

Fiscal Impacts of LD 17

An Act to Reform the Land Use and Planning Authority within the Unorganized Territories of the State

Since this LD has components that may affect the State of Maine General Fund and County Funding, this fiscal analysis shows the anticipated fiscal impacts to both. For impacts to the State of Maine General Fund those impacts are shown for Fiscal Year 2011- 2012 (before the proposed elimination of LURC) and Fiscal Year 2012-2013. Fiscal impacts to the Counties would occur only during Fiscal Year 2012-2013 and beyond.

Fiscal Impacts to the State of Maine General Fund FY 2011- 2012			
Section of LD	Estimated Impact	Text of Section of LD	Explanation of Fiscal Analysis
Sec. 2, #1	\$85,000	<i>The assumption by the counties in which the land is located of the duty to maintain uniformity of land use and planning throughout the unorganized territory.</i>	In order to coordinate with the Counties so that they can maintain a uniformity it is estimated that it would take require the work of at least one Senior Planner for at least a year to coordinate with each county to meet similar requirements as a Town or Plantation would as described in Title 12 Section 685-A, 4, A.
Sec. 2, #2	\$0	<i>The completion by the commission of all large-scale special projects under commission jurisdiction that are identified for completion pursuant to this section.</i>	This would not result in a fiscal impact in that the larges scale extraordinary projects require the applicant to pay the actual costs associated with the review of the application.
Sec. 2, #3	\$0	<i>The transfer to the appropriate county entity or designee of all projects, permits or related activities under commission jurisdiction that are not identified for completion pursuant to this section.</i>	The fiscal impact of this section is explained in Sec. 2, #2 and #5.
Sec. 2, #4	\$25,000	<i>The transfer by the commission of all pertinent information necessary for the counties to assume the duties pursuant to this section.</i>	This fiscal impact of this section is from the transfer of all paper and electronic files and all other information to the counties. This does not just account for the physical moving of the files but also for sorting the appropriate files to be sent to the applicable 13 individual (or combined) counties. LURC has files located in the main Office in Augusta along with the five regional offices throughout the jurisdiction. Since those five offices all serve more than one of the 13 counties that have areas within LURC jurisdiction, and the files are not currently filed by county, this section would also require sorting and arranging the

			files to be distributed to the appropriate counties.
Sec. 2, #6	\$2,000	<i>The adoption of the 1997 Comprehensive Land Use Plan, and the retention of that plan until July 15, 2012 as the land use and planning authority with respect to the unorganized territory in the State.</i>	This cost is based upon sending public notice, reprinting, and distributing the 1997 Plan.
Total increased Fiscal Impact to General Fund	\$112,000	This fiscal impact is in addition to the estimated \$761,179 that LURC is estimated to need from the General Fund after all funds obtained on behalf of LURC services are returned to the General Fund. LURC's General Fund budget for FY 2010-2011 is estimated at \$1,790,136. Estimated funds from other sources for FY 2010-2001 are estimated at \$525,931 from the Unorganized Territory Education and Services Fund; \$255,200 from Service Fees from Towns and Plantations; and \$247,826 from application fees, fines and sales. All those amounts are deposited to the General Fund. Note; For more information on LURC Funding please see the <i>2011 Annual Report of Funding for the Land Use Regulation Commission to the Joint Standing Committees on Agriculture, Conservation and Forestry and Taxation of the 125th Maine Legislature, First Regular Session</i> . This report is also located at the LURC website at this link. http://www.maine.gov/doc/lurc/reports.shtml	

**Fiscal Impacts to the State of Maine General Fund
FY 2012- 2013**

Section of LD	Estimated Impact	Text of Section of LD	Explanation of Fiscal Analysis
Sec. 2, #1	\$0	<i>The assumption by the counties in which the land is located of the duty to maintain uniformity of land use and planning throughout the unorganized territory.</i>	It is assumed that after the initial costs to the State of Maine General Fund in FY 2011- 2012 that there would be no additional costs to the State once the Counties would take over the land use and planning for the unorganized territories within their county. All costs associated with conducting the land use and planning for the counties would come from the counties themselves.
Sec. 2, #5	\$120,000	<i>The assumption by the State of all costs incurred by the counties in which the land is located in completing the projects, permits or related activities under commission jurisdiction that are not identified for completion pursuant to this section</i>	It is anticipated that this would require the work of ten field Staff for a period of at least two months to complete all of the pending permits that would not be complete by July 15, 2012. This includes all zoning petitions, large, and small applications that do not reach the level of an extraordinary project as described in Sec. 2, #2. While many permits can be processed in a matter of days, some mid to larger applications may take considerably longer. This amount is determined by an estimated cost of \$6,000 per month per person.
Total Fiscal Impact to	\$120,000	This would be the total amount required from the General Fund for this fiscal year. During this fiscal year and beyond there would be no money returned to the General Fund for LURC services since it would all now go to the Counties.	

