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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

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COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

January 15, 2013

Senator Troy Dale Jackson, Senate Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine Senate
3 State House Station
Augusta, Maine 04333

Representative James F. Dill, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine House of Representatives
2 State House Station
Augusta, Maine 04333

RE: 2012 Annual Performance Report – Maine Land Use Planning Commission (LUPC)

Dear Senator Jackson and Representative Dill:

Enclosed please find the Land Use Planning Commission's Annual Performance Report for 2012. 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 legislation adopted by the 125th Legislature, including P.L. 2011, ch. 682, *An Act to Reform Land Use Planning in the Unorganized Territory*;
- Contains permit processing data, including processing times;
- Provides a status report on the Commission's prospective zoning iniative, Community Guided Plannnig and Zoning; and
- Identifies the Comission's goals for 2013.

We hope you find this report is informative. If you would like us to do so, we are 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

Gwen Hilton, Chair
Land Use Planning Commission

Enclosure

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

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

ANNUAL PERFORMANCE REPORT -- 2012

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

January 15, 2013

Updated – January 25, 2013

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SUMMARY

2012 was a busy year for the Land Use Planning Commission, with the most notable event being the adoption of *An Act to Reform Land Use Planning in the Unorganized Territory*, P.L. 2011, ch. 682 (enacting L.D. 1798). This annual report summarizes the action taken by the Commission to implement this reform legislation, including the steps to initiate prospective zoning and to develop a process for certifying that larger development projects – now permitted by the Department of Environmental Protection – comply with applicable Commission land use standards. This report also addresses the Commission's efforts to implement other laws enacted by the 125th Legislature and summarizes the Commission's permitting activity. In 2012, the Commission issued 579 permits, representing approval of 96 percent of all applications received. Of the permits issued, 435 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 2012 and concludes with a look ahead to the Commission's goals for 2013, which promises to be another busy year.

I. INTRODUCTION

The 125th Legislature, during the 2nd Regular Session, adopted Public Law 2011, chapter 682. Section 24 of this Public Law enacted 12 M.R.S. § 685-H, which 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 2012.

II. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2012

A. The Reform Legislation (P.L. 2011, ch. 682)

For the Land Use Planning Commission (the "Commission" or the "LUPC"), 2012 was highlighted by the reforms contained in Public Law 2011, chapter 682. Among other changes, this legislation:

- Created the LUPC as the successor to the Land Use Regulation Commission ("LURC");
- Revised the purpose and scope statement associated with the statutory provision in Title 12, chapter 206-A that govern the LUPC;
- Modified how Commission members are appointed and expanded Commission membership from seven to nine;
- Directed the LUPC to initiate prospective zoning;
- Directed the LUPC to establish a process by which an applicant can request a public preapplication meeting with the Commissioners;
- Transferred permitting responsibilities for larger projects to the Department of Environmental Protection (the "DEP"); and
- Established that for larger projects permitted by the DEP, the LUPC must certify to the DEP that 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 that is not considered in the DEP's permit review.

Portions of this legislation became effective on August 30, 2012 and others on September 1, 2012. In response to the reform legislation, the LUPC:

- Commenced work on a prospective zoning initiative, Community Guided Planning and Zoning ("CGPZ") (this initiative is discussed further in Section III(D) below;
- Executed a Memorandum of Understanding with the DEP, dated August 31, 2012, regarding how the LUPC and the DEP will coordinate their respective certification and permit reviews for development in unorganized and deorganized areas of the State that now fall within the jurisdiction of both agencies;
- Approved a guidance document to assist Commission staff and the public when interpreting the Comprehensive Land Use Plan;
- Is working on rulemaking to revise Chapter 4, Rules of Practice, to provide a process for requesting certification;
- Is working to finalize guidance on which land use standards the Commission applies as part of its review of requests for certification; and
- Routinely informs prospective applicants of their ability to request a public preapplication meeting with the Commission and held one such meeting.

B. Implementation of Legislation and Other LUPC Activities

The Commission has been busy implementing other legislation and initiating its own rulemaking efforts. In 2012, the Commission:

- Amended Chapter 4, Rules of Practice, to clarify that a person aggrieved by a staff decision has standing to appeal that decision to the Commission. (*See* Resolve 2011, ch. 144 (enacting L.D. 1647).) Status: provisionally adopted; this major substantive rulemaking will require further legislative action.
- Amended Chapter 10, Land Use Districts and Standards, to exempt construction or expansion of many accessory structures (primarily sheds and garages) from requiring a permit. Status: effective July 28, 2012, but subject to legislative review.
- Amended Chapter 10, Land Use Districts and Standards, to provide a greater degree of flexibility to the creation of maple sugar processing subdivisions. (*See* Resolve 2011, ch. 123 (enacting L.D. 1689).) Status: approved by Commission, but not yet effective.
- Amended Chapter 10, Land Use Districts and Standards, in response to and consistent with Public Law 2011, chapter 682 (enacting L.D. 1798), to revise the D-PD (Planned Development) Subdistrict rules to accommodate the shift of permitting authority to the DEP, while retaining review of the rezoning petition and associated preliminary development plan that are part of the creation of a D-PD Subdistrict. Status: approved by Commission, but not yet effective.
- Posted for public comment and held a public hearing in Presque Isle and Farmington on proposed amendments to Chapter 12, 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 mining activities. (*See* P.L. 2011, ch. 653, § 29(1).) Status: rulemaking ongoing; public comment period recently extended to February 4, 2013, with written rebuttal comments due by February 11, 2013.

