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STATE OF MAINE
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LAND USE PLANNING COMMISSION
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February 08, 2023

Senator Henry Ingwersen, Senate Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine Senate
3 State House Station
Augusta, ME 04333

Representative William Pluecker, House Chair
Joint Standing Committee on Agriculture, Conservation and Forestry
Maine House of Representatives
2 State House Station
Augusta, ME 04333

RE: 2022 Annual Performance Report – Maine Land Use Planning Commission (LUPC)

Dear Senator Ingwersen and Representative Pluecker:

Enclosed please find the Land Use Planning Commission’s Annual Performance Report for 2022. This report, required by 12 M.R.S. § 685-H:

- Highlights the Commission’s efforts over the last calendar year;
- Contains permit processing data, including processing times;
- Provides the status of the Commission’s regional planning and zoning initiatives; and
- Identifies the Commission’s goals for 2023.

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, Stacie Beyer, if you would like to schedule a report presentation.

Sincerely,

Everett Worcester, Chair
Land Use Planning Commission

Enclosure

cc: Stacie R. Beyer, Executive Director, Land Use Planning Commission
Amanda E. Beal, Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
Randy Charette, Deputy Commissioner, DACF
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LAND USE PLANNING COMMISSION

ANNUAL PERFORMANCE REPORT

CALENDAR YEAR 2022



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EXECUTIVE SUMMARY

Calendar year 2022 saw a transition as the impacts of the Covid-19 pandemic started to ease. In-person days in the office and in-person meetings returned for Commission staff. However, like many agencies and organizations, the Land Use Planning Commission (Commission or LUPC) still faced significant challenges. Starting in 2020 and continuing through 2022, the Commission's focused tracking of incoming building permit applications showed a substantial increase in applications over the previous 2016-2019 levels. With a significant increase in requests for information, a staggering level of incoming telephone calls and e-mails, and an increase in the complexity of development proposals, staff resources were strained more than ever before. Staff turnover and shortages of qualified job candidates were prevalent and added to the strain. At the end of 2022, 25% of the agency's positions (6 total) were vacant due to various factors including high workloads, salary levels, and internal and external promotional opportunities. Regardless, the Commission staff performed remarkably, maintaining high customer service levels and reasonable application processing times throughout the year. More details and analysis are provided in the "Covid-19 and Land Use in the UT," "Number of Permits Processed in 2022," and "Time for Rendering Decision" sections of this report. In addition, this report highlights the Commission's work on several large-scale projects, otherwise summarizes the work of the Commission over the calendar year 2022, and responds to the annual performance reporting requirements of Title 12, section 685-H.

Several large planning projects were completed in 2022. The most notable was the Moosehead Regional Planning Project. After the termination of the Moosehead Lake Concept Plan in 2020, the Commission began a 2-year regional planning process. It sought to gather public input for guiding Commission decisions regarding future land uses in the former development areas of the Concept Plan. The planning process involved a variety and a significant number of opportunities for public input, virtually and in person. The Moosehead Regional Planning Package, implementing the results of the planning process, was adopted by the Commission in December 2022. In addition, other concept plans approved by the Commission nearly 30 years ago will be expiring soon. Efforts to either renew or adopt replacement zoning for the plan areas continued to capture the Commission's attention this year, and that work will extend into the next few years. In 2022, the Commission renewed the St. John River Resource Plan and approved replacement zoning for the expiring Penobscot River Resource Plan along the Lower West Branch of the Penobscot River. Commission staff have also been working with the U.S. Forest Service on the possible renewal of the White Mountain National Forest Resource Plan. Looking forward to 2023, a significant amount of staff resources will be needed for the expiring Attean Twp./Denniston Plt. Concept Plan and Brassua Lake Concept Plan.

The Commission completed one rezoning process for a large-scale development proposal submitted by the Hammond Ridge Development Corporation. That rezoning petition proposed a new Planned Development Subdistrict designed to allow a range of complimentary recreational, agricultural, cultural, and residential uses on approximately 1,409 acres of land near Millinocket. The Commission approved the Hammond Ridge petition in January 2022.

In 2022, the Commission completed three separate rulemaking proposals, including revisions to its Chapter 10, *Land Use Districts and Standards*. Revisions implemented 1) a citizens' rulemaking petition to prohibit certain marijuana-related businesses from the Community Center Development (D-GN2) Subdistrict within the Prospective Zoning Plan for the Rangeley Lakes

Region; 2) actions stemming from the 2020-2022 Moosehead Regional Planning Process; and 3) changes to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities, in response to increased solar development across the Commission's service area. Details are provided in the "Completed Rulemaking" section of this report. In addition, pursuant to [12 M.R.S. §685-A\(7-A\)\(B\)\(6\)](#), the Commission has submitted the Chapter 10 revisions under separate cover to the Joint Standing Committee on Agriculture, Conservation and Forestry.

Pursuant to 12 M.R.S. § 685-H, this report includes a summary of the Commission's permitting activity. In 2022, the Commission issued 650 permits, representing approval of 98 percent of all complete applications received. Of the permits issued, 510 were building permits; 22 percent of these were approved the same day the application was determined to be complete, and 73 percent were approved within a week. Extensive additional detail is provided in this report's "Number of Permits Processed in 2022" and "Time for Rendering a Decision" sections.

This annual report summarizes these activities and initiatives, as well as other key projects undertaken by the Commission in 2022, including certification of large-scale development to the Maine Department of Environmental Protection (DEP) under the Site Location of Development Act and reviewing proposals for the redevelopment of the Big Moose Ski Resort. In 2022, the Commission certified a new grid-scale solar energy development project in Unity Twp. and expansion projects at the Sunday River Ski Resort. The Commission also approved a permit application for Phase I of redevelopment at the Big Moose Ski Resort in Big Moose Twp. and participated in a series of pre-application and subdivision sketch plan review meetings with the prospective developer.

The Commission provides valuable services to residents and property owners in the unorganized and deorganized areas of Maine, 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 2022 and concludes with a look ahead to the Commission's goals for 2023. The Commission expects that 2023 will continue to be challenging. The highest priorities for 2023 include addressing the relevant recommendations of *Maine Won't Wait, A Four-year Plan for Climate Action*; implementing policy changes related to accessory dwelling units, short-term rentals, and other housing needs in the Commission's service area; renewing or adopting replacement zoning for several expiring resource plans; implementing a new enforcement work plan; and making process efficiency improvements to allow for a greater focus on regulatory compliance in the Commission's service area, while still maintaining a high level of customer service in responding to an elevated number of general public inquiries and permit applications. Tasks that need attention far exceed the available LUPC staff resources; therefore, without additional resources, it is likely that several of the high-priority goals will need to be carried forward to 2024.



Sunrise, 2022, B.Way LUPC

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 the calendar year 2022. This is the tenth year in which the Commission has provided the report.

II. PURPOSE OF THE COMMISSION

The Land Use Planning Commission serves as the planning and zoning authority for the unorganized and deorganized areas of the State. These areas include all townships (425), most plantations (27), and some towns (7). Collectively referred to as the UT, these areas either have no local government or have chosen not to administer land use controls at the local level.

Along with carrying out its planning and zoning responsibilities, the Commission issues a large number of permits for smaller development projects, such as building permits for home constructions and camp renovations, and for activities with the potential to impact natural resources, such as water bodies or wetlands. For larger development projects requiring DEP review under the Site Location of Development Law, Maine Metallic Mineral Mining Act, or qualifying as grid-scale wind energy development, the Commission certifies whether proposed land uses are allowed and whether proposed development activities comply with applicable Commission land use standards not considered by DEP.

Serving the UT and helping guide land use in these areas represents a unique challenge. These diverse areas cover over half the state, encompassing approximately 10.5 million acres. The areas served by the Commission include the largest contiguous undeveloped area in the northeast. The UT also includes more than forested areas and timberland. The Commission serves rural communities, villages, farmland areas, and coastal islands (e.g., Monhegan and Matinicus). Most of the area in the UT is privately owned. While eight counties (Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock) account for approximately 97 percent of the geographic area, 13 of Maine's 16 counties include some areas served by the Commission. (A map of the area served by the Commission is shown on the following page.)

