



Maine Legislature's Environment and Natural Resources Committee

March 2, 2021

RE: LD 390 (H.P. 274) "An Act Regarding the Mapping of Shoreland Zones"

Dear Committee Members:

AVCOG supports the creation of a committee to review the challenges of mapping the current Shoreland zoning law as written and is neither for nor against this legislation.

As a Planner at AVCOG, I prepare Shoreland zoning maps for municipalities. This work is typically the most frustrating task I perform. This mapping will always have a level of complexity to it because of how all-encompassing the law is but there are two main issues that cause difficulty in preparing these maps. One is that we rely on data sets developed by Federal agencies for water features, floodplains, and wetlands to base determinations of the location of the Shoreland zones. The decisions the Federal agencies make in preparing these data sets sometimes does not match up well with State law. Given that the water body and wetland data sets change as frequently as annually, I regularly run into issues on how to apply the Federal data to the State's Shoreland zoning requirements. The second, is that DEP's Shoreland zoning team does not have anyone who has access to or proficiency in GIS and therefore is not able to provide much guidance. The staff is responsive and does their best, but without being able to literally "see" the issue mappers are running into when we have questions it requires a lot of back and forth and screen shots, etc. There also is not a "go to" person for mapping questions or a reference to see what guidance may have been provided in the past to other mappers. This creates a lot of inefficiencies in the process which can result in a week or two determining how to use the data before a map can be made.

Currently, Shoreland zoning map development is done differently across the state. In some areas Regional Council's do the work, in other areas private consultants are the only option, and in still others, partnerships with the University of Maine schools have been formed. The proposed legislation was created to solve problems with using GIS modeling to make Shoreland zoning maps for municipalities. This process of developing an automated model to develop Shoreland zoning maps was accomplished using grants and cost sharing among towns in Washington County, and has created an economy of scale which has not only saved towns money but as meant that they have recently updated maps at an affordable level. In many parts of the state, we

are not using models yet, and there are many towns that still have hand-drawn maps from the 1990's. The cost of updating a map is often more than a rural community can budget.

This legislation seeks to solve problems that were uncovered during the process of using a series of models to partially automate the process of mapping the Shoreland zoning law. However, there are additional mapping challenges this does not address for those not using models, and it is not clear what additional issues these proposed changes may cause.

I support revising the Shoreland zoning law to simplify the mapping process and to make using a model less cumbersome. Because of the complexity of the law, and lack of capacity in DEP's Shoreland Zoning Division for mapping, which affects staff's ability to fully engage in this discussion, the establishment of a workgroup that would consider the range of mapping challenges that are present with the current law is needed so we can find a better way of creating maps while maintaining the same level of resource protection.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Norton".

Shelley Norton, AICP
Land Use Planner