

Department of Agriculture, Conservation and Forestry

MAINE LAND USE PLANNING COMMISSION

22 State House Station, Augusta, Maine 04330. Tel. (207) 287-2631

General Provisions

Chapter 1 of the Commission's Rules

(APA Office Note dated November 6, 2013: due to a legislatively-mandated reorganization, the Land Use Regulation Commission was renamed as Land Use Planning Commission, with its umbrella-unit number changed from 04-061 to 01-672.)

Effective Date: August 27, 1990

Amended Effective: July 23, 2007

Chapter 1 General Provisions

Summary: This rule establishes a fee schedule for applications and petitions processed by the Maine Land Use Planning Commission and prescribes fees for general administrative services including reproduction of documents and distribution of maps and publications.

1.01 Legal Authority

This rule is authorized and adopted under 12 M.R.S.A. sections 685-B(2) and 685-C(3).

1.02 Definitions

For the purposes of this rule, the following terms shall have the following meaning unless the context indicates otherwise:

- A. **Commission:** “Commission” means the Maine Land Use Planning Commission.
- B. **Development costs:** “Development costs” means all costs of a proposed project including, without limitation, site preparation, building and road construction, installation of wastewater disposal systems and monitoring and erosion control devices, but shall not include the cost of acquiring the land.
- C. **Director:** “Director” means the Director of the Maine Land Use Planning Commission.
- D. **Minor changes:** “Minor changes” means a revision or amendment to a permit previously issued by the Commission where the revision or amendment is a result of:
 - (1) transfer of ownership or permit holder;
 - (2) typographical errors or other errors of transcription;
 - (3) changing the phrasing of the Commission’s written decision, where the phrasing is consistent with the intent of the Commission’s decision; or
 - (4) corrections of dimensions or minor variations, expansions or changes affecting less than ten (10) percent of a structure or project.
- E. **Permit:** “Permit” means any approval, license, certification or other authorization issued by the Commission, including amendments thereto.

1.03 [Reserved]**1.04** **Schedule of Fees****A. General Provisions**

Square foot and linear foot calculations apply to new, reconstructed, replaced, expanded, additions, or changes of use to structures, disturbances, or utility lines. Legally existing or previously approved structures, disturbances or utility lines unless otherwise specified are not counted in the fee calculation. For utility lines, roads, land management roads, and mineral or peat extraction, only the portions of the project or the additional length or acreage that triggers permit review will be subject to these fees.

Areas within building permits, development permits or D-PD boundary changes that disturb shoreland areas adjacent to (for the purpose of this rule and fee structure “adjacent to” means within 25 feet) or below the normal high water mark of any surface water body, including but not limited to lakes, ponds, streams, brooks, and rivers, or that impact any identified wetland areas will be assessed the square foot rate fee of \$0.40 per square foot.

Amendments to permits shall be assessed using the same method as initial permit applications.

After-the-Fact Fees, or fees for activities already begun prior to receiving permit approval, shall be three (3) times the listed fee.

No Fee will be charged for Processing Notifications.

No fee shall be assessed to a governmental agency seeking to amend district boundaries.

No fee shall be assessed for district boundary changes to or from an interim protection subdistrict or resulting from correction of an error as to the boundary of a district.

B. Permit Fees Established

The following fees will be assessed for processing applications, zoning petitions, and requests for advisory rulings and certificates of compliance. These fees are only for activities and/or projects, or portions of the activity and/or project that requires an application and permit decision.

1. Advisory ruling requests	\$100.00	
2. Service drop requests	\$25.00	
3. Building permit applications	\$50.00	Base Fee
	+ \$0.20	per square foot (footprint) structures
	\$1000.00	Maximum Fee
4. Development permit applications	\$200.00	Base Fee
	+ \$0.40	per square foot (footprint) structures
	\$5000.00	Maximum Fee
5. Home Occupation permit applications	\$200.00	Base Fee
	+ \$0.40	per square foot (footprint) structures (Applies only to area utilized for the Home Occupation)
	\$1500.00	Maximum Fee
6. Mineral or Peat Extraction Operations permit applications	\$200.00	Base Fee
	+ \$100.00	per acre of disturbed area
	\$5000.00	Maximum Fee
7. Utility Facilities permit applications (Linear Utility Lines)	\$500.00	Base Fee
	+ \$0.10	per linear foot of utility line
	\$5000.00	Maximum Fee
8. Utility Facilities permit applications (Utility Towers or Structures)	\$500.00	Base Fee
	+ \$1.00	per foot of tower height
	+ \$0.40	per square foot (footprint) structures
	\$5000.00	Maximum Fee