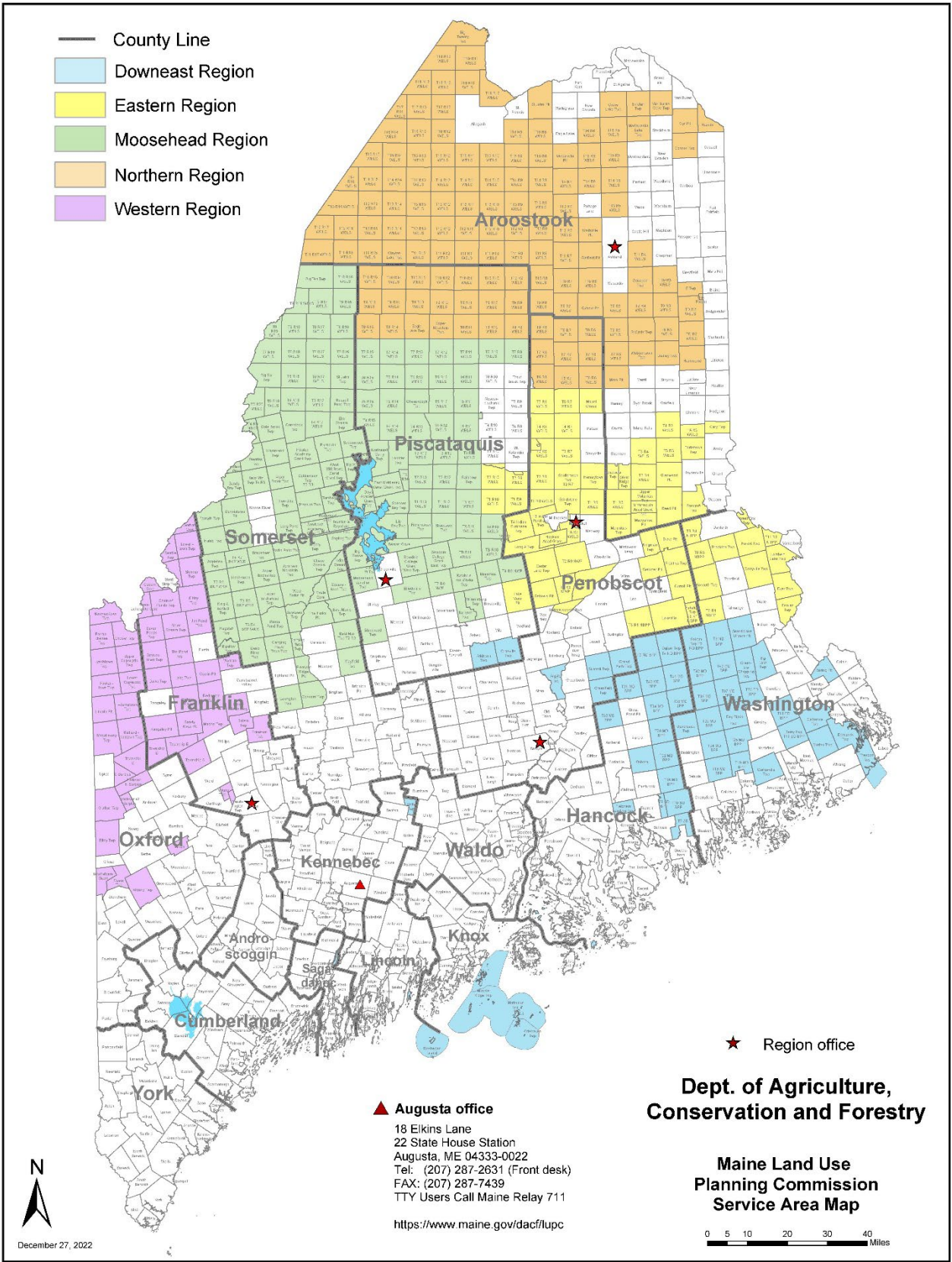
The UT is important to the vitality of both the State and local economies, contains important natural resources, is home to many Mainers, and is enjoyed by Maine residents and visitors in pursuit of outdoor recreation activities, including hunting, fishing, boating, hiking, and camping.

The Legislature created the Commission in September of 1971 to extend principles of sound planning, zoning, and development to the unorganized and deorganized areas of the State to:

- Preserve public health, safety, and general welfare;
- Support and encourage Maine's natural resource-based economy and strong environmental protections;
- Encourage appropriate residential, recreational, commercial, and industrial land uses;
- Honor the rights and participation of residents and property owners in the unorganized and deorganized areas while recognizing the unique value of these lands and waters to the State;
- Prevent residential, recreational, commercial, and industrial uses detrimental to the long-term health, use, and value of these areas and Maine's natural resource-based economy;
- Discourage the intermixing of incompatible industrial, commercial, residential, and recreational activities;
- Prevent the development in these areas of substandard structures or structures located unduly proximate to waters or roads;
- Prevent the despoliation, pollution, and detrimental uses of the water in these areas; and
- Conserve ecological and natural values.



Allagash Lake, 2022, B. Way, LUPC



III. OVERVIEW OF THE COMMISSION'S ACTIVITIES IN 2022

A. Location of Development and Subdivision Standards

In a 2019 rulemaking, the Land Use Planning Commission updated its interpretation of the adjacency principle, which is an initial screen for where new zones for the development of a residential subdivision or business can be created. This high-level screen is just the first step – the rezoning process still applies, and permits are still required for most uses. The adjacency principle guides most development toward existing development and away from undeveloped areas helping to lower tax burdens, ensuring the land remains available for forestry, agriculture, and recreation, and promoting the health of existing communities. The 2019 rulemaking also improved the layout and design standards for subdivision development.

After years of consultations with stakeholders and experts, as well as Commission study and analysis, the Commission adopted the 2019 "Revised Application of the Adjacency Principle & Subdivision Standards" rule, with the full expectation that it will improve outcomes for environmental protection, natural character, and regional economic health. As with any substantial change, a careful review of the results in a timely and ongoing manner is essential. In addition to collecting data about rezoning and permit approvals as part of the ordinary course of work, the Commission committed to reviewing the effectiveness of applying the updated location of development (adjacency) policy and subdivision standards. In particular, the Commission agreed to review the effectiveness of the rule changes:

- Five years after the adoption of the rules;
- Upon the approval of five petitions for rezoning to create new or expand existing development subdistricts in any single county; or
- Upon the approval of 100 residential subdivision lots outside of concept plans, whichever comes first.

The Commission felt that these milestones would be early enough to allow the Commission to make adjustments, if needed, to ensure the intended results.

Since the adoption of the rule revisions, the Commission has developed a [work plan to assess and report on the outcomes of the rule changes](#), including [a video describing its contents](#) that:

- Expands and refines data collection and data entry, and
- Sets out four goals, each with strategies and research and assessment tasks.

The work plan meets the commitments made in 2019 to review the effectiveness of the rules and proposes, with varying resource implications, going beyond that original commitment. For example, the work plan expands on the original commitment by proposing an annual summary of outcomes. The work plan and the Annual Adjacency and Subdivision Reports from 2020-2022 are [on the LUPC website](#).

B. Moosehead Regional Planning Project

After two years of active community planning, the Commission approved the [Moosehead Regional Planning Package](#) on December 14, 2022. The Package implements a community-informed land use vision for the region by creating opportunities for future development near Greenville and Rockwood through the placement of prospective development zones near those hubs. The Package reinforces the community's desire to focus development by removing the primary and secondary location designations from certain minor civil divisions (MCDs) located between these regional hubs and the primary locations around certain Management Class 3 lakes in the region. The primary and secondary location designations provide an initial eligibility screen required for certain types of rezoning. Many participants in the process considered the areas removed to be unsuitable for future rezoning that would allow for more intensive types of development like residential subdivisions or commercial development.

"I think this is a good example of what can happen when the LUPC works with a community to develop a plan that is acceptable to everyone. You end up getting a plan that is responsive to the community's needs and sets the region up for success..." Melanie Strum, NRCM

New zoning plan aims to protect Moosehead Lake region from sprawl - CentralMaine.com, accessed 12/26/2022

The project began when the Moosehead Lake Region Concept Plan was terminated in July 2020. At that time, the entire area subject to the Concept Plan, including areas identified for development, was rezoned to the General Management Subdistrict or to a range of protection subdistricts based on resources present, such as streams, shorefront, steep slopes, wetlands, and wildlife habitat. As part of the termination process, Weyerhaeuser

Company and Weyerhaeuser NR Company, the property owner, agreed to provide an opportunity for residents and stakeholders to participate in planning for future land uses in these areas. The goal was to seek input about what types of development would be suitable in certain areas and to ensure adequate protection for highly valued natural resources. LUPC staff, with stakeholder input, designed and led a regional planning process with a goal of final Commission approval of any zoning changes or rule revisions by the end of 2022.

Initial feedback from the community on the proposed planning process, including geographic scope, community concerns, and areas appropriate for conservation or development, was used to develop a map-based online survey to gather more in-depth information from the public and other stakeholders about locations that matter to them. That feedback and survey data was used to develop four Discussion Scenario Maps of future land use scenarios involving zoning changes and/or rule changes (e.g., removal of primary or secondary locations). In the fall of 2021, staff sought community feedback on the Discussion Scenario Maps by posting them to the project website and hosting both in-person and virtual public meetings in the Moosehead Region.



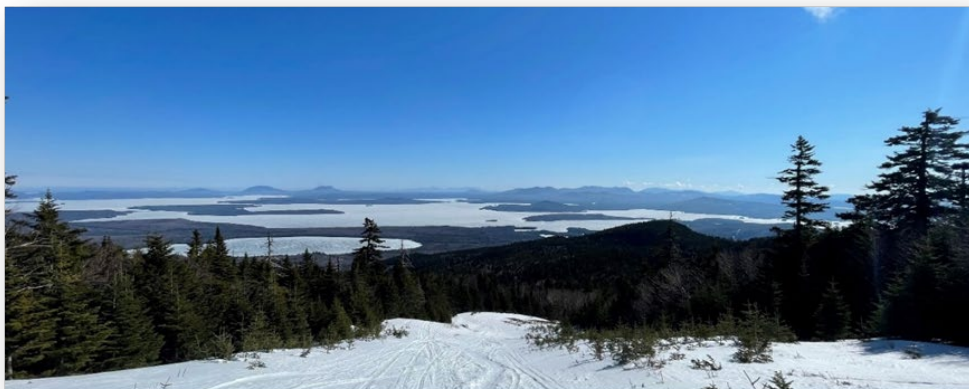
Moosehead Lake and sunrise over Big Moose Mountain, 2022, R. Goodmen, LUPC

Feedback on the Discussion Scenario Maps from written comments and public meetings, combined with additional research and deliberation, were all synthesized to develop a draft Moosehead Regional Planning Package that was presented to the Commission at its regular business meeting on May 11, 2022. During the summer of 2022, staff sought community feedback on the draft package through written comments, public meetings, and targeted outreach to potentially affected landowners and then used this feedback to refine the proposals. At its regular business meeting on September 12, 2022, the Commission posted the revised Moosehead Regional Planning Package to a 30-day public comment period.

As noted above, there were two major components of the Moosehead Regional Planning Package: 1) Prospective rezoning for development in some areas; and 2) Rule changes that remove eligibility for rezoning in other areas. These components complement each other by creating a regulatory framework that allows for development opportunities in appropriate locations while limiting the scale and intensity of development that can occur in areas the community identified as important to the natural and scenic character of the region. Six new prospective development zones in four minor civil divisions have been created. These locations were all designated as development areas under the former Concept Plan for the Moosehead Lake Region and are primarily located near Rockwood or Greenville. Two of these areas are General Development (D-GN) subdistricts, and four are Residential (D-RS) subdistricts. The six development zones comprise a total of approximately 1,036 acres or 6.1% of the 16,910 acres originally designated for development in the now-terminated Moosehead Lake Region Concept Plan.

