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

ANNUAL PERFORMANCE REPORT – 2015

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

January 15, 2016

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, 2016

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: 2015 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 2015. 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 2016.

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,



Everett Worcester, Chair
Land Use Planning Commission

Enclosure

cc: Walter E. Whitcomb, Commissioner, Dept. of Agriculture, Conservation and Forestry
Nicholas D. Livesay, Executive Director, Land Use Planning Commission

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SUMMARY

The Land Use Planning Commission enjoyed another busy year in 2015. Prospective planning and zoning remained a leading priority, with the completion of the initial Community Guided Planning and Zoning (CGPZ) initiative in Aroostook County, continuation of the Commission's efforts in the western Maine counties of Franklin and Somerset, and commencement of prospective planning and zoning in Washington County. Significant review of the Commission's subdivision rules also is underway with broad participation from a range of stakeholder groups. Since the end of the First Regular Session, the Commission also has been busy preparing for the January 1, 2016 effective date of Public Law 2015, chapter 265, which establishes a process for residents of townships and plantations to petition the Commission to remove places from the expedited permitting area for windpower development. To date, the Commission has received 21 yet-to-be-verified petitions and believes at least 12 additional petitions are being circulated. This annual report summarizes these activities and initiatives, as well as other key projects undertaken by the Commission in 2015. This report also summarizes the Commission's permitting activity. In 2015, the Commission issued 526 permits, representing approval of 99 percent of all complete applications received. Of the permits issued, 379 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 2015 and concludes with a look ahead to the Commission's goals for 2016.

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 2015. This is the fourth year in which the Commission has provided the report.

II. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2015

A. Community Guided Planning and Zoning

Prospective planning and zoning projects are underway in Washington County and jointly in Somerset and Franklin counties as part of the Commission's Community Guided Planning and Zoning initiative. The Community Guided Planning and Zoning project in Aroostook County was completed in the fall of 2015 and the Commission is now implementing the recommendations of that process through rulemaking. The Community Guided Planning and Zoning 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. Washington County began their process in May 2015. Community Guided Planning and Zoning and the status of the efforts in Aroostook County, Western Maine, and Washington County are discussed in more detail below in Section III.D.

B. Subdivision Rules Review

The Commission is continuing the process of 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 areas served by the LUPC.

In follow-up to surveys and a workshop completed in 2014, the Commission held a series of facilitated stakeholder meetings to further develop an 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, the third meeting was held on February 25, 2015, and a fourth meeting was held on April 1, 2015; all of the stakeholder meetings were made possible by grant funding obtained by the Commission. Meeting reports and background information have been posted on the Commission's webpage.

During the stakeholder meetings, a list of issues that were more technical in nature was identified. Since these issues were more straight-forward and could be addressed more quickly, the Commission decided to move resolution of those issues forward in a separate rulemaking process. The Commission completed the rulemaking process for the Subdivision Technical Issues Rule with adoption of the rule on November 4, 2015. Rulemaking in response to the remaining issues identified in the facilitated stakeholder process is anticipated in 2016. The Commission is currently refining the possible components of a rule through focus groups, and will consult stakeholders about where subdivisions should be allowed to be located. Following that consultation, a draft rule will be prepared.

C. Petitions to Remove Places from the Expedited Permitting Area

As provided in [Public Law 2015, chapter 265](#), residents of the unorganized and deorganized areas who are registered to vote in Maine may petition to remove from the windpower expedited permitting area all or part of the township, town, or plantation in which they are registered to vote. Removal means that prior to any future windpower development, the land area proposed for development would need to be rezoned or added back into the expedited permitting area. Petitions must be filed on an official form developed by the Commission, signed by at least 10% of the number of registered voters residing in that township, plantation, or town that voted in the most recent gubernatorial election, and received by the Commission between January 1, 2016 and June 30, 2016.

The law also allows a person to request substantive review of any petition for removal within 45 days of the Maine Land Use Planning Commission posting notice of receipt of the petition on this website. In conducting substantive review of a petition, the Commission will provide an opportunity for public comment, hold a public hearing if requested by five or more individuals, and consider whether the statutory criteria for removal are met. If a valid petition is submitted and substantive review is not requested, the specified place automatically will be removed from the expedited permitting area.

Commission staff have worked with the Secretary of State's office to design a coordinated process to receive and verify petitions. An informative website is now in place, and a petition form was released in the fall for use by petition circulators. The Commission understands that more than 30 petitions are being circulated and began receiving completed petitions in the first week of January. In anticipation that some of the petitions will generate a request for substantive review, the Commission has developed a document that provides an overview of the process and decision criteria for substantive reviews. That document is available on the Commission's web site.

D. Assisting Property Owners

A routine part of Commission staff's day involves answering customers' questions. Staff also conduct hundreds of field visits to meet on site with property owners to discuss their development plans. Mid-way through 2014, the Commission implemented a policy of conducting pre-construction site visits for all projects meeting certain criteria. For example, these visits are conducted for all proposed development with permanent foundations in shoreland areas. The goal of the policy is to help property owners achieve compliance now and reduce the need for undesirable and time-intensive enforcement in the future. 2015 was the first full year this pre-construction inspection policy was in place. Approximately 180 site visits were conducted as part of this policy (in addition to the many others that were routinely conducted to help answer questions). There were approximately 80 randomly selected post-construction visits to sites where pre-construction visits also had been completed in either 2014 or 2015. None of the follow-up visits revealed violations triggering the need for enforcement action. Although completing the additional pre-construction visits and random follow-up inspections reallocates staff time away from office-based permit writing responsibilities, this time appears well spent.

