Maine State Library
Maine State Documents

State Planning Office

2-1-2007

Four-year Growth Management Program Evaluation. 2007

Maine State Planning Office

Follow this and additional works at: http://statedocs.maine.gov/spo_docs

Recommended Citation
Maine State Planning Office, "Four-year Growth Management Program Evaluation. 2007" (2007). *State Planning Office.* Paper 65.
http://statedocs.maine.gov/spo_docs/65

This Document is brought to you for free and open access by Maine State Documents. It has been accepted for inclusion in State Planning Office by an authorized administrator of Maine State Documents. For more information, please contact GovDocs.MSL@maine.gov.

Four-year Growth Management Program Evaluation

A Report to the Joint Standing Committee on Natural Resources

Submitted by: Maine State Planning Office in accordance with 30-A MRSA §4331

February 2007

Introduction

The Brookings Institution in its report *Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places* (released in 2006) declares that Maine has livable communities, stunning scenery, and great recreational opportunities. But, they say, sprawl and suburbanization are damaging its scenic beauty, the feel of its towns, and its quality of place. Indeed, in 2006 the State Planning Office estimated that 70% of growth in Maine occurs in rural areas, places residents say they want to protect. This growth is not just in southern Maine: Brookings found that every county had a net gain of people from out-of-state between 2000-2004.

Today, according to Brookings, we are on the point of "sustainable prosperity." Our land use choices and the tools used to manage growth are an important part of meeting the challenge ahead.

This report provides the four-year program evaluation required in the Growth Management Act (30-A MRSA §4331). It looks at public input received, evaluation criteria, and program resources. It also summarizes the recommendations that arose from the State Planning Office's 2006 review (PL 2004, Resolve 73) of comprehensive planning and the steps to implement them.

The first report under this law, in 1999, laid the foundation for the state's smart growth initiative. The 2003 evaluation called for additional reforms to prevent sprawl, including addressing growth on a regional basis and making public investments to support carefully planned growth. As we prepare this report, the State Planning Office is again calling for regional approaches to land use planning and for more efficient investment in state and local infrastructure.

Machias Lodge Lighthouse

History of Program

1988	1992	1995	2006-2007	What's next?
Growth Management Act hailed as a major reform to land use laws; state grants & technical assistance as incentives	*Act now largely voluntary; reduced state grants and assistance*	*Program moved to State Planning Office with a new focus on smart growth*	*State Planning Office overhauls program; streamlines and refocuses comprehensive planning process*	*Brookings hails Maine's quality of place and the need to preserve it*

In the 1988 Growth Management Act, the Legislature envisioned a broad strategy for protecting Maine's natural resources with an emphasis on orderly growth and development. It created a framework for land use planning to protect Maine's rural character, make efficient use of public services, and prevent sprawl. Land use planning was and continues to be voluntary in Maine. So, the Legislature also created a local assistance program at the state level to help communities develop comprehensive plans and land use ordinances and to review these plans and ordinances for consistency with the Act.

In 1995, the program was transferred to the State Planning Office to administer. SPO's focus was on preventing sprawl, with some notable successes such as characterizing and building state support for service center communities and working with the Legislature to create the Community Preservation Advisory Committee and enact Maine's smart growth legislation. Key pieces of that legislation direct state growth-related capital investments into locally-designated growth areas and require state agencies to establish preferences in grant and investment programs to help prevent sprawl.

Another program emphasis was emboldening local comprehensive plans to direct growth into locally-designated growth areas. However, questions about the achievability of this approach led, in part, to the office's current efforts to revise the way it reviews local plans.

Today, as a result of a legislatively-directed review, the office is overhauling the way it reviews local comprehensive plans for consistency with state law with an eye toward, over time, getting out of the review of local comprehensive plans and approaching land use planning on a regional scale.

> The State Planning Office is overhauling the state comprehensive plan review process.

