Proposed Reforms of the Land Use Regulation Commission
Submitted by a broad coalition of environmental and planning organizations*
Oct 6, 2011

Summary: Our coalition believes that a significant package of reforms can and should be adopted that would improve the consistency, predictability, and customer orientation of the Land Use Regulation Commission (LURC). The suggested reforms described below would increase local input, improve the process for permit appeals, increase regional representation on the Commission, decrease permit processing time for small projects, and improve customer service at LURC. As a package, these reforms will improve the responsiveness of LURC in meeting its statewide responsibilities of serving the interests of all Maine people.

1. **Increase Local Input and Impact:**

    a. Assist the 40 towns and plantations under LURC in assuming local control:
        i. Direct LURC to notify each of the 40 towns and plantations within its jurisdiction that the law provides the option for them to assume local control for land use activities. LURC should provide information on how to withdraw from LURC, and should provide assistance to any towns and plantations that choose to do so. An estimated 4,000 of the Unorganized Territory's (UT) total population of about 12,000 residents live within these towns and plantations. This reform thus provides a clear path to full local control for one-third of the UT's residents.

    b. **Facilitate regional planning and zoning:**
        Direct LURC to facilitate **regional planning and zoning** in those regions that request it. LURC should provide annual notices of this service. LURC should provide multiple opportunities for residents of the region to participate in the planning process (through meetings, written comments, online communication, etc.) LURC will need adequate staff to facilitate these planning and zoning efforts in addition to other responsibilities. Each regional planning and zoning effort should:

        i. Include representatives from the Regional Economic Development Commission, Regional Planning Commission, and Department of Economic and Community Development;
        ii. Incorporate representatives of the region's service center community (and any other nearby organized communities outside of LURC that wish to be included) with the goal of developing one plan that serves both the service center and the adjacent areas within LURC jurisdiction; and
        iii. Provide for rezoning to ensure that enough land is zoned for development purposes to accommodate the amount of development anticipated in areas where public services are available or could be readily made available.

2. **Appeals of LURC staff decisions:**

    If applicants are dissatisfied with a staff decision and wish to appeal:

a. Authorize and direct the LURC Commissioner who is geographically closest to the area where the proposed land use is located to serve as a local liaison regarding the project and:
    i. Meet with the applicant and staff person to learn about the project
    ii. Visit the site with the staff person and the applicant
    iii. Make a recommendation to the full LURC Commission to consider as they review the applicant's appeal.

3. **Increase regional representation on LURC Commission:**

    a. In addition to the current requirement that three (3) Commissioners reside in the UT, add to the law a requirement that at least five (5) of the Commissioners must come from five different counties that have unincorporated townships within their boundaries.
    b. Require LURC to hold a majority of its regular monthly Commission meetings in the UT or in nearby communities where facilities are available.

4. **Decrease amount of time for receiving permits for small projects:**

    a. Allow use of **permit-by-rule** (streamlined permit process) for additional types of applications, such as accessory structures to commercial projects and shoreline alterations.
    b. Expand the "decision in a set number of days or money back guarantee" from residential applications to other applications where appropriate. This reform builds on the successful experience of a streamlined permitting process implemented in January 2011 that provides a permit or response within 10 days, or a return of the application fee.

5. **Improve customer service:**

    a. Provide customer service training annually to all LURC staff;
    b. Direct LURC to review its application forms to make them more user friendly in order to facilitate an efficient application process;
    c. Establish an independent ombudsman to assist landowners with the application process for small projects;
    d. Ensure that the LURC website is user friendly and up-to-date, provides basic information about LURC procedures and policies, and provides clear information for applicants about how to apply. Identify ways for applicants to easily track the status of their application, perhaps through posting application status information on the LURC website;
    e. Provide "model" completed applications for frequently requested types of proposals, including instructions about how to avoid common pitfalls of the application process;
    f. Direct LURC to have an internal staff training at least once annually to ensure that geographically dispersed staff are interpreting regulations in a consistent manner;

g. Require in law that realtors working in the UT must inform potential buyers about the existence of LURC and provide them with a copy of LURC's brochure "Buying and Selling Property in LURC Jurisdiction;"
h. Restore adequate funds to LURC for field staff and for vehicles, gasoline, boats, and other tools that are necessary for staff to be most effective and efficient and to increase their availability within the UT (the number of LURC staff is currently 21 (plus two contract wind project reviewers), down from a high of 33 in 1991);
i. Ensure that the town offices of service center towns adjacent to LURC jurisdiction have readily available information about LURC and contact information for the regional LURC field staff.

*Prepared by representatives of the Appalachian Mountain Club, Conservation Law Foundation, Environmental Maine, GrowSmart Maine, Maine Association of Planners, Maine Audubon, Maine Conservation Voters, Maine Rivers, Natural Resources Council of Maine, RESTORE: the North Woods, Sierra Club, Trout Unlimited, and a number of unaffiliated individuals with decades of experience with LURC.