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Testimony of Nancy Smith, Executive Director of GrowSmart Maine

Regarding proposed changes to LUPC rules of adjacency and subdivision

January 10, 2019

Good afternoon Commissioners of Maine's Land Use Planning Commission,

My name is Nancy Smith and I am the Executive Director of GrowSmart Maine. We are a statewide non-partisan, non-profit organization working to create lasting prosperity without sacrificing the quality of life that defines Maine. I bring to this issue my experience as a forester, a farmer, a legislator and now as an advocate for the mission of this organization.

GrowSmart Maine has engaged with staff and other stakeholders throughout this process. Our intention is to advocate for rural economic growth and the viability of communities adjoining the unorganized territories (UT). Conservation, wildlife, environmental issues are equally important, and in my experience they are addressed by others with greater capacity and relevant expertise.

Sprawl, unmanaged development outside of already settled areas, damages both built and natural environments, and risks diverting from nearby towns much-needed economic and residential growth while diminishing rural Maine's quality of life for those who live in the area and those who visit. Destination tourism must be included in our view of the rural economy of the UT, along with the forest products sector. Maine needs both for these rural areas to thrive.

We support the stated purpose of defining land use districts on page 16 of the proposal. *“Locating most new subdistricts for commercial activities and residential subdivisions close to existing development and public services reduces public costs; improves the economic health of existing communities; protect important habitat; and minimizes interference with natural resource-based activities such as forestry, agriculture, and recreation. In some cases, land uses that must be conducted near a natural resource or are closely tied to a natural resource should be allowed to locate away from development to ensure a continued natural resource-based economy and a reasonable opportunity for residential development in select locations.”*

My testimony outlines overall support the direction with a few concerns. I also highlight key issues to be addressed in the Basis Statement and an issue outside of the jurisdiction of the LUPC in which we will continue to engage.

GROWSMART MAINE SUPPORTS:

Many of the changes proposed effectively support the stated purpose of this proposal and we support them:

- Defining adjacency based on proximity to communities rather than to similar development: This will pull development towards towns eager for it and away from unique natural areas.

- Requiring provisions for emergency services and legally enforceable access: These provisions acknowledge realistic expectations of the developer but more importantly, of the first and future property owners.
- Updating rules to accommodate agricultural and forestry based economic opportunities: This can be done to foster economic activity while still protecting the unique landscape from sprawl.
- The public engagement process of LUPC staff has been very strong: They engaged in meaningful discussion with stakeholders and responded to issues raised by adapting rules to additional information and further explanation of their reasoning
 - They engaged in a new level of outreach with municipalities, through Maine Municipal Association (MMA). Though the natural inclination would be for LUPC staff to focus only on the UT and for municipal staff to focus only on organized towns, this is not the most effective way to plan for the region. Both parties seem enthusiastic to build on recent interactions and GrowSmart is willing to support this engagement in any way that would be helpful.
 - We encourage one component of this new coordination of effort; for LUPC staff to attend regional planning meetings and regularly engage with municipalities within the region.
 - MMA has offered to provide LUPC with time at their annual convention as well as to facilitate an online presence where rural hub communities can access information such as contract templates for agreements to provide ambulance service. LUPC should fully engage with MMA in these efforts.

GROWSMART MAINE HAS CONCERNS:

There are components of this proposal that raise concern and should be addressed.

- Primary locations definition at 7 miles out may still impede growth within these rural hub communities and create sprawl. As explained by staff, they believe this is the most workable as a 5-mile distance results in much adding in of areas already developed. I'd suggest this method reflects current growth patterns rather than the intended purpose of the rule. We support narrowing this distance during the initial five-year period so impact can be measured and addressed without requiring a rollback of rules, but rather could allow for an expansion this distance if this is an issue.
- Secondary locations at a 5 mile distance may be excessive. Allowing development 5 miles from a public road in towns, townships, or plantations that share a border with certain towns opens a great deal of area for development far from the towns seeking this growth. The "2-in-5" rule is still in play and may be enough to accommodate the proposals that seek these locations. We recommend putting a hold on these secondary areas for the first five years, pending the scheduled review.
- The emergency services requirement defined on p 9 includes a waiver for certain areas in proximity to existing development, including Class 3 lakes. The intent of this requirement is legitimate, even in these areas with existing development, and the waiver should be eliminated.
- LUPC staff should ensure that towns have resources to negotiate an emergency services agreement that accurately reflect the true costs to the town. We've been part of discussions outlining potential for working with MMA to provide templates and guidance to these communities. LUPC should continue to work with MMA to provide best practices.
- Scenic byways have been designated because of their unique value for destination tourism and quality of life for nearby residents. These roads are valuable in their current state to communities in these areas and are a vital component of destination tourism plans being implemented by Maine Woods Consortium. We are not recommending a ban on development along these roads, but rather that the Commission prioritize efforts to prevent development that would diminish their esthetic and economic value. LUPC staff say that each scenic byway is unique and that local leaders place varying degrees of value on them. They recommend development of design standards as a solution, as was done along the Bold Coast in Aroostook County. This is an acceptable solution if done in a timely manner and are initiated through regional planning initiatives such as work underway by regional planning commissions, Katahdin Gazetteer, and the Maine Woods Consortium.

- Recreation Supply Facilities and Day Use Facilities: Some accommodation for uses that truly must be near the resource is a valid goal. They too would be allowed within “2 in 5 rule.” We still have concerns that these ventures may work against related businesses in the rural hub communities.

SPECIFICS TO BE HIGHLIGHTED IN THE BASIS STATEMENT

Our conversations with staff have been respectful, productive, and responsive. Samantha Horn should be commended for setting this tone and devoting department resources to this outreach. It is important to capture within the Basis Statement much of the sentiment and intention expressed during these meetings.

- Purpose and process for review in five years or sooner the trigger of five re-zonings in any one county is met and that the review would be for the entire UT, not just for the impacted county. Be clear in the process, purpose and intended outcome of the review. When a review is triggered notice should be given, and rezoning requests should be suspended while rules are reviewed.
- The unique nature of scenic byways should be noted. While we do not call for a ban on development in proximity to these assets, consideration for their unique value must be prioritized. The basis statement should outline a plan and a timeline for establishment of design standards for scenic byways, incorporating into ongoing regional planning effects where possible.
- Outline the process for tracking of data to ensure re-zonings are being tracked and this information is publicly and readily available. Interested parties likely include the public, Legislators and county commissioners with UT in their borders and the Legislative Committee with oversight over the LUPC.

PROPERTY TAX / SERVICES DISPARITY MUST BE ADDRESSED OUTSIDE OF LUPC

- Though outside of LUPC jurisdiction, the significant property tax mil rate differential between municipalities and surrounding UT creates a significant disincentive for development within these towns yet reflects the true costs of providing valued municipal services. This mirrors the challenges of the larger service centers less rural parts of Maine for the same reason; municipalities are providing services for those living beyond the town boundaries with only property taxes to fund them. GrowSmart Maine is committed to working with others to address this issue.