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

ANNUAL PERFORMANCE REPORT – 2016

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

January 13, 2017

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## **SUMMARY**

The Land Use Planning Commission enjoyed another busy year in 2016. Prospective planning and zoning remained a leading priority, including the adoption of a new rural business development zoning subdistrict in Aroostook County as part of the Commission's Community Guided Planning and Zoning (CGPZ) initiative in that region. The project was awarded Planning Project of the Year by the Maine Association of Planners. Since the enactment of Public Law 2015, chapter 265, which established a process for residents of townships and plantations to petition the Commission to remove places from the expedited permitting area for windpower development, the Commission has been busy processing removal petitions. Forty places have been removed from the expedited permitting area to date. One final petition will require Commission review, with a decision anticipated in February 2017. Review of the Commission's approach to guiding the location of development through application of the adjacency principle also is underway and will involve broad participation from a range of stakeholders over the coming year.

This annual report summarizes these activities and initiatives, as well as other key projects undertaken by the Commission in 2016. The report also summarizes the Commission's permitting activity. In 2016, the Commission issued 574 permits, representing approval of 99.6 percent of all complete applications received. Of the permits issued, 408 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 2016 and concludes with a look ahead to the Commission's goals for 2017.

## 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 2016. This is the fifth year in which the Commission has provided the report.

## II. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2016

### 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 first Community Guided Planning and Zoning project in Aroostook County was completed in the fall of 2015, and in 2016 the Commission implemented 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 of 2014. Washington County began their process in May of 2015.

For Aroostook County new rules were adopted in 2016, implementing the recommendations of the local planning group. The changes that resulted from the Aroostook County Community

Guided Planning and Zoning project provide opportunity for rural businesses to locate and grow in new areas of the county. The Maine Association of Planners awarded “Planning Project of the Year” to the Commission and Northern Maine Development Commission (NMDC) for collaborative work to produce the new zoning rules in Aroostook County. Project partners, including representatives of the citizen steering committee, the LUPC, NMDC, and the County Commissioners were on-hand to accept the award at the offices of NMDC in Caribou in September. The LUPC will continue to work with local partners in Aroostook County to plan for future land use needs.

Washington County began its Community Guided Planning and Zoning process after the convening agency – the 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 (Aroostook County and Western Maine) 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 initiated the planning portion of the process by recruiting participants for the planning committee, seeking input through community outreach efforts, and developing data and maps for land use planning. Planning Committee meetings were held throughout 2016. WCCOG, the Planning Committee, and the University of Maine at Machias GIS lab worked together to create a criteria summary chart, GIS maps, and suitability analysis models to make an initial decision on the townships and plantations to focus on for prospective zoning. The current status of the project includes ongoing Planning Committee and public outreach meetings in Washington County. (Up-to-date information about this planning initiative is available on WCCOG’s [website](#).) In the coming year, the planning group intends to work to develop new zoning maps for Grand Lake Stream and Baring Plantation. In other areas of Washington County the focus is on creating floating zones for rural business development and for recreational support businesses.

The Western Maine Community Guided Planning and Zoning region includes the unorganized and deorganized areas in both Franklin and Somerset counties. This regional effort is led by the 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 2014 and 2015, 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. 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. A Planning Committee was selected by the convening agencies composed of two sub-committees located in each county. The Planning Committee completed a Stage 1 report that 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 2017 depending on availability of funding.

### **B. 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 had the opportunity to 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 proposals, the land area proposed for development would need to be rezoned. Petitions had to 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 Commission received requests for and provided petitions forms for 53 specified places. Forty-four petitions were filed with the Commission, 42 of which had at least the minimum number of valid signatures and were found to be valid petitions. The Commission created a webpage ([www.maine.gov/dacf/lupc/projects/wind\\_expedited\\_area/wind\\_expedited.shtml](http://www.maine.gov/dacf/lupc/projects/wind_expedited_area/wind_expedited.shtml)) dedicated to this process and posted weekly updates on the website. Through its email notification system the Commission also kept those people who requested to receive notices regarding the petition process up-to-date.

Through the petition process, 40 specified places (typically entire townships or plantations) have been removed from the expedited permitting area. The Commission has determined one place, Milton Township (Oxford County), did not satisfy the statutory criteria for removal. The Commission found, following a public hearing, that the removal of Milton from the expedited permitting area would have an unreasonable adverse effect on the State's ability to meet its statutory goal for wind energy development and would not be consistent with the principle values and the goals of the Commission's Comprehensive Land Use Plan. As a result, Milton remains in the expedited permitting area. Substantive review of the remaining valid petition, which proposes removal of Carroll Plantation (Penobscot County), is underway. The public hearing has been held and a final decision on the Carroll petition is anticipated in February.

Cumulatively, the 40 places removed cover approximately 670,000 acres. With the removal of these places, the total acreage within the unorganized and deorganized areas of Maine, that also is within the expedited permitting area, has been reduced by 20 percent. (See Appendix C for a map illustrating places removed and the places remaining within the expedited permitting area.)