E. Assisting Local Communities

The Commission developed a new tool to benefit local communities. Property owners have greater flexibility to reconstruct in place or expand legally existing, non-conforming structures of local importance. These structures may include historic or culturally significant buildings in a local community that provide a public benefit. This new tool can be applied anywhere in the area served by the Commission, but was developed in response to events in Grand Lake Stream Plantation.

In spring of 2014, a fire near the outlet to West Grand Lake in Grand Lake Stream Plantation destroyed two boathouses and badly damaged a third. Owners of the damaged boathouses and members of the community requested that the Commission allow the boathouses to be replaced and rebuilt over the water because of the role the buildings have played in the history of the plantation's iconic waterfront area. The boathouses and waterfront area in Grand Lake Stream symbolize key components of the community's culture.

In considering alternative approaches, the Commission saw value in choosing a solution that could both address the situation in Grand Lake Stream Plantation, as well as provide benefits for other places in the unorganized or deorganized areas that are culturally or specially significant. The Commission developed rules allowing the Designation of Areas of Cultural or Special Significance. Within these areas, property owners have added flexibility with regard to meeting

setback requirements when reconstructing or expanding legally existing, nonconforming structures, provided that proposed project conforms to the purpose of designation (e.g., presence of existing historic or culturally significant buildings). If a project is not in keeping with the purpose of the designation, as long as the proposal meets the Commission's existing standards for the reconstruction, relocation, or expansion of legally existing nonconforming structures, it may be permitted just as it would have before the amendment to the rules. In sum, the change benefits local communities and provides added flexibility for property owners without added burdens.

The first Designated Area of Cultural or Special Significance encompasses the Grand Lake Stream Plantation Waterfront and Boathouses, and facilitated issuance of building permits for reconstruction of the boathouses damaged during the fire in 2014.

F. Recreational Lodging Initiative

In 2012-13, the Commission completed a major overhaul of its rules that apply to the recreational lodging industry. 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. Overall, the response to the new rules continues to be very positive. In 2015, four permits were issued to establish new businesses and seven permits authorized an expansion or modification to existing operations. The Commission also approved a petition to rezone an existing facility to a new zoning subdistrict tailored to recreational lodging. In 2015, the Commission also initiated rulemaking to further improve the rules and address issues that have arisen in the two years of implementation.

G. 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 2015, the Commission issued one new certification and one amendment to an existing certification. The new certification was issued to DEP for Weaver Wind, LLC's proposed wind

power development in Hancock County. Weaver Wind, a subsidiary of SunEdison, subsequently withdrew its DEP permit application for the project. In total, since the Commission assumed certification responsibilities in September of 2012, the Commission has issued five certifications for development of new facilities, four for grid-scale wind energy projects and one for a proposed wood pellet facility in Washington County. In addition, the Commission has issued four certification determinations for development activity at existing or previously certified facilities.

H. Completed Rulemakings

In addition to the rulemakings noted above – updating technical subdivision standards, allowing modification of dimensional requirements for the reconstruction of certain structures in historic or culturally significant areas, and refining standards for recreational lodging facilities – the Commission:

- Updated its rules for consistency with the Natural Resources Protection Act;
- Incorporated statutory changes to the list of waters restricted from motorized recreational gold prospecting (P.L. 2013, ch. 536);
- Provided greater flexibility for the siting of public recreation facilities;
- Clarified its revegetation standards; and
- Created new opportunities for owners of small lots to develop storage structures on their property.

I. Planned and Initiated Rulemakings

The Commission anticipates the following rulemakings in 2016:

- Implementation of the zoning changes recommended as part of the Community Guided Planning and Zoning initiative in Aroostook County;
- Overhaul of the Commission's subdivision standards;
- Removal of any places from the expedited permitting areas for windpower development satisfying the statutory standards for removal;
- Update of the Commission's road setback requirements; and
- Update of the Commission's zoning for flood prone areas in response to Federal Emergency Management Agency flood insurance rate map changes.

J. Deorganizations/Organizations

In 2015, the Commission communicated with two plantations that are drafting comprehensive plans and land use ordinances. The LUPC provided comments and information to both Kingsbury 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.

Highland Plantation has moved ahead with the effort to administer local land use controls. The Plantation submitted a comprehensive plan to the Municipal Planning Assistance Program, and the plan was found consistent with the State's Growth Management Act. The next step is for the Plantation to adopt a municipal ordinance and zoning map and to submit those items so that the Commission may evaluate whether they meet the statutory requirements.

