

**An Evaluation
of the
Growth Management Act
and
its Implementation**

**In Response to Resolve 2004, Chapter 73
Joint Standing Committee on Natural Resources
122nd Legislature**

**Maine State Planning Office
March 2006**

Acknowledgements

This project took many people and many hours to complete. Over 100 people shared their ideas with us at a land use summit. Approximately 75 people volunteered their time to participate in focus groups and interviews. Several people submitted written comments. The six individuals on the State Planning Office land use team proposed ideas, researched details, attended meetings, and reviewed reports. The Community Preservation Advisory Committee met on three occasions to guide the process and offer advice. These and many others supported our effort in a variety of ways and we want all of them to know how much their contributions counted.

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Cover Photo: Aerial view of Lisbon Falls. Credit: TJ Dewann and Associates

Contents

| | |
|---|----|
| Vision: A New Approach to Planning in Maine | 4 |
| Statewide Goals from the Growth Management Act | 5 |
| I. Introduction | 6 |
| A. The Resolve..... | 7 |
| B. The Opportunity | 7 |
| C. The Proposals: What Will Change? | 7 |
| II. Methodology | 7 |
| III. Key Findings..... | 9 |
| IV. Summary of Recommendations..... | 14 |
| V. Detailed Description of Recommendations | 16 |
| 1. Enhance Local Planning and Build on the Successes of the Growth Management Act..... | 16 |
| 2. Shift State Focus to Issues of Regional and Statewide Significance | 23 |
| VI. Conclusion | 28 |
| VII. Matrix of Recommendations with Timeline | 29 |
| VIII. Appendices..... | 30 |
| A. Resolve 2004, Chapter 73 | |
| B. Proceedings, Land Use Summit, August 2005 | |
| C. Executive Summary, Comprehensive Planning and Growth Management Focus Groups, December 2005 | |
| D. Executive Summary, Comprehensive Planning and Growth Management Interviews, December 2005 | |
| E. List of Public Commenters | |
| F. List of Members, Community Preservation Advisory Committee | |

Vision: A New Approach to Planning in Maine

This project engaged over 200 Maine people. Here is what we heard from them:

The Vision

The state, regions, and municipalities of Maine work together to sustain our natural environment, protect our unique quality of place, and build our healthy economy. Planning at all levels is meaningful and results in the development that Maine people want. This vision will be achieved through a coordinated approach to planning that links state, regional, and local priorities.

State Focus

A new approach to planning will shift the state's focus to issues of state and regional significance and to working collaboratively with others to enhance development and protection, as appropriate, in all regions of the state. The State Planning Office will facilitate agency coordination of state investments—for roads, schools, housing, water and sewer, solid waste, economic development, and natural resource protection.

Regional Development Plans

Regional agencies, local representatives, and the public will create a vision and goals for their regions. Regional development plans will capture aspirations of the people in the region for growth and will contain goals and strategies in four key areas: transportation, housing, natural resource protection, and economic development. These plans will be customized to accommodate the unique features of each region while pursuing the ten statewide goals in the Growth Management Act.

Local Planning

Local plans will continue to enable municipalities to create their own vision and direction, but their value will be enhanced in the context of regional information and discussion.

Strengthening and Streamlining Planning

Many data requirements on localities will be replaced by standard data sets made available to towns from their regional agency. State planning staff will provide the latest tools, technologies, and training to local and regional planners. Facilitation and consensus-building will become the strength of professional planners and community leaders, so they can assist towns in creating plans that truly reflect the views of residents. Menus of strategies and samples of plans, designed to meet the needs of different types of towns, will be developed and provided on the Web. Towns will choose the strategies that best meet their needs.

The list of possible ways to make planning more effective, more understandable, and even more fun is almost endless. Making this happen will require a shift in focus at the state and regional level. It will also require careful redirection of existing resources and new resources.

Statewide Goals from the Growth Management Act

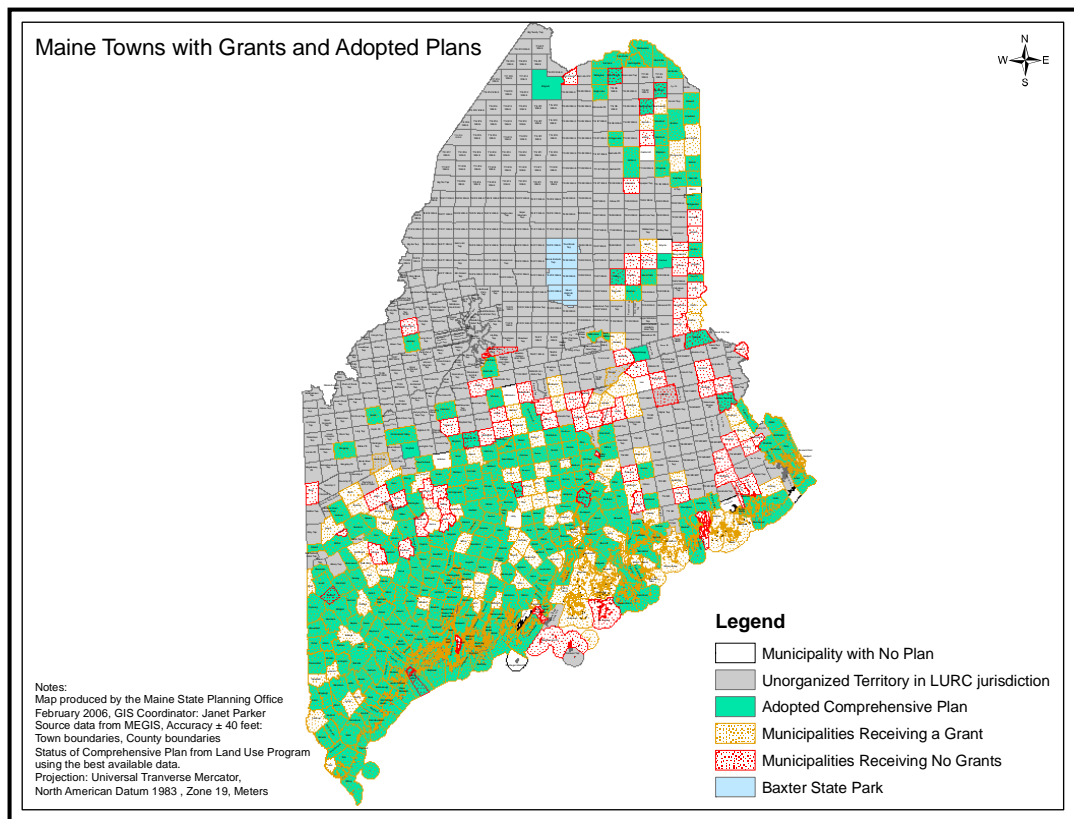
The Legislature hereby establishes a set of state goals¹ to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use, and development. The Legislature declares that, in order to promote and protect the health, safety and welfare of the citizens of the State, it is in the best interests of the State to achieve the following goals:

- A. To encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services, and preventing development sprawl;
- B. To plan for, finance, and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;
- C. To promote an economic climate, which increases job opportunities and overall economic well-being;
- D. To encourage and promote affordable, decent housing opportunities for all Maine citizens;
- E. To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas;
- F. To protect the state's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas;
- G. To protect the state's marine resources industry, ports, and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public;
- H. To safeguard the state's agricultural and forest resources from development which threatens those resources;
- I. To preserve the state's historic and archeological resources; and
- J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

¹ 30 MRSA § 4312, sub-3 [1989]

I. Introduction

A great deal has been accomplished since the Growth Management Act was enacted in 1988. The state has given planning grants to 379 communities and over 250 towns have adopted comprehensive plans. This represents more than 200,000 hours of volunteer time. Thousands of Mainers have engaged in planning for local concerns as divergent as protecting rare animal species to encouraging economic development to siting new sidewalks and trails. The map below illustrates our state's accomplishments.



Source: Maine State Planning Office

An important outcome of the Growth Management Act is that people throughout the state believe local planning is a worthwhile activity and a good way to guide future growth in their town. Planning has become part of our vocabulary. Despite the challenges of local comprehensive planning, our research shows that community planning is valued, is worthwhile, and should be continued.

Many local plans are approaching or surpassing their 10th anniversaries. It is timely to evaluate how these plans and the growth management laws have performed and consider updating the way we plan for and manage growth.

A. The Resolve

This study responds to Resolve 2004, chapter 73, enacted by the Joint Standing Committee on Natural Resources in the 122nd Legislature (Resolve 73 can be found in Appendix A). The Resolve directs the State Planning Office to:

“...undertake a study of current state law, policy, and procedures regarding land use planning, management, and regulation.”

The primary emphasis in the Resolve is to improve the process of planning and the way growth and development occur in Maine. The Resolve also asks for an assessment of costs of implementing changes.

B. The Opportunity

Resolve 73 has been an opportunity to reflect on progress and possible improvements under the Growth Management Act. Seventeen years have passed since the Act became law, providing years of data and experience to draw upon. It is time to discuss what the next generation of land use planning should be for Maine.

“Despite the challenges of local comprehensive planning, our research shows that community planning is valued, is worthwhile, and should be continued.”

C. The Proposals: What Will Change?

Our research has resulted in two major sets of recommendations. The first builds on the achievements of the Growth Management Act and makes local planning easier and more effective. This group of recommendations includes focusing state review of plans, offering improved data and assistance to towns, and monitoring growth and development locally and statewide.

The second group of recommendations focuses on building regional consensus in four areas: economic development, housing, natural resources, and transportation. By identifying key resources on a regional basis and by defining a set of regional goals to inform local planning, investment, and zoning, the people in a region would be able to address sprawl and its costs more completely.

II. Methodology

To prepare this report, the State Planning Office undertook the following research:

1. Two-day Public Summit

The State Planning Office hosted a two-day public summit at the University of Maine at Orono in August, 2005. The event was open to the public and included invited interested parties. The summit was organized around an open-space, facilitated process permitting attendees to establish the agenda. About 100

people—developers, environmental advocates, local officials, professional planners, regional planners, realtors, architects, legislators, state agency staff, and citizens—participated. The summit proceedings appear in Appendix B.

2. Focus Groups

The State Planning Office contracted with a market research firm, Market Decisions, Inc., to convene five focus groups, which sought an in-depth understanding of topics related to growth and planning in Maine. Each sector—developers, environmental advocates, service center municipalities, fast-growing towns, and rural or non-growing towns—met for two hours and responded to a list of discussion questions. An executive summary of the focus group report is included in Appendix C and a complete report is available at www.maine.gov/spo/landuse.

3. In-Depth Interviews

Market Decisions also conducted 20 in-depth interviews with professional planners who represented all regions of the state. Interviewees were asked a series of questions about how planning is conducted now and possible planning options for the future. An executive summary is included in Appendix D and a full report is available at www.maine.gov/spo/landuse.

4. Other Meetings

The State Planning Office also met with other agencies, individuals, and groups to better understand their concerns with planning in Maine. These included the Intergovernmental Advisory Commission, Maine Municipal Association, 11 regional planning agencies, and state natural resource and development departments.

5. Comments

The State Planning Office also encouraged written comments from the public throughout the study. The Office made key findings and a summary of recommendations public in January. A number of people submitted written comments in response. A list of commenters is included in Appendix E and the full text of comments can be viewed at www.maine.gov/spo/landuse.

6. Advisory Group

The Community Preservation Advisory Committee (CPAC) served as the Office's advisors on the evaluation. The State Planning Office met with them three times throughout the process to seek guidance and feedback and to brainstorm issues. A list of CPAC members can be found in Appendix F.

III. Key Findings

The findings below are a synthesis of what we heard from over 200 people during the six-month research process. Many of these findings are expanded upon in the detailed recommendations and report appendices.

1. Effective land use planning is essential to our economic prosperity.

Research shows that unplanned development contributes to Maine's high property taxes. An example is the property tax cost of building new schools in fast-growing suburbs, while Maine's overall school population decreases.²

At the same time, Maine's largest industry, tourism, depends on our scenic beauty, uncongested roads, and compact downtowns to attract visitors each year. Maine's ability to attract retirees and new businesses also depends on its unspoiled character. In addition, over 100,000 jobs in the state's natural resource-based industry including forest products, agriculture, fishing, and aquaculture depend on the availability of and access to natural resources.³ Some people even say that Maine's competitive advantage is its "quality of place." Effective land use planning is essential to sustaining our attractive and productive landscape and keeping the cost of unplanned, sprawling development at a minimum.