### **C. Location of Development and the Adjacency Principle**

In directing the Commission to adopt zoning maps starting in 1971, the legislature sought to improve the health of the state's rural economy, communities, and the environment for the benefit of future generations. The laws establishing and governing the Commission recognize the importance of development to the economy and that the mountains, lakes, ponds, rivers, and other resources in the Commission's service area add to the quality of life for residents and attract visitors.

Right now, new homes can be built in most places, but new zones for subdivisions or commercial development need to be within a mile by road of existing development. This policy, known as the adjacency principle, is meant to encourage future development in places that keep costs low for road maintenance and emergency services, keep land available for forestry, agriculture and recreation, and promote the health of existing communities. However, the adjacency principle is too blunt a tool to effectively guide new development to the best locations in each of the different regions that the Commission serves.

In 2016, as an early step in review of the adjacency principle, the Commission has reached out to people who live, work, own property, or recreate in the towns, townships, or plantations served by the LUPC. One tool for recording feedback has been a public survey. The purpose of the survey is to find out what kind of development people would like to see in their communities or areas in the future, and where new development should be located.

In 2017, the results of the public survey will be combined with input from focus groups made up of stakeholders, and with other information (e.g., economic development plans or documents, wildlife habitat data, and other information) to develop potential policy options for consideration by the Commission as it works to fulfill its planning responsibilities and looks to Maine's future.

#### **D. Subdivision Rules Review**

In 2014, the Commission began a process of reviewing and revising its rules governing residential subdivision development. As part of this process, the Commission has and will continue to gather advice and suggestions from property owners, individual stakeholders, consultants, businesses, and other organizations familiar with the development process in the areas served by the Commission. In follow-up to written and online surveys, and a workshop, 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.

In late 2015 and early 2016, the Commission began refining possible components of a rule through focus group meetings. At the conclusion of the focus group process, the Commission intended to start a discussion regarding the appropriate locations for subdivisions. However, it became clear that, to be the most efficient and effective in addressing subdivision development standards and subdivision location possible refinement of the Commission's adjacency principle for both subdivisions and other types of development should be examined first.

As the focus shifted to work on review of the adjacency principle, work continued to further develop the subdivision layout and design concepts. One example of a concept currently being refined is the concept of a sketch plan phase for subdivision review, and an online tool the Commission is developing to make it easier for landowners to prepare a sketch plan themselves. Work on the subdivision rule review will continue in 2017.

## **E. Deorganizations/Organizations**

In 2016, the Commission communicated with two plantations interested in drafting their own comprehensive plans and land use ordinances. The Commission 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.

Highland Plantation completed this work and has moved ahead with the effort to administer local land use controls. The plantation submitted a plan, zoning map, and ordinance, which were reviewed and approved by the Commission. During 2016, the Commission participated in public meetings held by the Kingsbury Plantation planning group to discuss creation of a comprehensive plan and zoning ordinance. The Commission continues to work with that plantation to assist them as they prepare their plan and ordinance for review and consideration by the Commission.

The Commission serves on the Maine Commission for Municipal Deorganization, and works with communities that are deorganizing. 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 Commission provides land use services and maintains land use guidance maps for plantations, and therefore deorganization of a plantation generally does not require preparation of a new land use guidance map; deorganization of a municipality typically does.

In 2016, Oxbow Plantation officially voted to deorganize, effective July 1, 2017. On March 9, 2016, the State and Local Government Committee voted to deny the request by Cary Plantation to deorganize (LD 1633). The Commission already provides land use services for both plantations.

## **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. The response to the new rules continues to be positive. In 2016, one permit was issued to establish a new business and eight permits authorized

an expansion or modification to existing operations. The Commission also approved three petitions to rezone existing facilities to a new zoning subdistrict tailored to recreational lodging. Overall, since the 2013 rule change, the Commission has issued six permits to establish new recreational lodging businesses and eighteen permits for the expansion or modification of existing facilities. The Commission also has approved four petitions to rezone existing facilities to a new zoning subdistrict tailored for recreational lodging and designed to provide facility owners more flexibility moving forward.

## **G      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.

In 2015, there were approximately 185 permits issued for applications submitted with structures that had permanent foundations. The majority of these applications had pre-construction site visits conducted before the permits were issued. Of the ones that didn't, they were either not in a shoreland zone, or they were a significant distance from property lines and roads. Of the 184 permits issued in 2015, approximately 85 of them had foundations that were constructed by mid-2016. In 2016, roughly 60 randomly selected post-construction inspections were conducted to review foundations that were installed between 2014 and mid-2016. None of the structures permitted with permanent foundations 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 and has been successful in helping property owners achieve compliance.

## **H.      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 2016, the Commission issued one amendment to an existing certification. The certification amendment was issued to DEP for Irving Forest Products Inc.'s mill development in Aroostook County. 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 five certification determinations for development activity at existing or previously certified facilities.