The town of Bancroft officially deorganized and joined the Commission's service area as a township on July 1, 2015. Title 30-A, Section 7205(5) requires that for "municipalities not under the jurisdiction of the Maine Land Use Planning Commission, the Maine Land Use Planning Commission shall prepare a zoning map of the municipality within one year of the effective date of deorganization." The Bancroft Township Land Use Guidance Map was adopted by the Commission on December 9, 2015 and is based on an extensive inventory of existing land use conditions, including the location and types of existing development and natural resources. Over the course of the project, Commission staff made significant efforts to engage residents and property owners about appropriate locations for future growth through public meetings held in Bancroft, outreach to stakeholders, mailings, and use of the Commission's website to reach property owners who are not residents. Beyond these opportunities for residents and property owners to ask questions and participate in development of the zoning map, a 30 day public comment period was held prior to adoption of the zoning map.

In addition to Bancroft, which has completed the deorganization process, the following plantations took steps to deorganize in 2015: Cary, Cyr, and Oxbow. All three held meetings, which were attended by Commission staff, to discuss deorganization and learn what it would mean for their respective communities. The Commission currently provides land use services in these three plantations, so nothing would change with regard to the Commission's role. On November 16, the voters of Cyr Plantation voted not to approve any further action for deorganization. On November 23 and December 15, voters in Oxbow Plantation and Cary Plantation, respectively, approved their written deorganization procedures. These procedures previously had been reviewed by the Commission on Municipal Deorganizations, on which the Land Use Planning Commission has a seat. The Legislature will be next to act on these two deorganizations, but further involvement by the Land Use Planning Commission should not be required as part of the deorganization process.

K. 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 State 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. The Commission presently is in a transition period, but this transition is almost complete. Aroostook and Piscataquis counties filled the two seats added by the 2012 legislation, with Somerset, Penobscot, Washington, Franklin and Oxford counties having filled seats as they became vacant. Hancock County is in the process of filling a currently vacant seat. Once filled, the Commission will be fully comprised and each of the eight counties with appointment authority will have an appointee on the Commission. (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 2015, the Commission was supported by 20 staff. This includes a director, a planning manager, a permitting and compliance manager, four full-time planners, one part-time planner, a GIS specialist, ten permitting and compliance staff, and a secretary associate. One ES IV position currently is vacant and will be filled effective February 1, 2016. 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. This position will end in June 2016.

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

III. REPORT ITEMS REQUIRED BY SECTION 685-H

A. Number of Permits Processed in 2015 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 2015, the Commission received 15 building permit applications, 1 development permit applications, and 4 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, 2015¹ by Outcome

Permit Type	Permit Type Name	Count by Action Type					
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	TOTAL
BP	Building Permit	376	2			1	379
DP	Development Permit	57					57
All Other		93					93
BCP	Bridge Construction Permit						
FOP	Forest Operation Permit	7					7
GP	Great Pond Permit	35					35
HP	Hydropower Permit						
RP	Road Construction Permit	4					4
SA	Shoreland Alteration Permit	13					13
SD	Service Drop Permit	14					14
SLC	Site Law Certification	2					2
SP	Subdivision Permit	4					4
ULP	Utility Line Permit	5					5
WL	Wetland Alterations Permit	3					3
ZP	Zoning Petition	6					6
TOTAL		526	2	0	0	1	529

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, 2015 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	71	59	16		3	5	18	46	79		56	26		379
DP	Development Permit	9	6	1			3	4	4	15		12	3		57
All Other		31	13	4	0	1	2	5	1	18	0	9	9	0	93
BCP	Bridge Construction Permit														
FOP	Forest Operation Permit	2	2	1								1	1		7
GP	Great Pond Permit	15	4	1				3		4		5	3		35
HP	Hydropower Permit														0
RP	Road Construction Permit		1							1			2		4
SA	Shoreland Alteration Permit	3	1							5		3	1		13
SD	Service Drop Permit	7	2							3			2		14
SLC	Site Law Certification	1		1											2
SP	Subdivision Permit		1					2	1						4
ULP	Utility Line Permit		2							3					5
WL	Wetland Alterations Permit			1		1	1								3
ZP	Zoning Petition	3					1			2					6
	TOTAL	111	78	21	0	4	10	27	51	112	0	77	38	0	529
<i>Towns, Plantations, Townships, and (Islands) served by the LUPC</i>		124	31	16 (71)	1	3 (88)	3 (37)	21	46	90 (109)	1	88	37 (70)	(2)	460 (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, 2010-2015 Totals

Permit Type	Permit Type Name	Total Applications Processed					
		2010	2011	2012	2013	2014	2015
BP	Building Permit	475	453	450	413	411	379
DP	Development Permit	55	79	56	46	32	57
All Other		73	84	81	97	77	93
BCP	Bridge Construction Permit	2	1	1	3	2	0
FOP	Forest Operation Permit	22	16	23	13	6	7
GP	Great Pond Permit	9	26	30	36	29	35
HP	Hydropower Permit	1	1	0	0	1	0
RP	Road Construction Permit	3	9	10	4	4	4
SA	Shoreland Alteration Permit	12	4	4	9	9	13
SD	Service Drop Permit	19	7	15	18	10	14
SLC	Site Law Certification	na	na	0	5	2	2
SP	Subdivision Permit	5	7	2	4	4	4
ULP	Utility Line Permit	7	4	3	3	2	5
WL	Wetland Alterations Permit	1	1	2	2	2	3
ZP	Zoning Petition	3	5	7	5	6	6
	TOTAL	652	614	613	603	561	529