9. Road Permit applications	\$200.00	Base Fee
	+ \$0.10	per linear foot for Level A Projects
	\$1000.00	Maximum Fee Level A Projects
	+ \$0.15	per linear foot for Level B Projects
	\$2500.00	Maximum Fee Level B Projects
	+ \$0.30	per linear foot for Level C Projects
	\$5000.00	Maximum Fee Level C Projects
10. Land Management Road Permit applications	\$200.00	Base Fee
	+ \$0.15	per linear foot
	\$1000.00	Maximum Fee
11. Water Crossing Permit application	\$250.00	Base Fee
	+ \$2.00	per linear foot of span length or culvert width
12. Shoreland Alterations or Wetland permit applications	\$100.00	Base Fee
	+ \$0.40	per square foot (footprint) structures or disturbed area (includes areas within 25 feet of shoreline and wetland impact areas)
13. Certificates of compliance	\$50.00	
14. Subdivision permit applications	\$1000.00	Base Fee
	+ \$500.00	per lot created
15. Subdivision permit certificates of compliance	\$50.00	per lot
16. All other permit and amendment applications	\$100.00	

C. Petitions for district boundary changes (zoning petitions)

1. Change to a protection district a) Includes Resource Plans but not Concept Plans	\$250.00	
2. Change to a management district	\$500.00	
3. Change to a development district (except D-PD)	\$1000.00	Base Fee
	+ \$25.00	per acre of new or changed development district

4.	Change to a D-PD subdistrict	\$5000.00 + \$0.40	Fee for Preliminary Plan per square foot (footprint) structures
5.	Concept Plans	\$5000.00 + \$25.00	Base Fee per acre of new areas proposed for development, including infrastructure

D. Additional Fees

Permits by Special Exception	\$100.00
------------------------------	----------

E. Special Service Fees Established

The following fees will be assessed to recover expenses incurred by the Commission in providing the services listed:

- 1) For reproduction of documents, transcripts or other records:
\$1.00 for the first page, and \$.25 cents per page thereafter.
- 2) For district boundary (zoning) maps:
\$3.00 per map plus applicable postage. An applicant paying the application fee may request and receive one district boundary map for application purposes without being assessed an additional fee.
- 3) For publications or rules:
No fee will be assessed for the first two copies of any publication or rule.
Charges will be made for additional copies as follows:

a. Comprehensive Land Use Plan	\$10.00
b. Rules and Standards	\$5.00
c. All other publications or rules	\$3.00 or actual costs whichever are greater
- 4) For photographs, slides, electronically recorded or stored information, oversized documents, reduced size district boundary maps: or other items requiring special handling : Actual cost of reproduction, handling and applicable postage.

F. Exceptions

- 1) The Director, at the Director’s discretion, may reduce or waive the fees for special services for an agency of state government and application fees when the applicants is a governmental agency.

- 2) No fee shall be assessed for minor changes.
- 3) The Director, at the Director's discretion, may reduce or waive an application or special service fee when the applicant or person requesting the reduction or waiver demonstrates to the satisfaction of the Director that an extreme hardship or injustice would result from payment of the fee.
- 4) If the director determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors is likely to require a disproportionate share of state resources, the director may designate that application as subject to special fees, and may assess a fee of up to 0.25% of the estimated development costs.
- 5) The Director, at the Directors discretion, may require a petitioner for a district boundary change for the purpose of a subdivision or commercial development to pay the actual costs incurred for a public hearing. Actual costs may include but not be limited to: filing notices in newspapers, postage, court reporters fees, travel, and room rental costs.
- 6) In addition to the application fees above, the Director may designate a proposed project as an extraordinary project and assess a processing fee as provided in 12 M.R.S.A. §685-F.

G. Fee Payment

- 1) No application for a permit, special exception, zoning petition, certificate of compliance, advisory ruling or variance shall be processed until the fees have been paid in full in accordance with this rule.
- 2) All fees are non-refundable.