*"Over 100,000
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2. Maine people highly value less developed, rural landscapes.

The evidence that Maine people highly value a less developed landscape is overwhelming. Almost all comprehensive plans in Maine express a desire to preserve open space and maintain rural character. Public support for land conservation bonds provides further evidence. Maine voters consistently favor land bonds by two-thirds.⁴ A values survey conducted in the late 1980s shows that Maine citizens have a unique feeling for the state's land and natural beauty.⁵ Furthermore, there are now over 100 private land trusts in Maine, more than in any other state.

3. There is clear support for land use planning at the community level.

This project's research shows that, although frustration with the process exists, there is clear support for land use planning at the local level and for the 10 state goals in the Growth Management Act. Research participants agree that the Act has resulted in comprehensive planning efforts in each town across the state and are strongly supportive of that goal. All participants saw a role for growth planning or growth management. In addition, it is clear that Maine people understand and value local planning as a way to have a voice in determining the future of their community.

² State Planning Office, *Cost of Sprawl*, 1997.

³ Governor's Steering Committee on Maine's Natural Resource-based Industry. *Maine's Natural Resource-based Industry: Indicators of Health*, 2004.

⁴ Maine Department of Secretary of State, *Election Results*.

⁵ Market Decisions, Inc., *The People of Maine: A Study in Values*. Prepared for the Commission on Maine's Future, April 1989.

4. There is widely-held dissatisfaction with the process for reviewing local comprehensive plans.

A majority of participants in this project dislike the current state review of comprehensive plans. The most often cited complaint is that state reviews are too prescriptive. At present, the State Planning Office’s comprehensive plan review rule (Chapter 202) provides for the Office to review comprehensive plans in their entirety and find them “consistent” or “inconsistent” with the goals of Growth Management Act. This often results in lengthy findings letters outlining changes required to achieve consistency. At times, towns receive these letters at the end of their planning process, frustrating committees who have worked hard on their plans for several years.

The State Planning Office contracts with the regional planning agencies to provide day-to-day technical assistance, but council staff resources are stretched.

“While the data, inventory, and analysis requirements are seen as too prescriptive, the state goals and policy requirements in the Act are seen as too vague.”

5. The current comprehensive plan requirements are seen as both too prescriptive and too vague.

The current growth management program focuses on meeting the technical requirements of comprehensive plans. Data, inventories, and analyses are assembled by each town and reviewed by the state. The State Planning Office estimates that local and state planners spend about 70% of their time (and funding) on the technical aspects of assembling data and compiling comprehensive plans, not on the vision and policy components that are the heart of a plan.

Furthermore, many complain that the data requirements are “one size fits all,” meaning that every town must address all the requirements in the Act regardless of relevance to them. Although towns may address these requirements by simply noting when they don’t apply, our research reveals a widely-held perception that towns must gather and analyze data that are irrelevant to them.

While the data, inventory, and analysis requirements are seen as too prescriptive, the state goals and policy requirements in the Act are seen as too vague. Research participants suggest that offering menus of policies to choose from, which would meet state goals, would help clarify the policy requirements of plans.

6. There is a desire for improved tools and assistance for local planning.

Consensus exists among participants that better tools and assistance for local planning and implementation are needed. Research participants cite the need for pre-packaged data and maps, model plans for different types of towns, menus of implementation strategies, graphics and software to show grow-out scenarios, and more personal contact with professional planners from the state or regional councils. We also hear a need for help with facilitation. Assistance with visioning, consensus-building, and conflict resolution would help towns build more meaningful plans and strategies.

7. Comprehensive planning as currently practiced has not directed growth into locally-designated growth areas as intended.

No program measures reliably how growth is occurring in Maine. However, evidence shows that it is not being directed to “designated growth areas” as specified in local plans. In two fast-growing towns, for example, comprehensive plans call for 70% of growth to occur in a designated growth area. After 10 years, one of these towns reports 7% of growth has occurred in the growth area; in the other 2%. In another fast-growing town, after 10 years, a zoning ordinance that would implement the policies of the comprehensive plan is still not in place. Local planners say that on average, about 70% of the growth in the last fifteen years has occurred in *rural areas*, places local residents state in their plans they want to protect.

In addition, the vast majority of recent growth in Maine has been lot-by-lot, not subdivisions; yet, subdivisions receive far more regulatory scrutiny than lot-by-lot development.

“Implementation of comprehensive plans asks the residents of a community to make difficult choices.”

8. Implementation of comprehensive plans often does not achieve state or local goals.

Planning has two phases: *developing* local growth policy (strategies), and *following through* with ordinances, capital spending, and other actions that support those policies (implementation).

Implementation asks the residents of a community to make difficult choices. In order to affect growth, a town needs to agree on a vision, make decisions about where growth should and should not occur, and be specific about how that vision will be carried out. Inherent in this task is a conflict between what people want for the community and what people want—or don’t want to give up—individually. The most often cited example is a community that wants to preserve its rural character, but rural landowners who don’t want restrictions placed on their land. These conflicts are what make planning inherently difficult. Participants suggest that conflict resolution requires strong leadership, skills in consensus-building, and clear state and regional goals for growth management.

9. In some areas, local planning, zoning, and appeals boards are overwhelmed by development review.

In faster growing areas, volunteer boards struggle to keep up with the volume of proposals for development. In slower growing areas, boards review proposals so rarely that they are unfamiliar with their ordinances and often struggle through a project review. Despite their best efforts, these boards are unable to meet comprehensive plan goals. A variety of tools could be helpful, including software that illustrates “grow out” in a town, more model ordinances, and greater professional staff assistance. Still others suggest restructuring these boards as regional entities with local representation to reduce burnout and turnover on local boards.

10. Most agree that affordable housing is a problem, but there is no consensus on what to do about it.

Affordable housing is a significant factor in where people live, work, and recreate. It plays an important role in the cost of living and our overall economic prosperity. Our research indicates that more work is needed to develop solutions to augment affordable housing, however. While almost everyone agrees that there isn't enough affordable housing, a number of focus group participants indicated that they have no intention of acting on the affordable housing strategies they wrote into their plans. Others say affordable housing isn't a regulatory (zoning) issue, but a question of needing more housing subsidies. Still others are unclear on what "affordable housing" means. Participants suggest there is a need for more in-depth discussion and dialogue on how to move forward on this issue.