Table 4. Permit Processing, 1971-2014 Annual Average by Outcome

Permit Type	Permit Type Name	Annual Average of Applications Processed					Total
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	513	2	11	25	2	554
DP	Development Permit	68	1	2	6	1	77
All Other		123	1	4	9	1	138
BCP	Bridge Construction Permit	6	0	0	1	0	7
FOP	Forest Operation Permit	23	0	0	1	0	25
GP	Great Pond Permit	26	1	2	1	0	29
HP	Hydropower Permit	1	0	0	0	0	1
RP	Road Construction Permit	7	0	0	1	0	7
SA	Shoreland Alteration Permit	6	0	0	0	0	7
SD	Service Drop Permit	8	0	0	0	0	9
SP	Subdivision Permit	0	0	0	0	0	0
ULP	Utility Line Permit	12	0	1	2	0	15
WL	Wetland Alterations Permit	17	0	0	0	0	18
ZP	Zoning Petition	2	0	0	0	0	2
TOTAL		15	0	1	2	0	18

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, 2015

Determination Type	Actions Processed
Advisory Rulings	6
Boat Launch Notifications	0
Certifications of Compliance	35
Coastal Zone Management Area Consistency Determinations	0
Letters of Exemption	0
Maine Forest Service Review and Approvals	1
Water Quality Certifications (not incorporated in other permits)	0
TOTAL	

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 denied 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 379 building permit applications, the Commission processed 66 percent in less than one full day and 90 percent in a week or less.
- Development Permits – Of the 57 development permit applications, the Commission processed 33 percent in a week or less and 60 percent in four weeks or less.
- All Other Permits – Of the 93 permit applications in the all other category, the Commission processed 61 percent in a week or less and 83 percent in four weeks or less.