General Fund		
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Fiscal Impacts to the Counties FY 2012- 2013 and every fiscal year after			
Section of LD	Estimated Impact	Text of Section of LD	Explanation of Fiscal Analysis
Sec. 2, #1 (Current LURC Staffing, Level of Service)	\$761,179	<i>The assumption by the counties in which the land is located of the duty to maintain uniformity of land use and planning throughout the unorganized territory.</i>	This is the current amount of funding required from the State of Maine General Fund when all fees, fines, and all other funds are considered. If there were to be no changes to LURC staffing or any other changes to the funding received as proposed, this is the amount that the counties would need to provide.
Sec. 2, #1 (Additional County Staffing to meet same Level of Service)	\$400,000		<p>It is estimated for the counties to achieve the same uniform level of service that there would be additional costs involved over and above the current costs. Some of those costs are as follows:</p> <ul style="list-style-type: none"> • Economy of Scale. LURC is consolidated into five local regional offices and a Main Office in Augusta. The Regional Offices are supported by management staff in the Augusta Main Office. Fragmenting the work into many different counties would create duplication of effort and additional costs. Estimated additional cost of \$250,000. • Planning Board/Appeals Board. LURC has the seven member LURC Commission that serves similar functions as a Planning Board and Appeals Board for a Town. Many permit decisions are made at the staff level while appeals of those decisions, variances, and decisions above the staff level are made by the LURC Commission. At a minimum each County would need some type of Planning Board or an entity to make decisions that cannot be made by their staff and/or an Appeals Board to make decisions on variances and appeals as required by State law. Estimated cost of \$50,000. • Legal Representation. LURC being a State Agency is supported is by other state agencies/entities, one of those is through the Maine Attorney General's Office for legal advice, interpretation assistance, and legal representation. This type of assistance would not be available to the counties and would create an additional financial burden as it does for Municipalities. The counties would need to hire legal representation for any appeals that go to court and for any enforcement actions taken by the counties. Estimated cost of \$100,000.
Sec. 2, #7	\$0	<i>The establishment of a process for the counties in which the land is located to adopt, after July 15, 2012, changes to the 1997 Comprehensive Land Use Plan.</i>	This would only be a fiscal impact to the counties if they were to make any changes to the Comprehensive Plan or Rules. In addition to the actual drafting of any new Plan, this cost would include the cost for the hearings, public notices, printing, and distribution costs. If changes were made it would be approximately \$10,000 per county.
Sec. 2, #8	\$0	<i>For a municipality that, on the effective date of</i>	There would be no fiscal impact to the State General Fund or to the Counties for this section. Currently, if a Town or

		<i>this Act, has the option to use the commission for land use and planning purposes, the option to either use the municipality's own land use and planning resources or to adopt the appropriate county's unorganized territory plan or service.</i>	Plantation presently served by LURC opts to conduct their own land use controls they would have a fiscal impact to develop their planning, zoning, and subdivision control as specified in Title 12 Section 685-A, 4, A. It is assumed that that would remain if a Town or Plantation opted to not join a County. The cost would be approximately \$10,000.
Sec. 2, #9	\$0	<i>The assessment against the unorganized territory county services component of the unorganized territory budget for the county cost of unorganized territory land use and zoning activities, which assessment may not be greater than the assessments for commission operations on the effective date of this Act.</i>	This by itself would not have a direct fiscal impact on the counties in that this makes no changes to the Municipal Cost Component which is the amount that the State is reimbursed by the Unorganized Territories for work that it provides the Counties that would normally conducted by a Municipality. However, because this amount cannot change, the counties will need to come up with the funding in other ways as described above in Section 2, #1.
Sec. 2, #10	\$0	<i>A special assessment that may be imposed by counties on municipalities that adopt the appropriate county unorganized territory land use planning or services, which amount may not be greater than the assessments for commission operations on the effective date of this Act.</i>	Similar to Section 2, #9 above, this would not and could not account for a direct fiscal impact but again the funding would need to come from somewhere else.
Total Fiscal Impact to the Counties	\$1,161,179	This is the additional amount that it would cost the counties to conduct the duties that are presently conducted by LURC for Fiscal year 2012-2013 and for every year after. This is the total amount that would be split between all 13 or a combination of those 13 counties with areas within LURC jurisdiction.	