11. Property taxes and market forces are significant drivers in land use development.

Property taxes influence where development occurs in several ways. These include high property taxes that make service centers less affordable and drive development to outlying areas; competition among towns for "desirable" development; and avoidance of "undesirable" development that drives development elsewhere.

"The state invests over \$400 million annually in local infrastructure that drives where development occurs."

Further, research participants also mention market forces as drivers in development of land and more reason to manage growth. In particular, new growth from seasonal homes and retirees has driven demand (and prices) for real estate and changed the character of some towns in Maine.

12. State oversight is important to protect state investments.

The state invests over \$400 million annually in local roads and schools, wastewater treatment, community development, land conservation, and other local infrastructure that drives where development occurs. The state is a significant stakeholder in what happens at the local level and has an obligation to see that its investments are prudent, efficient, and well-planned. This requires some degree of oversight of local plans. In addition, national research⁶ shows that growth management programs with some form of state oversight are more effective than programs without state involvement.

13. The state must prioritize among matters of state and regional significance that affect local planning.

Research participants indicate a desire for clearer state and regional goals. At the same time, participants suggest that the state should be less involved in issues of a purely local character. Towns don't want to be told what local issues are important to them and most feel that the current process does this. While the distinction between what is a state or a local issue needs to be clarified, examining

⁶ Freece, John, W. National Center for Smart Growth and Education at the University of Maryland. "Twenty Lessons from Maryland's Smart Growth Initiative." *Vermont Journal of Environmental Law* and The Brookings Institution Center on Urban and Metropolitan Policy. *The Consequences of how Pennsylvania is Growing*, December 2003.

these two positions together suggests that the state needs to shift its focus from scrutinizing local plans to more clearly identifying matters of state and regional significance.

Further, our research shows a general understanding that state investments—particularly transportation, but also subsidized housing, economic development, and land conservation investments—all affect local planning. Many participants cite a lack of coordination and priority-setting at the state level that makes it difficult for towns to do good local planning. Some say that state incentives and strategies sometimes seem to be at odds with each other, giving examples of school siting and economic development zones being uncoordinated with goals in the Growth Management Act and local comprehensive plans.

“Research shows agreement that transportation, economic development, housing, and natural resource protection need to be considered at a regional level.”

14. There is strong, statewide support for more emphasis on regional approaches to development.

All of our research shows support for regional planning. In every focus group, participants raised this issue spontaneously, before a question was asked about it. Further evidence is the number of regional planning projects underway. These include regional transportation planning at Greater Portland Council of Governments, a project on Mt. Desert Island to coordinate planning in four towns, the Sagadahoc Rural Resource Initiative in southern Maine where 13 towns are working together to develop land use strategies to protect natural resources, and the Department of Transportation’s Gateway 1 project, which involves a coordinated approach to transportation planning for 21 towns along US Route 1.

Research also shows agreement that certain elements need to be considered at a regional level. Topics commonly cited for regional consideration are: transportation, economic development, housing, and natural resource protection. It also suggests that for most people “regional planning” doesn’t mean regional comprehensive planning, but instead means taking a more regional approach to development.

Finally, we find that in order for regional planning to succeed, regional plans must be supported by towns in the region. Regional plans on topics such as housing and economic development have been developed in the past, but have been largely ignored, because there has been little local support for them.

15. There is a desire for regional planning approaches to large capital project with regional impacts.

Casinos, natural gas terminals, and large development proposals such as Plum Creek have raised local awareness that Maine will continue to face large-scale developments with regional impacts. While regional environmental impacts are thoroughly reviewed, there is no similar regional review for economic, land use, or other regional impacts. Nor are there any requirements to compensate for or mitigate the effects of regional impacts. Our research shows interest in pursuing the question of broader regional review of large capital projects.

IV. Summary of Recommendations

It will take time to achieve the vision described in this report. Shifting the emphasis at the state level from detailed scrutiny of local plans to a more regional focus would take a number of steps. The recommendations summarized below and detailed on the next few pages propose a roadmap and timetable for moving forward.

1. Enhance Local Planning and Build on the Successes of the Growth Management Act *(Addresses the directive to make recommendations that would improve the planning process)*

- a. Focus state review on the Future Land Use element of a comprehensive plan (requires revision to SPO rule)
- b. Provide clear state policy guidelines for Future Land Use elements (to be included in SPO rule and posted on Web site)
- c. Provide towns and regional agencies with better tools, data, and assistance (SPO and partner agencies)
 - i. Give towns more assistance early in the planning process
 - ii. Provide regional data and analysis to towns
 - iii. Provide better tools and training to towns and regions
- d. Track growth and monitor progress (SPO)
 - i. Conduct long-term monitoring
 - ii. Study the implementation of comprehensive plans

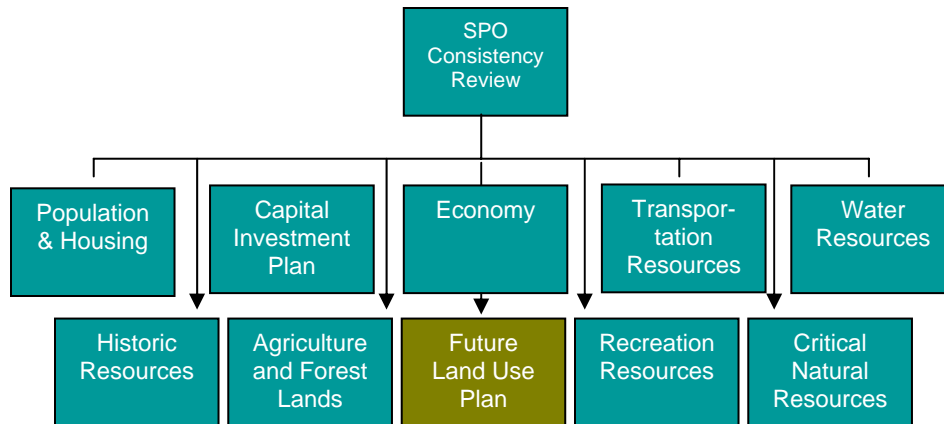
2. Shift State Focus to Issues of Regional and Statewide Significance

(Addresses the directive to make recommendations that would lead to more effective land use)