### **I. Completed Rulemakings**

In addition to the rulemakings noted above – responding to petitions for the removal of certain places from the expedited permitting area, creating new opportunity for the development and expansion of rural businesses in Aroostook County as a result of the Aroostook County Community Guided Planning and Zoning process – the Commission:

- Reduced road setbacks in certain subdistricts;
- Completed miscellaneous rule revisions to ensure that the rules are up-to-date, accurate, and as clear as possible;
- Updated the Commission’s zoning for flood prone areas in response to the Federal Emergency Management Agency flood insurance rate map changes for Knox and Hancock Counties; and
- Completed joint rulemaking with the Maine Department of Environmental Protection to reorganize and clarify the Administrative Regulations for Hydropower Projects.

### **J. Planned and Initiated Rulemakings**

The Commission anticipates the following rulemakings in 2017:

- Implementation of the zoning changes recommended as part of the Community Guided Planning and Zoning initiative in Washington County;
- Overhaul of the Commission’s subdivision standards;
- Update consistent with any refinement of the adjacency principle; and
- Update of the Commission’s zoning for flood prone areas in response to Federal Emergency Management Agency flood insurance rate map changes Washington County.

### **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.

In 2016, the Commission completed the transition to being a largely county-appointed board. All eight counties have now appointed a Commission member and are responsible for keeping that seat filled. (*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 2016, 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 II position currently is vacant and in the process of being filled.

The LUPC operates offices in Ashland, Augusta, Bangor, East Millinocket, Farmington, and Greenville. The permitting and compliance manager, chief 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 2016 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 2016, the Commission received 19 building permit applications, 1 development permit applications, and 12 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, 2016<sup>1</sup> by Outcome**

Permit Type	Permit Type Name	Count by Action Type					TOTAL
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	408			1	1	410
DP	Development Permit	55					55
All Other		111					111
BCP	Bridge Construction Permit	2					2
FOP	Forest Operation Permit	6					6
GP	Great Pond Permit	45					45
HP	Hydropower Permit	1					1
RP	Road Construction Permit	4					4
SA	Shoreland Alteration Permit	11					11
SD	Service Drop Permit	25					25
SLC	Site Law Certification	1					1
SP	Subdivision Permit	6					6
ULP	Utility Line Permit	2					2
WL	Wetland Alterations Permit	1					1
ZP	Zoning Petition	7					7
<b>TOTAL</b>		<b>574</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>576</b>

<sup>1</sup> 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, 2016 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	70	43	9			4	25	75	98		59	27		410
DP	Development Permit	14	8	3			1	3	6	8		10	2		55
All Other		24	12	3	0	0	1	5	8	35	0	13	10	0	111
BCP	Bridge Construction Permit	2													2
FOP	Forest Operation Permit		2					1		1		2			6
GP	Great Pond Permit	6	1	1				2	7	16		6	6		45
HP	Hydropower Permit			1											1
RP	Road Construction Permit	1								2			1		4
SA	Shoreland Alteration Permit	4								1		5	1		11
SD	Service Drop Permit	6	5							12			2		25
SLC	Site Law Certification	1													1
SP	Subdivision Permit		3					2		1					6
ULP	Utility Line Permit	2													2
WL	Wetland Alterations Permit						1								1
ZP	Zoning Petition	2	1	1					1	2					7
	<b>TOTAL</b>	<b>108</b>	<b>63</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>33</b>	<b>89</b>	<b>141</b>	<b>0</b>	<b>82</b>	<b>39</b>	<b>0</b>	<b>576</b>
<i>Towns, Plantations, Townships, and (Islands) served by the LUPC</i>		<i>125</i>	<i>37</i>	<i>16</i>	<i>1</i>	<i>3</i>	<i>3</i>	<i>21</i>	<i>46</i>	<i>90</i>	<i>1</i>	<i>87</i>	<i>37</i>	<i>(2)</i>	<i>460</i>
				<i>(71)</i>		<i>(88)</i>	<i>(37)</i>			<i>(109)</i>			<i>(70)</i>		<i>(308)</i>

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, 2011-2016 Totals**

Permit Type	Permit Type Name	Total Applications Processed					
		2011	2012	2013	2014	2015	2016
BP	Building Permit	453	450	413	411	379	410
DP	Development Permit	79	56	46	32	57	55
All Other		81	97	102	77	93	111
BCP	Bridge Construction Permit	1	1	3	2	0	2
FOP	Forest Operation Permit	16	23	13	6	7	6
GP	Great Pond Permit	26	30	36	29	35	45
HP	Hydropower Permit	1	0	0	1	0	1
RP	Road Construction Permit	9	10	4	4	4	4
SA	Shoreland Alteration Permit	4	4	9	9	13	11
SD	Service Drop Permit	7	15	18	10	14	25
SLC	Site Law Certification	<i>na</i>	0	5	2	2	1
SP	Subdivision Permit	7	2	4	4	4	6
ULP	Utility Line Permit	4	3	3	2	5	2
WL	Wetland Alterations Permit	1	2	2	2	3	1
ZP	Zoning Petition	5	7	5	6	6	7
	<b>TOTAL</b>	<b>613</b>	<b>603</b>	<b>561</b>	<b>520</b>	<b>529</b>	<b>576</b>

