

## **A Guide to the Maine Land Use Regulation Commission and its Data**

In order to utilize any data we must understand the challenges and limitations of that dataset and the methodologies applied to collect and analyze those data. Based on experience with the Maine Land Use Regulation Commission's ("LURC") jurisdiction and available data, the following information should help provide context for understanding and utilizing data regarding or compiled by LURC.

### **Unorganized Territories**

The Maine Land Use Regulation Commission oversees the planning and land use regulatory function for the unorganized and deorganized territories of Maine ("UT"). Unorganized territories include the 420 townships where no local government exists (e.g. select board, tax assessor, planning board, town manager, etc.). "Deorganized territories include 39 towns and plantations with their own local government (e.g. select board, tax assessor, town manager, etc.); however, these municipalities have chosen LURC to administer land use planning and zoning in their communities. These unorganized and deorganized territories include over 10.4 million acres and are commonly grouped together and referred to as "the jurisdiction", "the Commission's jurisdiction", and "the UT". See Chapter 3 of the Commission's Comprehensive Land Use Plan ("CLUP") and 12 M.R.S.A. § 681 et. al. for more information.

### **Action Types**

Each application received by the Maine Land Use Regulation Commission is reviewed and results in a 'final action'. Final actions include one of the following outcomes:

- *Approved* – The proposed activity meets the necessary standards; a decision (i.e. permit) indicating approval is issued by staff or the Commission.
- *Approved / Disapproved in-part* – Parts of the proposed activity meet the necessary standards and are approved, and parts of the proposed activity do not meet the necessary standards and are disapproved. A decision (i.e. permit) indicating the approved and disapproved components is issued by staff or the Commission.
- *Disapproved* – The proposed activity does not meet the necessary standards; a decision (i.e. denial) is issued by staff or the Commission.
- *Application Withdrawn* – The applicant chooses to withdraw their application prior to final action by staff or the Commission. The application and fee are returned and no final action is issued by staff or the Commission.
- *Application Returned* – The application is incomplete and the applicant has made insufficient effort to address the issue(s). The application and fee are returned and no final action is issued by staff or the Commission.

### **Permit / Action Types**

Land use regulations stipulate which land uses and development activities are: allowed without a permit; allowed without a permit subject to standards; allowed with a permit; and those not allowed. For those uses and activities which require permit approval, LURC reviews those proposals for conformance with applicable rules and issue a decision (e.g. a permit). The Commission issues permits for a wide range of activities, examples include: camp additions, reconstruction of permanent docks, and new garages to grid-scale wind energy facilities, restaurants, and maple sugaring operations. Given the range of activities allowed within the unorganized territories, LURC currently or formerly utilizes a variety of action types to identify and record various permitting actions. Each permit includes the action type and number (e.g. AR 95-001, BP 123, and ZP 456) at the top of the document and a corresponding entry in LURC's permitting database – Geographic Oriented Action Tracker ("GOAT"). Amendments of previous actions are identified by the use of sequential letters (e.g. BP 123; BP123-a; and BP 123-b (the first permit action, the first amendment, and the second amendment respectively). Variations on this primary naming convention include: AR 95-10 (i.e. the 10<sup>th</sup> advisory ruling issued in 1995); and SP 3206-16 (i.e. a "Chapter 16 subdivision"). The following summarizes the various types of actions:

Type	Permit Type	General Description <sup>1</sup>
AR	Advisory Ruling	<i>A documented yet informal staff opinion requested at the option of the landowner / developer. Applicants typically seek advisory rulings in order to receive advice as to whether or not a permit is required for specified activities, or for the interpretation of specified provisions of the Commission's rules.</i>
BCP	Bridge Construction Permit	Permits for the construction, replacement or repair of bridges.
BLN	Boat Launch Notice	A landowner notification to LURC, after providing their intent to file notice yet prior to construction or repair of a boat launch, in accordance with 10.27,L.
BP	Building Permit	Permits for activities associated with residential development that requires a permit (e.g. activities involving: a camp, a garage, porches, etc.).
DEP-GP	DEP Great Ponds Permit	Permits issued by the Maine Department of Environmental Protection ("DEP") for activities affecting great ponds. Such permits were entered as an "action" in order to best record and store such authorizations within LURC's jurisdiction. However, such permits within the Unorganized Territories are no longer issued by DEP, rather are issued as Great Pond Permits ("GP") by LURC and described below. <b>Permit type no longer in use.</b>
DEP-WL	DEP Wetland Alteration Permit	Permits issued by the Maine Department of Environmental Protection ("DEP") for activities altering wetlands. Such permits were entered as an "action" in order to best record and store such authorizations within LURC's jurisdiction. However, such permits within the Unorganized Territories are no longer issued by DEP, rather are issued as Wetland Permits ("WL") by LURC and described below. <b>Permit type no longer in use.</b>
DP	Development Permit	<i>Permits for activities associated with non-residential development that requires a permit (e.g. activities involving: commercial sporting camps, retail store, warehouse, mill, wind turbines, campground, resort, etc.)</i>
FOP	Forestry Operations Permit	Permits for forest operations that exceed the standards of 10.27,E or are located within a Development Subdistrict or the Mountain Area Protection (P-MA) Subdistrict.
GP	Great Ponds Permit	Permits for activities affecting great ponds (i.e. bodies of standing water greater than 10 acres in size). Activities permitted as a Great Ponds Permit include but are not limited to, permanent docks, dredging, some boat launches/ramps, breakwaters, and retaining walls.
HP	Hydropower Permit	Permits for and relating to hydropower activities.

<sup>1</sup> See Chapter 10 for specific criteria and standards.

Type	Permit Type	General Description <sup>1</sup>
IFN	Intent to File Notice	A landowner notification to LURC, of their intent to file a Boat Launch Notification ("BLN") described above, in accordance with 10.27,L.
IFW-SA	IFW Shoreland Alteration Permit	Authorization by the Department of Inland Fisheries and Wildlife ("IF & W") for shoreland alterations. Such letters of authorization were entered as an "action" in order to best record and store such authorizations within LURC's jurisdiction. <b>Permit type no longer in use.</b>
LAR	Letter of Exemption/Advisory Rulings	A letter from LURC staff confirming the proposed activity is exempt from one or more provisions of the Commission's rules and therefore does not require permit approval and a documented yet informal staff opinion regarding other aspects of the specified project.
LDP	Large Lot Division Plan	Plats submitted to LURC for certification as to whether or not they qualified as a then existing statutory subdivision exemption. Such statutory exemption, and therefore the use of this action type, was in effect between 1992 through 2001 <sup>2</sup> . No such LURC certification exists or remains in use after 2001.
LOE	Letter of Exemption	A letter from LURC staff confirming the proposed activity is exempt from one or more provisions of the Commission's rules and therefore does not require permit approval. Historically LOEs were issued only for utility lines that were exempt; however, as of 2011 they are used for any proposed activity that is exempt from either the Commission's review or exempt from permit approval.
MISC	Miscellaneous	Applications returned or withdrawn prior to assignment of permit type. In GOAT queries these applications will be identified by the unpopulated "Permit_Type" and "ActionNumber" fields.
RP	Road Construction Permit	Permits for the construction, realignment, and substantial repair of roads (excluding land management roads).
SA	Shoreland Alteration Permit	Permits for activities affecting the shoreline of lakes, ponds, rivers, or streams (e.g. activities involving: riprap, dredging, permanent docks, the intrusion of structures into or over a wetland or waterbody, and utility lines within or buried beneath a wetland or waterbody).
SD	Service Drop	Permits for certain utility lines. See Chapter 10, Section 10.02. Some building permits ("BP") and development permits ("DP") include(d) authorization of a service drop.
SP	Subdivision Permit	Permits to create new lots where the lot(s) do not qualify as exemptions, see 10.25,Q,1.
SPDP	Subdivision/Development Permit	Permits regarding activities including both the subdivision and subsequent development of a land area. This permit type combined the review of and action on subdivision permits ("SP") and development permits ("DP"). <b>Permit type no longer in use.</b>

<sup>2</sup> P.L. 1991, Chapter 306.

Type	Permit Type	General Description <sup>1</sup>
ULP	Utility Line Permit	Permits for certain utility lines (e.g. activities involving: electric power transmission or distribution lines, telephone lines, etc.) that require a permit and therefore do not qualify as an exemption or as a Service Drop described above.
WL	Wetlands Alteration Permit	Permits related to the alteration of wetlands (e.g. activities involving: filling or dredging of wetlands, etc.).
WQC	Water Quality Certification	A Commission action certifying that activities meet applicable water quality standards of Section 401 of the Clean Water Act. <sup>3</sup>
ZP	Zoning Petition	Petitions to rezone a specified land area to another subdistrict(s).

