

TESTIMONY NEITHER FOR NOR AGAINST LD 2003, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions”

March 7, 2022

Senator Daughtry, Representative Sylvester, and members of the Joint Standing Committee on Labor and Housing.

My name is Beth Della Valle and I am a resident of Portland. I have practiced land use planning in Maine for over 40 years, working with the State Planning Office, regional commissions, and municipalities that range in size and location all over the State from the public, private, and nonprofit sectors. I am currently the Director of Planning & Development for Sanford, though I’m not speaking on the City’s behalf.

I applaud the goal of this bill and for directing new technical assistance resources to towns that are on the front line of providing affordable housing; however, implementation in this LD is flawed. Given the importance of the goal, I believe it is worth the time to figure out how to make various elements of the bill work without throwing both towns and State land use statutes under the bus.

I recommend the Committee work with the Director of the Bureau of Resource Information and Land Use Planning at DACF to amend this bill to better achieve the desired outcome without fueling sprawl and its associated costs. DACF best understands Maine’s land use laws and connections to growth related capital investments and is already charged with providing technical assistance to towns.

In Maine, management of land use has been a partnership between the State and towns, as codified in the Growth Management Act (Title 30-A, Chapter 187), since 1989. This LD breaks faith with that partnership and delegates oversight to DECD, rather than DACF. The bill duplicates the Municipal Planning Assistance Program at DACF, which is grossly underfunded, with new staffing and resources directed to DECD. The \$4.6 M dollar fiscal note would be directed far more appropriately to DACF and the State’s 11 regional planning commissions.

There are some good standards proposed in the LD that should be carried forward; however, as drafted, it potentially conflicts with several sections of State law, including growth related capital investments (Title 30-A §4349A), minimum lot size for onsite septic (Title 12 §4807A), and variances from municipal dimensional requirements (Title 30-A §4353). Furthermore, its one-size-fits-all approach ignores the vast differences in development pressure and capacity to provide affordable housing in a way that promotes orderly growth and minimizes costs associated with serving that growth among Maine’s nearly 500 towns. One example of potential concern is the mandate to allow 4 dwelling units everywhere single family homes are allowed. As stated, this will promote sprawl and unnecessarily cost both the State and towns in upgrading roads, extending utilities, and school bussing. Far better to limit this mandate to local “growth areas” consistent with the Growth Management Act. Similarly, proposed Priority Development Zones duplicate the State definition of “growth areas” and should be adjusted to allow this designation within a “growth area” and tie it to existing statute for growth related capital investment (Title 30-A §4349A).

I could go through the bill line by line to offer comments, but there is inadequate time to do so. I will detail some concerns and potential ways to amend the bill in my accompanying, written testimony and make myself available to the Committee to supplement the support that DACF can provide.

Thank you.