- a. Improve state level planning and coordination of state investments (state agencies)
- b. Engage the public in two pilot regional development projects that include visions and goals around the following elements (SPO):
 - i. Transportation
 - ii. Housing
 - iii. Economic Development
 - iv. Natural Resource Protection
- c. Address how we review large capital projects with regional impacts (DEP, DOT, DECD, SPO)
- d. Create an affordable housing study group to develop next steps based on the 2003 CPAC Report (MSHA)

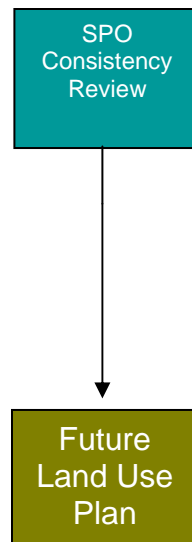
Current Review

Currently, the State Planning Office reviews 10 elements of local comprehensive plans against the Growth Management Act and finds them, in their entirety, consistent or inconsistent with the goals of the Act. These detailed plan reviews may not be the most effective use of state and local resources. However, some level of oversight of local plans is needed to protect state investments. The State spends \$400 million annually on local roads and schools, wastewater treatment, community development, land conservation, and other local infrastructure.



Proposed Review

The State Planning Office proposes to reduce its in-depth review to the Future Land Use Plan, which is one element of a comprehensive plan. In the Future Land Use Plan, a town describes how and where growth should occur and what strategies they will use to direct growth to these areas. This section is the culmination of the data, analyses, and other chapters in the plan. Other sections of a plan would receive less scrutiny.



V. Detailed Description of Recommendations

1. Enhance Local Planning and Build on the Successes of the Growth Management Act

A. Focus State Review of Comprehensive Plans

At present, the State Planning Office's comprehensive plan review rule (Chapter 202) provides for the Office to review comprehensive plans in their entirety and find them "consistent" or "inconsistent" with the Growth Management Act. This often results in lengthy findings letters outlining changes required to achieve consistency. At times, towns receive these letters at the end of their planning process, frustrating committees who have worked hard on these plans for several years.

"Detailed plan reviews may not be the most effective use of state resources."

The State Planning Office contracts with the 11 regional planning agencies to assist municipalities with developing their comprehensive plans, but council staff resources are often stretched.

On the state side, detailed plan reviews may not be the most effective use of state resources. Statutory deadlines for reviews are consistently being met (and have been for the past two years), yet plan review requirements detract from staff time to meet with towns, develop tools and materials for towns to use, and work with other state agencies on planning issues of state or regional importance.

At the same time, maintaining some state oversight of local plans is needed for two reasons. First, the state spends approximately \$400 million annually on schools, roads, and other local and regional infrastructure making the state a significant stakeholder in what happens at the local level. The state has an obligation to see that its investments are prudent, efficient, and well-planned. Second, national experience shows that states with no oversight of local plans have relatively weak planning and growth management programs. Recent studies from Maryland and Pennsylvania document this.⁷ In Maine, effective planning and growth management are particularly important because our economy depends on our "quality of place."

Recommendation:

1. Focus state review on the Future Land Use element of a comprehensive plan. The State Planning Office recommends that its review of local comprehensive plans be focused on the Future Land Use Plan, which is one element of a

⁷ Freece, "Twenty Lessons from Maryland's Smart Growth Initiative" and Brookings Institution, [The Consequences of how Pennsylvania is Growing](#).

comprehensive plan. In the Future Land Use Plan, a town describes how and where growth should occur and what strategies for investment and land use regulation (i.e. zoning and differential growth caps) they will use to direct growth to these areas and preserve important local resources. This chapter is the culmination of the data, analyses, and strategies from all the other chapters in the plan.

Furthermore, zoning ordinances are based on the strategies outlined in the Future Land Use Plan. In-depth state review of this chapter would maintain the integrity of the Growth Management Act, which states that, “any portion of a municipality's or multi-municipal region's rate of growth, zoning or impact fee ordinance must be consistent with a comprehensive plan...” (Title 30-A, §4314).

Next Steps:

- ✓ Amend Chapter 202, the State Planning Office’s comprehensive plan review criteria rule, to focus the Office’s in-depth review on the Future Land Use elements of comprehensive plans
- ✓ Design a transition process for plans currently underway when the rule changes

Timeline: December 31, 2006

“The Future Land Use Plan is the culmination of the data, analyses, and strategies from all the other chapters in a comprehensive plan.”

B. Provide Guidelines for Future Land Use Plan Chapters

In our research, people asked for clearer guidelines on what policies (tools and strategies) might work to achieve the goals in their comprehensive plans. For example, if a town wanted to limit growth in their rural area, what tools could help them accomplish this? These policy choices, which are summarized in the Future Land Use Plan, are the most difficult part of planning (this is typically where most plans falter). If the State Planning Office provides clearer policy guidelines, towns should be able to develop plans that are more likely to be consistent with the Growth Management Act.

Recommendation:

1. Provide clear state policy guidelines for Future Land Use elements.

The State Planning Office recommends that it develop clear policy guidelines to assist communities with developing the Future Land Use Plan. The guidelines would be published in rule and include menus of strategies to choose from. None of these strategies would be required. Rather, they would serve as guidance to assist a town in submitting a plan that is consistent with state law and rules. Towns would also have the option of creating unique strategies to support their local goals.

Next Steps:

- ✓ Develop strategy options and guidelines for municipalities and include these in an amended rule and post them on the Web

- ✓ Develop instructional materials for local comprehensive planning committees, regional councils, and consultants on the new review process
- ✓ Develop a mechanism to inform communities with plans that may have been determined “inconsistent” with state law who may wish to resubmit under the new rule

Timeline: December 31, 2006

C. Provide Towns and Regional Agencies with Better Tools, Data and Assistance

a. Technical Assistance:

“Streamlining and focusing reviews could shift staff resources to better assist towns with planning.”

Many participants in our research suggest that the State Planning Office should provide towns with more help as they begin the planning process. All too often, a volunteer planning committee will put hours of effort into a plan, only to find that their completed plan doesn’t fulfill some of the requirements of the Growth Management Act. To a degree, this could be prevented by providing more assistance early in the planning process.

As a result of streamlining its reviews and focusing assistance on the Future Land Use Plan, the State Planning Office could shift staff resources to better assist towns with their planning. Regional agencies would still have a role in providing technical assistance to towns.

