

Resource challenges for local governments

Maine Policy Review (1991). Volume 1, Number 1

*by George K. Criner, Steven C. Deller, Dennis E. Gale, and Christopher Spruce
University of Maine System*

For most of the era since 1960, when environmental policy and resource policy have been central public issues, the focus of public debates on those policies was at the federal and state levels. But as we enter the last decade of the century, we find that more and more of the decisions and policies that will determine the quality of life for our citizens are being made at the local level. Issues that have historically been local prerogatives-water supply, solid waste disposal, sewerage disposal, land use planning, and transportation infrastructure - are increasingly identified as crucial for effective environmental policy and for insuring "quality of life." To be sure, those local decisions are often constrained by a wide variety of state and federal policies on environmental policy and resource use. But clearly, effective management of quality of life issues by local governments will require more than reluctant reaction to rules and deadlines imposed from above.

In this series of articles, three authors (Dennis Gale, Steven Deller, and George Criner) examine the match between the increasing demands for local action on environment-related issues and the local resources available to meet those demands. Local planning efforts under Maine's growth management law, local transportation infrastructure decisions, and local solid waste planning are each examined. (A later article by Nick Houtman separately examines local water planning.) The narrow funding base afforded by the property tax, as always, an important concern. But a common concern also emerges over the ability of small governmental units, which often rely heavily on the New England tradition of volunteer government, to manage the new array of technical issues. The fourth author, Christopher Spruce, asks if we should not think more carefully about the creation of an increasingly complex set of intergovernmental special districts at the municipal level. Might a single broad-based general governmental unit, perhaps a form of reinvigorated county-level government, provide a better umbrella for cooperative efforts by local governments?

(The papers in this collection were completed prior to the announcement by Governor McKernan, as part of his budget amendments, that he would seek to delay or eliminate a number of mandates imposed on local government by state government. Although the pressures of certain deadlines may be relieved, these resource issues will certainly not disappear from the agendas of towns and cities across Maine.) - *Editor*

Resource challenges to municipal growth management

by Dennis E. Gale

Edmund S. Muskie Institute of Public Affairs, University of Southern Maine

When compared to traditional municipal functions and services such as education, police, and fire protection, local land use management in Maine has long taken a back seat. This was no

great wonder, as population and economic conditions were largely stagnant during the 1950s and early 1960s and little new development was occurring. With a New England tradition of the sanctity of private property, town officials had few reasons to champion zoning or planning.

From the late 1960s, however, Maine experienced a gradual rise in immigration from other parts of the nation. Some observers point to the influx of so-called "back to the landers" during the Vietnam War era. Later waves of newcomers were made up primarily of recent college graduates and young professionals (Ploch 1988). Many are exiles from metropolitan America, who sought a more harmonious and tranquil life among Maine's storied natural attributes. It was the mid-1980s, though, that brought the issue of growth to a head in Maine. From 1980 to 1990, the state population rose by 9.2 percent, this in spite of the national recession of the early 1980s. Tourists, land developers and retirees sought property in Maine's coastal communities and in lakeside mountain villages. Suburban areas around cities such as Portland and Bangor, too, experienced new pressures from development and population. By 1987, no less an authority than the *Maine Times* pronounced that a "new land ethic" was needed in the Pine Tree State and called for more aggressive planning (*Maine Times* 1987).

Local governments, especially in southern and coastal Maine, found themselves ill-equipped to accommodate the new demands for planning approvals or the public service increases confronting them. Skyrocketing housing prices and rents were squeezing many young families and retirees out of existing housing (Cummings 1987a; 1987b). New residential subdivisions and condominium projects sprouted up in towns such as Kennebunk, Ogunquit, Scarborough, Cape Elizabeth, Falmouth, Brunswick, Camden and Rockport. Interior communities near the Rangeley Lakes, Moosehead Lake, and Sebago Lake also experienced growth pressures. Rural farmland around cities such as Augusta, Bangor, Lewiston-Auburn and Portland underwent development for shopping centers, retail strips, motels, restaurants and industrial parks.

In January 1988, a *Maine Sunday Telegram* statewide survey found that almost three-fourths of respondents felt that towns and cities should have a "strict, mandatory plan to provide for real estate development in some areas and prevent it in others" (Turler 1988). While less than one-half felt that state government should control local real estate development, seventy-five percent believed that Augusta ought to have a stronger advisory role in such activities.

The Comprehensive Planning and Land Use Regulation Act was enacted in May 1988. It provided for state grants and technical assistance to communities preparing comprehensive plans. The bill required that every plan adopt ten state goals and incorporate several elements such as an inventory of natural resources, population and employment projections, policy statements and implementation strategies. Local land use regulations, including zoning and a capital investment program consistent with the plan, were also required. Review of these documents by the state Office of Comprehensive Planning and formal adoption by the local government were mandated. In short, the bill sought to rationalize and professionalize local land use management in Maine by holding municipalities to a common framework for assessing goals, policies, strategies and development impacts.

The growth management law liberally tapped a time-tested tradition in New England, the institution of citizen volunteerism. It provided that communities appoint a "comprehensive plan

committee" to prepare the plan. Unlike most other states with statewide growth management programs, Maine allows communities to place growth management planning largely in the hands of lay persons, rather than exclusively with municipal boards or offices. Although the official town planning board may be appointed as the comprehensive plan committee, most towns have included board members along with other citizens in these groups. While planning boards and town planning offices may participate, it is the comprehensive plan committee that takes the dominant role in shaping the plan and other required documents. As a result, land use policy in Maine has risen to unprecedented prominence even as it has placed new demands on community resources such as volunteerism. But it also has raised questions about the capacity of municipal governments to sustain an effective, on-going growth management system.