Other accomplishments of note in 2012 include:

- Completed update, required every 10 years, of the St. John River Resource Plan.
- Made comprehensive revisions to the most frequently used application forms with the goal of improving customer usability and staff efficiency.
- Developed new application form for certain shoreland alternations in order to improve customer service and reduce permit processing times.
- Assisted the Office of Energy Independence and Security ("OEIS") in leading a process, which included the DEP and a group of experts, to analyze the cumulative visual impacts of wind power development. (*See* Resolve 2011, ch. 93 (enacting L.D. 1366).) OEIS published the final report in March 2012.
- Held field visits to familiarize Commissioners with the development areas within the Moosehead Regional Concept Plan.
- Provided technical assistance to the Division of Forestry (*i.e.,* the Maine Forest Service) on rulemaking required by P.L. 2011, ch. 599 (enacting L.D. 1739).

C. Recreational Lodging Initiative

Commission staff have received feedback in recent years that the recreation business market has changed substantially. Rules that apply to a range of recreational lodging uses, such as commercial sporting camps, campgrounds, group/youth camps, rental cabins, campsites, and back-country huts, needed to be upgraded. Staff visited many recreation-oriented businesses to better understand the issues and brought those issues to the Commission. In the spring of 2012, the Commission decided to initiated a stakeholder process with the goal of updating the LUPC's rules regarding a range of recreational lodging uses. The updates are intended to reflect an evolution in industry practices and customer expectations, and to be responsive to stakeholders' needs. Between September 12 and December 14, the Commission hosted two day-long workshops and a third half-day workshop with recreational lodging representatives and other interested parties to discuss how the LUPC can best update its rules. All of the workshop sessions were facilitated. Presently, staff continue to coordinate with stakeholders and in early 2013 will be presenting draft rule revisions to the Commission for consideration.

D. The Commission and its Staff

Throughout 2012, Commission membership ranged from five to seven, with seven seats filled at the close of the year on December 31, 2012. (*See* Appendix A for a list of the Commissioners.) On December 15, 2012, the first two counties (Aroostook and Piscataquis) became eligible to appoint – pending a legislative hearing and Senate confirmation – two additional individuals to the Commission. When these two seats are filled by county appointments, a complete Commission will include nine members.

At the end of 2012, at full staffing, the Commission would have been supported by 22 full-time equivalents ("FTEs"). This includes a director, a planning manager, a permitting and compliance manager, five FTE of planning capacity, a GIS specialist, 11 full-time permitting and compliance staff, a secretary associate, and an office associate. As of December 31, 2012, the Commission was supported by 19.75 FTE. This total reflects that the secretary associate position was vacated by a retirement in 2011, is frozen, and remains vacant. One of the permitting and compliance staff positions was vacated on December 28 when an individual accepted a new job. This position has not yet been filed. Finally, one senior planner position identified as .5 FTE is filled for 10 hours per week (the equivalent of .25 FTE) and rounded up to .5 FTE for headcount purposes. All of the other LUPC staff positions were filled at the close of 2012.

The LUPC operates offices in Ashland, Augusta, Bangor, Greenville, East Millinocket, and West Farmington.

III. REPORT ITEMS REQUIRED BY SECTION 685-H

A. Number of Permits Processed in 2012 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 rezoning petitions and boat launch notifications. For the purposes of this annual report, these other actions are included in the permitting summary tables that follow. Not all development or Commission assistance, however, is captured in these table or this report. Many activities are allowed without a permit, such as the construction of land management roads, development of certain accessory structures, or 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, P.L. 2011, ch. 682 establishes that larger projects within the unorganized and deorganized areas are now permitted by the 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 the DEP that 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 that is not considered in the DEP's permit review. A LUPC certification is not a permit. Certifications are not included in the tables below because the Commission did not issue a complete certification determination in 2012. The first such determination was approved by the Commission for a grid-scale wind energy development on January 4, 2013.

Tables 1 through 3 present the number of permits processed, by permit type and by action type (*i.e.*, outcome). Appendix B describes each type of permit and action listed in these tables.

