

LURC Reform Commission

DRAFT Revised Agreements of December 1, 2011

Bangor Masonic Center – Bangor, ME

Item 1: Independent Agency

- a. Retain jurisdiction-wide land use agency with a changed name.
- b. Hold meetings in the UT or as close as possible.
- c. Locate as many staff as close to the jurisdiction as is feasibly possible.
- d. Adopt the revised purpose and scope.

Item 2: Commission Membership

- a. One county commissioner or designee from each of the 6 largest UT counties, appointed by county commissioners.
 - i. If a county does not appoint, appointment falls back to Governor.
- b. 3 from Governor
 - i. Subject to approval of legislature.

Item 3: Staff and Training

- a. Staff should receive regular training to address customer service and other needs.
- b. Staff shall develop and implement policy guidance memos to improve predictability, consistency and fairness of rules and standards, and shall make readily available to public.
- c. Staff shall review and revise Chapter 10 rules to improve definitions, standards, permit-by-rule, nonconforming uses, Concept Plans, etc. with the goal of making the rules, rezoning and permitting processes more user friendly and consistent.
- d. Commissioners shall receive training including orientation and continuing education on Title 12, Chapter 10 and regulatory processes.
- e. Explore potential to cross train DOC field staff and county personnel (see Section 5b below on opportunity for counties to be delegated permitting functions) to handle small permits.

Item 4: Planning and Zoning

- a. Allow and encourage counties, separately or in partnership, to petition the commission to initiate a process for developing and implementing a regional comprehensive land use plan and zoning for all or a part of their jurisdiction; Each regional planning and zoning committee should:
 - i. Draw on expertise and input from representatives from the Regional Economic Development Commission, Regional Planning Commission, the public, UT landowners, and residents of the UT;
 - ii. Incorporate representatives of the service center communities (and any neighboring communities that wish to be included) with the goal of developing one plan that serves economic development planning in both the service center and the adjacent unincorporated townships.

DRAFT

- b. Provide a process for a county to seek exclusion 3 years after the effective date of legislation to implement these recommendations and to take on full responsibility for land use planning and regulation within the unorganized territory of their county, provided the county has:
 - i. Created a county charter
 - ii. A Title 30-A (Growth Management Act) compliant CLUP approved by SPO or its successor
 - iii. Hired necessary planning, permitting, and code enforcement staff
 - iv. Created a planning board, zoning ordinances, and board of appeals.
- c. Amend statute to provide that the jurisdiction-wide Comprehensive Land Use Plan (CLUP) in the future shall be approved by an up or down vote of the Legislature, after review by the legislative committee of jurisdiction (akin to the adoption by Town Meeting or City Council of a local Comprehensive Plan). If approved, it shall go into effect; if rejected, it shall be revised by the commission to address concerns raised.

Item 5: Permitting and Regulation

- a. Provide opportunity for counties, or groups of counties, to request approval to be delegated small permitting functions (similar to the way MeDEP is authorized to implement some federal environmental laws) e.g.,
 - i. Building permits
 - ii. Accessory structures
 - iii. Additions/renovations
 - iv. Shoreland alteration permits
- b. All existing permits and Concept Plans will be honored and finally administered by LURC.
- c. Expand permit by rule to additional applications, including accessory structures to commercial projects, docking structures, and shoreline alterations.
- d. Transfer to Maine Forest Service the regulation and enforcement of forest management activities in the UT.
- e. Transfer to the DEP all permitting for wind power projects and other large projects that trigger Site Law.
- f. Institute an optional workshop format to preview large projects with commissioners, providing an informal setting to discuss issues and receive input before the formal process begins.
- g. Eliminate “demonstrated need” standard for rezoning.
- h. Enforcement duties shall be handled statewide by commission staff or delegated to counties who have demonstrated capacity for the permitting functions in 4b above.

Item 6: Appeals

- a. Meetings and public hearings of an appeal shall be held at a location as close as possible to the project(s) under consideration for appeal recognizing that multiple appeals from widely dispersed geographic areas may not all be accommodated close to their project (Maine is a big place).

Item 7: Performance Goals and Oversight

DRAFT

- a. The commission shall report to the legislative committee of jurisdiction by January 15 of each year on the following:
 - i. Number of permits processed for the previous year, by category; the average time of pre-application consultation; the average time for reaching a decision (approval/denial); and goals for improvement in processing times for the year ahead.
 - ii. Status of regional planning and zoning initiatives, with goals for the year ahead.
 - iii. Description of staff training initiatives to ensure increased customer service and consistency in application of commission rules and regulations, with goals for the year ahead.
- b. The legislative committee of jurisdiction shall hold a public hearing annually for the presentation of the annual performance and goals report, to be presented by the Chair and other members of the commission, with an opportunity for public comment.

Item 8: Maintain Statewide UT Values

- a. We recognize that all the people of Maine and the landowners value the UT for the vastness of its forests, its exceptional water and wildlife resources, and for the people of the UT and their exceptional quality of life, and the recognition of the tradition and rights of private property.