State Goals

A. To encourage orderly growth and development in appropriate areas of each community and region while protecting the State's rural character, making efficient use of public services, and preventing development sprawl;

B. To plan for, finance, and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development;

C. To promote an economic climate which increases job opportunities and overall economic well-being;

D. To encourage and promote affordable, decent housing opportunities for all Maine citizens;

E. To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas;

F. To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas;

G. To protect the State's marine resources industry, ports, and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public;

H. To safeguard the State's agricultural and forest resources from development which threatens those resources;

I. To preserve the State's historic and archeological resources; and

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

The Growth Management Act includes ten state goals "to provide overall direction and consistency to the planning and regulatory actions of all state and municipal agencies affecting natural resource management, land use, and development." (30-A MRSA §4312)

State Coastal Policies

1. To promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation, and recreation;

2. To manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters, and to enhance the economic value of the State's renewable marine resources;

3. To support shoreline development that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline, and that considers the cumulative effects of development on coastal resources;

4. To discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides, or sea-level rise, it is hazardous to human health and safety;

5. To encourage and support cooperative state and municipal management of coastal resources;

6. To protect and manage critical habitats and natural areas of state and national significance, and to maintain the scenic beauty and character of the coast, even in areas where development occurs;

7. To expand the opportunities for outdoor recreation, and to encourage appropriate coastal tourist activities and development;

8. To restore and maintain the quality of our fresh, marine, and estuarine waters to allow far the broadest possible diversity of public and private uses; and

9. To restore and maintain coastal air quality to protect the health of citizens and visitors, and to protect enjoyment of the natural beauty and maritime character of the Maine coast.

In addition to the state goals, nine coastal policies are legislated to guide development in coastal communities. (38 MRSA §1801)

2003 Program Evaluation

The previous program evaluation was submitted to the Legislature in February 2003 and contained four "key findings":

1. ***No one entity can achieve the state goals*** expressed in the Act.
2. ***Sprawl is not linear***, but requires a systems-approach to address.
3. ***We lack data*** to measure success.
4. ***Resources are stretched*** for state agencies, regional planning organizations, and state grants and technical assistance.

It also identified nine action items:

1. Support smart growth forums such as the Community Preservation Advisory Committee and others;
2. Evaluate tax reform options to relieve service centers;
3. Coordinate planning and investment to make service centers attractive;
4. Work with MaineDOT to plan transportation infrastructure investment in a way that minimizes sprawl;
5. Optimize school construction funds in a way that supports community preservation;
6. Focus environmental regulation so that it does not have the unintended result of driving development outward;
7. Provide traditional, compact housing choices;
8. Build capacity to measure outcomes of smart growth efforts; and
9. Set priorities for SPO's limited resources.

These action items were intended to guide SPO for the four-year period leading up to 2007.

Since 2003...

There have been a number of successes on the 2003 evaluation recommendations including the legislative enactment of Municipal Revenue Sharing II that provides resources to service centers; Gateway 1, a MaineDOT project that links transportation investment to local comprehensive plans in 21 towns; and a process put in place that gives priority to in-town school locations.

Other items have proven challenging because of fiscal and/or political constraints. Between 2003 and 2005, development growth continued, demanding municipal services and putting pressure on property taxes. Communities were dissatisfied with the state review of comprehensive plans. Our town-by-town approach to managing growth has not been effective.

In recognition of the challenges facing the program, Resolve 2004, Chapter 73 directed SPO to review the Growth Management Act and related procedures and to report to the Joint Standing Committee on Natural Re- sources .

The Resolve asked SPO to:

1. Review and make recommendations that would improve the planning process; and
2. Review the Growth Management Act and make recommendations that would lead to more effective land use.

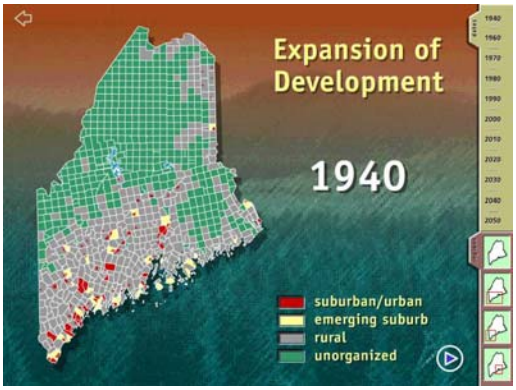
In 2006, the Legislature's Natural Resources Committee accepted SPO's recommendations that envision a new approach to land use planning in Maine and directed SPO to move forward on their implementation. Following on page 5 is an update on the status of the review recommendations; many of these recommendations are related to this four-year program evaluation as well.