**Table 4. Permit Processing, 1971-2015 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	500	2	10	24	3	539
DP	Development Permit	66	1	2	6	1	76
All Other		119	0	3	8	0	130
BCP	Bridge Construction Permit	6	0	0	1	0	7
FOP	Forest Operation Permit	22	0	0	1	0	23
GP	Great Pond Permit	25	0	1	1	0	27
HP	Hydropower Permit	1	0	0	0	0	1
RP	Road Construction Permit	6	0	0	1	0	7
SA	Shoreland Alteration Permit	6	0	0	0	0	6
SD	Service Drop Permit	8	0	0	0	0	8
SP	Subdivision Permit	12	0	1	2	0	15
ULP	Utility Line Permit	17	0	0	0	0	17
WL	Wetland Alterations Permit	2	0	0	0	0	2
ZP	Zoning Petition	14	0	1	2	0	17
<b>TOTAL</b>		<b>685</b>	<b>3</b>	<b>15</b>	<b>38</b>	<b>4</b>	<b>745</b>

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, 2016**

Determination Type	Actions Processed
Advisory Rulings	12
Boat Launch Notifications	1
Certifications of Compliance	38
Coastal Zone Management Area Consistency Determinations	0
Letters of Exemption	0
Maine Forest Service Review and Approvals	2
Water Quality Certifications (not incorporated in other permits)	0
<b>TOTAL</b>	<b>53</b>

**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. In some 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 410 building permit applications, the Commission processed 73 percent in less than one full day and 91 percent in a week or less.
- Development Permits – Of the 55 development permit applications, the Commission processed 34 percent in a week or less and 60 percent in four weeks or less.
- All Other Permits – Of the 111 permit applications in the all other category, the Commission processed 74 percent in a week or less and 86 percent in four weeks or less.

