Land Use Intersecting Issues

Cross Working Group Discussion

Introduction

The State of Maine's climate goals intersect with land use and other state goals in multiple ways. Examples of these intersections include prioritizing development that meets housing and workforce needs while reducing transportation emissions, and the responsible siting of new clean energy infrastructure to achieve the state's mandates and targets. Maine's climate goals also prioritize increasing Maine-grown food consumption, protecting natural and working lands, sequestering carbon, and improving climate resilience. Maine's communities, whether they are rural or urban, need support in implementing effective land use policies that achieve intersecting goals and navigate the conflicts that arise. Intersections include:

- Maine's natural and working lands comprise many of the land resources that help bolster the state's climate resiliency and provide sequestration benefits – including the tidal marshland and forest base that provide carbon sequestration and durable wood-based products, agricultural land that enables food production, lands conserved for public use such as recreation and hunting, and natural lands which protect critical habitats and corridors for wildlife and plant migration.
- Maine needs to proactively build clean energy generation to meet the state's goals and statutory requirements. Maine's regional electrical grid is heavily reliant on natural gas for electricity generation. In addition, substantial new electricity demand is expected from economic development as well as electrification of transportation and heating to reduce fossil fuel reliance. Future clean energy development in Maine is necessary to meet our climate goals and increasing electrification and will require thoughtful land use planning for required new generation and the associated transmission and distribution. The clean energy sector is also a fast-growing source of quality jobs in Maine communities.
- Community resilience is impacted by land use policy in numerous ways: through policies that encourage the location of development to consider the full spectrum of resilience choices (Avoid, Protect, Accommodate/Adapt, and Retreat/Relocate); policies that cause disproportionate impacts of climate change on low-income communities who cannot afford to move out of hazard areas, install green infrastructure, or otherwise protect vulnerable areas; and policies that encourage resilient community centers that offer community services such as cooling, warming, and/or clean-air centers. Across all economic sectors in Maine, the affordable housing crisis limits options for people to relocate out of vulnerable areas and results in a lack of local housing for workforce needs. In addition, given that municipalities enforce state shoreland zoning requirements and manage state and local building codes and zoning ordinances, there is an opportunity to include climate-friendly land use and building code policies.
- Land use policies impact transportation choices within and between Maine's communities. Land use patterns and policies can affect vehicle miles traveled, such as discouraging sprawl or encouraging compact development. Land use policies can also create or remove barriers to using active transportation.
- The coastal and marine sectors realize impacts from land use policies that affect marine infrastructure siting, and limit or improve access to the ocean for marine industry. Impacts include placement and resiliency of waterfront infrastructure (public, private, working

waterfront, etc.), coastal access for economic activity (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.

Meeting Goals

The meeting goal of the Land Use Intersecting Issues Conversations (April 11, 2024, and June 10, 2024) was to develop draft recommendations and actions related to encouraging compact development (new and infill) to reduce existing and avoid future transportation emissions, to ensure adequate clean energy resources to meet the state's energy needs, while protecting natural and working lands, and reducing climate risks, in the context of Maine's housing crisis and growth opportunities.

Land Use Policies: Draft Recommendations

Maine's approach to land use management will require acknowledgment of regional and local differences in land use patterns, demographics, wildlife and habitat values, natural and working land assets, and suitability for development including housing, economic opportunities, and clean energy resources. Thoughtful land use planning will optimize co-benefits to people and nature and our strong support for environmental protection while streamlining the transition to clean energy, and meeting Maine's current and future housing and economic development needs.