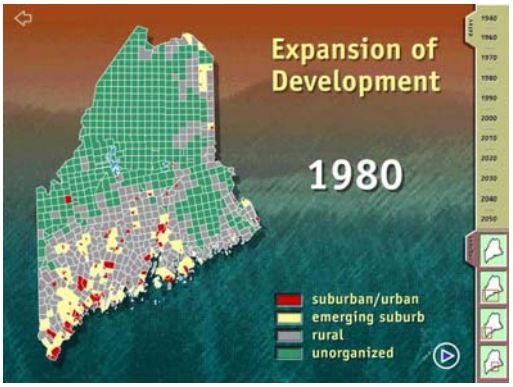
Downtown Bath

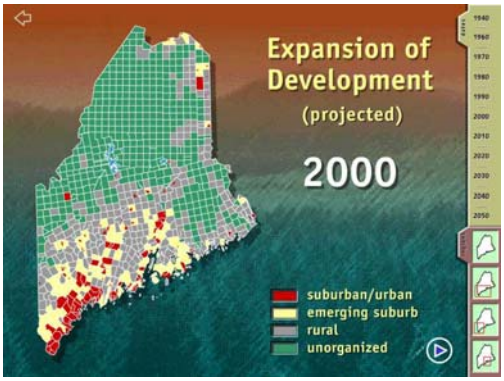
"We have to figure out how to make the comprehensive planning process work more effectively, bring people together, and have it be meaningful when implemented."

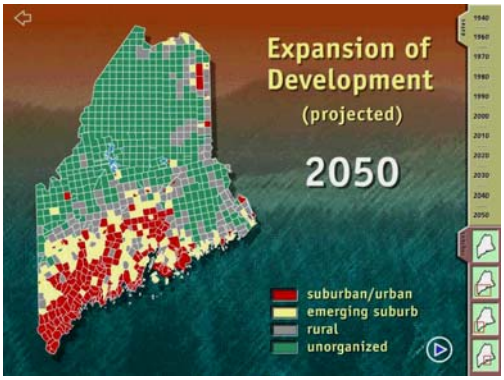
–Selectman, focus group participant, 2005

Maine's historic development patterns are anticipated to change in the 21st century.









2006 Review—Status of Recommendations

The primary emphasis in Resolve 73 was to improve the process of planning and the way growth and development occur in Maine. The review resulted in specific recommendations to improve the administration of the program in two main areas: enhancing local planning, and shifting state focus to issues of regional and statewide significance.

Enhance local planning

⇒ **Focus consistency review on Future Land Use Plan chapters, and provide clear state policy guidelines for Future Land Use Plans**. Accomplish through rule-making. *Status: Underway, and anticipated to be completed spring 2007.*

⇒ **Provide towns and regional agencies with better tools, data, and assistance.** Accomplish through ramping up planning tools for communities; working with state agencies to provide data to communities, and fostering regional data collection. *Status: Underway; some of these elements are incorporated in the rule-making process. Anticipate enhanced effort once rule-making is complete.*

⇒ **Track growth and monitor progress.** Accomplish through pilot study of implementation of local comprehensive plans, and through using utility data to track growth patterns. *Status: Underway; pilot study has begun and mechanisms for reviewing utility data are being explored.*

Shift State Focus to Issues of Regional and Statewide Significance

⇒ **Improve state level planning and coordination of state investments**. Accomplish through working with state agencies to create strategies for coordination of investments. *Status: Various efforts underway, such as coordinating with MaineDOT on revisions to Sensible Transportation Policy Act, and research into state grant and loan preferences for towns with consistent comprehensive plans.*

⇒ **Engage the public in two pilot regional development projects**. Accomplish through selection of appropriate regions and implementing projects. *Status: Underway; exploring funding sources for pilots; conference on regionalization proposed for fall 2007.*

⇒ **Address how state reviews large capital projects with regional impacts.** Accomplish by working with DEP on site review laws in context of regional impacts and Growth Management Act. *Status: Underway by DEP; interagency working group, bill submitted to 123rd Legislature.*

⇒ **Create an affordable housing study group.** Accomplish through convening group to develop proposal. *Status: Underway; MSHA has developed proposal to encourage affordable housing in service center communities. Three other affordable housing groups are working on additional proposals.*

The Natural Resources Committee accepted the 2006 review recommendations and directed the State Planning Office to move forward on their implementation.