Figure A. Permit Processing Times, 2016 – Building Permits

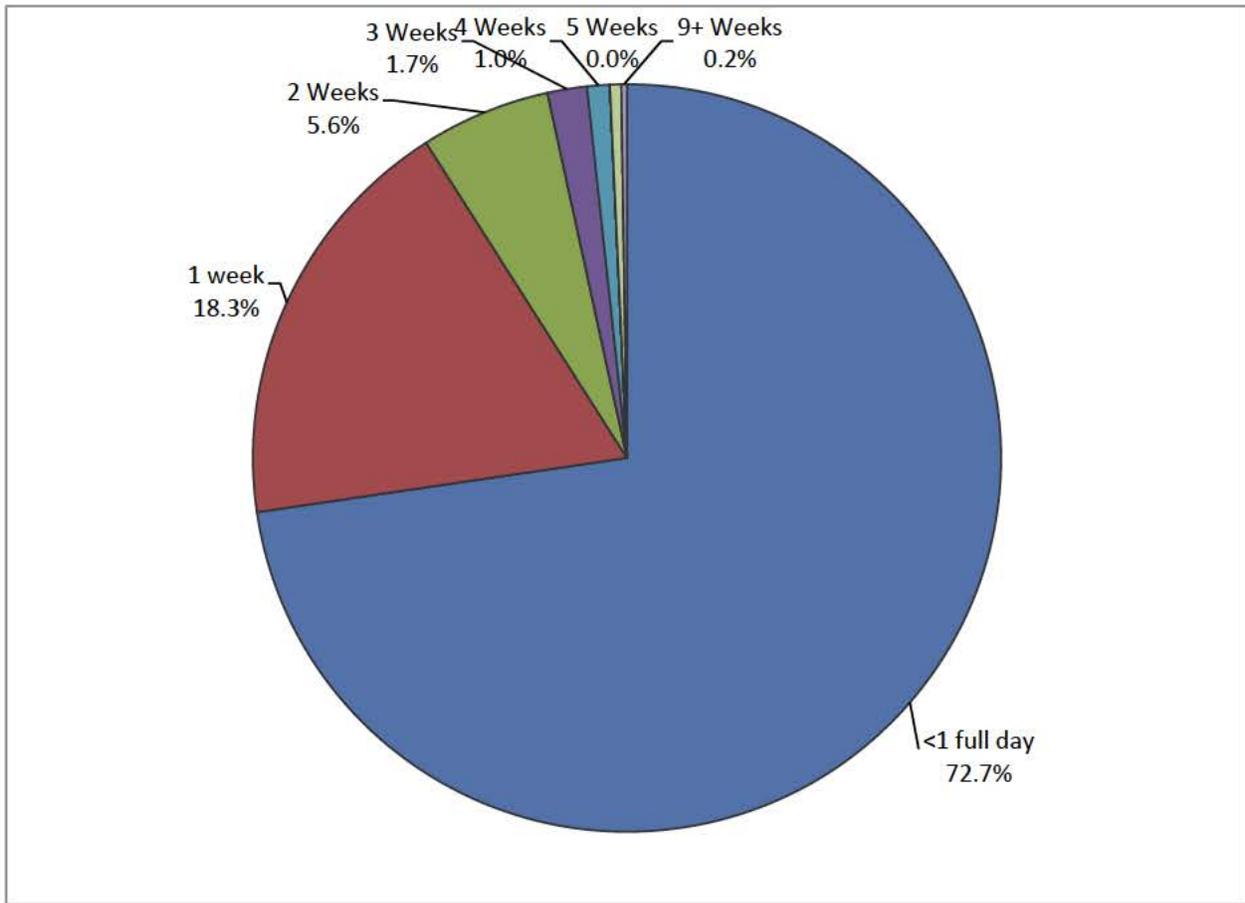


Figure B. Permit Processing Times, 2016 – Development Permits

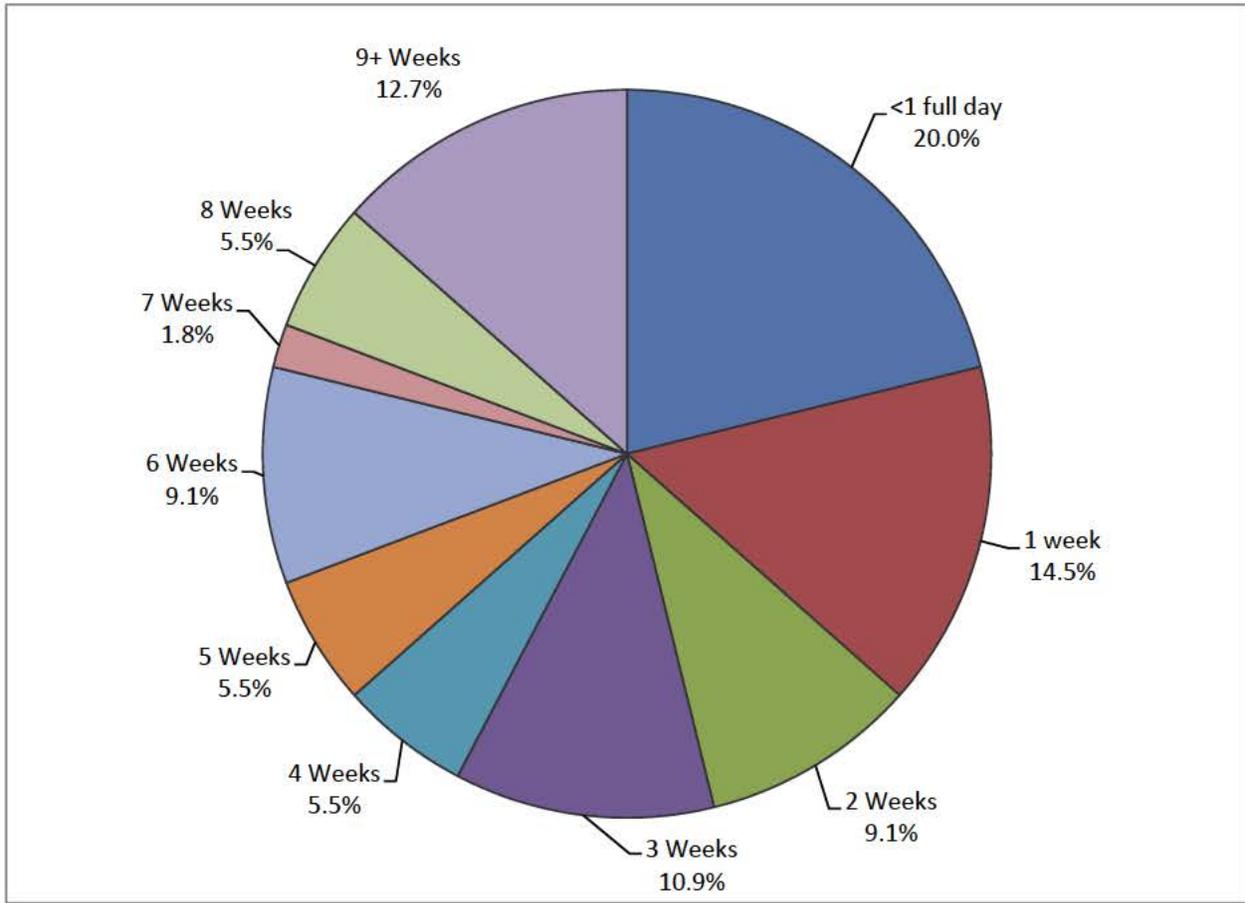
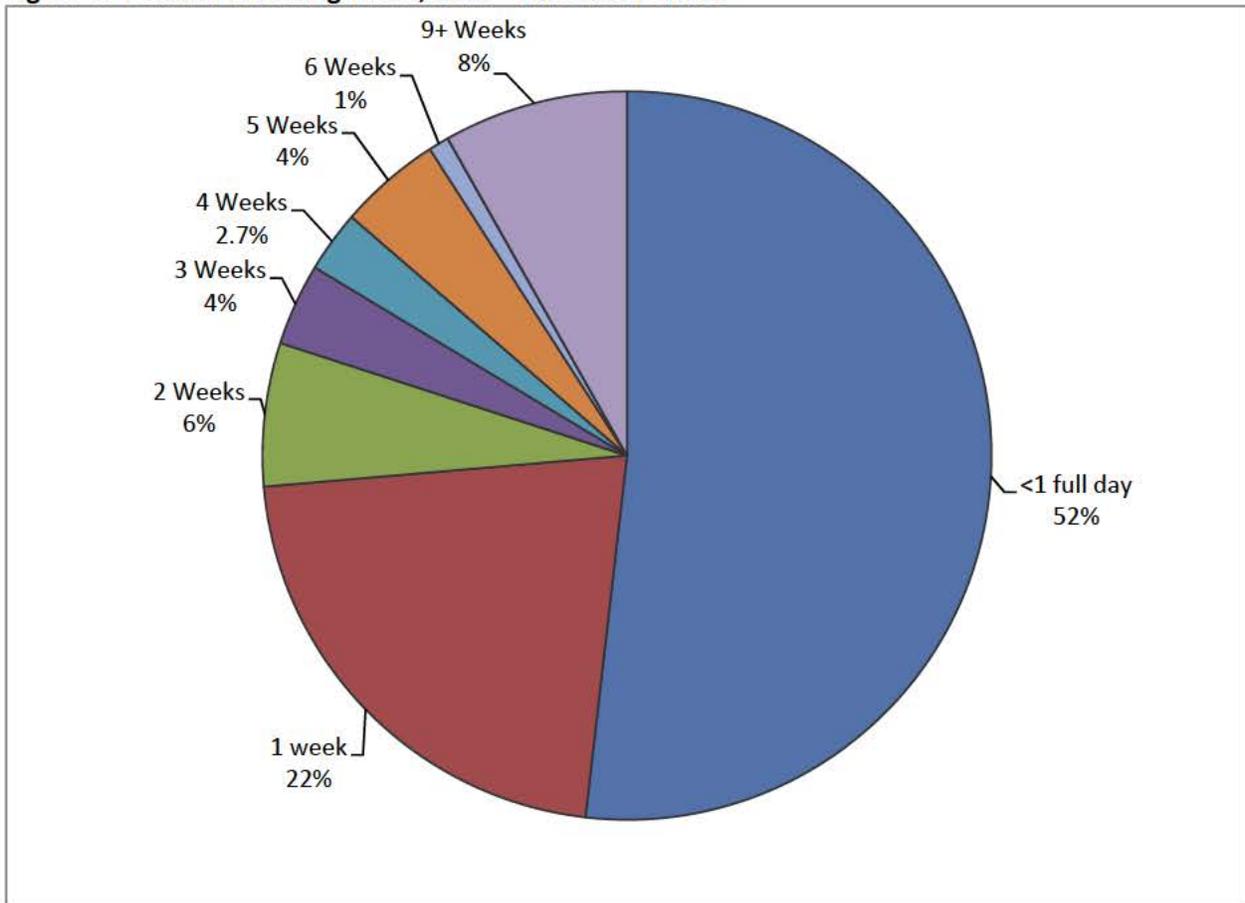


