

Land Use Intersecting Issues

Cross Working Group Discussion

Introduction

The State of Maine's climate goals intersect with land use in multiple ways, including future priority development to meet housing needs and economic opportunities that manage for reduced future transportation emissions, and the siting of new energy infrastructure to meet state mandates and targets. Meeting these development goals while balancing other important climate goals – including local food production, protecting the state's natural and working lands, carbon sequestration, and managing for climate resilience – will require focus and effort. Intersections include:

- Maine's natural and working lands comprise many of the land resources that help bolster the state's climate resiliency – including agricultural land that enables local food production, the state's tidal marshland and forest base that provide carbon sequestration, and conserved natural and working lands which protect critical habitats and corridors for wildlife and plant migration.
- Maine needs to proactively build clean energy generation to meet the state and region's goals and statutory requirements. With a regional electrical grid that is heavily reliant on natural gas for electricity generation, and substantial new electricity needs associated with economic development as well as electrification of transportation and heating to reduce fossil fuel reliance, future clean energy development in Maine is necessary and will require thoughtful land use planning for new generation and the associated transmission and distribution. The clean energy sector is also a fast-growing source of employment opportunities in Maine communities.
- Community resilience is impacted by land use policy in numerous ways, such as through policies that encourage development to get out of harm's way, disproportionate impacts of climate change on low-income communities who cannot afford to move out of hazard areas, install green infrastructure, or armor their communities, land use policies that affect location of cooling, warming, and/or clean-air community centers, and the state's affordable housing crisis and the resulting inability for people to relocate out of vulnerable areas. In addition, given that municipalities enforce state shoreland zoning requirements and they also manage state and local build codes, there is an opportunity to include climate-friendly land use and building code reform and education within communities.
- Land use policies impact transportation modes within and between Maine's communities, including land use patterns and policies that affect and increase vehicle miles traveled and land use policies that create or remove barriers to using active transportation.
- The coastal and marine sectors also realize impacts from land use policies in marine infrastructure, access to the ocean for marine industry, and coastal habitat management. Impacts include placement and resiliency of waterfront infrastructure (public, private, working waterfront, etc.), coastal access for economic needs (such as fishing), competition among non-working waterfront uses for nearshore land, and coastal access for monitoring efforts that support adaptive management of marine resources. The marine and coastal economy is also strongly affected by the affordable housing crisis in Maine due to the lack of local housing for marine sector workers.

Meeting Goal

The meeting goals of the Land Use Intersecting Issues Conversations (April 11, 2024, and June 10, 2024) are to develop draft recommendations and actions related to encouraging compact development (new and infill) to reduce existing and avoid future transportation emissions, prevent the conversion of natural and working lands, and reduce climate risks, in the context of Maine's housing crisis and growth opportunities.

Land Use Policies: Draft Recommendations

Maine's approach will require acknowledgment of regional and local differences in land use patterns, demographics, wildlife and habitat values, agricultural soils, and clean energy resources. Thoughtful land use planning will optimize co-benefits to people and nature, streamline a clean energy transition, and meet Maine's current and future housing and growth needs.

On April 11th, 2024, the Maine Climate Council convened the first of two meetings to explore possible land use policy recommendations. Co-chairs and working group members from each Climate Council Working Group participated to discuss proactive growth management while meeting the state's climate goals. The group's initial recommendations need translation into strategies and actions for land use policy.¹⁾

- 1. Recommendation 1 – Promote Smart Growth and Compact Development: Promote development in high-use/high-density development corridors and redevelopment of existing developed areas. Streamline land use policy implementation at the municipal/local level that addresses clean energy and electrification needs and housing needs while using thoughtful planning for other land use needs including climate, wildlife and habitat, and agriculture and forestry.**
 - a. Promote compact development through infill development, upzoning, and redevelopment of existing buildings. Promote infill housing development by providing financial assistance for capital improvement projects. Promote the integration of housing and climate goals through policies that locate affordable housing near jobs, transit, and services.
 - b. Promote clean energy and associated electric grid investments that utilize existing infrastructure and minimize land impacts. Where practical, consider the opportunities to locate new infrastructure in existing electrical and transportation rights-of-way as a strategy to reduce overall impacts.
 - c. Avoid growth in vulnerable areas, such as areas at risk of flooding or other climate impacts.
 - d. Streamline permitting to efficiently re-use existing services and infrastructure and to expedite re-development. Increase municipal capacity to process and permit projects that align with promoting smart growth and compact development.
 - e. Maximize state resources to promote smart growth and compact development for example by creating and supporting walkable neighborhoods, mixed-use development,

¹ Additional considerations and detail provided in this report are sourced in part from examples of land use policy actions from other states (from the [United States Climate Alliance Policy Database](#)) and recommended guidelines from The Nature Conservancy's national report on Clean Energy Solutions that Protect People and Nature ([Power of Place](#), The Nature Conservancy).

and mixed-income housing in high-use corridors, near higher-density downtowns, village centers, or crossroads, and through redevelopment of underutilized lands. GOPIF will be convening a working group to further this effort, as outlined in recent legislation.²