Table 1. Permit Processing, 2012[1] by Outcome

Permit Type	Permit Type Name	Count by Action Type					
		Approved	Approved / Disapproved in-part	Disapproved	Application Withdrawn	Application Returned	TOTAL
BP	**Building Permit**	**434**	**1**		**7**	**7**	**449**
DP	**Development Permit**	**50**		**1**	**1**	**3**	**55**
All Other		**93**			**3**	**2**	**98**
BCP	Bridge Construction Permit	1					1
BLN	Boat Launch Notification	2					2
FOP	Forest Operation Permit	22			1		23
GP	Great Pond Permit	29				1	30
HP	Hydropower Permit						
RP	Road Construction Permit	9				1	10
SA	Shoreland Alteration Permit	3			1		4
SD	Service Drop Permit	14			1		15
SP	Subdivision Permit	2					2
ULP	Utility Line Permit	3					3
WL	Wetland Alterations Permit	2					2
ZP	Zoning Petition	6					6
	TOTAL	**578**	**1**	**1**	**11**	**12**	**602**

[1] The LUPC's permitting data represent activities that required permit approval from the LUPC when applicants sought permit approval. 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, 2007-2012 Totals

Permit Type	Permit Type Name	Total Applications Processed					
		2007	2008	2009	2010	2011	2012
BP	**Building Permit**	**666**	**535**	**513**	**475**	**453**	**449**
DP	**Development Permit**	**67**	**70**	**67**	**55**	**79**	**55**
All Other		**107**	**95**	**74**	**85**	**80**	**98**
BCP	Bridge Construction Permit	1	6	4	2	1	1
BLN	Boat Launch Notification	1	1	1	1		2
FOP	Forest Operation Permit	18	18	14	22	16	23
GP	Great Pond Permit	32	21	8	9	25	30
HP	Hydropower Permit				1	1	
RP	Road Construction Permit	2	4	3	3	9	10
SA	Shoreland Alteration Permit	7	6	5	12	4	4
SD	Service Drop Permit	15	17	19	19	7	15
SP	Subdivision Permit	13	7	9	5	7	2
ULP	Utility Line Permit	3	5	4	7	4	3
WL	Wetland Alterations Permit	2	3	1	1	1	2
ZP	Zoning Petition	13	7	6	3	5	6
TOTAL		**840**	**700**	**654**	**615**	**612**	**602**

Table 3. Permit Processing, 1971-2011 Annual Average by Outcome

Permit Type	Permit Type Name	Annual Average of Applications Processed					
		Approved	Approved / Disapproved in-part	Disapproved	Application Withdrawn	Application Returned	TOTAL
BP	**Building Permit**	**531**	**2**	**12**	**27**	**1**	**573**
DP	**Development Permit**	**70**	**1**	**2**	**6**		**80**
All Other		**127**	**1**	**4**	**9**	**1**	**142**
BCP	Bridge Construction Permit	7			1		8
BLN	Boat Launch Notification						
FOP	Forest Operation Permit	24			2		26
GP	Great Pond Permit	26	1	2	1		29
HP	Hydropower Permit	1					1
RP	Road Construction Permit	7			1		7
SA	Shoreland Alteration Permit	6					6
SD	Service Drop Permit	8					8
SP	Subdivision Permit	12		1	2		16
ULP	Utility Line Permit	19			1		19
WL	Wetland Alterations Permit	2					2
ZP	Zoning Petition	15		1	2		18
TOTAL		**729**	**4**	**18**	**42**	**2**	**795**

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 accepted for processing, 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 6 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 note here.

The follow Figures A, B, and C show the processing time for each complete application for which there was a final action or disposition in 2012. Comparison of these figures with Table 1 above reveals that:

- Building Permits – The Commission received 449 building permit applications, of which 435 were determined to be complete. The Commission issued 434 building permits.

- Development Permits – The Commission received 55 development permit applications, all of which were determined to be complete. The Commission issued 50 development permits.

- All Other Permits – The Commission received 98 applications in the all other category, of which 94 were determined to be complete. The Commission issued 93 permits in the all other category.