Figure C. Permit Processing Times, 2016 – All Other Permits



Tables 6 and 7 present the average and median processing times for 2016 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. 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, 2016**

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	2	<1
Development Permits (DP)	29	19
All Other Permits	13	<1

**Table 7. Annual Permit Processing Times, 2011-2015**

Permit Type	2012		2013		2014		2015	
	Average (Days)	Median (Days)						
Building Permit (BP)	4	<1	3.7	<1	2.8	<1	2.5	<1
Development Permits (DP)	98	11	17.8	8	8.9	3	23.1	17
All Other Permits	38	3	15.7	1	13.5	2	14.6	3

### 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 2016, the Commission did not hold a preapplication meeting; none were requested.

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 2016 the staff issued 12 advisory rulings.

## **D. Community Guided Planning and Zoning**

The 2012 reform legislation directed the Land Use Planning Commission to “initiate prospective zoning in the unorganized and deorganized areas of the State” and to “coordinate prospective zoning in cooperation with efforts of local planning organizations and regional planning and development districts.” After conducting extensive outreach, in 2012 the Commission sought to identify those interested in participating in Community Guided Planning and Zoning – the prospective zoning directed by the Legislature. Six distinct regions emerged from the letters of interest submitted by County Commissioners, non-profits, citizen groups and others from across the jurisdiction<sup>2</sup>. On February 1, 2013, the Commission selected Aroostook County as the first regional project. Western Maine (including both Somerset and Franklin counties) was selected on May 8, 2014. Washington County began its Community Guided Planning and Zoning process in May 2015. Each of these regional projects is described in more detail in above in Section II.A.