The companion rulemaking modifies Chapter 10 of the LUPC rules to allow for adjustments to the locational factors for the adoption or amendment of land use district boundaries through a comprehensive regional planning process. The revisions also specifically remove primary and secondary locations from ten minor civil divisions (MCDs) in the Moosehead region. In addition, the changes remove the primary locations around all or portions of three lakes in the region that were identified by the community as important for their remote character.

The Commission is grateful to the many residents and stakeholders who participated in this two-year regional planning process. Conducting such a process during the pandemic presented multiple challenges, and we appreciate the cooperation of everyone as we endeavored to find workable ways to gather meaningful community input.



Moosehead Lake from Big Moose, 2022, R. Goodmen, LUPC

C. Concept and Resource Plans: Terminations, Expirations, and Renewals

Renewal of the St. John River Resource Plan

The St. John River Resource Plan, initially adopted by the Commission in 1982, was renewed in 2022. The next iteration of the 10-year resource plan became effective on July 28, 2022. The Plan and accompanying Resource Protection Subdistrict (P-RP) protects a large portion of the shoreline of the Baker Branch and the main stem of the St. John River, from Baker Lake to the boundary of the Town of Allagash. The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts. The St. John Plan includes an advisory committee made up of representatives of landowners who own shoreline along the river, as well as state agencies, including the Department of Agriculture, Conservation and Forestry's (DACF) Bureau of Parks and Lands and Maine Forest Service, and the Department of Inland Fisheries and Wildlife. Commission staff worked with the advisory committee throughout the year to draft an update to the plan. Changes to the plan included:

1. Establishing new standards for reconstruction of certain remote cabins along the river corridor that have a unique history and add to the recreational experience of canoeists doing the river trip; and
2. Various updates to land use standards in the plan to improve consistency with current regulations.

Penobscot River Resource Plan- Lower West Branch

The Penobscot River Resource Plan – Lower West Branch expired on December 26, 2022. The Plan was initially adopted in 1981 to protect shorelines along the Penobscot River's Lower East and West Branches. In a series of zoning petitions in 2001 and 2002, the Plan was renewed and removed protection from the East Branch due to changes in ownership. A Resource Protection Subdistrict (P-RP) was established. It included the lands within 500 feet of the shoreline of the Lower West Branch of the Penobscot River, beginning 400 feet below the Ripogenus Dam and extending to Ambajejus Lake. The Plan area is also covered by a permanent conservation easement and Recreation Management Plan administered by DACF's Bureau of Parks and Lands.

Commission staff reached out to current landowners in late 2021 and determined there was no desire to renew the Plan. When a Plan expires and is not renewed, the Commission must designate appropriate replacement zoning in accordance with its comprehensive land use plan, statute, and rules. Working with landowners, staff created draft replacement zoning maps, which were presented at the August 10, 2022, Commission meeting. The draft replacement zoning maps were posted to a 30-day public comment period, which closed on September 17, 2022. No comments were received, and there were no requests for a public hearing. At the October 12, 2022, Commission meeting, the Commission approved the replacement zoning for the Lower West Branch of the Penobscot River under Amendment A to Zoning Petition ZP 671, which became effective at the expiration of the Plan.

White Mountain National Forest Resource Plan

The White Mountain National Forest Resource Plan, originally adopted by the Commission in 1979, expires in May of 2023. The Plan and accompanying Resource Protection (P-RP) Subdistrict protects approximately 31,000 acres of national forest within the Commission's service area, including much of the 14,000-acre federally designated Caribou-Speckled Mountain Wilderness Area. The purpose of the P-RP subdistrict is to provide for the more efficient and

effective management of single or multiple protection subdistricts. Commission staff are working collaboratively with the United States Forest Service staff, who manage the national forest, toward a 30-year renewal of the Plan.

D. Large-scale Rezoning Proposals

Hammond Ridge Planned Development Subdistrict

In 2021, Hammond Ridge Development Corporation, LLC (HRDC) proposed to establish an approximately 1,409-acre Planned Development (D-PD) subdistrict in T1 R9 WELS, Piscataquis County, and T1 R8 WELS, Penobscot County. The purpose of the D-PD is to allow for the development of a range of complementary recreational, agricultural, cultural, and residential uses, utilizing an existing network of interconnected recreational trails and proximity to both Millinocket Lake and regional recreational assets. In developing the D-PD proposal, the applicant planned to integrate previous plans and balance development, recreation, and conserved space on the property as a whole. Existing zoning included General Management (M-GN), General Development (D-GN), Great Pond Protection (P-GP), Shoreland Protection (P-SL2), and Wetland Protection (P-WL2 and 3) subdistricts. Key components of the proposal included:

- The Development Plan, which outlined the purpose of the D-PD, and proposed allowed uses within three subareas.
- The Lakeshore subarea, a 500-foot wide, 71-acre buffer along the shore of Millinocket Lake, with limited development allowed.
- The Mixed-Use/General Development subarea, approximately 600 acres across four locations, where commercial and residential development would occur.
- The Trails and Forest Management subarea, approximately 738 acres, covering the majority of the D-PD and allowing for trail development, forestry management, and related accessory structures.
- A commitment to a 500-foot wide wildlife passage corridor through the property.

The Commission held a public hearing for the Petition on December 8, 2021, with only the applicant and one interested person testifying in support of the project. At the January 12, 2022, meeting, the Commission approved the D-PD proposal under Amendment B to Zoning Petition ZP 710, which became effective on January 27, 2022.

E. Deorganizations/Organizations

The Commission fills a seat 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 late 2022, Commission staff participated with other members of the Commission for Municipal Deorganization in a meeting with the town of Hanover at its request to provide an overview of the deorganization process. The meeting was well attended, and residents voted down the proposal to deorganize 51 (no) to 14 (yes).

Also, in 2022, Commission staff provided assistance to the Town of Chester and Brighton Plantation. Staff continues to monitor progress by the Town of Chester as they work toward assuming land use authority over a portion of the town that was annexed from T2 R8 NWP in 1997. The Commission has overseen land use for this portion of Chester since the annexation because the Town has not completed the process required by Title 12 to assume land use control of the area that was annexed. In addition, Commission staff responded to requests for information from Brighton Plantation officials regarding the Plantation's land use program. Brighton Plantation assumed land use control authority in 1998. In 2022, the Plantation elected all new members to its Planning Board and sought to hire a new Code Enforcement Officer. Officials have expressed interest in updating the Plantation's land use ordinance, zoning map, and comprehensive plan. In 2023, the Commission's staff will work with local officials to ensure that any updates to their ordinances, map, and plan will not be less protective of resources than the rules and standards adopted by the Commission, as required by statute.

“The Commission has been a constructive regulator ... that signals to us that the Commission really knows this place well and knows how it fits within the region both economically and also the wonderful resource that it is and I want to applaud the Commission for that.”

Tom Federle, Saddleback Resort representative,

January 13, 2021

F. Assisting Property Owners

Commission staff routinely answer questions from the public, including landowners, their agents, and realtors. Pre-application consultation is a staff priority as it consistently results in more complete applications, allowing for significantly faster processing times. Most of these discussions are first handled over the telephone to talk landowners through their options. Staff will then conduct site visits as needed with landowners to discuss their development plans at a more finalized pre-application phase. Staff also conduct pre-construction site visits for projects meeting certain criteria; for example, proposed development with permanent foundations in shoreland areas, near roads, or property lines. These projects are visited before construction to help ensure compliance with previously issued permits and applicable land use standards. Staff conducts random, post-construction site visits as time allows.

In 2022, Commission staff completed numerous site visits. A subset of permits with permanent foundations was randomly selected for post-construction inspections to review foundations that were installed between 2021 and 2022. Of the 77 foundations that were inspected, most were in compliance with the rules or pursuant to a building permit, with a few exceptions, which were either corrected with an amendment to the permit or are still in enforcement negotiations. Completing pre-construction visits and follow-up inspections are vital activities that allow staff

to engage with the public to demonstrate that staff is actively checking for compliance and then working with property owners to achieve compliance.

As the data provided in Sections III(I) and IV(A) below demonstrate, Commission staff were called upon in 2022 to answer questions associated with a significant increase in permitting demand and a very active real estate market. To respond to the demand from both existing and prospective property owners, in addition to the several updates completed in 2020 and 2021, the Commission posted three more updated brochures to the [LUPC website](#):

Accessory Structure Brochure- This brochure describes recent changes allowing certain accessory structures to be constructed without a permit subject to standards. (Published March 6, 2022)

Clearing Standards Brochure- This brochure describes the Commission's requirements for maintaining natural shorelines and roadside vegetation to protect water quality, wildlife, and the natural beauty of Maine. Natural vegetative buffers prevent sediments and nutrients, such as phosphorous, from washing into lakes and rivers. (Published March 24, 2022)

Filling and Grading Standards Brochure- This brochure describes the Commission's requirements for filling and grading activities to protect water quality, wetlands, and wildlife habitats. The requirements covered in the brochure include maximum size limitations, setbacks from waterbodies and wetlands, and stabilization measures. (Published March 28, 2022)

G. Certification and Permitting of Large-scale Development Proposals

Site Law Certifications

Since 2012, the Commission has not been responsible for permitting most larger development projects within Maine's unorganized and deorganized areas. DEP reviews and permits most of these projects, including grid-scale wind energy development and projects triggering the Site Location of Development Law. For these larger projects, the Land Use Planning Commission fills a role similar to that of a municipal planning board and 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 2022, the Commission issued certifications to DEP for Site Location of Development Act and Natural Resources Protection Act applications, where applicable, filed by:

- **Sunday River Ski Resort**

On March 1, 2022, DEP submitted to the Commission a request for certification for the Site Location of Development Act (Site Law) permit amendment filed by the Sunday River Skiway Corporation (SLC15). Sunday River proposed to replace the Jordon Bowl Express chairlift, widen existing ski trails and the lift corridor, discontinue a portion of a service road, and construct a new service road. The work involved Mountain Area Protection and General Management subdistricts in Riley Township. The Commission issued its certification of allowed use for SLC-15 on March 13, 2022, and its certification of compliance with standards on May 20, 2022.

