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Maine's Rural Development Council



**Testimony of GrowSmart Maine  
On LDs 1940 and 1751  
Modernizing Growth Management Law**

May 8, 2025

Senator Curry, Representative Gere, and Honorable Members of the Joint Standing Committee on Housing and Economic Development,

My name is Nancy Smith, I live in Ellsworth, and I am the CEO of GrowSmart Maine. We are a statewide non-partisan non-profit organization helping communities navigate change in alignment with smart growth. We advocate for comprehensive policies and funding for smart growth practices and outcomes.

We partner with Build Maine to co-host a transparent crowd-sourcing of policy proposals that has drawn together over a hundred people from across Maine and beyond. Policy Action 2025 follows Policy Action 2023 from the 131st Legislature. Each session we strive to meet this goal, ***"to address barriers to and create incentives for equitable, sustainable growth and development that strengthens downtowns and villages of all sizes while pulling development pressure away from productive and open natural areas."***

GrowSmart's testimony is grounded in years of work on this issue, and in recent discussions as the language of each bill became available. I am working with board members who represent land use planners and the development community, with the Environmental Priorities Coalition and conservation community, and with the sponsors of LD 1940.

My testimony consists of four major points, and reflects GrowSmart's pragmatic and balanced approach, advocating that good policy as a result of respectful relationships within the organization and with legislators and partner organizations from across Maine.

1. The new Growth Management Law should:

- Define a meaningful and informed comprehensive (comp) plan process to support related zoning and land use ordinances a municipality may choose to advance; and to provide a roadmap for the services and capital investments

that may be needed to support places for social connections and encourage economic development, and resource protection.

- Be clearly written, unifying, implementable, and defensible. A modernized Growth Management Law will result in comprehensive plans that make land use decisions more predictable for developers, residents, and municipalities. To do so, a comp plan should give sufficient guidance so that there is little question of the growth or resource protection steps taken, and any resulting zoning of an area. This can be done with a focus on agreed upon outcomes, rather than being overly prescriptive of process.
- Require less time gathering data, allowing more time in developing a vision, goals and the implementation plan, acknowledging that the process of gathering information and reflecting on the issues raised is still relevant and important, and can be implemented as a feedback loop rather than a linear process.

2. Specific aspects of LD 1940 that support smart growth:

- The expanded focus on rural areas, with additional definitions to distinguish levels of protection to be considered. The process of planning for growth begins by considering where the community does NOT want to see new development, based on this more in depth process. This includes denoting significant agricultural soils as a foundation for supporting farm viability.
- The intent to encourage more deliberate outlining of growth areas, as demonstrated in two aspects of the bill. While the requirement for use of place types is a point of disagreement with supporters of the other bill, the intent is to provide language to distinguish among different types and levels of human activity, to accommodate finer-grained discussion of where, and of why type, development should be encouraged in the community. Replacing the transitional areas with suburban designation also achieves this goal.
- The strong intent to initiate early in the process, meaningful discussions on if and how best to accommodate and encourage development, based on specific location, capacities and features of a neighborhood or section of town.

Defining a broad stakeholder group to engage with the department in developing new rules for the Growth Management Law. The list proposed reflects those involved in developing this bill language.

3. There is the sense that the language in LD 1751 provides a clearer and simpler approach. For example:

- It streamlines the inventory requirements of the existing law while ensuring that communities take stock of where they are with respect to key state needs, such as housing and economic development.
- It allows communities flexibility on whether to use the place types model, which may not be appropriate for all communities.

- It highlights the need for communities to plan for consistency with the state's Climate Action Plan.
- Critically, both bills retain the essential parts of Section 4314, paragraph 3, a provision that has been part of the Growth Management Law since its first enactment. Because zoning treats property owners in different parts of town differently, there has to be a public health, safety or welfare reason for doing so. The comprehensive plan is the tool for establishing those public health, safety and welfare reasons. As well established in law, this section is fundamental to the comprehensive plan serving as a legal foundation for zoning and certain related local land use ordinances. It requires that zoning, rate of growth, and impact fee ordinances be consistent with the policies of the comprehensive plan. Any part of such an ordinance that is not brought into consistency within 24 months is no longer in effect. This should be maintained as the committee works the bills.

#### 4. What to do after today's hearing:

There are disagreements between proponents of both bills, and I believe they can be worked out by those who are committed to supporting a single bill to advance exemplary policy this session. These issues are:

- **The amount and type of data to be required in a comp plan.**
- **How to incorporate place types into the comp planning process.**
- **Whether to ensure robust engagement in rulemaking with a broad stakeholder group invited into the process or use existing rulemaking process for major substantive rules.**
- **Ensure the social aspects of community planning are as solidly anchored in the comp plan process as is the land use planning.**
- **Ensure a connection to State Goals in 4326-A.1 Inventory and Mapping section.**

GrowSmart Maine is willing to assist the committee in any way that is helpful, and we appreciate the time and through you are devoting to this important issue.

*Nancy E. Smith*