

# SUPPORT

## **LD 819 – Resolve, To Improve the Predictability of Land Use Regulation in the Unorganized Territories**

**Sponsor:** Representative McCABE of Skowhegan

**Co-Sponsors:** Representatives EDGECOMB of Caribou, HAYES of Buckfield, MARTIN of Eagle Lake, and Senators JACKSON of Aroostook, PATRICK of Oxford, and SHERMAN of Aroostook

**Summary:** This resolve directs the Land Use Regulation Commission (LURC) to initiate prospective zoning in a portion of the unorganized territories, establish a stakeholders group to begin implementing the 2010 Comprehensive Land Use Plan, and develop a faster “permit-by-rule” process for routine and minor activities that meet established standards.

**Explanation:** This resolve would initiate important planning activities, and would result in development of expedited permitting procedures, that would increase predictability for developers seeking permits in LURC jurisdiction.

One of the reasons that developers in the unorganized territories currently are required to secure “rezoning permits” when they want to develop is because LURC has only established a forward looking zoning plan (prospective zoning) for one region (Rangeley) of the jurisdiction. Current zoning across the rest of the unorganized townships resulted from setting zones based on what was there when LURC was established in 1970.

LURC’s 1997 comprehensive land use plan identified the value of doing prospective zoning in multiple regions, but only a plan for Rangeley has been completed. This resolve would elevate the importance of conducting additional prospective zoning, in a fashion that could help guide developers to appropriate areas for development, and also indicate which areas should be conserved. Section 1 of this resolve directs LURC to choose another region and begin prospective zoning by July 2011, utilizing a process similar to what was used to create the Prospective Zoning Plan for the Rangeley Lakes Region that became effective January 1, 2001.

Section 2 of LD 819 directs LURC to initiate implementation of its 2010 Comprehensive Land Use Plan (CLUP), which was adopted after five years of research, analysis, public hearings, and meetings. The CLUP identifies a number of policies and practices that will help provide for improved management of the full range of values and uses in the 10.3 million acres that comprise the LURC jurisdiction. LD 819 specifically directs LURC to establish a process for public participation, including local and regional input, before revising any policies or practices.

Many routine and minor activities in LURC (and DEP) jurisdiction are regulated by a permit-by-rule (PBR) process. Under a PBR process, LURC sets specific standards for the particular activity, and a landowner simply has to state that he or she will meet the required standards in order to get a permit. This streamlined process is very efficient, providing permits within days. Section 3 directs LURC to identify whether additional routine and minor activities could be covered by a PBR process, in addition to those for which PBR already is available. Any such activities would be recommended to the Legislature by January 15, 2012.

**NRCM supports LD 819.**