Also, in 2022, Sunday River proposed a 2-foot wide by 1.5-mile-long hiking trail within a General Management subdistrict in Riley Township (SLC 15-A). The Commission issued its certification of allowed use for SLC-15A on September 12, 2022, and its certification of compliance with standards on September 15, 2022.

- **Three Corners Solar Energy Generation Facility**

On February 18, 2022, DEP submitted to the Commission a request for certification for the Site Law and Natural Resource Protection Act applications submitted by Three Corners Solar, LLC for the construction of a 110-megawatt, alternating current, grid-scale solar energy generation facility located in Unity Township and the neighboring Towns of Benton and Clinton. The Commission only has the authority to assess the portion of the project located in Unity Township. On March 3, 2022, the Commission certified to DEP that the Project is an allowed use in the subdistricts in which it will be located. At its May 11, 2022 meeting, the Commission approved the request for certification as Site Law Certification SLC 16.

On November 7, 2022, Three Corners Solar, LLC submitted a request to change proposed underground collection lines to overhead collection lines in Unity Township and the Town of Benton. An affirmative determination letter was issued by the Commission on December 13, 2022.

- **Three Rivers Solar Energy Generation Facility**

On September 30, 2022, the Commission received a request for certification regarding an amendment to the existing Three Rivers Solar grid-scale solar energy generation facility project in T16 MD BPP, Hancock County. The amendment proposed a 20-acre expansion of the project for the installation of additional solar panels. On November 30, 2022, the Commission certified that the uses proposed within the expansion area were allowed in the Resource Dependent Development subdistrict. On December 13, 2022, the Commission issued its Land Use Standards Certification on the amendment.

In total, since the Commission assumed certification responsibilities in September of 2012, the Commission has issued fifteen certifications for the development of new facilities, five for grid-scale wind energy projects, one for reopening a sawmill operation in Aroostook County, one for a proposed wood pellet facility in Washington County (that was not constructed), one for an outdoor education campus facility and associated trail system in Penobscot County, one for an RV park in Washington County, one for a defense training facility in Penobscot County, one for the NECEC transmission corridor, two for solar energy generation facilities, one for a substation expansion proposed by Great Lakes Hydro America, LLC, and one for the Sunday River Ski Resort. In addition, the Commission has issued ten certification determinations for development activity at existing or previously certified facilities. These figures do not include a re-certification of the Weaver Wind project and a grid-scale wind energy project that was withdrawn.

Large-scale Development Proposals

- **Big Moose Resort**

On March 23, 2022, the Commission received an application submitted by Big Lake Development, LLC for Phase I redevelopment of the Big Moose Ski Resort (f/k/a Big Squaw Mountain Ski Resort) located in Big Moose Twp., Piscataquis County (Amendment F to Development Permit DP 3639). The Commission held two public hearings for the proposal on June 7 and August 10, 2022. The Moosehead Region Futures Committee was granted limited intervenor status in the proceeding. Members of the public provided oral and written comments. The record in this matter closed on August 27, 2022.

On September 14, 2022, at its regular business meeting, the Commission voted to accept the staff recommendation to approve the amendment request of Big Lake Development Company as outlined in the draft decision document. Phase I of the redevelopment includes a new hotel, base lodge, tap house, outdoor center, event center pavilion, swimming pool, outdoor parks, installation of new ski and surface lifts, and zip lines. Infrastructure improvements include electric utility lines, replacement snowmaking lines, a mid-mountain pump station, vehicle access and parking, four signs, a potable water system, and sanitary district sewer lines. The project is located within a (D-GN) General Development Subdistrict and a (P-MA) Mountain Area Protection Subdistrict.

H. Completed Rulemakings

In 2022, the Commission completed three rulemaking proposals, the last of which became effective on December 30, 2021.

- Citizens' Petition: Revisions to Chapter 10, Land Use Districts and Standards implementing a citizens' rulemaking petition to prohibit certain marijuana-related businesses from the Community Center Development (D-GN2) Subdistrict within the Prospective Zoning Plan for the Rangeley Lakes Region. The adopted amendments include the prohibition of most medical marijuana and adult use marijuana development involving cultivation, extraction, processing, manufacturing, testing, or sale, within D-GN2 subdistricts.
- Solar Energy Generation Facilities: Revisions to Chapter 10, Land Use Districts and Standards, to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities in response to increased solar development across the Commission's service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities and to specify which land use subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.
- Moosehead Regional Planning Project: Revisions to Chapter 10, Land Use Districts and Standards implementing actions stemming from the 2020-2022 Moosehead Regional Planning Process. The revisions allow for modifying the Location of Development criteria as part of a regional planning process that addresses the location of development

through a balanced and comprehensive regional planning process. Specifically, the revisions refine the Commission's application of the Location of Development criteria in the Moosehead Region by providing for the removal of ten minor civil divisions from primary and secondary locations and for the removal of primary locations around certain Management Class 3 lakes in the region. The revisions also reorganize and clarify the section to better distinguish the primary and secondary locations designated based on the application of the adjacency principle versus changes made as the result of a balanced and comprehensive regional planning process.

Pursuant to [12 M.R.S. §685-A\(7-A\)\(B\)\(6\)](#), the Commission has submitted the Chapter 10 revisions under separate cover to the Joint Standing Committee on Agriculture, Conservation and Forestry.

The Commission also revised its remote participation policy to clarify provisions regarding a Commissioner's advance notice of remote participation.

I. The Commission and its Staff

The [Commission](#) is a nine-member citizen board with county and gubernatorial appointees. Eight of the seats are 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) is responsible for filling one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The Governor fills the final seat on the board. All individuals nominated to serve on the Commission are subject to a public hearing held by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the State Senate. The qualifications an individual must possess to serve on the Commission and the appointment process for both counties and the Governor are set in 12 M.R.S. § 683-A. (See Appendix A for a list of the current 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. Between April 2020 and August 2021, according to the Governor's emergency legislation ([PL 2019, ch. 617](#)) concerning the Covid-19 pandemic, the Commission conducted its meetings virtually using the Microsoft Teams software platform, including two public hearings. On September 8, 2021, the Commission met in person and adopted a Remote Participation Policy. Since then, the Commission has used hybrid formats to conduct its regular business meetings and public hearings.

The Commission is supported by [24 staff](#) positions operating out of [offices](#) in Ashland, Augusta, Bangor, East Millinocket, Greenville, and Wilton. The current Executive Director, Stacie Beyer, was confirmed unanimously by the Commission in December of 2022. The staff also includes a permitting and compliance manager, a planning manager, 12 permitting and compliance staff, five full-time planners (one limited duration position ending June of 2025 unless continued or made permanent), one part-time planner, a programmer analyst, a mapping and graphic arts specialist (limited duration position ending June of 2025 unless continued or made permanent) and a secretary associate. In 2022, the Commission experienced substantial staff turnover and staffing shortages, with 25% of positions vacant at the end of the year. Although managing the staffing shortages was a challenge, open positions have allowed for internal promotion of

exceptional employees and a continuing effort to build an effective team to fulfill the Commission's mandate.

J. Covid-19 and Land Use in the UT

As noted in previous performance reports, the Commission and its staff adjusted quickly and seamlessly to the exigencies of the Covid-19 pandemic. The website and regional offices immediately posted contact information for all staff, home office locations were established and supported by MaineIT and internal LUPC staff, and personal protective equipment was secured for field vehicles and personnel.

In early staff discussions, the Commission correctly anticipated increased interest in building permit activity in the UT. The data provided below, pursuant to 12 M.R.S. § 685-H, demonstrates this increase. Regional office staff noticed in the summer months what the [Maine Association of Realtors documented in November of 2020](#): a significant increase in the number of real estate transactions and the price of Maine real estate. While there are many hypotheses for this dynamic, staff believe the following are significant drivers toward increased building permit activity in the UT:

- Working remotely and remote learning,
- "Stay-cationing," and
- Pandemic "refugees" and pandemic emigration.