Figure A. Permit Processing Times, 2012 – Building Permits

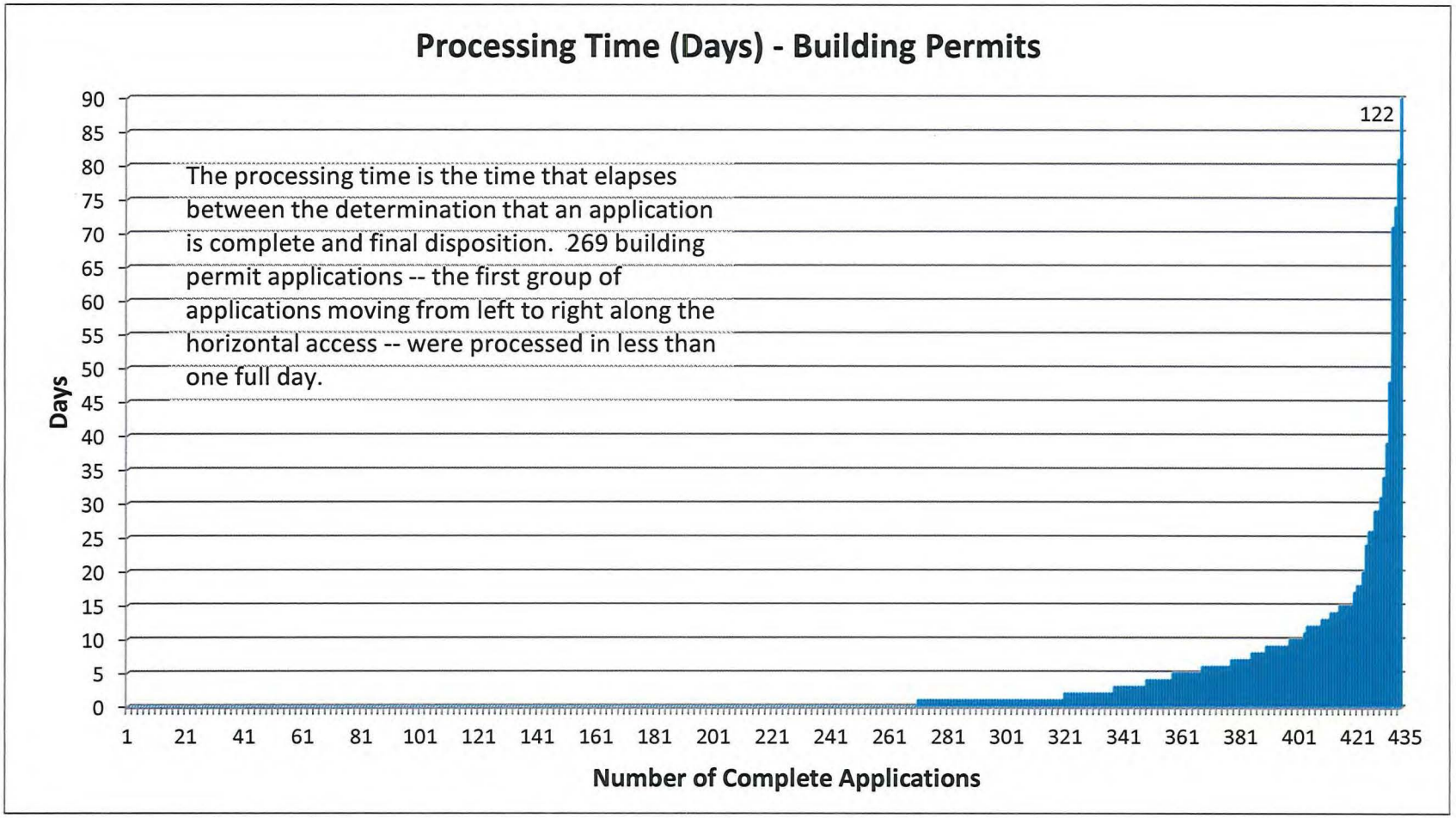
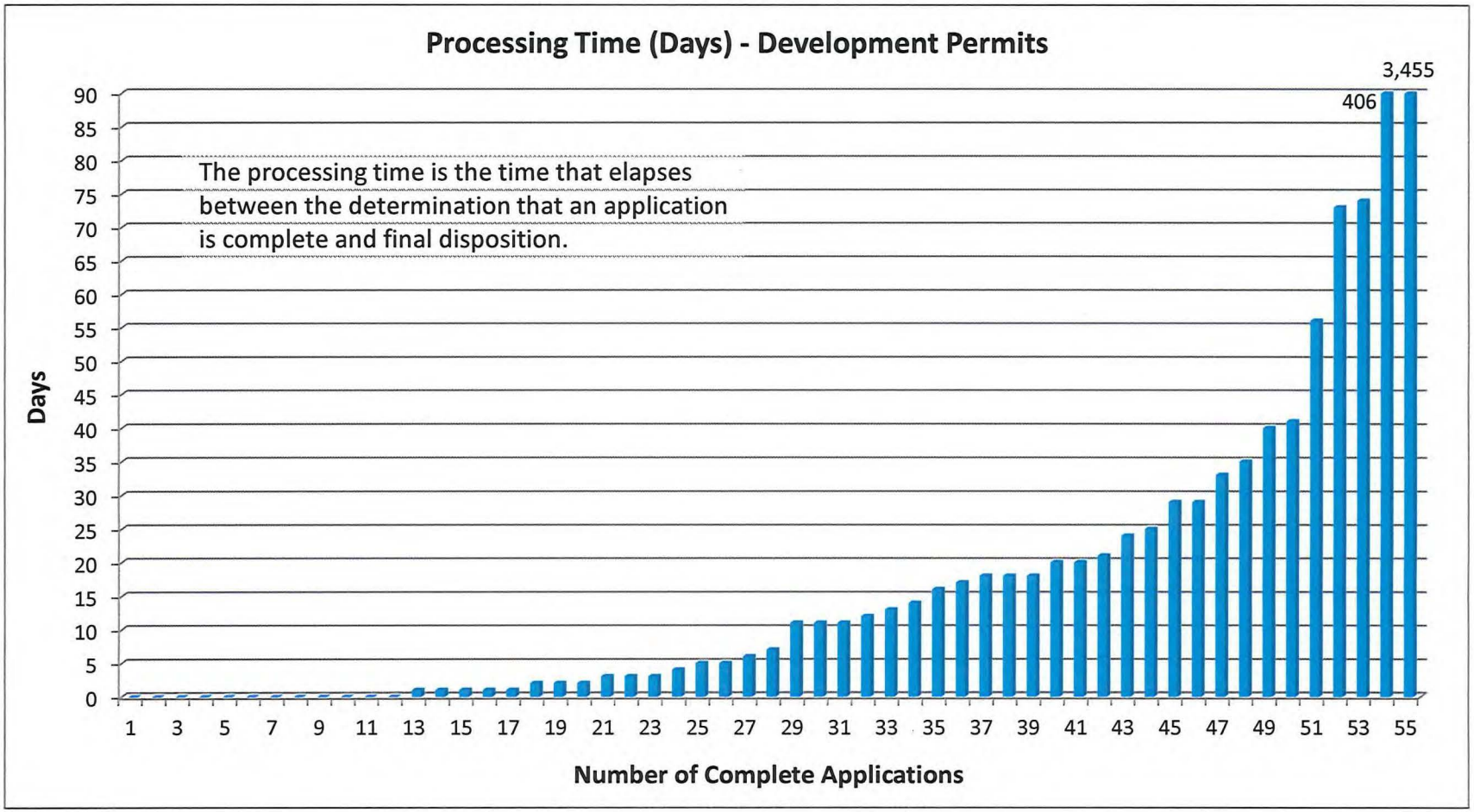