- f. Promote vibrant community centers through redevelopment; use investment programs and initiatives to support community design that supports walking, biking, and using public transit.
 - g. Promote neighborhood-level land use planning that coordinates greenhouse gas emissions reduction projects that provide economic, environmental, and health benefits to disadvantaged communities.
 - h. Use tax policy to incentivize growth within service centers, encourage development close to services where active transportation is an option, and decrease sprawl.
 - i. Promote zoning and land use policies that meet growth needs such as:
 - i. Reduce parking requirements and setback standards that prevent redevelopment of housing and mixed-use development. For example, require that a municipality cannot necessitate more than one parking space per dwelling unit. Maine has done this in part for ADUs and affordable housing developments through recent legislation.³
 - ii. Require or incentivize mixed-use development, such as allowing multi-family housing by right in single-family residential zones or prohibiting zoning restrictions on multi-family housing that is more restrictive than for single-family housing.
 - iii. Increase density and “missing middle” housing allowances within growth area zones.
 - iv. Increase density for projects within a certain radius of public transportation or multimodal transportation routes.
 - v. Increase density in areas served by public sewer/water.
 - vi. New housing development that includes housing of all types, sizes, and price points. One component of recent legislation is to promote the creation of accessory dwelling units on lots with existing single-family homes.⁴
2. **Recommendation 2 – Technical Assistance and Communication: Use education and communication as a key tool in land use planning at the state and local levels. Engage communities in land use planning to ensure that benefits are distributed equitably.**
- a. Design land use policy processes that are inclusive of community needs. Promote planning and engagement of community members to create inclusive land use policies. For example, include voices of environmental justice communities who have been historically negatively impacted in clean energy siting processes.
 - b. Use the Maine Office of Community Affairs to help communities align local land use policies with state guidance for meeting growth needs and climate goals.
 - c. Provide technical assistance to municipalities and communities to streamline implementation of land use policies and land use policy enforcement.
 - d. Use proactive messaging about the benefits of meeting housing needs, growth, and clean energy development to meet renewable energy requirements.

² [LD 1673, HP 1071, Text and Status, 131st Legislature, Second Regular Session \(mainelegislature.org\)](#)

³ LD 2003 requires a parking reduction for affordable housing developments. Municipalities may not require more than 2 parking spaces for every 3 units for developments that meet the definition of “affordable housing development.”

⁴ LD 2003

- e. Develop communication strategies that stress local engagement that builds shared understanding and consensus:
 - i. Shape messaging to communicate who land use policies benefit, for example – which community members are we talking about with affordable housing?
 - ii. Use messaging to help communities envision future changes. Recognize that it's easy for people to understand what they're losing and harder to understand what they might gain. Proactively address fears about land use policy impacts (such as school overcrowding).
 - iii. Use graphical representation tools to portray the benefits of housing and mixed-use development.
 - iv. Share information about energy needs and economic benefits of environmental renewable energy in communities.
 - v. Share stories about communities that have had successes.
- f. Build allies with large employers; use communication avenues with municipalities through employers.

3. Recommendation 3 – Incentives and Requirements: Use incentives and regulations in state programs and state funding streams to encourage land use policies that align with promoting smart growth and compact development and provide measurable benefits to Maine communities (housing, energy infrastructure siting) while meeting climate goals (protecting natural and working lands, managing for climate resilience, etc.).

- a. Develop incentives that will:
 - i. Conserve agricultural land to avoid incompatible development and reduce greenhouse gas emissions while maintaining agricultural production and wildlife habitat. Recent legislation seeks to discourage development on the best farmland and core forest blocks.⁵
 - ii. Help communities overcome barriers to prioritizing development needs while protecting natural and working lands.
 - iii. Support affordable housing in locations near services and at low risk of climate change-induced risk.
 - iv. Support adaptation and resilience for heritage industries (fishing, farming, forestry). Recognize that some industry land uses may be within vulnerable land areas out of necessity (such as working waterfront).
 - v. Encourage clean energy siting on previously developed lands, such as brownfields, lands contaminated with PFAS, or landfills. Recently enacted legislation encourages solar on brownfields and PFAS lands.⁶
- b. Use high-resolution data to inform decision-making and plan how to minimize impacts while achieving compact development and renewable energy needs. Use high-resolution data and mapping to further land use decisions.
 - i. Prioritize having accurate, high-resolution data to optimize benefits and minimize tradeoffs of land use decisions. For example, high-resolution data for conservation, land use, and demographic information can help avoid conflicts between conservation and energy siting.

⁵ LD 1881 requires the Department of Agriculture Conservation and Forestry to define through the rulemaking process high-value agricultural land (HVAL) and dual-use and create a new permitting structure for projects that impact HVAL. In addition, the Department of Environmental Protection is undergoing rulemaking for core forest and habitat blocks and the mitigation fee structure.

⁶ LD 1591

- ii. Prioritize public transparency for data for renewable energy, including economic and community benefits as well as financial implications of siting preferences.
- c. Prioritize projects that mitigate environmental and community risk and provide co-benefits.
 - i. Prioritize housing or clean energy projects that mitigate risk to “jump the line”.⁷
 - ii. Incentivize or require projects to enter into community benefit agreements with host localities to ensure community benefit.
 - iii. Identify areas where responsible development will support community needs for housing, clean energy, and economic development.
- d. Right-size incentives for all scales: regional and municipal levels; public land versus private land, individuals, and developers. Adjust incentives to be regionally appropriate, recognizing differing land management needs throughout the state. Consider alternative sources of funding to minimize impacts to Maine ratepayers.
- e. Develop financing solutions that support smart growth, compact development, renewable energy, affordable housing and protect natural and working lands, and preserve core habitat areas and prime agricultural soils, such as impact fees, green banks, and tax increment financing.
- f. Reward local land use policies in state grant scoring systems that accommodate competing uses, such as allowing for economic development while protecting areas of greatest importance to the community; award funding for local projects if they align with goals, such as adoption of ordinances for renewable energy generation and storage projects while avoiding development on natural working lands.
- g. Ensure incentives are not canceling out other incentives.

⁷ “Projects that have mitigated environmental and social risk in advance should be allowed to “jump the line” and be given priority for environmental review. Considerations for eligible projects should include those that avoid the most sensitive natural and working lands and vulnerable communities, equitably share benefits with communities, minimize impacts through project design, and offset impacts that cannot be avoided or minimized” (source: [Power of Place](#), The Nature Conservancy).