The data provided in Section IV below follow the format required by statute. Here we offer a comparison of the change in 2022, 2021, and 2020 compared to 2019:

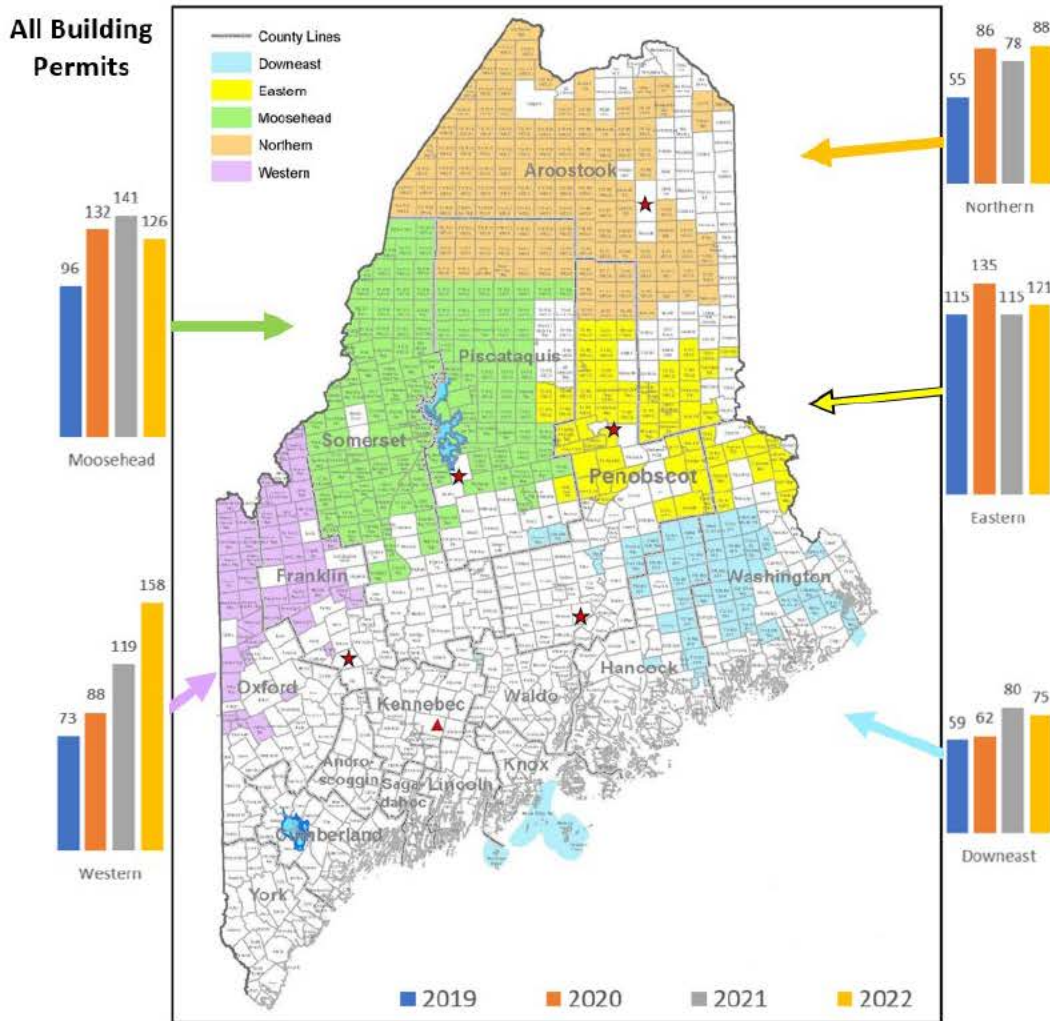
Table A. Residential Development, Highlights (increases)

Permit Type	Increase over 2019		
	2020	2021	2022
Total Residential Development	26%	43%	43%
New Dwellings	47%	89%	122%
Garages	60%	26%	32%
Accessory Structures	96%	141%	52%

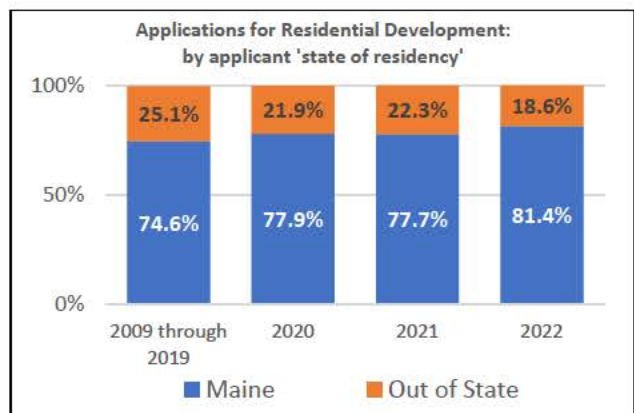
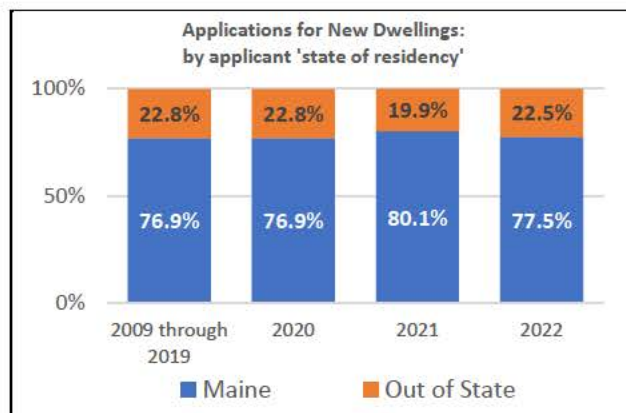
Table B. Residential Development, by 'Primary Activity'

	2019	2020	2021	2022
Total Records (<i>approved, denied, withdrawn, returned</i>)	398	503	570	568
Dwelling: new	111	163	210	246
Dwelling: expansion	76	64	100	53
Dwelling: permanent foundation	9	10	11	11
Dwelling: porch/deck (add, expand, enclose)	22	28	17	29
Dwelling: reconstruction	62	54	56	56
Dwelling: relocation	1	8	1	3
Dwelling: new (renewal)	1	5	1	2
Garage (new, expand, relocate)	47	75	62	62
Accessory structures (new, expansion, relocation, etc.)	27	53	65	41
Campsite	7	3	18	15
Other (<i>e.g., filling & grading, driveway, minor change, etc.</i>)	35	40	29	50

We also asked where this activity was most prevalent in the LUPC service area. That data is depicted below.



Finally, even though the 2020 Maine Association of Realtors (reference linked above) indicates that "One-third of November's sales involved out-of-state buyers, compared to one-fourth during November of 2019," LUPC data demonstrate remarkable consistency in all applicants' state of



residence for LUPC permits in the ten years between 2009 and 2019, in 2020 and 2021, and in 2022.

K. Inter-Agency Coordination

Inter-agency coordination in 2022 focused on climate change resilience and adaptation. As noted in Section IV.E below, a collaboration of representatives from multiple state entities led by Judy East, Director of the Bureau of Resource Information and Land Use Planning, provided training for Commissioners and staff on climate change topics. Commission staff continue to coordinate with state agencies to address sea level rise, including assisting in the final preparation of the report to the Joint Standing Committee on Environment and Natural Resources on sea level rise and discussions regarding the implementation of LD 1970. Then Acting Executive Director Stacie Beyer coordinated with the Department of Environmental Protection to provide training for LUPC staff on shoreline stabilization and erosion control techniques.

Also, on the state level, Commission staff: met with multiple State agencies and stakeholders regarding the regulation of non-water dependent floating structures responsive to LD 626; worked with DACF's Bureau of Agriculture, Food and Rural Resources, and the Maine Agricultural Water Management Board to research and prepare recommendations for streamlining permitting for agricultural water sources responsive to LD 1998; and attended meetings of the Water Resources Planning Committee. Ongoing, Commission staff consult with multiple state agencies for review of development projects to ensure no undue adverse impacts to potential resources present in the vicinity.

Staff also collaborated with agencies at the federal and local level. Commission staff participated in multiple projects with USGS and FEMA on flood zone mapping within the LUPC service area. As part of this coordination, staff provided information and data and reviewed draft floodplain maps. Commission staff also provided reviews for multiple federal projects in the coastal zone to ensure projects were consistent with Commission standards. At the local level, Commission staff reviewed and provided comments on the draft comprehensive plan for the town of New Sweden, which borders on six townships in the LUPC service area.

IV. REPORT ITEMS REQUIRED BY SECTION 685-H

A. Number of Permits Processed in 2022 by Category

In administering its land use standards, the Commission issues permits for a range of activities, including shoreline alterations and construction of new dwellings, campgrounds, certain roads, subdivisions, and utility lines. While not permitting actions, the Commission also reviews and acts on matters such as zoning petitions. These other actions are included in the permitting summary tables for this annual report. However, not all development or Commission assistance 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, since 2012, larger projects within the unorganized and deorganized areas are permitted by DEP (*i.e.*, projects triggering DEP review under the Site Location of Development Law, Maine Metallic Mineral Mining Act, or qualifying as grid-scale wind energy development).

For these projects, LUPC must certify to DEP that the proposed development (a) is an allowed use within the subdistrict or subdistricts in which it is proposed, and (b) meets any land use standard established by the Commission not considered in DEP's permit review. A LUPC certification is not a permit. However, for this report and calculating the processing times presented, certifications are included among the permits grouped 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. If the Commission receives an incomplete application, it will be returned to the applicant. In 2022, the Commission received 61 building permit applications, two development permit applications, and 17 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, 2022¹ 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	505			5	1	511
DP	Development Permit	44		1			45
All Other		89	0	0	3	2	94
BCP	Bridge Construction Permit						0
FOP	Forest Operation Permit	5					5
GP	Great Pond Permit	35			2		37
HP	Hydropower Permit	1					1
RP	Road Construction Permit	3					3
SA	Shoreland Alteration Permit	5					5
SD	Service Drop Permit	18					18
SLC	Site Law Certification	3					3
SP	Subdivision Permit	7			1	2	10
ULP	Utility Line Permit	1					1
WL	Wetland Alterations Permit						0
ZP	Zoning Petition	11					11
TOTAL		638	0	1	8	3	650

Table 2. Permit Processing, 2022 by County

Permit Type	Permit Type Name	Total Actions by County													TOTAL
		AR	FR	HA	KE	KN	LI	OX	PE	PI	SA	SO	WA	WL	
BP	Building Permit	98	108	14			3	27	69	83		61	48		511
DP	Development Permit	12	8	2					6	4	1	6	6		45
All Other		21	11	1	2	0	0	10	13	15	0	12	9	0	94
BCP	Bridge Construction Permit														
FOP	Forest Operation Permit	1	3										1		5
GP	Great Pond Permit	13						2	5	10		4	3		37

¹ LUPC's permitting data represent activities that required permit approval from LUPC when applicants sought permit approval. Commission initiated actions, such as Commission initiated rezonings, are not included in permitting data. 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 LUPC may not have been started or completed. Additionally, some activities may have been completed without a permit where a permit was required.