Bethel

2007 Evaluation

The Growth Management Act requires an evaluation every four years to determine how well state, regional, and local efforts are achieving the purposes and goals of the Act (30-A MRSA §4331). It requires public input opportunities and, unlike the recent comprehensive planning review, the program evaluation calls specifically for objective, quantifiable criteria to evaluate the program. It also requires that the evaluation analyze the state's financial commitment to growth management. Three criteria are used in this evaluation:

1. Development tracking;
2. Local planning activity; and
3. State financial commitment for the growth management program.

The Legislature also directs SPO to compare land use development trends and patterns in a sample of towns that have participated in the program with a matched sample that have not. In 2005, SPO successfully competed nationally for a 2-year federally-funded coastal fellow who will, for the first time, be able to provide this comparison.

As discussed in the following sections, these criteria provide an evaluation of the growth management program.

Public Participation

30-A MRSA §4331, the law under which this report is prepared, requires SPO to seek public input in its evaluation of the growth management program. Over the course of the last two and a half years, SPO has:

⇒ Hosted a 2-day public summit at the University of Maine for 100 people

⇒ Conducted five focus groups representing different sectors (developers, environmental advocates, municipal officials of differing size towns)

⇒ Conducted 20 in-depth interviews of professional planners

⇒ Met with interested groups including: Maine Municipal Association, Intergovernmental Advisory Commission, regional planning councils, and the state's natural resource agencies.

⇒ Held five public meetings around the state (Houlton, Waterville, Augusta, and Saco), plus three video conferencing sites in Machais, Presque Isle, and North Berwick

⇒ Developed a web site to post draft materials for review and comment

⇒ Considered hundreds of public comments.

Along the way, the Community Preservation Advisory Committee provided guidance and direction.

The Legislature's Natural Resources Committee has provided oversight throughout.

Public summit, Orono, 2005

"Thanks to the State for providing the video conferencing format. It makes us feel part of the decision-making."

–Participant from Machias public meeting, 2006

2007 Evaluation Criterion: Comparison of Sample Communities

In 2006, SPO received funding for a National Oceanographic and Atmospheric Administration (NOAA) Fellow for a two-year position to conduct more rigorous research on the impact of land use planning in coastal Maine communities. The project will study the implementation of local comprehensive plans in a sample of Maine communities via case studies, interviews, and surveys to determine what impacts land use planning has had "on the ground."

The project began in the fall of 2006 and is due for completion in 2008. To date, research has begun and contacts with coastal communities have been initiated. Fourteen communities have been selected for the study:

- Belfast
- Rockport
- Winter Harbor
- Bucksport
- Roque Bluffs
- Steuben
- Damariscotta
- Waldoboro
- Wells
- Saco
- Woolwich
- Brunswick
- Harpswell
- Yarmouth

Rockland

2007 Evaluation Criterion: Development Tracking

SPO has moved forward on efforts to track development, and work is ongoing to create a more systematic way to measure growth:

⇒ Development of "Livable Community Indicators" to track on-the-ground outcomes of growth management (2002);

⇒ Mapping growth areas using geographic information systems (GIS) technology (completed in Cumberland County and underway in several other areas);

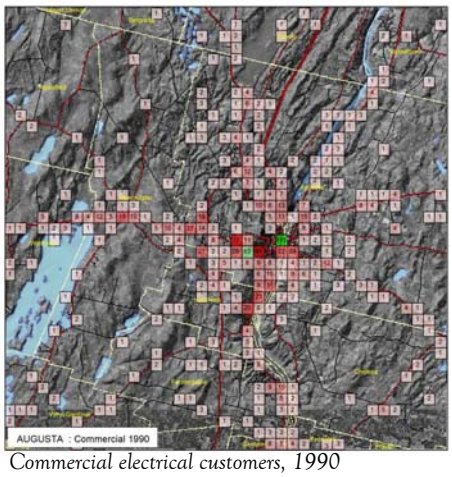
⇒ Organization of a Development Tracking Steering Committee, which piloted the use of utility connections as a measure of growth (see sidebar at right); and

⇒ Incorporating a development tracking component into comprehensive planning to evaluate the effectiveness of community planning efforts (proposed January, 2007).