Figure A. Permit Processing Times, 2015 – Building Permits

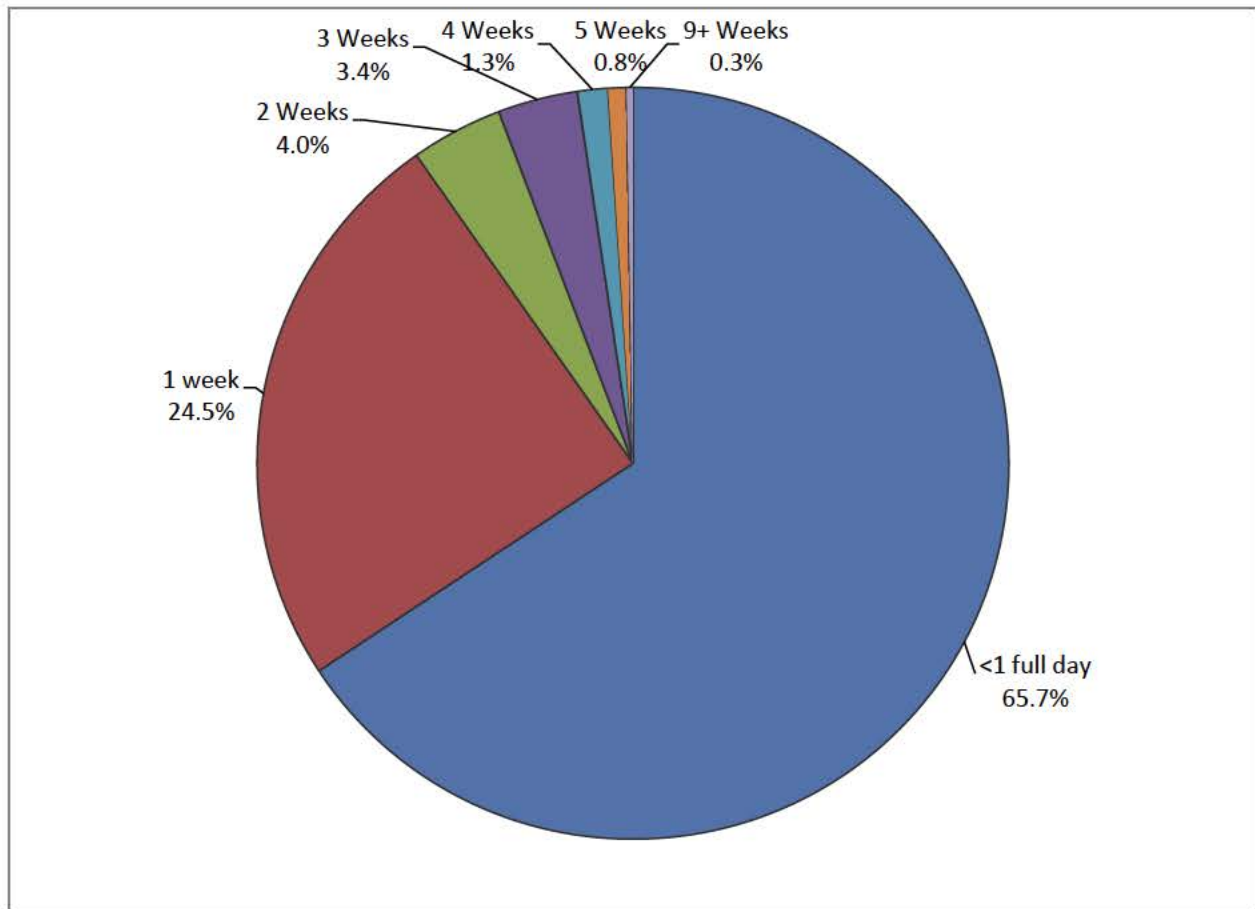


Figure B. Permit Processing Times, 2015 – Development Permits

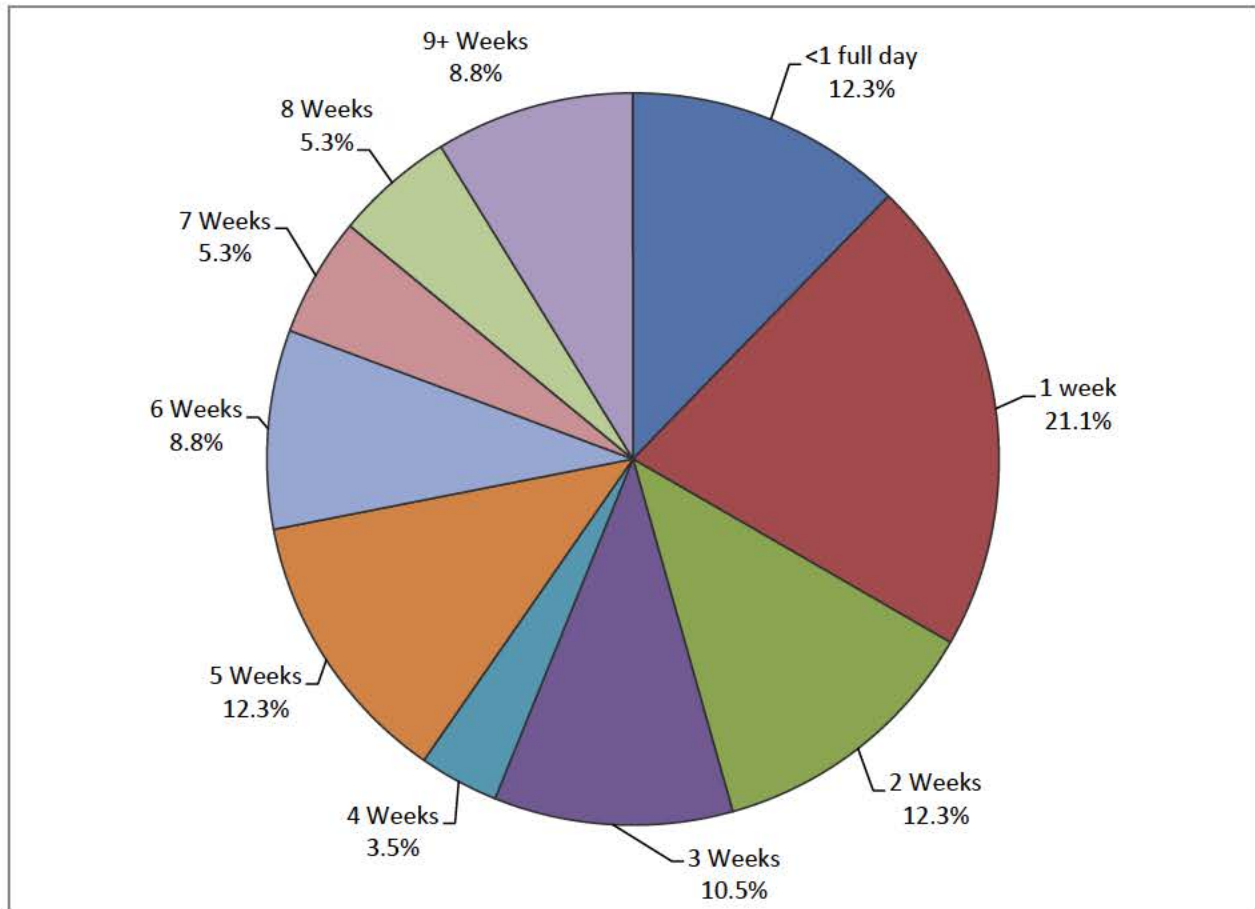
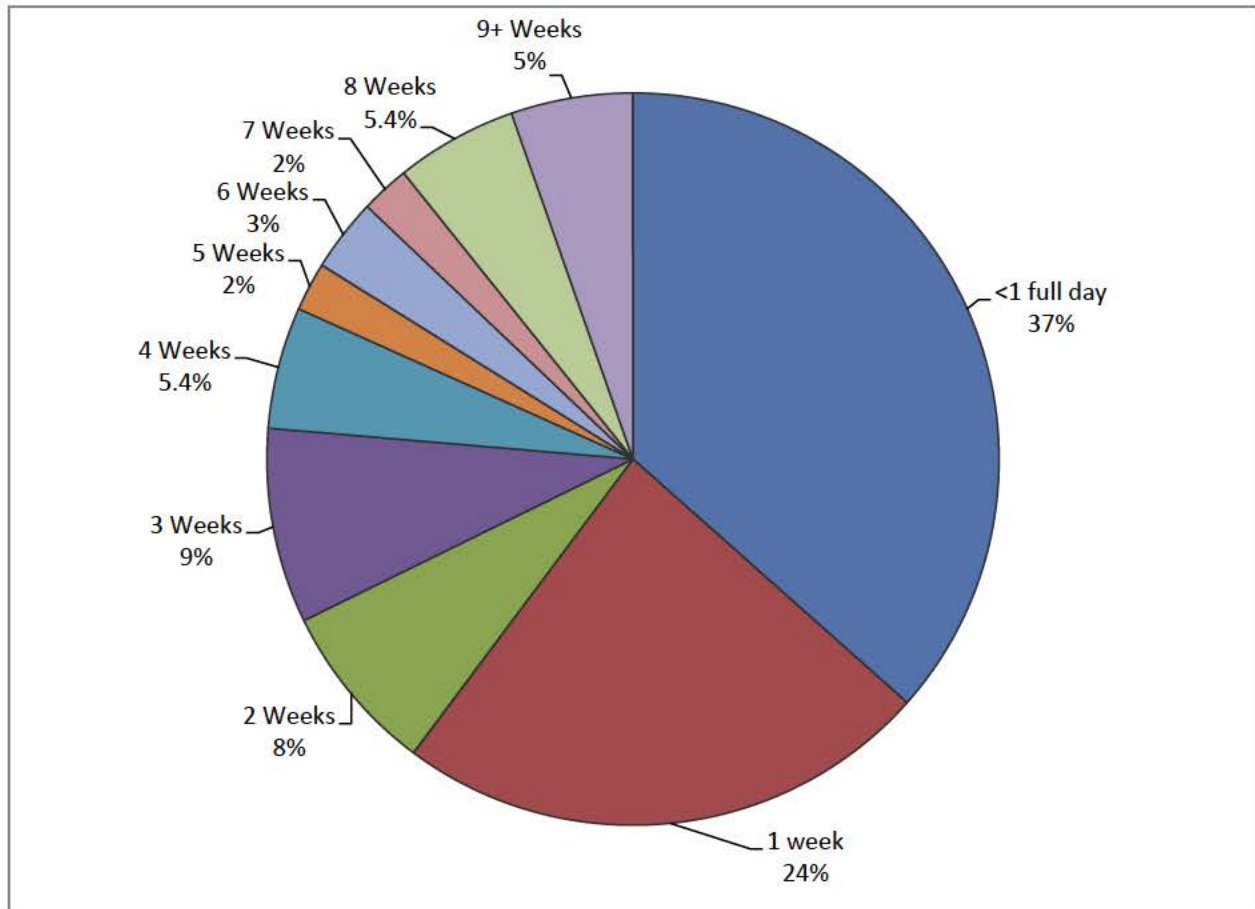