HP	Hydropower Permit						1							1
RP	Road Construction Permit	1					1		1					3
SA	Shoreland Alteration Permit	1	2				1				1			5
SD	Service Drop Permit	4	2					4	2		3	3		18
SLC	Site Law Certification				1		2							3
SP	Subdivision Permit		4				2		2		2			10
ULP	Utility Line Permit							1						1
WL	Wetland Alterations Permit													
ZP	Zoning Petition	1		1	1		1	3			2	2		11
	TOTAL	131	127	17	2		3	37	88	102		79	63	650
<i>Towns, Plantations, Townships, and (Islands) served by the LUPC</i>		124	31	16	1	3	2	21	46	90	1	88	36	459
				(71)		(88)	(37)			(109)			(70)	(2)
														(308)

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

Table 3. Permit Processing, 2017-2022 Totals

Permit Type	Permit Type Name	Total Applications Processed					
		2017	2018	2019	2020	2021	2022
BP	Building Permit	438	404	398	503	526	511
DP	Development Permit	42	57	44	44	41	45
All Other		83	132	79	112	114	94
BCP	Bridge Construction Permit	2	0	0	3	4	
FOP	Forest Operation Permit	8	7	7	4	11	5
GP	Great Pond Permit	43	80	46	52	42	37
HP	Hydropower Permit	3	0	1	1	0	1
RP	Road Construction Permit	2	6	2	5	5	3
SA	Shoreland Alteration Permit	1	7	5	6	4	5
SD	Service Drop Permit	15	17	7	26	29	18
SLC	Site Law Certification	1		4	4	3	3
SP	Subdivision Permit	3	5	2	5	10	10
ULP	Utility Line Permit	2	1	1	1	1	1
WL	Wetland Alterations Permit	0	3	0	1	1	
ZP	Zoning Petition	3	6	4	4	4	11
	TOTAL	563	593	521	659	681	650

Table 4. Permit Processing, Annual Average by Outcome Over 30 Years (1993-2022)

Permit Type	Permit Type Name	Annual Average of Applications Processed					Total
		Approved	Approved / Denied in-part	Denied	Application Withdrawn	Application Returned	
BP	Building Permit	439	6	2	1	4	452
DP	Development Permit	54	1	<1	<1	1	58
All Other		84	3	1	<1	2	89
BCP	Bridge Construction Permit	3			<1	<1	4
FOP	Forest Operation Permit	9	<1		<1	<1	9
GP	Great Pond Permit	25	1	<1	<1	<1	27
HP	Hydropower Permit	1	<1				1
RP	Road Construction Permit	4	<1		<1	<1	5
SA	Shoreland Alteration Permit	5	<1	<1	<1	<1	6
SD	Service Drop Permit	10	<1		<1	<1	10
SP	Subdivision Permit	9	<1	<1		<1	9
ULP	Utility Line Permit	9	<1	<1		<1	9
WL	Wetland Alterations Permit	1	<1			<1	1
ZP	Zoning Petition	8	1	<1		<1	10
	TOTAL	578	10	2	1	8	599

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. 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, 2022

Determination Type	Actions Processed
Advisory Rulings	10
Boat Launch Notifications	0
Certifications of Compliance	21
Coastal Zone Management Area Consistency Determinations	2
Letters of Exemption	0
Maine Forest Service Review and Approvals	1
Water Quality Certifications (not incorporated in other permits)	0
TOTAL	34

B. Time for Rendering a Decision



GOAT icon

The Commission utilizes a database referred to as the Geographically 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 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 for rendering a decision can be calculated by comparing

the date when an application is 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.

Any number of factors may impact permit processing times. For example, a thorough or well-prepared application may help expedite review. Staff diligence and permitting workload 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 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 comply with applicable rules and standards.

- Permits that are denied typically involve longer review times due to the effort to identify an approvable alternative for the project. The same is true for withdrawn applications. In some instances, an applicant may 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 the 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.

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

- Building Permits – Of the 510 building permit applications, the Commission processed 22 percent in less than one full day and 73 percent in a week or less.
- Development Permits – Of the 45 development permit applications, the Commission processed 40 percent in a week or less and 64 percent in four weeks or less.
- All Other Permits – Of the 94 permit applications in the "all other" category, the Commission processed 50 percent in a week or less and 68 percent in four weeks or less.

Figure A. Permit Processing Times, 2022 – Building Permits

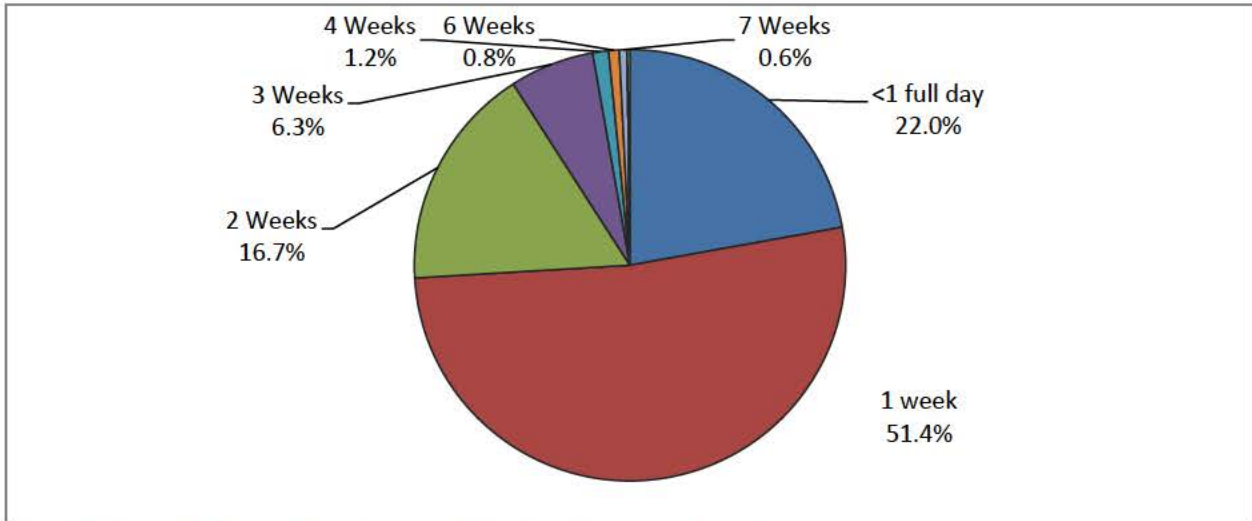


Figure B. Permit Processing Times, 2022 – Development Permits

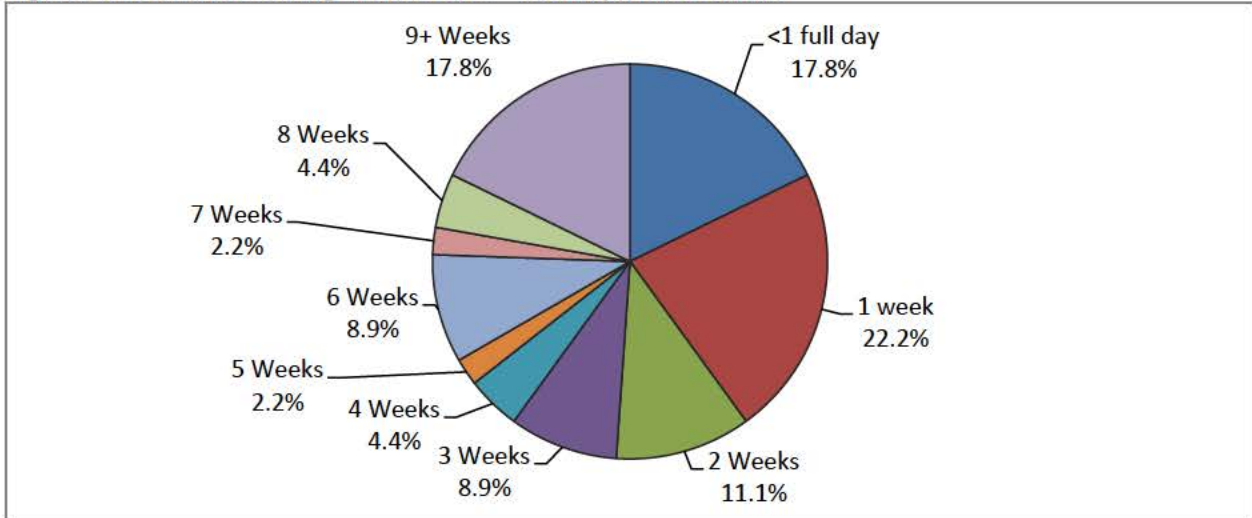
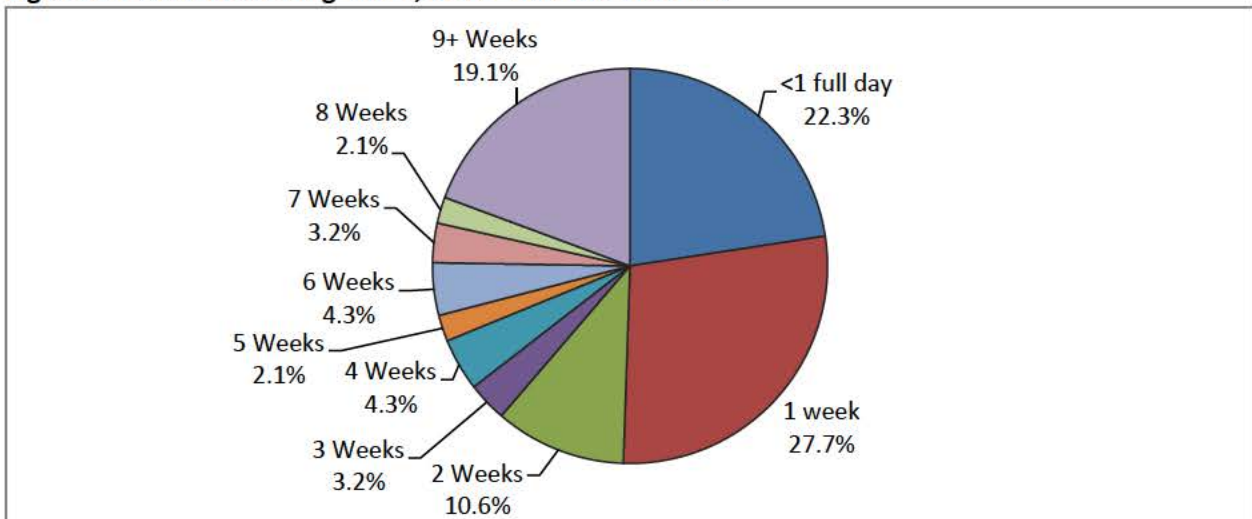


Figure C. Permit Processing Times, 2022 – All Other Permits



Tables 6 and 7 present the average and median processing times for 2022 and, to provide context, for the preceding five 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 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.