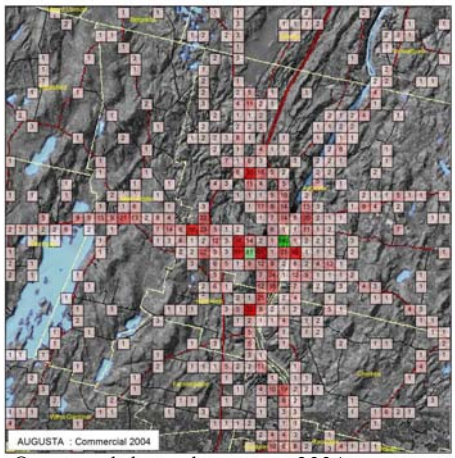
Tracking development through utility connections

Many GIS-based mapping measures exist to potentially track development, but are often expensive and time-consuming to develop. Locations of utility connections provide data that are readily available, relatively simple to present, and, combined with aerial photography as shown in the images to the right, can be used to evaluate growth patterns in a community.

The Development Tracking Committee worked with Maine utilities to obtain such data on a pilot basis, and SPO is considering next steps to use this data in a more comprehensive fashion.



Commercial electrical customers, 1990



Commercial electrical customers, 2004

(Source: Rich Sutton, Applied Geographics)

2007 Evaluation Criterion: Local Planning Activity

Since 1988:

⇒ 379 towns received state planning grants (see map below).

⇒ 287 towns have consistent comprehensive plans.

⇒ Thousands of volunteer hours have been dedicated to the development of local comprehensive plans across Maine.

⇒ State comprehensive plan development and update manuals were developed.

Today:

⇒ Maine people highly value less developed, rural landscapes.

⇒ Communities support comprehensive planning and strongly desire improved tools and assistance.

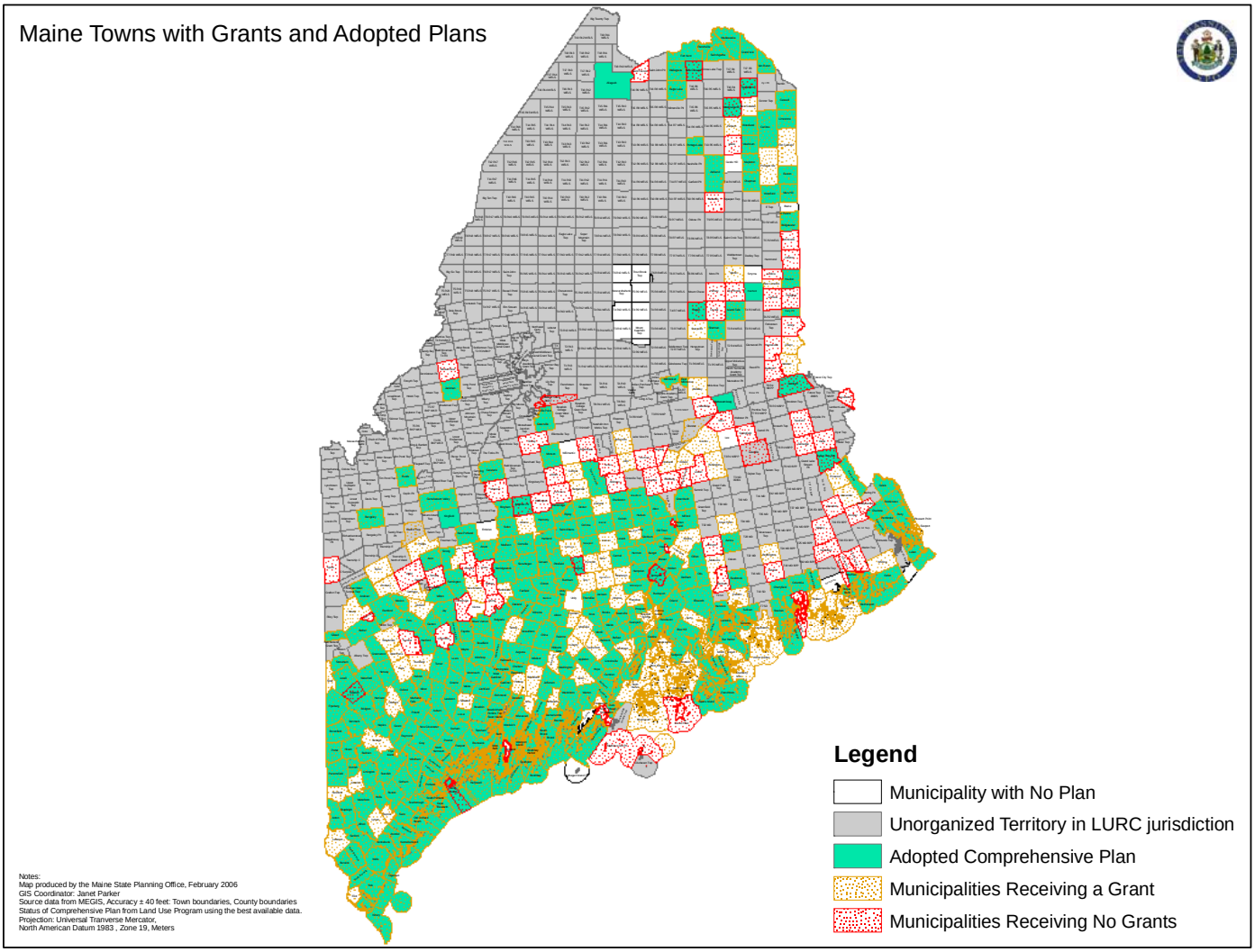
⇒ Many technical assistance publications are available such as: model ordinances, impact fees and community vision guides, and others. The state's comprehensive planning manual was revised and improved.