Recommendation:

1. Give towns more assistance early in the planning process.

The State Planning Office recommends that its land use planning staff meet with towns as they begin the planning process to provide an overview of what is needed to complete a successful plan. The State Planning Office also recommends that it meet with towns up to three times during the planning process; at the beginning, in the middle, and, to deliver its findings and comments, at the end of the process.

Next Steps:

- ✓ Formalize community grant contracts and regional planning council contracts to include the meeting provisions
- ✓ Meet with towns who are initiating plans or plan updates

Timeline: Immediate

II. Data:

The volume and complexity of data and analyses required for comprehensive plans ask much of volunteer committees. The process of gathering and interpreting data and creating a narrative about the town can take up to two years to complete. As a result, the policy development portions of plans sometimes get short-changed.

From the state and regional perspective, the data gathering and analysis processes are also cumbersome. At present, towns are given small grants (\$10,000 to \$25,000) to hire consultants who assemble and analyze data for town plans, in addition to completing the rest of the plan. About a dozen towns receive the available planning grants each year; meaning about half of the requests from towns cannot be met. The work done by towns under the grants is duplicative, as each town individually gathers and synthesizes similar data.

The required data gathering and analyses also consume time in the state review process. When plans are submitted, state staff evaluates these data-heavy sections of plans, often working for months with a town committee or consultant just to make certain data are accurate and support the towns' analyses.

"The volume and complexity of data and analyses required for comprehensive planning ask much of volunteers."

Recommendation:

1. Provide towns with regional data and analyses to be used in local plans.

The State Planning Office recommends that the state and regional planning agencies collect and synthesize data and provide analyses to towns when they prepare their comprehensive plans. Towns could insert this "ready-made" information into local plans requiring less time on the part of communities to prepare them and the state to review them.

Next Steps:

- ✓ Initiate a transition process that would allow regional agencies to provide regional data and analyses to towns to support comprehensive planning
- ✓ Revise regional planning council contracts

Timeline: effective date of new contracts July 2006

c. Other Planning Tools and Techniques:

Planning is a changing professional field with new technologies and techniques introduced every year. Towns and regional agencies have limited capacity to research, adapt, promote, and train people to use new planning tools and approaches. It is inefficient to duplicate these activities on a town-by-town or regional basis.

Recommendation:

1. Provide better tools and training to towns and regions.

The State Planning Office recommends that state land use planners become the experts in the tools of the trade and share this knowledge with local and regional officials through training and technical assistance.

Next Steps:

- ✓ Identify sources that could provide staffing, research, training, and software in the latest planning tools and techniques
- ✓ Develop tools, design training

Timeline: Ongoing; this effort would increase when staff time frees up from plan reviews

d. Assistance for Planning Boards:

One of the findings of our research is that in some areas volunteer planning boards are overwhelmed. In fast-growing areas, boards are overwhelmed by the sheer volume of development proposals. In slower growing areas some boards struggle to stay current with local ordinances and changes in state law between project reviews. These boards are asked to evaluate proposals and make decisions in the best interest of local citizens, often with insufficient expertise at their disposal. In addition, volunteer boards often turn over rapidly.

“Volunteer boards are overwhelmed.”

Many towns have a comprehensive planning committee, a planning board, and planning board of appeals. Our research shows that it has become increasingly difficult to keep these boards filled with volunteers. We also heard that volunteer boards lack training for the decisions they need to make and that this can result in land use decisions with unintended consequences.

Moreover, planning boards in fast-growing areas tell us they have no time to plan. It is all they can do to respond to incoming proposals for development.

Recommendations:

1. Pilot multi-municipal review boards to review development proposals.

The State Planning Office recommends that towns work together to streamline the project review process. One board with a cross section of representation could review development proposals for several towns. This would create a larger pool of volunteers from which towns could draw and help reduce turnover. The State Planning Office proposes first piloting this approach.

Next Steps:

- ✓ Solicit proposals to pilot multi-municipal review boards using existing state planning grant funds to fund this pilot project

Timeline: Immediate

2. Support the creation and development of a Planning Academy.

The State Planning Office recommends establishing a planning committee to provide educational and training opportunities for planning boards, development review boards, and appeals boards. Members should include persons from the Maine Department of Education, Maine Community College System, Muskie School of Public Service, Margaret Chase Smith Policy Center, Maine School of Law, Maine Municipal Association, Maine Association of Regional Councils, Maine Association of Planners, and State Planning Office.

Next Steps:

- ✓ Establish a planning committee
- ✓ Identify funding sources to implement this program

Timeline: Begin planning process in July 2006

“Development tracking would help evaluate the effectiveness of existing growth management strategies and design future strategies.”

D. Track Growth and Monitor Progress

a. Tracking and Monitoring at the State Level:

The Growth Management Act contains 10 state goals (see page 5). We must do more to measure progress in achieving them.

In 2001, the Maine Development Foundation helped create a series of 23 measures called *Indicators of Livable Communities*. These indicators are similar to the economic measures that the Foundation publishes annually in their *Measures of Growth* report, but more specific to land use patterns and sprawl. With sufficient resources, these indicators could be used to track the impacts of our land use decisions.

More recently, the advent of computerized mapping and Geographic Information Systems (GIS) make development tracking realistic. Development tracking involves documenting where new development occurs and where changes in land use and infrastructure takes place. It would help evaluate the effectiveness of existing growth management strategies and design future strategies.⁸

As part of the successful effort to build a statewide library of geographic information (Maine GeoLibrary) in 2002, legislators recognized the need for a consistent and comprehensive statewide development tracking system. They charged the State Planning Office with coordinating such a system. The Office convened a Development Tracking Steering Committee, comprising representatives from state, regional, and local government, the private sector, and academia. The steering committee outlined several recommendations and action steps to track growth in Maine.

⁸ Development Tracking Steering Committee. *Development Tracking in Maine: Documenting the Changing Landscape*. March 2005.

One of the most promising methods of tracking development uses new connections to the electrical delivery system. A utility connections grid has been developed and several of the state's utilities companies have agreed to provide data free of charge to state. These data are a good indicator for where new development is occurring.

Recommendation:

1. Conduct long-term monitoring.

The State Planning Office recommends implementing the recommendations in the final report of the Development Tracking Steering Committee, Development Tracking in Maine: Documenting the Changing Landscape, to implement a long-term system of tracking growth in Maine. The first step is to pilot the variety of ways in which the development tracking data could be used and determine what funding exists to support ongoing monitoring.