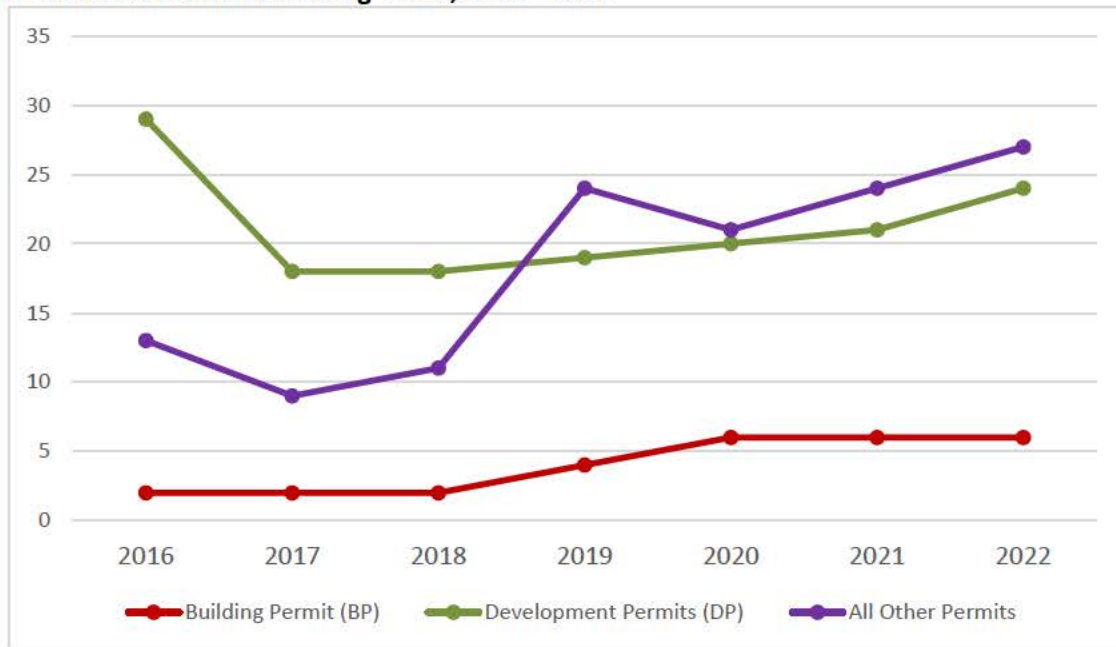
Table 6. Permit Processing Times, 2022

Permit Type	Processing Times (Days)	
	Average	Median
Building Permit (BP)	6.1	5.0
Development Permits (DP)	23.6	14.0
All Other Permits	27	8.0

Table 7. Annual Permit Processing Times, 2017-2021

Permit Type	2017		2018		2019		2020		2021	
	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)	Average (Days)	Median (Days)
Building Permit (BP)	2	<1	2	<1	3.9	1	5.7	<1	6.0	3.2
Development Permits (DP)	18	14	18	9	18.8	8	20	16.5	20.7	15.0
All Other Permits	9	<1	11	<1	24	6	20.9	<1	23.9	8.0

Figure D. Annual Permit Processing Times, 2016 – 2022



Permit processing times for the past year show a slight increase over the previous five years of data, particularly the median for building permit applications and the average for non-residential development permit applications. Although many factors play a role in permit processing times, the Commission believes there are three key factors in play at this time.

First, there has been a significant increase in building activity in the UT; the overall increase in permitting actions was up 25%, and the increase in residential permitting actions was up 43% over 2019 levels. Second, in 2021, Commission staff initiated a more appropriate interpretation of the Maine Administrative Procedures Act (APA) regarding public notice requirements (Title 5, Chapter 375, §9052). The public notice requirements of the APA apply to residential building permit applications, and the previous practice of issuing those permits in less than one day does not comply with the APA. Instituting a public notice period resulted in an increase in the median processing time for residential building permits. Finally, Commission staff placed a higher priority on issuing residential building permits in a timely manner over the issuance of the often more complex and time-consuming, non-residential development permits.

Considering the significant increase in permit applications, the enormous number of inquiries from the public, and the large and growing issues around enforcement, the reported permit processing times indicate continued staff efficiency and represent agency actions that remain within reasonable timeframes.

C. Pre-application Consultation Activities

The Commission has developed procedures by which an applicant may request a public pre-application consultation meeting with the Commissioners to discuss a project. This is an option provided for in [Public Law 2011, chapter 682](#). Staff notifies potential applicants of this option. In 2022, the Commission did not hold any public pre-application meetings.

Additionally, Commission staff routinely meet with prospective applicants to provide assistance and guidance regarding the application processes. Staff also provide unofficial but documented staff opinions through advisory rulings and letters of exemption. In 2022, the staff issued ten advisory rulings.

D. Regional Planning and Zoning Initiatives

Legislation enacted in 2012 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." P.L. 2011, ch. 682, § 34. Over the past nine years, the Commission has worked to fulfill this mandate through extensive outreach and Community Guided Planning and Zoning (CGPZ) initiatives in Aroostook County, Washington County, and Western Maine and has reported on these efforts in past Annual Performance Reports. Insights gained by the Commission through these past CGPZ initiatives across multiple regions continue to inform the Commission's work with local communities and regional partners throughout the jurisdiction.

While there were no specific projects in 2022 under the auspices of the CGPZ program, Commission staff were actively engaged in two regional planning initiatives: 1) The regional planning process in the Moosehead Region (see Section III, B), and 2) Exploring with community leaders their desire for a potential update to the Prospective Zoning Plan for the Rangeley Lakes Region. Commission staff remains available to assist with future community-driven planning processes in any region should they be proposed by stakeholders and provided the agency has the required resources to engage in such a process effectively.

E. Staff and Commissioner Training

Staff Training and Customer Service

In 2022, Commission staff attended internal and external training sessions and workshops to help deliver quality customer service. Despite some continuing challenges posed by Covid-19 throughout 2022, staff sought out training across multiple areas, including training on a new digital fee payment system, LUPC subdivision layout and design standards, cyber security awareness, erosion and sedimentation control, shoreline stabilization, solar siting, operation of Garmin InReach devices, and climate change. Staff also attended conferences that covered a variety of land use planning, natural resources, and technology topics, including the Maine Grow Smart Summit, New England Chapter of the American Planning Association Conference, Build Maine Conference, Watershed Managers Roundtable, Maine Association of Professional Soil Scientists and Maine Association of Wetland Scientists' Natural Resources Workshop, Maine Association of Conservation Commissions Conference, and Maine GIS Users Group Conference. Trainings such as these help position staff to deliver the quality service the Commission strives to provide.

External staff training in 2022 highlights include:

- *Shoreline Stabilization and Erosion Control* – On August 4, 2022, Commission staff attended a day-long training on *Shoreline Stabilization and Erosion Control*. This training included a presentation by John Maclaine of the Maine Department of Environmental Protection's Nonpoint Source Training Center covering various shoreline stabilization methods, from traditional riprap to new living shoreline techniques and best

management practices for erosion control. The training also included a field component visiting sites with active shoreline erosion and completed shoreline stabilization projects.

- *Security Training* – Between February and October 2022, LUPC staff completed the *2022 Security Awareness Training*. This online training helps staff better recognize and avoid any potential security threats to the computer and online files and the organization as a whole.

Internal State trainings in 2022 included:

- *Digital Payment Training*- On January 3, 2022, Commission staff attended training organized by Ellen Jackson, Programmer Analyst, on the Commission's new online credit card payment system. This training allowed staff to understand how the online payment system works, so they can better guide applicants choosing to pay application fees by credit card instead of a paper check. Applicants and staff have received the new digital payment system well.
- *Subdivision Layout and Design Standards*- In March and May of 2022, Commission staff attended internal training provided by Eric Larsson, Acting Senior Planner, on the Commission's relatively new Subdivision Layout and Design Standards, including information on new tools for evaluating compliance with the standards, review of subdivision examples, and guidance for amendments to existing non-conforming subdivisions. The training offered helpful information to staff for improved pre-application assistance to landowners considering subdivision development in the Commission's service area.
- *Geographically Oriented Action Tracker Training* – Throughout the Fall of 2022, Ellen Jackson also provided Commission staff training on the Commission's redesigned Geographically Oriented Action Tracker database (GOAT). GOAT is a mission-critical database that tracks all regulatory actions of the Commission, including advisory rulings, permit applications received, permitting and zoning decisions, and enforcement actions. The GOAT database redesign has been a significant project managed by the DACF Director of Earth Resources Information, Christian Halsted, and LUPC Programmer Analyst, Ellen Jackson to improve functionality and access for maintenance. Staff knowledge of the redesign will improve efficiencies for entering and retrieving data and answering questions posed by landowners and other stakeholders about existing development within the LUPC's service area.