Figure B. Permit Processing Times, 2012 – Development Permits



In Figure B, the application processed in 406 days was for a grid-scale wind energy project. At the applicant's request, as the Commission was prepared to issue a denial, the process was extend by four months to allow for submission of a revised proposal. No such proposal was received and the project was denied. The application processed in 3,455 days was returned in 2012. It appears that review of this application ceased years ago without the application being timely returned or the addition of any notation in GOAT (or it predecessor permit tracking system) that review had been stopped. Both applications are included in the Tables 4 and 6 numbers.

Figure C. Permit Processing Times, 2012 – All Other Permits

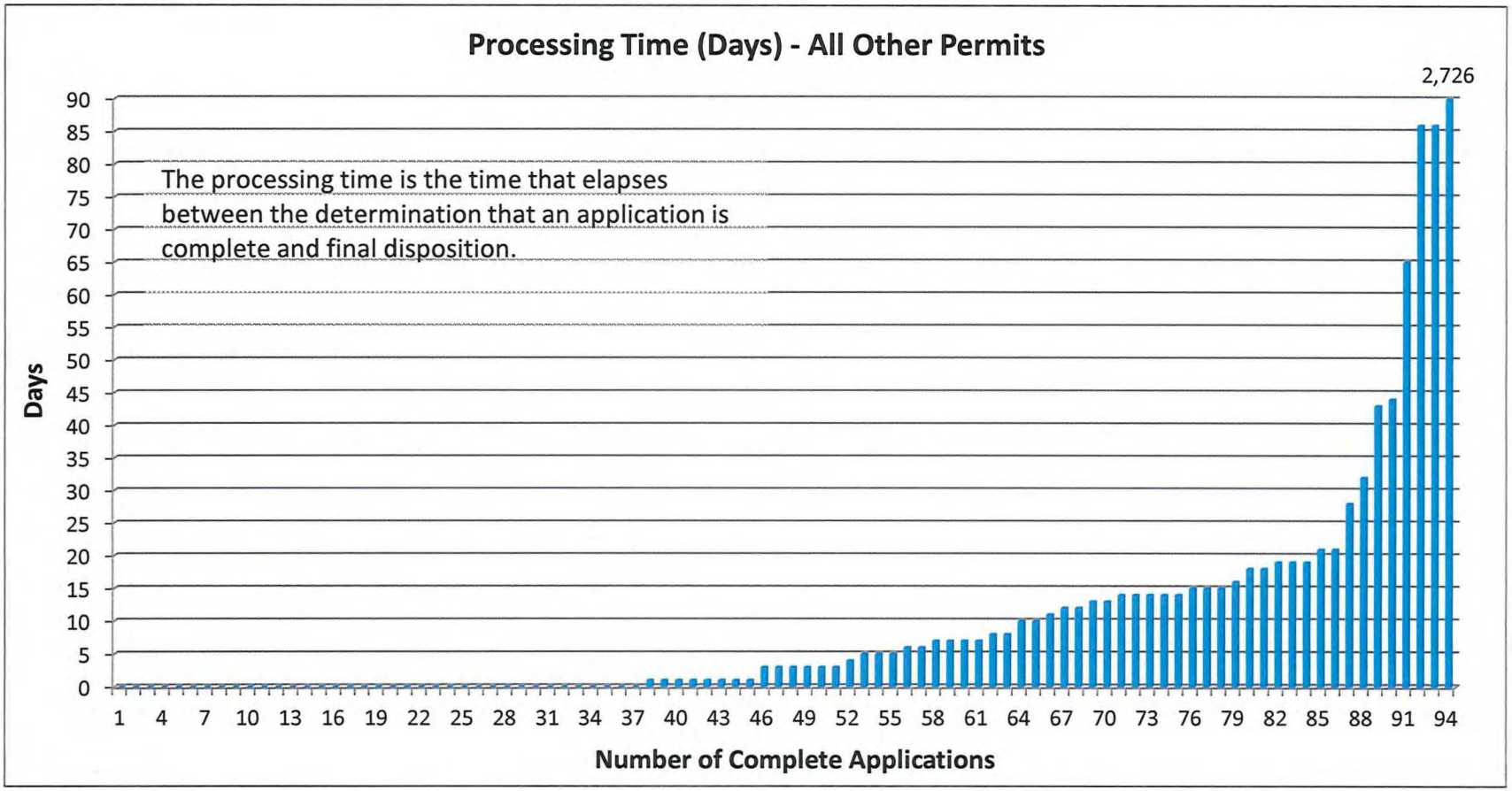


Figure C illustrates that the permit application in the "All Other" category that pended for the longest period was processed in 2,726 days. This application was returned in 2012. It appears that review of this application ceased years ago without the application being timely returned or the addition of any notation in GOAT (or it predecessor permit tracking system) that review had been stopped. This application is included in the average and median permit processing times in Tables 4 and 6 below.

Tables 4 and 5 present the average and median processing times for 2012 and, to provide context, for the preceding four years. The data for the Table 4 calculations are presented in Figures A, B, and C above. Also to provide context, Table 6 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 thee 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 that 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 that the Commission made a final permitting decision on at least half of the applications on the same day the application was deemed complete.

Table 4. Permit Processing Times, 2012

	Processing Times (Days)	
	Average	Median
Building Permit (BP)	3	<1
Development Permits (DP)	83	7
All Other Permits	38	3

Note: Excluding the one outlying development permit identified in Figure B as having processing times of 3,455 days, the average and median processing times for development permits in 2012 is 21 days and 7 days, respectively. This illustrates how average and median permit processing times may be influenced by a small number of isolated permitting events.

Table 5. Annual Permit Processing Times, 2008-2011

	2008		2009		2010		2011	
	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)
Building Permit (BP)	10	<1	7	<1	7	<1	11	<1
Development Permits (DP)	30	14	25	8	24	6	24	8
All Other Permits	26	8	35	9	47	14	35	11

Table 6. Permit Processing Times by Outcome, 2008-2012

Action Type (Outcome)	Processing Time (Days)		Percent of All Actions
	Average	Median	
Approvals	11	1	98.9%
Approval/Disapproval in-part	73	71	0.1%
Disapprovals	113	50	0.6%
Withdrawn	262	62	0.3%
Returned	1,192	558	0.2%

