

Jeff Levine  
Portland  
LD 772

I worked as a municipal planner from 1998 to 2019, most recently as the Director of Planning & Urban Development for the City of Portland. Currently I teach planning and work with communities and regions on their planning projects. I am writing neither for nor against LD 772, though I would recommend it not pass with its current language.

In my municipal planning career I have wrestled with the right method of providing developers with certainty as to when land use ordinances can change and affect their developments. On the one hand, developers deserve certainty when they seek to develop in a community, without last minute or even retroactive changes to the rules. On the other hand, I have seen methods used to freeze land use codes in other states that are not consistent with good planning. One example is the zoning freeze under Massachusetts subdivision law for any land for which a subdivision has been filed, even if the proposed subdivision is never built, which can freeze zoning for up to 7 years.

The idea of limiting retroactive changes the land use codes makes some sense. However, LD 772 goes too far. If it passes, anyone with a passing interest in developing land may send in a quickly filled out application that may or may not be complete, in order to freeze land use ordinances. Communities deserve the right to review an application and make sure it is substantively complete - with the caveat that such review shall be done within a certain timeframe and with clear and reasonable information to an applicant about what remains incomplete.

Please amend this bill to clarify that an application must be deemed complete for the land use ordinance freeze to take effect, with some limits on timeframe and intent as outlined in the previous paragraph.

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