However:

⇒ Comprehensive plans haven't directed growth into intended areas.

⇒ Maine's population is growing, a trend that appears to be accelerating – one that brings challenges and benefits.

⇒ The State Planning Office is working to improve its tools and technical assistance including using more web-based technology.



2007 Evaluation Criterion: State Financial Commitment to Growth Management

There are a number of measures of the state's commitment to growth management, and financial investment is a main indicator.

Currently, there are six land use planners on the SPO staff that support the growth management program. The number of staff currently funded for comprehensive planning at the state level has remained relatively stable for the past 10 years (see graph below).

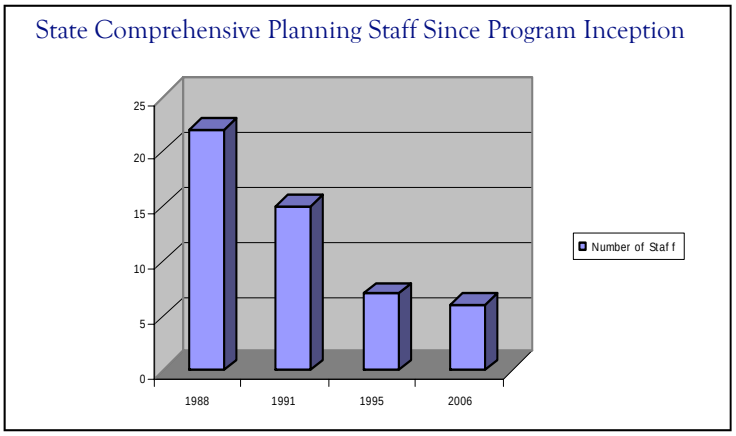
In addition to staff, SPO provides direct financial assistance to communities and regional councils to assist with local planning efforts. In 2006, the financial assistance programs included:

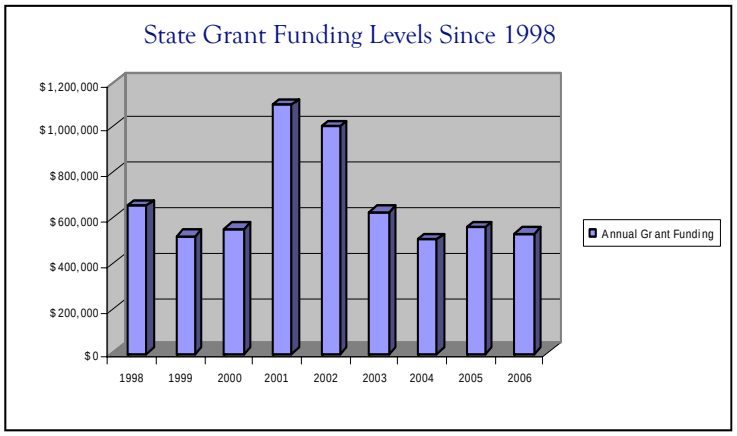
⇒ $325,000 to regional councils

⇒ $150,000 grants to municipalities

⇒ $30,000 in regional challenge grants

Grant funding is approximately half of its peak in 2001, but that is due to a one-time $1.7 million appropriation for smart growth (see graph below). Grant funds were cut to cover state budget revenue shortfalls in 2004.