C. Preapplication Consultation Activities

The Commission and staff are developing 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 now routinely notify potential applicants of this new option and reiterate this option in cases where the prospective applicant disagrees with a staff interpretation or where a new policy interpretation is expected. One person took advantage of the opportunity for a preapplication meeting with the Commission in 2012. Other prospective applicants have been appreciative of the new resource and indicated they may take advantage of this opportunity as they get closer to filing an application.

Additionally, LUPC staff routinely meet with prospective applicants in order to provide assistance and guidance regarding the application processes. Staff also provide opportunities for unofficial but documented staff opinion through Advisory Rulings and Letters of Exemption. In 2012 the staff issued nine advisory rulings.

D. Regional Planning and Zoning

The LUPC began to work on its current prospective zoning initiative, known as Community Guided Planning and Zoning (CGPZ), in April 2012 in response to anticipated adoption of LD 1798. This legislation, which ultimately was enacted as P.L. 2011, ch. 682, contained a directive that the Commission "initiate prospective zoning in the unorganized and deorganized areas of the State" and "coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts." Prospective zoning is forward-looking planning that involves the assessment of an area's current and anticipated land use needs and the development of zoning districts, and in some instances an associated plan or standards, to meet those needs.

In May and June, staff contacted and met with landowners, county commissioners, business owners, economic development organizations, recreational user groups, regional planning organizations, natural resource industry representatives, easement holders, land trusts, Indian tribal governments, environmental organizations, and others to collect input regarding the approach the Commission should take in its prospective zoning efforts. Over 50 individuals provided input, either individually or as part of an informal group.

In August, the Commission reviewed a series of steps for moving forward with a regional CGPZ approach where regions self-select and in October authorized staff to finalize and send a request for letters of interest with a December 14th deadline for receiving letters. The request was widely distributed and included a brief explanation of why the Commission is embarking on CGPZ and a description of the selection process. The Commission received fifteen letters of interest from county governments, nonprofit organizations involved with planning and/or economic development, representatives of property owners, private citizens, citizen groups, and resource agencies. Six distinct regions emerged from the letters of interest.

