable areas may be identified prospectively for commercial, residential and/or recreational uses, so that businesses and property owners can propose new uses with greater assurance that the proposal is appropriate for that location.

A CGPZ process may include, or result in, rezoning of specific areas for future development. This may allow businesses or property owners to propose new uses or development without the need for seeking a rezoning of the land. This would allow proposed projects to go straight to the application processes for the actual development work, thereby simplifying and expediting the review process. New prospectively zoned areas may allow residents, property owners, businesses and other interested parties to plan ahead with greater confidence for strategic investment in land use decision-making, whether for commercial and residential development, resource management or conservation.

WHAT IS THE LUPC'S ROLE AND WHAT IS IT LOOKING FOR?

The LUPC is a nine-member board charged with overseeing land use planning and much of the land use permitting in the UT, an area that covers almost half of the State. The Commission acts much as a planning board would in an organized town. Among the LUPC's responsibilities, as set forth in State law, is to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the UT while recognizing the unique value of these lands and waters to the State; to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities; and to encourage well-planned and well-managed multiple uses, including conservation, of land and resources and to encourage and facilitate regional economic viability.

Ultimately, any product developed through the CGPZ process will require Commission acceptance if it is to be implemented by the Commission and any rezoning or modification to the Commission's rules must satisfy statutory criteria. Throughout the CGPZ process, LUPC staff will assist NMDC and the Steering Committee by providing information and highlighting the relevant statutory requirements. This will help ensure that the result of the Aroostook region's significant commitment of time and resources will both achieve local goals, and be consistent with LUPC's statutory review criteria as well as the Commission's statutory purpose and guiding principles.

When the LUPC receives the maps, plans or recommendations that the Steering Committee and NMDC produce, the Commission has identified a set of Overarching Principles that it will apply when determining whether to approve and act upon the recommendations. The product of the CGPZ effort and the process through which it is developed must:

- Ensure a locally driven, locally desired process
- Encourage broad participation
- Respect property owner equity
- Balance regional uniqueness and statewide consistency for stakeholders
- Be consistent with statutory purpose and guiding principles

These principles are furthered by NMDC's Process Document.

The goal of land use planning in the UT is to encourage the well-planned and well-managed multiple use, including conservation, of land and resources and to encourage and facilitate regional economic viability. It is hoped that Aroostook County will become a model for using the CGPZ process as a path to a stronger economic future.

WHAT CAN YOU CONTRIBUTE?

Are you a business owner, property owner, resident or otherwise familiar with some portion of the unorganized and deorganized areas of Aroostook County? Please consider participating in the Community Guided Planning and Zoning process. Your opinion and perspective will be valuable to the Steering Committee.