The Maine Climate Council convened 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 recommendations include:

1. **Recommendation 1 – Promote Smart Growth and Compact Development: Promote development in high-use/high-density development corridors and redevelopment of existing developed areas. Support streamlined municipal application of land use policies that reduce emissions and addresses clean energy siting, electrification, and housing needs while planning thoughtfully for other local priorities including climate resiliency, wildlife and habitat, outdoor recreation, and protections for agricultural soils and forestland.**
   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. Promote vibrant community centers through redevelopment.
   b. Promote clean energy and electric grid investments that utilize existing infrastructure and minimize land impacts. Where practical, consider opportunities to "co-locate" infrastructure: locate new infrastructure in existing rights-of-way and areas that are already impacted (such as brownfields and disturbed lands) as a strategy to reduce overall impacts.
   c. Plan to avoid growth in vulnerable areas at risk of flooding, wildfire, or other climate-affected hazards. Consider the full spectrum of resilience choices (avoid vulnerable areas, protect against impacts, accommodate and adapt to impacts, and retreat/relocate away from hazards) when encouraging or discouraging the location of development.

Also plan to avoid growth in sensitive natural resources and important plant, fish and wildlife habitats, to ensure Maine's natural systems remain healthy and resilient.

d. Promote mitigation strategies to off-set the impacts of development. Strategies can be modeled on other successful programs within the state, like wetland mitigation, to encourage development outside of prioritized natural and working lands.

e. Encourage planning and policies to promote smart growth and compact development, efficiently repurpose or rehabilitate existing infrastructure, and to expedite re-development while maintaining environmental and social safeguards. Increase municipal capacity to process permit applications. Update state permitting guidance materials to help communities improve the permitting process.

f. Maximize state resources to promote smart growth and compact development principles. For example, resources to create and support walkable neighborhoods, mixed-use development, 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.[1])

    i. Site key community services – schools, post offices, etc. – so that they serve as community anchors for compact, vibrant downtowns.

g. Use investment programs to encourage community design that increases walking, biking, incorporation of green spaces, and using public transit.

h. Promote neighborhood-level land use planning and projects that reduce greenhouse gas emissions and provide economic, environmental, and health benefits to disadvantaged communities.

i. Use tax policy to incentivize desired outcomes. Outcomes include: 1) growth within service centers, 2) development close to services where active transportation is an option (transit-oriented development) to decrease sprawl, and 3) locating renewable energy near high demand/load needs to demonstrate benefit to host communities.

j. 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, encourage that local ordinances cannot necessitate more than one parking space per dwelling unit. (Maine has done this in part for accessory dwelling units and affordable housing developments through recent legislation.[2])

    ii. Encourage mixed-use development, such as allowing multi-family housing by right in residential zones or prohibiting zoning restrictions on multi-family housing that are more restrictive than for single-family housing.

    iii. Increase density, particularly medium density that provides a broader range of affordability within growth zones. Encourage new housing development that includes housing of all types, sizes, and price points. Recent legislation promoted the creation of accessory dwelling units on lots with existing single-family homes.[3]

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

[2] 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."

[3] LD 2003

          iv.   Increase density for projects within a certain radius of public transportation or multimodal transportation routes. Prioritize transit-oriented development.

          v.   Increase density in areas served by public sewer/water.

2. **Recommendation 2 – Technical Assistance and Communication: Provide technical assistance to municipalities to implement smart growth land use policies. Help communities use proactive communication and encourage community engagement to support effective land use planning that is inclusive of their community needs, local context, and distributes benefits equitably.**

   a. Design land use policy processes that are inclusive of community needs and relevant to local contexts. Promote inclusive planning that engages community members to create land use policies. For example, include voices of environmental justice communities who have been historically negatively impacted in siting processes.

   b. Use the soon-to-be launched new Maine Office of Community Affairs to help communities align local land use policies with local priorities and state priorities, including housing and climate goals.

       i.   Develop model ordinance language for communities that align land use policies and climate goals.

       ii.   Collaborate with the Maine Municipal Association to provide support and training to municipalities.

   c. Utilize existing technical support resources aimed at balancing growth and development on natural working lands.[4]

   d. Provide technical assistance to municipalities and communities to adopt climate-aligned land use policies and to support enforcement.

   e. Share proactive messaging about the multiple benefits of meeting housing needs and growth needs, clean energy development to meet renewable energy requirements, and land use planning for climate resilience.

   f. Develop communication strategies that stress local engagement to build shared understanding and consensus:

       i.   Share success stories from communities that are balancing land use goals, climate goals, and energy goals.