At its January 4, 2013 meeting, the Commission began to review those letters and narrowed the regions for further consideration to Aroostook County, Washington County, and the Western

Mountains region. The Commission will continue its review and selection process in January with the expectation of selecting one or more regions in February to participate in facilitated discussions intended to produce an agreement about the CGPZ process, funding, and participation that will meet the needs of the region and reflect the basic principles that the Commission has outlined. Staff developed a request for proposals to secure independent, neutral facilitation services for the regional input workshops and received three responses from which staff will select a provider. The expectation is that a series of facilitated workshops will be held in the selected region(s) in late winter and spring of 2013. Once these workshops are complete and a region identifies its planning and zoning objectives and establishes the process for achieving these objectives, the Commission anticipates that the prospective planning and zoning process will last two to three years. This estimated timeframe is based on the submission for Aroostook County by the Northern Maine Development Council, envisioning a three year process, and the Commission's general experience with planning processes. Ultimately, how the selected region(s), with input from the Commission, defines the GGPZ effort, both in terms of geographic scope and desired products and outcome, will influence the time period within which the effort will be completed. The Commission's intent is that the GCPZ effort within a region be completed as efficiently as possible.

The Commission's goals for 2013, with regard to CGPZ, are to (a) coordinate the facilitate workshops, (b) assist the selected regions(s) refine its planning and zoning objectives and process for achieving those objectives through these workshops, and (c) assist the region(s) in making considerable progress as it works to prepare a product, including a rezoning petition, for Commission review and approval. In addition to working with the region(s) selected for the initial CGPZ effort, a goal of the Commission is to work with regions not selected for this initial round to help them prepare for a future round and/or take immediate steps, less comprehensive and resource intensive than broad-scale prospective planning and zoning, to meet their immediate zoning needs.

E. Staff and Commissioner Training

1. Staff Training and Customer Service

In 2012, all eleven of the LUPC's permitting and compliance staff and one planning staff completed the *Customer Service Excellence* training offered by the Maine Municipal Association. This training stressed the importance of listening to the customer (*e.g.*, permit applicant), understanding the customer's needs, and always treating the customer like you would like to be treated. The training also included discussion of key strategies for conflict resolution and how to make a positive connection with the customer.

For 2013, staff training has been coordinated with the Department of Health and Human Services for an all-day workshop, *Getting to Yes*. The workshop will follow the book with this same title and present a negotiation model developed through the Harvard Negotiation Project. Through presentations and activities, participants will explore underlying interests and how to reach agreements that serve both parties. The program demonstrates how to transform the process of negotiation from adversarial confrontation to mutual problem solving. This model is designed for use in situations where both parties have opportunities to negotiate. This negotiation training

is intended to help improve the LUPC's customer service abilities and assist in developing a consistent approach to negotiation.

Also in 2013, a half day training session has been scheduled (and already held) to educate the LUPC staff on the proper procedure for entering data into GOAT, the Geographically Oriented Action Tracker database, and to discuss permit processing procedure. GOAT is used by all of the LUPC staff for multiple uses, including entering and tracking permits, entering and monitoring enforcement actions, and keeping track of site visits. This training was intended increase staff's knowledge of the database, increase consistency with data management, underscore the importance of efficiently and effectively processing permit applications, and facilitate discussion about ways to improve both permit processing and data management.

Customer service and consistent application of the Commission's standards across the LUPC's offices is a Commission priority. On October 29, 2012, a new permitting and compliance manager, headquartered in the Bangor office, joined the LUPC. To help identify common permitting questions that arise across the Commission's offices and ensure consistent application of the Commissions standard, the manager has regularly traveled to the regional offices to discuss, in person, ongoing permit review. In 2013 there will be a continued effort by the manager to make regular visits to the regional offices to directly review challenging applications or difficult enforcement cases one-on-one with the staff. This will help increase the consistency in the application of the Commission's standards. Additionally, the manager is in the process of scheduling regular conference call for all permitting and compliance staff to better facilitate cross-office dialogue, identify and resolve inconsistencies in approaches to applying the Commission's standards, provide staff an opportunity to discuss strategies for improvement, and help staff across all offices function as a team. Quality customer service is the intended result.

2. Commissioner Orientation and Continuing Education

All new Commissioners receive a nearly daylong 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 meeting that serve as annual continuing education on Title 12, chapter 206-A; Commission rules; and planning and regulatory processes. For example, in 2012 various speakers discussed the Commission's statutory role and how this role could change if the then pending LD 1798 was enacted. The AAG serving as the chief of the Natural Resources Division also made a presentation to the entire Commission on their individual roles and responsibilities and ethical considerations. An example of anticipated continuing education in 2013 involves presentations on the scope of the Commissions statutory and regulatory enforcement authority, the Commission's ability to recover penalties, and existing guidance on compliance and enforcement response.