Figure C. Permit Processing Times, 2015 – All Other Permits



Tables 6 and 7 present the average and median processing times for 2015 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, 2015

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	2.5	<1
Development Permits (DP)	23.1	17
All Other Permits	14.6	3

Table 7. Annual Permit Processing Times, 2011-2014

Permit Type	2011		2012		2013		2014	
	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)
Building Permit (BP)	7	<1	4	<1	3.7	<1	2.8	<1
Development Permits (DP)	24	8	98	11	17.8	8	8.9	3
All Other Permits	47	9	38	3	15.7	1	13.5	2

Entering 2015, the Commission recognized the possibility that some permit processing times might increase. As noted in Section II.D above, with the goal of helping property owners achieve compliance, an increased focus was placed on pre-construction site visits and random post-construction inspections. Added time in the field has the potential to impact permit processing times. This recalibration of priorities, combined with the retirement and subsequent vacancy of the permitting and compliance supervisor who reviews and assists with complicated permits across all regions, as well as the increase in development permit applications over the prior year, may have contributed to the higher development permit processing times in 2015. This is something the Commission is examining now and will monitor over the next year. In 2015, all but eight development permits were issued in less than 50 days. Of these eight, four were issued for meteorological towers associated with potential wind power development. (The

development permit with the longest processing time, 71 days, was for a meteorological tower.) Two of the eight were after-the-fact permits for existing activity that was completed in violation of the Commission’s standards without a permit. The remaining two of these development permits were for a shoreline stabilization project and gravel pit, respectively.

Table 8. Permit Processing Times by Outcome, 2011-2015

Action Type (Outcome)	Processing Time (Days)		Percent of All Actions
	Average	Median	
Approvals	11	0	99.0%
Approval/Disapproval in-part	38	41	0.1%
Disapprovals	316	100	0.3%
Withdrawn	753	259	0.3%
Returned	2,037	2,726	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 12 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 Public Law 2011, chapter 682. Staff routinely notify potential applicants of this option. In 2015, the Commission did not hold a preapplication meeting.