### **LURC's Permitting Database**

Part of LURC's responsibilities is to administer land use regulations which includes issuing permits for proposed activities. LURC tracks each permitting action through its Geographically Oriented Action Tracker database ("GOAT")<sup>4</sup>. GOAT provides a record of nearly every stage for each permit action (e.g. when an application is: received, complete, on hold, out for review, and when the permit is drafted) and the outcome of each application (e.g. whether the application was: approved, disapproved, withdrawn, returned, or approved in part/disapproved in part). GOAT also records other key information, such as: applicant name, affected waterbody, plan and lot, site inspections, lessees, primary township, summary of the activity, and associated actions.

### **Parcels**

LURC does not create or maintain parcel information; however such data is commonly summarized or referenced by LURC. The Maine Revenue Service ("MRS") collects and maintains tax account (i.e. parcel information grouped by owner by township into one tax account) data for the unorganized territories, while each town and plantation maintains their own parcel information. Most parcel information is currently available in electronic (GIS) format, though parcel information for some towns and plantations are only available in paper form. The MRS, towns, and plantations collect such parcel or tax account information for their own purposes. Use of parcel / tax account data for analysis of land use trends may exist though limitations and challenges remain, including but not limited to: under representation of parcels (e.g. data for some MCDs have not been updated within the past few years), over representation of parcels (e.g. parcels considered to be merged as a matter of law), availability of historical parcel information, and changing data methodologies over time. Consultation with the appropriate agency and LURC are recommended prior to use and analysis of these data for land use trends.

<sup>3</sup> Executive Order #16 FY 91/92 designated LURC as the certifying agency for issuance of Section 401 Water Quality Certification for all activities located wholly within its jurisdiction.

<sup>4</sup> LURC created and started using its Geographic Oriented Action Tracker ("GOAT") in 2004; LURC utilized Permitting Applications ("PERMAPPS") from 1991 through 2004 to manage permitting actions. Minor variations in data collection and data entry may exist between the two data management systems.

## Important Information About LURC Data:

### **LURC Permitting Data**

1. Unless otherwise stipulated, LURC permitting data includes all permitting actions, including those within the towns and plantations no longer served by the Maine Land Use Regulation Commission (i.e. those towns or plantations that have organized and left LURC jurisdiction).
2. LURC's permitting data only represents activities that required permit approval from LURC and when applicants sought such permit approval; some activities currently or previously did not require permit approval. Permitting trends do not necessarily reflect development trends, in that any (unknown) number of permits issued by LURC may or may not have been started, may not have been completed, may or may not have been completed in accordance with the permit; some activities did not require permit approval; and some activities may have been completed without a permit where a permit was required.
3. Permits and amendments may change previously permitted or previously existing development.
4. GOAT was developed primarily to track permitting actions from application to completion. Due to this and other factors GOAT does not consistently differentiate between activities applied for, activities permitted, and activities completed. Trends in this regard may relate to changes in LURC databases. For example, permitting actions between 1971 through 1991 were retroactively entered into LURC's database from the permit. Conversely, permitting actions after 1991 have been entered into LURC's database from the application and potentially updated after the permit is issued. However, due to extensive research some data fields have been updated to reflect the activities permitted, examples include the following data fields: BP New Dwelling, Number New Dwellings, SP Lots, and ZP Summary Activity.

### **Other Data**

5. Some minor civil divisions ("MCDs") have organized or deorganized since LURC's inception. In most cases data for those MCDs that have organized (i.e. left LURC jurisdiction) have been excluded from datasets and analyses; data for those MCDs that have deorganized (i.e. joined LURC jurisdiction) have been included in datasets and analyses. For example, the Town of Madrid deorganized in 2004, though LURC's summaries of U.S. Census data include the applicable data for the township back to the 1970 census.
6. The association of inland and coastal islands varies. Some islands are associated or otherwise legally part of a minor civil division ("MCD"), for example the Town of Trescott includes dozens of coastal islands. However, most islands are not associated or otherwise legally part of any minor civil division ("MCD"), examples include over 100 inland islands in Moosehead Lake, and over 200 coastal islands. Some data, most notably U.S. Census data, do not fully reflect or properly represent data for these islands.