The regional initiatives 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. Lessons learned during the first three projects will help inform future projects in other regions. 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 2016, 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 ways to prevent soil erosion, better identify soil types in wetlands, properly construct roads to prevent erosion, and how to make stream delineations and 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 2016 included:

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<sup>2</sup> 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).

- *Subsurface Wastewater Disposal Training* – On May 18, planning and permitting and compliance field staff attended an in-depth all-day training on *Subsurface Wastewater Disposal*. 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.
- *Issues of Scale in Rural Planning* – On May 20, planning staff attended the Maine Association of Planners (MAP) Annual Membership Meeting and presented a workshop on issues of scale confronting communities in rural Maine and municipal deorganization.
- *Law Library Training* – On August 3, planning staff attended an orientation at the Maine State Law and Legislative Reference Library. The Senior Law Librarian gave staff a tour of the available resources at the library and provided training on how to use them. The training helped staff to learn what resources are available at the library, showed them how to look up statute and case law, showed them how to access archived testimony on bills presented to the legislature, and informed them what information is available on the creation of townships and their physical bounds.
- *Natural Resource & Soils Training* – On September 7, three field staff participated in the 2016 MAPSS/MAWS/MASE/SSSNNE *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.
- *Notary Training* – On September 22, the Secretary Associate attended the *Beginning Mobile Notary Workshop* put on by Informed Notaries of Maine. The training was designed to educate new informed notaries on best notary practices, the powers and duties of notaries, and record keeping requirements when working in and out of the office. This training will educate our notary to follow the appropriate procedures.
- *Technology Training* – During September and October all field staff attended radio trainings held throughout the State. This training provided staff a better understanding of current radio operations and the progression of the technology.
- *Fire Assessment Training* – On October 18-19, a division manager attended a fire assessment training aimed at showing ways to prevent and minimize the spread of wildfires. The training was intended to help those attending better understand how wildfires spread and what can be done around homes and structures to minimize the threat. This training will help to educate staff on what we are able to do within the rules to help home and camp owners protect their properties from wildfires.
- *Road Construction Training* – On October 20, field staff attended an all-day training that focused on BMP rules and regulations, pending legislation, and other topics that related to logging, road building, and water quality. During the afternoon session staff learned about erosion prevention, roadway stabilization, drainage systems and soil reinforcement. This training will help staff to better understand some of the road project applications that they will review.

- *Energy Policy* – Two members of the planning staff attended the November 17 – E2Tech Expo. This event included information sharing among professionals in the energy, environmental, and cleantech sector. Topics included the state of the energy sector, Maine energy innovation, emerging technologies using forest products, energy policy and assurance, transportation policy, energy investment trends, and workforce development.
- *Erosion and Shoreline Stabilization Training* – On December 7 and 9, field staff attended shoreline stabilization training put on by NEIWPC-CJETCC in Brewer and Augusta. This training will help staff to better understand the proper ways for applicants to stabilize the shoreline to help prevent erosion and protect the water quality.

Internal training in 2016 included:

- *Stream Delineation and Determination Training* – On August 18, all permitting and compliance field staff, along with some planning staff, attended an in-depth field training put on by the Department’s State Soil Scientist that showed how to determine what is and is not a stream and how to delineate a stream. This will provide staff with better consistency in the field of determining and delineating streams.

## **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 2016 topics presented to the Commission included discussion of FEMA mapping, the policy objectives of road setbacks, the Commission’s historical approach to regulating noise and guiding the location of development through interpretation and application of the adjacency principle.

## **IV. Commission Goals for 2017**

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 2017 include:

- Adopting rulemaking to implement recommendations flowing from the Washington County Community Guided Planning and Zoning initiative.
- Completing review of the final petition to remove a specified place from the expedited permitting area for windpower development.
- Completing the 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 additional rulemakings referenced in Section II.J
- 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.

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, 2016**

The Land Use Planning Commission (LUPC) has transitioned from a 7-member board filled with gubernatorial appointees to a 9-member board with both county and gubernatorial appointees. Eight of the seats are now 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) fills one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board continues 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 expired or a commissioner vacated his/her seat early, they were filled by the next county in line. At the head of the line was the county with the most acreage in the unorganized and deorganized areas of the State that had not yet made an appointment. Once all eight counties appoint an individual to the LUPC, the Governor has the opportunity to appoint an individual as well.

All eight counties with the most qualifying acreage have now appointed individuals to the LUPC. The final county, Hancock, appointed an individual in 2016. These counties will continue to be responsible for filling their respective seat.

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.)

<b>Seat No.</b>	<b>Commissioner</b>	<b>Appointing Authority</b>	<b>Appointed</b>	<b>Term Expiration</b>	<b>Comments</b>
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	Millard Billings	Hancock	8/23/16	7/9/20	
1	--	Governor	--	--	vacant since 7/10/16

## 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 <sup>3</sup>
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.