Additionally, Commission 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 2015 the staff issued six 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 jurisdiction². On February 1, 2013, the Commission selected Aroostook County as the first

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).

regional project. Western Maine (including both Somerset and Franklin counties), was selected on May 8, 2014. Washington County began its Community Guided Planning and Zoning process in May 2015. Lessons learned during these first three projects will help inform future projects in other regions.

The Aroostook County Community Guided Planning and Zoning effort was completed in the fall of 2015 and the Commission is now implementing the recommendations of that process through rulemaking. This regional process was 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. In 2014, NMDC and the Aroostook Region Steering Committee explored possible topics, some of which could be addressed in Community Guided Planning and Zoning. 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 unorganized and deorganized areas (the UT) in Aroostook County. 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.

In 2015, the committee formulated recommended changes to the Commission's rules and standards that could benefit small business development, property owners, and residents in the UT in Aroostook County. Its recommendations included creation of a new subdistrict – Rural Business Development – designed to encourage a range of small commercial, light manufacturing, and support services in rural parts of Aroostook County near major transportation routes and organized towns that provide some level of services. The committee worked with NMDC and LUPC staff to draft proposed rule revisions to create the new subdistrict. The draft rule revisions were sent to the NMDC Executive Board with the recommendation that it forward the proposal and supporting material to the LUPC for implementation. The NMDC Executive Board submitted the recommendation to the LUPC on November 25, 2015. At its December 9, 2015 regular business meeting, the Commission began a rulemaking process to implement the recommendations of the Aroostook County Community Guided Planning and Zoning process.

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) and Kennebec Valley Council of Government (KVCOG), with support from 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 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.

In 2015, a Planning Committee was selected by the convening agencies composed of two sub-committees located in each county. The Planning Committee has been meeting since January to develop ideas and proposals for this project and recently completed a “Stage 1” report which summarizes the work of the sub-committees to date and sets out a work plan to develop land use proposals during Stage 2. The report was reviewed and endorsed by the Somerset and Franklin County Commissioners and the executive boards of AVCOG and KVCOG. It is anticipated that Stage 2 of the planning will resume in the early part of 2016 depending on availability of funding.

Washington County began its Community Guided Planning and Zoning process in May 2015 after the convening agency - Washington County Council of Governments (WCCOG) - sought and received funding from the Washington County Commissioners. In spring of 2015, the LUPC worked with WCCOG, 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 those from the first two regions and established the procedure for the various interests in this region to work together to develop land use recommendations. The Commission approved the process document at its August 2015 meeting.

Washington County began the planning process by recruiting participants for the planning committee, seeking input through community outreach efforts (*see*, Appendix C containing a letter from WCCOG to Washington County Unorganized Territory property owners announcing the CGPZ planning process and providing notice of public meetings in October 2015), and developing data and maps for the land use planning. It is anticipated that the planning committee will begin meeting regularly in January 2016.

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 2015, 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. The training helps position staff to deliver the quality service the Commission strives to provide.

External staff training in 2015 included:

- *Managing Floodplain Development* – From June 22 to September 25, a senior planner attended a 4-day training workshop conducted 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.
- *Floodplain Training* – On July 14, several Commission staff participated in a *Floodplain Management Workshop* put on by the Department's Floodplain Management Program (MFMP), and the Federal Emergency Management Agency (FEMA). The training covered digital floodplain mapping and elevation certificates.
- *Natural Resource & Soils* – On September 9, a senior regional representative participated in the 2015 MAPSS/MAWS/MASE/SSSNE *Soils and Natural Resource Workshop* held at Sebago Lake State Park in Casco, 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.
- *Subsurface Wastewater Disposal Rules* – On October 29, a senior regional representative attended an in-depth all-day training on *Subsurface Wastewater Disposal Rules*. The class was administered by the Department of Health and Human Services. This training further helps staff to better understand how site evaluations, permitting, and compliance inspections are performed.
- *Streams and Stream Crossings* – On one of two days (November 3 or November 19), three 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.

- *Technology Training* – On November 18, the Commission’s GIS coordinator attended the *Maine Digital Government Summit* held at the Augusta Civic Center. This all-day training provided an opportunity for staff to see the latest in digital government solutions, keep abreast of current policy issues, and network with key government executives, technologists and industry specialists.
- *Policy Development* – On October 15, two members of the planning staff attended a lecture by Roger Pielke: *When Science Meets Politics* at the UMaine Mitchell Center. This lecture focused on where science and policy intersect.
- *Subdivision Design* – From December 2 to 4, the Planning Manager attended a meeting of planners and biologists from across the northern forest region to discuss how subdivision regulations can be improved.
- *Energy Policy* – A planner attended the October 1 – E2Tech Expo: Maine’s energy, environmental, and cleantech sector. Information sharing among professionals in the energy, environmental, and cleantech sector. Topics included emerging energy and environmental technologies, investment, and market trends, plus state, regional, and national policies accelerating the industry. Discussed state policies that influence development of Maine’s indigenous energy resources and the state’s local food economy.
- *Legal issues* – On January 9, two planning staff members attended the Maine Association of Planners Annual General Membership Meeting Workshop on the legal nexus between Comprehensive Plans and Contract or Conditional Zoning.