Other state investments—in schools, roads, wastewater treatment, community development, land conservation, and other local infrastructure—have ties to growth and development. Each year, the State invests nearly $400,000,000 in these growth-related areas.

Lakeside Orchard, Manchester

"I feel the State should provide more training or assistance in developing [the comprehensive plan]..."

—A focus group participant, 2005

Traditional Neighborhood, Portland

The Growth Management Program includes a variety of partners and tasks. The following "focus" sections highlight some of the current projects and groups involved in the program.

Focus: Community Preservation Advisory Committee

The Community Preservation Advisory Committee (CPAC) was established in 2002 and charged with advising the Governor, the Legislature, and state agencies on matters relating to community preservation. Committee members include six legislators, five representatives of key interests, the Director of the State Planning Office, and the Commissioner of the Maine Historic Preservation Commission, or their designees.

In its five years, CPAC has provided valuable oversight and leadership on many issues, including:

⇒ Growth Management Act evaluation
⇒ Downtown redevelopment
⇒ Building codes
⇒ Rate of growth caps
⇒ Transfer of development rights
⇒ Regional planning and governance
⇒ Affordable housing

CPAC is authorized through June 2008. The State Planning Office recommends that its authority be renewed. A bill to accomplish this has been submitted to the 123rd Legislature.

Focus: Regional Planning

A key finding of the 2006 review was the need to approach land use planning on a regional scale, with four prime opportunities for regional planning:

⇒ Economic Development
⇒ Transportation
⇒ Natural Resources
⇒ Affordable Housing

Regional planning and governance efforts are underway in Maine, such as the Gateway 1 transportation planning for the Route 1 corridor in mid-coast Maine and various projects funded by the Fund for the Efficient Delivery of State and Regional Services.

The Brookings Report has enhanced the attention being paid to regional planning in Maine. Because of fiscal constraints and the regional nature of many issues facing Maine, SPO anticipates that the interest in regional planning will only grow.

Drawing on the expertise of the State's regional planning agencies, SPO intends to foster regional planning efforts, providing technical assistance, piloting regional approaches, and identifying useful tools and techniques.

Focus: Efficient Use of Grant Resources

Under the Growth Management Program, SPO provides five types of grants to communities:

1. grants for developing comprehensive plans;
2. grants to implement comprehensive plans;
3. grants to update plans
4. grants to coastal communities for regional land use initiatives;
5. neighborhood grants to help communities develop traditional, walkable neighborhoods.

Since 1999, SPO has awarded over $6.5 million in grant funds to over 125 municipalities and regions. A one-time appropriation allowed SPO to dedicate additional grant resources during 2000-2002. Since then, grant funds have declined by over 50%, from a high of $1.1 million in 2002 to just over $500,000 today. As funds decline, SPO has constantly looked for ways to most efficiently meet community needs.

In considering future funding, 72 communities have never received first-time comprehensive planning grants as envisioned in 1988. SPO would like to continue to offer grant funds to assist these communities in developing comprehensive plans.

However, during the 2006 review, it became clear that it does not make sense for each community, one at a time, to collect comprehensive planning data regarding economic conditions, housing trends, transportation needs, and other issues that are more effectively considered regionally.

Consequently, in FY08, SPO proposes to shift some of its grant funds to regional planning agencies, who would collect and analyze regional data for use in local planning. This shift also would help lay the foundation for regional approaches to land use planning.

Focus: Rule-making

A key recommendation of the 2006 review was to improve state review of local comprehensive plans. To assist in achieving this goal, and to help local communities with the planning process, SPO has been drafting substantial revisions to the rules regarding local planning in Maine. Key changes include:

⇒ Streamline data and inventory requirements

⇒ Focus the state's review on the community's future land use plan: where and how it wants to grow

⇒ Permit SPO to decline to review a plan that is incomplete or does not meet minimum requirements rather than having to find it inconsistent

⇒ Provide clear, minimum requirements for elements of the comprehensive plan

⇒ Give towns a checklist to self-assess whether they have met all the requirements

⇒ Encourage regional dialogues about issues that cross municipal boundaries

SPO undertook a six-month stakeholder process to guide its revisions and intends to undergo rule-making under the Administrative Procedures Act in spring 2007. Additional public comment opportunities will be available through the official rule adoption process.