"Maine urbanized 1.69 acres of land for every new resident, the ninth highest rate in the nation."

Next Steps:

- ✓ Identify funding sources to initiate pilot projects as recommended in the report
- ✓ Develop strategies for collecting and maintaining the key data sets recommended in the report, in addition to utility data

Timeline: Identify funding proposals for FY 08-09

b. Implementation of Comprehensive Plans at the Local Level:

On a local level, there is evidence that comprehensive plans have not fully directed growth into growth areas, as the Growth Management Act originally intended. In a comprehensive plan, municipalities identify where they want growth to occur. The choice of these locally-designated growth areas is based on a number of factors (e.g. where public services can be provided cost-effectively; where construction of duplicative infrastructure can be avoided; where impact on rural lands can be minimized). Nevertheless, residential growth, particularly in rural areas of southern and coastal Maine, has skyrocketed since the Growth Management Act was put in place. Between 1982-1991, Maine urbanized 1.69 acres of land for every new resident, the ninth highest rate of land consumption in the nation.⁹ Market forces, property taxes that drive people away from service centers, the willingness of the public to pay for new infrastructure in rural areas, and political difficulties in restricting growth in rural areas are all cited as reasons for the continuing suburbanization of parts of Maine.

Recommendation:

1. Proceed with a fellowship study on the implementation of comprehensive plans.

⁹ Brookings Institution, The Consequences of how Pennsylvania is Growing.

The State Planning Office recommends using its federally-funded, full-time fellow to study the implementation and effectiveness of comprehensive plans in a series of in-depth case studies. As a result of the study, we would better understand how and why comprehensive plans do and do not work to manage growth.

Next Steps:

- ✓ Select fellow and refine work plan
- ✓ Conduct case studies of plans and implementation in a variety of towns
- ✓ Evaluate results and develop recommendations to strengthen the implementation of local plans

Timeline: August 2006 - August 2008

2. Shift State Focus to Issues of Regional and Statewide Significance

“Well-planned public investments are an effective strategy for containing the costs of sprawl.”

A. Coordinate Planning for State Investment

Where the state spends its money affects land use and development decisions. Public investments in public water supplies, boat access to Maine waters, schools, bridges, roads, affordable housing, Pine Tree Zones, industrial parks, and rail transport, among other infrastructure, should not work against each other. A key finding of our research is a need to coordinate state investments.

Most of Maine’s downtowns were originally sited based on transportation needs. Cities and towns were built adjacent to deep water ports. Major roads and rail-lines were built to connect these settlements. Residential areas were built within walking distance or an easy horseback ride from downtown areas. Today, we can travel just about anywhere by car and, as a result, development has spread far and wide throughout the state.

People must have sufficient choice in where they live. However, Maine’s spreading development comes at a cost that all taxpayers currently bear. Estimates show that public infrastructure to serve sprawling development has cost more than \$300 million in taxpayer dollars¹⁰.

Coordinated, unduplicated, well-planned public investments are an effective strategy for containing the costs associated with sprawling growth in Maine. Siting schools, roads, bridges, state office buildings, service functions, and subsidized housing with reference to the cost of sprawl can set an example and stimulate private investment in ways that manage growth.

¹⁰ State Planning Office, Cost of Sprawl, 1997.

In preparation for this report, the State Planning Office met with a number of state agencies (the departments of Economic and Community Development, Conservation, Transportation, Inland Fisheries and Wildlife, Marine Resources, and Health and Human Services and the Maine State Housing Authority) to talk about a coordinated approach to state investment. All these agencies support moving forward.

The Maine Department of Transportation is particularly interested in pursuing this. As a planner at that agency put it, “if we continue to develop the same way we have for the last 20 years, ten to twelve years from now, many of our major roads will be over capacity.”

Recommendation:

1. Improve state level planning and coordination of state investments.

The State Planning Office recommends that it convene state agencies to create a strategy for coordinating state investments based on regional and state priorities. The inter-agency forum would examine how investment decisions are made now and what changes (statutory, regulatory, and programmatic) are needed to reduce sprawl and protect state investments.

“If we continue to develop the same way we have for the last 20 years, ten to twelve years from now, many of our major roads will be over capacity.”

Next Steps:

- ✓ Coordinate state contracts with regional agencies so that state-funded tasks complement one another
- ✓ Explore what statutory or rules changes might be needed to coordinate state investments
- ✓ Inventory state agency plans and priorities that have been established, map priority assets, identify where priorities relate or conflict
- ✓ Convene an inter-agency forum to review current and planning major investments
- ✓ Pilot regional development plans to identify regional and state priorities (see below)
- ✓ Present recommendations to the Governor and Legislature

Timeline: July 2006 – December 2007

B. Pilot Regional Development Planning

There have been regional plans prepared over the years, but many have lacked “teeth” in part due to insufficient local participation. Many good efforts at regional planning failed to be implemented.

At the same time, many research participants complain that the Growth Management Act is a “one size fits all” statute. Maine has a diverse landscape. There are fast- and slow-growing areas, areas that depend on natural resource-based industries and areas that don’t, high and low employment areas, and areas

with differing natural resource characteristics. The character of a community rarely stops at a municipal boundary. Slow growing communities rarely border fast growing ones, transportation facilities serve a larger region, and wildlife does not adhere to map lines. Establishing regional goals and policies as way to address these differences makes sense.

While more work needs to be done to define what “regional planning” means, participants repeatedly mentioned four areas they feel are well-suited to regional planning. These are:

1. Transportation
2. Housing
3. Natural Resource Protection
4. Economic Development

Based on this feedback, we believe that “regional planning” would be different from our current comprehensive planning model. “Regional plans” could be more of a blueprint for development of a region, perhaps more accurately called “Regional Development Plans.”

“Regional plans could be a blueprint for development of a region, perhaps more accurately called Regional Development Plans.”

State goals in the Growth Management Act are broad. Local goals are focused on the narrower interests of municipalities. Visions and goals that address the specific features and challenges in a region are a missing link. Conducting regional visioning sessions and creating regional goals, as part of a regional development plan, would be valuable. Several regions have already expressed an interest in participating in such an effort.

Recommendation:

1. Engage the public in two pilot regional development projects that include visions and goals around transportation, housing, economic development, and natural resource protection.