       ii.   Use facilitation to engage communities effectively and enable productive conversations around tradeoffs.

       iii.   Shape messaging to communicate who land use policies benefit, for example – which community members are we talking about with affordable housing?

       iv.   Use messaging to help communities envision future changes. Recognize that it is easy for people to understand what they are losing and harder to understand what they might gain. Proactively address fears about land use policy impacts.

       v.   Use graphical representation tools and visuals to portray the benefits of housing and mixed-use development.

       vi.   Share information about future energy demand, and the economic and environmental benefits of renewable energy in communities.

       vii.   Share information about the importance of supporting farmers by increasing consumption of Maine-grown food, with a focus on climate-smart practices. This also helps to safeguard farmland from development.

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[4] https://www.maine.gov/dacf/ard/resources/solar.shtml

g. Engage with multiple stakeholders who may be affected by land use policies (including community, regional, and municipal leaders, businesses, land trusts, non-profit entities, and others) to support improved communications and improved processes.

h. Expand capacity at the state, regional, and local level to provide the technical expertise needed to support communities in effective land use planning that achieves smart growth goals, climate goals, clean energy siting goals, and protects natural and working lands.

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

   a. Develop incentives that will:

      i. Conserve natural and working land to avoid incompatible development and reduce greenhouse gas emissions while maintaining agricultural production and wildlife habitat. Where appropriate, incentivize dual-use solar on working lands that does not reduce productivity. (Recent legislation seeks to discourage development on the best farmland and habitats.[5])

      ii. Help communities overcome barriers to prioritizing development needs while protecting natural and working lands.

      iii. Support affordable housing and housing density, especially in locations near transit and services and in areas at lower risk of climate hazards.

      iv. Support transit-oriented development that decreases vehicle miles traveled and encourages active transportation.

      v. Promote adaptation and resilience practices on lands that support heritage industries (fishing, farming, forestry). Recognize that some industry land uses may be within vulnerable land areas out of necessity (such as working waterfront).

      vi. 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])

      vii. Support responsible siting of clean energy projects that benefit ratepayers, businesses and communities on the front line of climate impacts.

      viii. Adjust policies and permitting, where feasible, to encourage responsible development in low-risk areas that can support housing, clean energy, and economic development.

      ix. Encourage clean energy projects that have robust ratepayer benefits and community benefits agreements. Provide model community benefit agreements to communities.

      x. Support the continued expansion of broadband across Maine, especially in underserved and rural communities to support reduced travel for residents and

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[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 a mitigation fee structure for regulatory undeveloped blocks.

[6] LD 1591

access to broad benefits including telemedicine, online education, and remote work and services.

b. Use accurate and detailed data to support planning and inform decision-making that minimizes adverse impacts, achieves compact development, protects natural and working lands, and meets clean energy development needs. Use high-resolution and regularly updated data that accurately represents the project area.

    i. Prioritize creation of shared public databases for accurate, high-resolution data to optimize benefits and minimize tradeoffs of land use decisions. For example, high-resolution data for conservation, land use types, and demographic information can help navigate tradeoffs and conflicts between natural and working lands and clean energy and electric transmission siting.

    ii. Prioritize the use of high quality, credible data and data transparency for important siting decisions such as public infrastructure and economic development projects. Data examples might include economic and community benefits, financial impacts of siting preferences, and impacts on ratepayers.

c. Right-size incentives at different scales: regional and municipal levels; smaller versus larger communities, public land versus private land, individuals versus developers. Adjust incentives to be regionally appropriate, recognizing differing land management needs and priorities throughout the state.

d. Develop financing solutions such as impact fees, green banks, and tax increment financing to support development that meets the state's land use and climate goals.

e. 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.

f. Recognize tradeoffs and the need for balance within land use policy and intersecting goals, as well as areas of conflict. Provide tools that support communities as they manage conflicting goals and priorities. Consider financial implications as a component of conversations about tradeoffs between achieving intersecting land use goals.