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

Type	Permit Type	General Description <sup>3</sup>
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 <sup>3</sup>
LAR	Letter of Exemption/Advisory Rulings	<p>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>)</p>
LOE	Letter of Exemption	<p>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>)</p>
MFS-RA	Maine Forest Service Review and Approval	<p>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.</p>
MISC	Miscellaneous	<p>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.</p>

Type	Permit Type	General Description <sup>3</sup>
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 <sup>3</sup> 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 <sup>3</sup>
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. <sup>4</sup> 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> .

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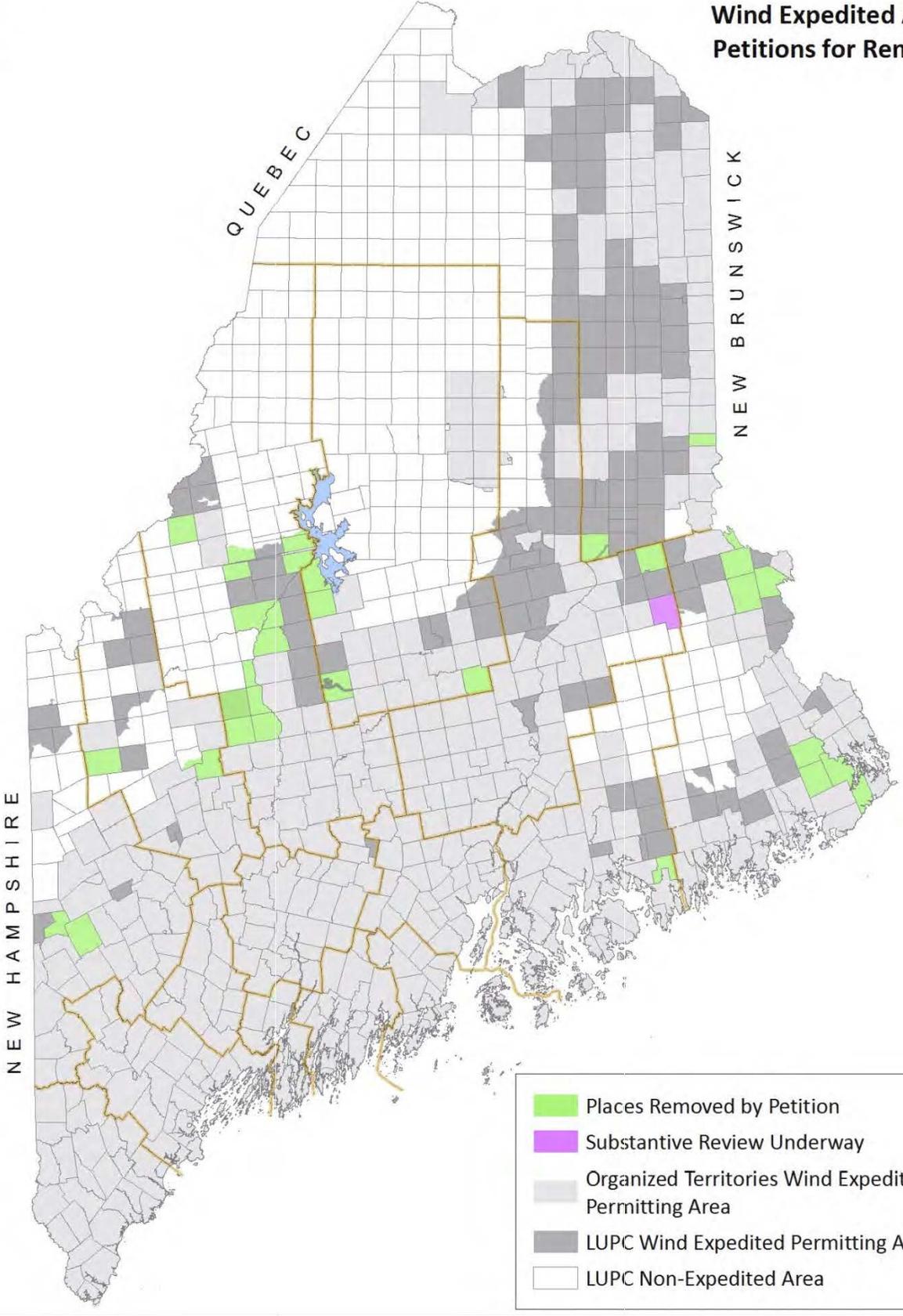
<sup>4</sup> Executive Order #16 FY 91/92 designated LURC (now the LUPC) as the certifying agency for issuance of Section 401 Water Quality Certifications for all activities located wholly within its jurisdiction. Section 401 is a reference to the U.S. Clean Water Act, 33 U.S.C. § 1341.

**Appendix C:  
Wind Expedited Permitting Area Map**

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### Wind Expedited Area: Petitions for Removal



-  Places Removed by Petition
-  Substantive Review Underway
-  Organized Territories Wind Expedited Permitting Area
-  LUPC Wind Expedited Permitting Area
-  LUPC Non-Expedited Area