IV. Commission Goals for 2013

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 2013 include:

- Selecting region(s) to participate in the initial Community Guided Planning and Zoning ("CGPZ") effort (*i.e.*, prospective zoning) and assisting this/these region(s) with this process.
- Working with regions not selected for the initial CGPZ effort to help them meet their immediate zoning needs.
- Completing the recreational lodging initiative and updating the Commission's rules to better serve this important Maine industry, including traditional sporting camps, while ensuring continued application of sound planning and zoning principles.
- Completing Chapter 4 rulemaking governing the Commission certification process and finalizing guidance on which land use standards the Commission applies as part of its review of requests for certification.
- Completing the pending Chapter 12 rulemaking regarding the Commission's rezoning requirements for metallic mineral mining, and initiating and completing the two additional rulemakings associated with metallic mineral mining that also are required by P.L. 2011, ch. 653.
- Reviewing and updating, as determined appropriate, the Commission's Compliance and Enforcement Response Policy.
- Reviewing the Comprehensive Land Use Plan and considering whether to initiate an update of this document.
- Reviewing and updating Chapter 10 rules so that they are consistent with the requirements of the Natural Resources Protection Act.
- Continuing update of permit application forms to improve efficiency and ease of use by applicants.

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

Commission Membership as of December 31, 2012

Gwendolyn Hilton, Starks, Chair
James May, Mapleton, Vice Chair
Ernest Carle, Big Lake Township
Robert Dunphy, North Anson
William Gilmore, Freeman Township
Durward Humphrey, Benedicta
Michael Theriault, Greenville

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 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

The Commission currently or formerly utilizes a variety of action types to identify and record various permitting actions. 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 permitting database – Geographic Oriented Action Tracker ("GOAT"). The following summarizes the various types of permits:

Type	Permit Type	General Description[2]
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.
BCP	Bridge Construction Permit	Permits for the construction, replacement or repair of bridges.

[2] Chapter 10 of the Commission's rules, *Land Use Districts and Standards*, contains specific criteria and standards.

Type	Permit Type	General Description[2]
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 *Land Use Districts and Standards*.
BP	Building Permit	Permits for activities associated with residential development that requires a permit (*e.g.*, activities involving: a camp, a garage, porches, etc.).
DEP-GP	DEP Great Ponds Permit	Permits issued by the DEP for activities affecting great ponds. Such permits were entered as an "action" in order to best record and store such authorizations within the LUPC's jurisdiction. However, such permits within the Unorganized Territories are no longer issued by the DEP, rather are issued as Great Pond Permits ("GP") by LURC and described below. *Permit type no longer in use.*
DEP-WL	DEP Wetland Alteration Permit	Permits issued by the DEP for activities altering wetlands. Such permits were entered as an "action" in order to best record and store such authorizations within the LUPC's jurisdiction. However, such permits within the Unorganized Territories are no longer issued by the DEP, rather are issued as Wetland Permits ("WL") by the LUPC and described below. *Permit type no longer in use.*
DP	Development Permit	Permits for activities associated with non-residential development that requires a permit (*e.g.*, 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 *Land Use Districts and Standards* or are located within a Development Subdistrict or the Mountain Area Protection (P-MA) Subdistrict.
GP	Great Ponds Permit	Permits for activities affecting great ponds (*i.e.*, 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.

Type	Permit Type	General Description[2]
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 *Land Use Districts and Standards*.
IFW-SA	IFW Shoreland Alteration Permit	Authorization by the Department of Inland Fisheries and Wildlife ("IF&W") for shoreland alterations. Such letters of authorization were entered as an "action" in order to best record and store such authorizations within the LUPC's jurisdiction. *Permit type no longer in use.*
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 yet informal staff opinion regarding other aspects of the specified project.
LDP	Large Lot Division Plan	Plats submitted to the LUPC for certification as to whether or not they qualified as a then existing statutory subdivision exemption. Such statutory exemption, and therefore the use of this action type, was in effect between 1992 through 2001[3]. No such LUPC certification exists or remains in use after 2001.
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.
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.
RP	Road Construction Permit	Permits for the construction, realignment, and substantial repair of roads (excluding land management roads).

[3] P.L. 1991, ch. 306.

Type	Permit Type	General Description[2]
SA	Shoreland Alteration Permit	Permits for activities affecting the shoreline of lakes, ponds, rivers, or streams (*e.g.*, 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 *Land Use Districts and Standards*. 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 *Land Use Districts and Standards*.
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"). *Permit type no longer in use.*
SLC	Statutory LUPC Certification or Site Law Certification	Certifications issued by the Commission for projects which trigger review by the DEP according to Site Law. In these cases the Commission must certify whether or not the project conforms to its standards, which are not otherwise regulated by the DEP. Projects that typically trigger Site Law include: subdivisions, commercial development, and grid-scale wind development.
ULP	Utility Line Permit	Permits for certain utility lines (*e.g.*, 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 (*e.g.*, activities involving: filling or dredging of wetlands, etc.).

Type	Permit Type	General Description[2]
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]
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s). *See* Section 10.08 of the Commission's *Land Use Districts and Standards*.

[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.