

Forward-looking Recommendations from a Large Landowner Perspective

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MISSION

During LURC's Comprehensive Land Use Plan revisions residents and landowners became increasingly concerned that they were being relegated to "special interest" status, rather than being recognized as primary stakeholders in the jurisdiction. LURC was interpreting its Purpose and Scope to mandate planning primarily for the benefit of the public, rather than balancing the Plan to meet the needs of both the public and residents and property owners. This concern was recognized by the Legislature in 2009 and they amended the language:

"The Legislature declares it to be in the best interest, for the public benefit, for the good order of the people of this state and for the benefit of property owners and residents of the unorganized and deorganized townships of the State, to encourage the well-planned and well-managed multiple use of land and resources. The Legislature acknowledges the importance of these areas in the continued vitality of the State and local economies. Finally, the Legislature desires to encourage the appropriate use of these lands by residents of Maine and visitors in pursuit of outdoor recreational activities, including but not limited to, hunting, fishing, boating, hiking and camping."

Unfortunately, LURC staff and the Commissioners believed changes to the draft CLUP as a result of this Legislative act were unwarranted because they believed the new CLUP reflected these new perspectives. However, the following language contained in section 7-2 of the 1997 CLUP was deleted in the new CLUP despite vehement protests by the landowners:

"For lands found to be appropriate for increased protection, the Commission, working with landowners, shall promote appropriate conservation measures-regulatory and nonregulatory. Measures used to advance this policy shall be adopted only with the agreement of affected landowners."

- LURC Reform Committee recommendations will require clear and unambiguous statements of intent.

INDEPENDENT AGENCY

- Landowners concerned with the insular structure of LURC with appointed positions and an entrenched staff.
- Can a structure be designed that is responsive to regions and survive political pendulum swings?

GOVERNING BOARD

- *Should LURC be governed by a centralized statewide Board or regional boards that have a council for coordination?*
- Originally landowners designed a structure that maintained central control but focused on a municipal model of elected selectman (component of County Commissioners) separating out planning functions.
- KABOOM! model was rejected by the majority of large landowners, but negotiations with Maine Association of County Commissioners lead to a County/State central control board with options for counties to petition for authority.

BOARD MEMBERS

- Fundamental question for landowners is whether these positions should be appointed or elected.
- Currently Commissioners are insulated with broad interpretative powers. Landowners generally liked more of a municipal model with elected officials. Established more of a regional perspective that was tuned into a balance of public and private interests.
- A combination of county commissioners and appointed positions is acceptable to landowners.

PLANNING

- Landowner concern is the bias of planning staff towards *preservation* of the status quo. This was evident in statements that ability to guide location of development was limited.
- Landowners need to be confident that the planning process will include them.
- Model options:
 - State wide board facilitating regional planning
 - Regional groups with a central coordinating function.
- Planning on 10 million acres requires breaking into manageable pieces. Need to determine planning scale.
- Protection of existing Concept Plans.

ZONING

- Should zoning be decided by a statewide Board or regional boards? Most landowners are supportive of a statewide board.
- Allow for unique categories in regions (blueberries & cranberries)
- Prospective zoning – limited experience in Rangley (most of the area previously conserved).

PERMITTING

- Maine Forest Service regulates forest management activities.

- MDEP (MFS enforcement) regulates activities that impact natural resources in the UT under the NRPA.
- MDEP regulates large scale development in the UT under the Site Law.
- Who should regulate residential and smaller development projects in the UT – LURC staff or regional boards?
- Regulation of stormwater & mining activities– DEP, LURC or regional board?

STANDARDS

- Change regulatory requirements that are only encountered in LURC law and create a level playing field throughout the state. For example, terms like “adjacency”, “demonstrated need” need to be eliminated as too subjective, and preserve the definition of subdivision to be anything where more than two lots are created within five years.
- Examine merging LURC statute with other municipal and county land use statutes (Title 30-A)

APPEALS

- Permit, planning and zoning decisions need a mechanism for appeal.
- Who should hear appeals of staff or regional decisions? Central Board or court?

STAFF OFFICES

- Land use planning needs more local staffing and processing functions to ensure greater understanding of regional needs. Oversight of rules and regulations needs to be moved into the regions and closer to the citizens operating under the regulatory authority.

FUNDING

- Any new governance structure should be no more costly than the delivery of current services.
- Budgeted revenues should be based on current general fund appropriations, property taxes, and permit fees and penalties

DELEGATION TO TOWNS/COUNTIES

- What should be the requirements for a town/plantation/county to assume land use regulation authority?

LEGISLATIVE OVERSIGHT

- ACF Committee or Select Committee of UT legislators