For more information about SPO's proposed rule, or to obtain a draft version of the rule, see the web site:

http://www.spo-comp-plan-rules.com/spo/

or contact:

Stacy Benjamin at stacy.benjamin@maine.gov

Focus: State Investment and Growth Management

The Growth Management Act envisions orderly growth, in part, through coordinated state investment that prevents duplicative infrastructure and minimizes sprawl. Specifically, it directs state agencies to give preference in review of grant applications to communities with consistent comprehensive plans (30-A MRSA §4349-A).

To examine how well state agencies consider good planning when awarding state grants, SPO contacted the grant managers for over 50 state grant programs with links to land use. Results of this research indicated that:

⇒ In terms of number of programs, less than half of the programs give some consideration to comprehensive plans.

⇒ In terms of dollars available, over 80% of potential funding is awarded with some level of consideration for comprehensive plans.

Overall, the state has made progress toward meeting the goals of the Growth Management Act through state investments, but there appear to be additional opportunities, especially in programs with a direct tie to land use.

One of the recommendations of the 2006 review is to improve planning and coordination of state investments. SPO will use its research on grant preferences as a starting point for that effort.

Castine

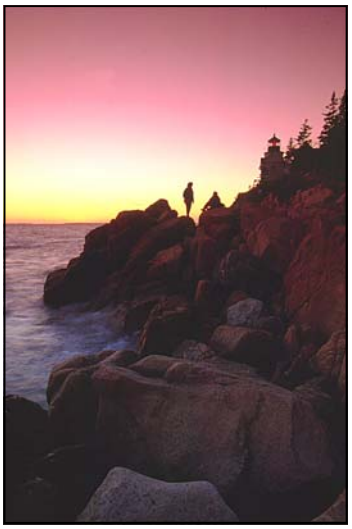
"We are one state and we share problems beyond local boundaries."
–Interview with local planner, 2005

Conclusion

The Brookings report finds that all regions in Maine are experiencing growth. This trend is further evidence of what many in Maine communities have been saying for some time: growth is happening, in some places at never-before seen levels. Responding to this growth will continue to be a major issue for many Maine communities. New tools, technologies, and better regional cooperation will be needed to meet the challenge.

Recognizing emerging challenges and finding new solutions to existing ones are key elements in many of the tasks that SPO has undertaken in the past four years.

As discussed in this evaluation, in the years ahead, SPO will continue to implement the recommendations from the 2006 review, as directed by the Legislature, and work with CPAC to identify emerging issues and needs.



Maine coast

Looking ahead....

The results of this evaluation and the 2006 review indicate a clear need to continue the work of Maine's growth management program. In looking ahead to the next four years, the 2011 evaluation of the Growth Management Act may well include summary points such as the following:

⇒ Continued growth in Maine led to an increased interest in protecting Maine's character and quality of life.

⇒ SPO's response to these trends included a renewed focus on technical assistance for communities tackling the challenges inherent in planning.

⇒ Regional planning efforts resulted in several success stories. With the savings in fiscal resources and lessons learned that resulted from these efforts, additional efforts to preserve Maine's quality of life are underway.

⇒ SPO worked with other state agencies to fine-tune the manner in which state funding supported the goals of the Growth Management Act.

Acknowledgements

The State Planning Office submits this report to the Joint Standing Committee on Natural Resources in accordance with 30-A MRSA §4331.

We would like to thank the hundreds of individuals and organizations in public, private, and non-profit groups who helped the office over the last two years in reviewing the comprehensive planning process and making the changes described in this report.

Thanks to the following State Planning Office staff in the preparation of this report: John Weber, Stacy Benjamin, Jody Harris, and Sue Inches.

Photo credits: TJ DeWan and Associates; Vanessa Levesque, Maine Office of Tourism

Printed under appropriation: #010 07B 2907

State Planning Office
38 State House Station
Augusta ME 04333
(207) 287-6077
www.maine.gov/spo
January 2007