Commissioner Orientation and Continuing Education

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

Over 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. The Commission decided to focus training in 2022 on

climate change and land use resilience. A series of three workshops were held at the Commission's regular business meetings in July, October, and November, a collaboration led by Judy East, Director of the Bureau of Resource Information and Land Use Planning. The first workshop in the series featured an overview of the science, including presentations by Judy East; Dr. Cassandra Rose, Governor's Office of Policy Innovation and the Future; and Steve Dickson,

Over 50 years of balancing the unique character and vital economy of Maine's Unorganized Territory

DACF's Maine Geological Survey. The second workshop covered the role of forests, carbon sequestration, and forest fires, including presentations by Judy East; Tom Gordon, DACF Commissioner's Office; and Patty Cormier, DACF's Maine Forest Service, with assistance from Ivan Fernandez, University of Maine Climate Change Institute and School of Forest Resources. The final workshop focused on

land use resilience and included presentations by Judy East; Samuel Roy, and Heather Dumais, Maine Emergency Management Agency; and Jeremy Bell, The Nature Conservancy. These workshops were noticed on the Commission's meeting agendas and were open to Commission staff and the public.

V. COMMISSION GOALS FOR 2023

The Commission expects that 2023 will be another challenging year, with incoming permit applications and enforcement cases still at high levels, hiring challenges, and insufficient staff to meet current agency needs. At the same time, important State-wide policy discussions and initiatives continue to take place that the LUPC will need to play a role in, particularly the implementation of *Maine Won't Wait, a Four-year Plan for Climate Action*, addressing floodplain management, fire safety, drought and agricultural water use, housing issues including short-term rentals and low-income housing, accessory structures, and solar energy facility siting and development standards. As staff resources allow, we will monitor the statewide discussions, complete policy analyses, and develop rule revision proposals that provide the best path forward for Maine's unorganized territories and, where possible, ensure a consistent statewide approach for the people of Maine.

During 2023, Planning staff will complete the community outreach begun in 2022 for the Rangeley Lakes Prospective Zoning Plan and develop the next steps for that Plan, which is passed the end of its 20-year planning horizon. Staff resources will also be devoted to renewing or developing replacement zoning for expiring resource and concept plans, including the White Mountain National Forest Resource Plan, Attean Twp. and Dennistown Plt. Concept Plan, and the Brassua Lake Concept Plan. Permitting and Compliance staff will work to complete and implement an enforcement work plan to increase staff field presence and reduce the backlog of active and potential enforcement cases. Staff will also continue work on process efficiency improvements, including updating decision document templates using improved formatting, developing consistent standard conditions for all permit types, and making significant progress in drafting new public outreach materials, all to free up staff resources, where possible, to focus more time on the enforcement case backlog. Partnering with other State agency resources, staff

will monitor the Commission's digital payment system and the redesigned Geographically Oriented Action Tracker database to make sure they function as intended. LUPC's action tracking database is a mission-critical tool needed to track development activity, identify trends, and proactively plan for potential risks and impacts.

To improve customer service, we will continue to build on the significant improvements made in 2021 to three of the Commission's application forms by using the successful format to update and release more forms, with an anticipated focus on launching the Commission's updated building permit application form, the form most commonly used by the public. Commission staff will explore the use of the DocuWare software platform to archive and organize documents, including permitting records, and to create an online building permit application form that will provide a more user-friendly, efficient process for requesting building permits. In addition, LUPC will continue to work on website improvements to help landowners with direct access to the most commonly requested information and obtain answers to the most frequently asked questions.

Throughout each year, the Commission reviews its goals and priorities to best focus its efforts and efficiently use its resources. In all our endeavors, we engage with key local and regional groups and officials involved in land use and economic development planning for rural Maine.

Specifically, the Commission's goals for 2023 include the following:

Policy and Rulemaking

- Engage in policy development and rulemaking initiatives to address relevant recommendations of *Maine Won't Wait, a Four-year Plan for Climate Action* released in December 2020 by the Maine Climate Council, including updating the Commission's floodplain management standards, researching provisions for forest fire protections, and streamlining procedures for agricultural water use and water withdrawals responsive to LD 1998.
- Finish the research and begin implementing policy and rule change options, where needed, to address accessory dwelling units, short-term rental units, and other housing needs of the Commission's service area.
- Develop conceptual standards and possible rule changes for Part II of the Commission's rulemaking to expand solar siting and development standards, particularly for small and mid-size solar energy generation facilities.
- As resources allow, complete the necessary research and begin a facilitated stakeholder process for updating the Commission's lighting standards and evaluating the possible adoption of standards consistent with "Dark Sky" principles.

Planning and Community Engagement

- Complete work already begun with the U.S. Forest Service to renew the expiring White Mountain National Forest Resource Plan.
- Process a staff-initiated petition to establish replacement zoning for the area in the Attean Twp. and Dennistown Plt. Concept Plan, which will expire in July of 2023.
- Begin the process for either renewing or adopting replacement zoning for the Brassua Lake Concept Plan, which expires in January 2024.
- Complete community outreach and develop a plan addressing any next step(s) for the Rangeley Lakes Prospective Zoning Plan following the 20-year review of the Plan completed in 2022.
- Continue working with towns and plantations potentially interested in making changes to the current authority for land use controls, including assisting the Town of Chester in assuming land use control over the area they annexed from T2 R8 NWP Township in 1997, as resources allow.

Permitting and Compliance

- Complete and implement an enforcement work plan that focuses on steps to increase staff field presence and reduce the backlog of pending active and potential enforcement cases. The plan will include enforcement procedures, staff training opportunities, clear expectations, and updated template documents.
- Complete process efficiency improvements, including updated decision-making templates, developing consistent standard conditions of approval for all permit types, and working on relevant public outreach materials.
- Monitor the Commission's digital payment system and redesigned Geographically Oriented Action Tracker database to ensure the functionality works as intended.

"I thought it was a great online payment experience ... I was impressed ..." Applicant

Customer Service

- Expand on the work completed in 2022 to identify frequently asked questions, common errors in permit applications, and common land use violations. Projects will also include developing online resources, including FAQ documents, application instructions, examples of complete applications, and training videos to more efficiently assist landowners and applicants, as well as improve the completeness of permit applications and compliance with Commission rules and standards. LUPC also plans to update its website to make all new resources easily accessible to applicants.
- Launch the Commission's reformatted and updated Building Permit Application and research options for creating an online version of that application, including using the DocuWare software platform. LUPC will also continue work to update other application forms with the new format as time allows.

- Continue to expand and enhance the Commission's effectiveness and modes of communication with landowners, stakeholders, and the public.



Bullfrog, 2022, C Michaud-LeBlanc, LUPC

In addition to its list of goals and policies, the Commission recognizes the necessity of responding to new issues as they emerge or as priorities shift.

Finally, throughout the year, the Commission and its staff are committed to continuing work to provide efficient, quality service to the people with whom they interact and the people of Maine as a whole.

**Appendix A:
LUPC Commissioners as of December 31, 2022**

The Land Use Planning Commission is a 9-member, citizen board with both county and gubernatorial appointees. Eight of the seats are 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) is responsible for filling one seat: Aroostook, Piscataquis, Somerset, Penobscot, Washington, Franklin, Oxford, and Hancock. The final seat on the board is filled by the Governor.

The qualifications an individual must possess to serve on the Commission and the appointment process for both counties and the Governor are set in statute, 12 M.R.S. § 683-A.

The following table shows who currently fills each seat on the Commission 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
1	Perry Ellsworth	Governor	4/11/2022	7/9/2024
2	Millard Billings	Hancock	2/26/2021	7/9/2024
3	Peter Pray	Penobscot	7/9/2021	7/9/2025
4	Betsy Fitzgerald, Vice-chair	Washington	7/9/2021	7/9/2025
5	Lee Smith	Oxford	1/21/2020	11/4/2023
6	William Gilmore	Franklin	3/6/2020	8/20/2023
7	Gwendolyn Hilton	Somerset	7/29/2019	7/29/2023
9	Leo Trudel	Aroostook	4/22/2021	3/13/2025
10	Everett Worcester, Chair	Piscataquis	7/13/2021	5/22/2025

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 before 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 ²
AR	Advisory Ruling	A documented yet informal staff opinion requested at the option of the landowner/developer. Applicants typically seek advisory rulings to receive advice as to whether or not a permit is required for specified activities or 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.
BLN	Boat Launch Notice	A landowner notification to LUPC, after providing their intent to file notice yet before construction or repair of a boat launch, in accordance with Section 10.27, L of the Commission's <i>Land Use Districts and Standards</i> .

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

Type	Permit Type	General Description ²
BP	Building Permit	Permits for activities associated with residential development that requires a permit (<i>e.g.</i> , activities involving: a camp, a garage, or porches).
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 LUPC staff regarding concurrence with the Federal Consistency Determination; that the proposed activities in Federal Waters within the coast of Maine are consistent with State core laws. (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 stores, warehouses, mills, wind turbines, campgrounds, or resorts,)
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 LUPC, of their intent to file a Boat Launch Notification (BLN) described above, in accordance with Section 10.27, L of the Commission's <i>Land Use Districts and Standards</i> .
LAR	Letter of Exemption/Advisory Rulings	A letter from 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</i> AR and LOE herein.)

Type	Permit Type	General Description ²
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 exempt utility lines; 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. § 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, historical, cultural, or scenic resources, with the technical review of these activities remaining with the MFS. When conducted in development subdistricts and development areas in Resource Plan Protection Subdistricts (P-RP), these activities are regulated by the Commission and not the MFS.
MISC	Miscellaneous	Applications returned or withdrawn before assignment of permit type. In GOAT queries, these applications will be identified by the unpopulated "Permit_Type" and "ActionNumber" fields.
RP	Road Construction Permit	Permits for the construction, realignment, and substantial repair of roads (excluding land management roads).
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 water body, and utility lines within or buried beneath a wetland or waterbody).

Type	Permit Type	General Description ²
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 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, or telephone lines) 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).
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. ³ 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). See Section 10.08 of the Commission's <i>Land Use Districts and Standards</i> .

³ [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](#).