Internal training in 2015 included:

- *Commission Enforcement Workshop* – On September 9, Commission staff attended an all-day training focusing on several different types of challenging enforcement cases. This all day training allowed staff to listen to and interact with the Commission and discuss enforcement cases.
- *Rule Changes & Consistency* – On October 20, all Commission staff participated in a full-day training session to discuss current rule changes and proposed rule changes, as well as opportunities for improving efficiency. 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.

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 2015 topics presented to the Commission included discussion of subdivisions in the UT, subdivision design, and subdivision permitting fields. The Commission also held a day long workshop on enforcement. In January, the Office of the Attorney General provided training on variances and the role and legal responsibilities of the Commission.

IV. Commission Goals for 2016

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 2016 include:

- Adopting the rural business development rulemaking package proposed by the Aroostook County steering committee and Northern Maine Development Commission as part of Community Guided Planning and Zoning in the Aroostook County region.
- Collaborating with the Androscoggin Valley Council of Governments and Kennebec Valley Council of Governments on Community Guided Planning and Zoning in Franklin and Somerset counties as they develop zoning and land use proposals to support outdoor recreation growth in Western Maine.
- Working with the Washington County Council of Governments to provide data and technical assistance for the Washington County Community Guided Planning and Zoning process as they develop a prospective zoning proposal and other recommendations.
- Reviewing and acting on petitions to remove places from the expedited permitting area for windpower development.
- Completing the stakeholder review of the Commission's subdivision rules and companion rule revisions.
- Reviewing and refining the Commission's approach to application of the adjacency principle.
- Completing assorted rulemakings referenced in Section II.I.
- Undertaking a review of the Commission's Land Use Standards and identifying and implementing beneficial changes.
- Reviewing the Fish River Chain of Lakes concept plan proposal that includes the proposed rezoning of more than 51,000 acres in Aroostook County if additional information is submitted by the petitioner completing the petition.

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, 2015

The Land Use Planning Commission (LUPC) is 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 seven counties with the most qualifying acreage have appointed individuals to the LUPC. These counties will continue to be responsible for filling their respective seat. The only remaining county with appointment authority yet to fill a seat on the Commission is Hancock. The county is in the process of filling the lone vacant seat on the Commission.

The following table shows who currently fills each seat on the LUPC and who has appointed this individual. (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, Chair	Piscataquis	5/23/13	5/22/17	
7	Phil Curtis	Somerset	7/30/15	7/29/19	
3	Charles Pray	Penobscot	7/10/13	7/9/17	
4	Betsy Fitzgerald, Vice-chair	Washington	1/21/14	7/9/17	
6	William Gilmore	Franklin	11/23/15	8/20/19	
5	Robert Everett	Oxford	11/19/15	11/4/19	
2	----	Hancock	tbd	7/9/16	Vacant on 11/23/15
1	Michael Theriault	Governor	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 / Denied 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 denied. A decision (*i.e.*, permit) indicating the approved and denied components is issued by staff or the Commission.
- *Denied* – 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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Dear Washington County Unorganized Territories Property Owner and Taxpayer,

The Maine Land Use Planning Commission (the LUPC or Commission) serves as the planning and zoning authority for the unorganized and de-organized areas of the State, including townships and plantations. These areas either have no local government or have chosen not to administer land use controls at the local level. In 2012, the Maine Legislature made a number of changes to the statute that applies to the Commission's activity. In addition to changing the Commission's purpose statement and scope, the 2012 changes direct the Commission to *initiate "prospective zoning" in coordination with local planning organizations and regional planning and development districts.*



The Washington County Council of Governments is under contract to the Washington County Commissioners to facilitate and prepare *Community Guided Planning and Zoning* for the Washington County Unorganized Territories. The planning project has the following objectives:

- (1) Identify areas for residential and commercial development;
- (2) Support sound natural resources use and management;
- (3) Provide predictability for property owners and neighbors; and
- (4) Streamline permitting processes.

Prospective zoning identifies areas within a community or region that are most appropriate for additional growth based on existing development patterns, natural resources, constraints, and future planning considerations. Planning for future growth will be made in the context of:

- Stormwater and regional hydrology and its effects on shellfish water quality, emergency management, fish passage, and hydroelectric management.
- Natural resources management, including - fishing, forestry, farming, and fun (outdoor recreation and tourism) – as well as energy sources such as wind, biomass, and tidal power.
- Economic development relative to infrastructure, services & commercial/industrial activities.

The following meeting opportunities are scheduled to encourage public input to the planning process. Interested people are encouraged to attend any or all of the meetings. **All meetings will be from 6:00 - 8:00 pm.**

Thursday, October 15 Alexander Fire Department, 50 Cooper Road, Alexander

Tuesday, October 20 Dennysville/Edmonds Snowmobile Club Building
24 Milwaukee Rd (just off Rt. 86) Dennysville

Thursday, October 22 Brookton Community Center, Route 1, Brookton

Project information is available at this website: www.wccog.net/community-guided-planning-and-zoning.htm
Survey input will be accepted through October 24th at www.surveymonkey.com/r/WashCoUT

Thank you in advance for your participation. We look forward to hearing from you.
If you are unable to respond to the survey online, please call Judy East at 454-0465.

Judy East
WCCOG Executive Director