The State Planning Office recommends developing two pilot projects to understand the process and elements needed to create meaningful and useful regional development plans. Pilots would occur with willing regional partners and with tasks contracted to appropriate regional agencies. Ideally, one pilot would be conducted in a fast-growing area and the other in a slower or non-growing area.

Next Steps:

- ✓ Inventory existing regional plans and regional priorities, map priority assets, identify where priorities relate or conflict
- ✓ Develop criteria and select regions for pilot projects
- ✓ Work with pilot regions to apply for grants under the Fund for the Efficient Delivery of Local and Regional Services
- ✓ Seek other state and federal funds to support the pilots

- ✓ Serve as advisor to pilot areas
- ✓ Evaluate pilot results and identify next steps

Timeline: July 2006 – June 2008

C. Address How we Review Large Capital Projects with Regional Impacts

The Site Location of Development Act (Site Law) [38 MRSA §481 *et al*] is the principal law that regulates land use development at the state level. This law was first enacted in 1972 and has been amended over time to include different types and scales of development. The Site Law regulates how development is placed on a particular parcel, but it does not direct the location of development (despite its name). While the Site Law adequately addresses regional environmental impacts of development, it does not consider other impacts of development on a region (e.g. impacts on public services, land use, and the regional economy, etc.). As such there have been several different efforts to establish connections between the Site Law and the Growth Management Act or land use planning more generally. The last effort occurred in the middle 1990s.

“While the Site Law adequately addresses regional environmental impacts of development, it does not consider other impacts of development on a region.”

Recommendation:

1. Address how we review large capital projects with regional impacts.

The State Planning Office recommends review of the Site Law and its rules to ensure that they align with any changes to local and regional planning, and so that they are updated to reflect the best development practices and smart growth policies for Maine. This review should be conducted jointly by the departments of Environmental Protection and Transportation and the State Planning Office.

Next Steps:

- ✓ Work with the departments of Environmental Protection and Transportation to determine law or rule changes that might address regional land use impacts

Timeline: December 2007

D. Create an Affordable Housing Study Group

We need housing that our workforce, our young professionals, and our senior citizens can afford. The shortage of affordable housing has become an obstacle to economic development and job creation. It is something Maine must address for the stability and well-being of our residents, and as a fundamental component of our future economic strength and attractiveness.¹¹

¹¹ Affordable Housing Subcommittee of the Community Preservation Advisory Committee. Affordable Housing: Barriers and Solutions for Maine. December 2003.

In 2003, a subcommittee of the Community Preservation Advisory Committee (CPAC) produced a comprehensive report with recommendations on affordable housing. The recommendations and funding strategies should be developed for public debate and legislative consideration.

Recommendation:

1. Create an affordable housing study group.

"The shortage of affordable housing has become an obstacle to economic development and job creation."

The State Planning Office recommends implementing the recommendations in the Community Preservation Advisory Committee's 2003 study, Affordable Housing: Barriers and Solutions for Maine. The Office further recommends creation of a study group that has broad expertise in finance and affordable housing policy to review the findings and recommendations of the CPAC study and build proposals and recommendations from it. Study committee membership should include representatives from Maine State Housing Authority, Maine Municipal Association, State Planning Office, a large service center, a fast-growing suburban town, a private housing developer, and a non-profit housing program or agency. The study group could seek additional input from other stakeholders, as needed. Regulatory solutions, financial incentives, regional solutions, and other tools should be considered in developing proposals.

Next Steps:

- ✓ Maine State Housing Authority establishes a study group
- ✓ The study group develops a strategy for next steps and presents its findings and recommendations to CPAC

Timeline: December 1, 2006

VI. Conclusion

Based on the input of over 200 Maine people and their views about the process of reviewing local comprehensive plans and the effectiveness of land use planning on the ground, the State Planning Office offers 13 recommendations to address its legislative charge, which was:

1. To study the current law, policy, and procedures and make recommendations for improving the planning process; and
2. To review the Growth Management Act and make recommendations that would lead to more effective land use.

The State Planning Office concludes that effective land use planning is important to Maine's economy and sense of place and that many people support local land use planning as a way to determine the future of their community.

Seventeen years have passed since the enactment of the Growth Management Act. There has been much success on which to build. 379 communities have received state planning grants. 250 municipalities have adopted comprehensive plans. Planning gives communities the tools to grow in accordance with their local vision.

Nevertheless, times have changed and we believe we have come as far as we can under the laws and policies of the 1980s. It is time for a new approach to land use planning in Maine. The new approach would preserve local planning, but shift the state focus to state and regional planning. The recommendations included here are the first step in achieving a vision where the state, regions and municipalities work together to sustain our natural environment, protect our unique quality of place and build our healthy economy.

VII. Matrix of Recommendations with Timeline

| Recommendation | Task | Completion Date |
|--|---|---|
| Focus state review of plans | Rulemaking | Dec. 31, 2006 |
| Provide clear guidance on Future Land Use plans | Rulemaking | Dec. 31, 2006 |
| Give towns more assistance early in the process | Meet with towns in a region who are initiating plans or plan updates | On-going, we have begun doing this |
| Provide regional data and analysis | Revise regional council contracts to provide this data | July, 2006 |
| Provide better tools and training to towns and regions | Develop tools, design training | On-going, this effort would increase when staff time frees up from plan reviews |
| Pilot multi-municipal review boards | Solicit proposals and award grants | Immediate |
| Develop a Planning Academy | Establish a planning committee and identify sources of funding | Begin planning in July 2006 |
| Conduct long-term monitoring | SPO staff now working with utilities data to track growth patterns and develop a funding proposal for tracking growth | FY 08-09 |
| Study implementation of comprehensive plans | Full-time fellow will conduct case studies of plans and implementation in a variety of towns | August 2006-August 2008 |
| Improve state level planning and coordination of investments | Meet with state agencies and create a strategy for coordination of investments | Dec. 31, 2007 |
| Engage public in two regional development pilot projects | Select regions for projects | Dec. 31, 2006 |
| | Advise on projects | 2007-2008 |
| | Evaluate results and identify next steps | 2008-2009 |
| Address how we review large capital projects with regional impacts | Work with DEP on expanding site law rules | Dec. 31, 2007 |
| Create and affordable housing group to develop next steps | Convene group to develop proposal | Dec. 31, 2006 |

VIII. Appendices