The issue of municipal capacity is a familiar one, but it has received new attention in recent years (Honadle and Howitt 1986). Indeed, at least two federal cabinet agencies, the Departments of Agriculture (Reid 1984) and Housing and Urban Development (Real Estate Research Corporation 1977), have examined the matter since the late 1970s. In considering the long-term resource implications of the growth management law for Maine's municipalities, we will explore local government capacity to provide volunteer and professional human resources, information, and financing.

Volunteer resources in growth management

New England town government, of course, was founded on the institution of the town meeting. One of the most democratic forms of citizen involvement, it has been the pillar of small town community governance for many decades. The traditions of volunteer committees and boards that it fostered remain even today - albeit somewhat atrophied - in large areas of Maine. A number of towns have scrapped their town meeting, but the spirit of volunteerism is pervasive. Yet, several forces have conspired to wear away at citizen involvement in town affairs. The proliferation of federal and state mandates, the attractions of cable television and video recorders, the rise of the two-worker household, longer distances between home and workplace, schools and shopping all have taken their toll on the willingness of citizens to serve in a municipal volunteer capacity. Nonetheless, unlike larger cities, where professionalization of government has reduced the need for volunteer assistance, citizen elbow grease is still a necessary commodity in most towns in Maine.

The perils of volunteerism are evident under the growth management law. A recent survey found that in the first group of towns ("tier one") required to produce a plan, more than one-fourth of comprehensive plan committees reported "fair" or "poor" attendance from members (Gale and Colgan 1991a, 1991b). Twenty-four percent said that fewer than one-half of their members were still attending meetings as the planning process progressed. At meetings convened by the committee to seek resident views on the plan, the picture was much the same. Fifty-four percent of committee chairs indicated that attendance at these gatherings was lower than that at other types of town meetings. Forty-three percent said that they had received "very little" comment from those attending these open meetings. Many complained that draft plans were later voted down by citizens who never attended their meetings.

It is too soon to conclude that the problem of volunteer resources needed to empower local government in Maine has reached crisis proportions. But if volunteer participation continues to decline, many communities will have to hire staff or consultants to put together the plan updates, zoning amendments, and special studies that effective land use management will require. However, the use of additional professional resources has its own set of problems.

Professional planning resources

Once a town's growth management system has been approved, adopted and implemented, most towns will find that support for day-to-day management of land use decision-making is necessary. While official bodies such as planning boards and selectmen may be able to interpret the local plan, zoning regulations and site plan review policies, there will almost certainly be more frequent challenges that call for professional expertise. This is due to the heightened constraints placed on private property usage. Local development review under higher planning standards will be more complex than many towns have undertaken heretofore. Maintaining timely data bases and maps, making site visits, updating plans and ordinances, answering questions from landowners, developers and elected officials, and attending meetings will almost certainly tax many towns beyond the limits that can be satisfied by volunteers. In many communities without regular access to a planner, this problem will soon become apparent; in others, it already has (Wilson 1987).

Maine Municipal Association data list thirty-four town and city planning offices statewide, thirty-two local community development offices, and five local economic development offices (Damicis 1991). (In a few cases, communities assign planning functions to development offices.) A conservative estimate would suggest that there are probably less than fifty communities in the state with at least one full or part-time town or city planner on staff. The Maine Association of Planners currently lists approximately 150 members on its roster (Naylor-Davis 1991). Membership includes municipal planners, consultants, and those on regional planning council staffs. Therefore, with nearly 500 towns required to plan under the growth management act, the gap between capacity and need could be considerable.

How can municipalities address the professional resources problem? For some, appointing a part-time town planner may be sufficient. In other cases, two or more towns may jointly employ a planner. In still others, contractual planning services with a regional planning council or private consultant may be appropriate. Currently, all of these arrangements can be found in Maine. Nonetheless, setting aside for a moment the question of financing such expertise, there is an additional issue of the availability of those with the necessary planning skills.

While there are more than eighty university graduate professional planning degree programs in the nation, none are located in Maine or New Hampshire. Planning programs at Boston area schools such as MIT, Boston University, and Tufts tend not to specialize in the problems of small towns and rural areas; consequently, most of their graduates are ill-equipped to serve the towns in northern New England. Although individual courses are available at some universities in the region, fully qualified professional planning programs are in short supply here. Only recently, the Edmund S. Muskie Institute of Public Affairs at the University of Southern Maine announced an Advanced Certificate Program in Community Planning and Development. But its

resources are limited and its geographical impact is likely to be confined largely to southern Maine.

Moreover, it may be difficult for many Maine towns to woo experienced planners from elsewhere in New England or the nation, because pay scales tend to be lower here. For example, a recent survey found that the lowest median salaries for planners in New England were in Maine and Vermont (\$30,000.) In New Hampshire, the median salary was \$37,000. Nationally, it was \$39,500 (*Yankee Planner* 1991). While some experienced planners may be willing to make a salary-neutral "lateral move," in particular to enjoy Maine's quality of life, past experience in Maine does not bode well for this strategy. Recent planning school graduates, on the other hand, are likely to be more mobile and therefore, more interested in relocating to Maine. But newly-minted planners bring their own liabilities and some towns may not want to entrust a new planning office to an unseasoned practitioner. Thus, another resource issue is raised by the meager supply of trained planning professionals likely to be available in the decades ahead.

Information resources for planning

Just as an enhanced municipal growth management capacity will require volunteer and professional resources, so also it will necessitate adequate information. To effectively manage land use policy, planners need up-to-date maps showing existing development and property ownership patterns, vacant land, aquifer recharge areas, wetlands, slopes, soils, drainage patterns, vegetation, historic structures, utilities, and public facilities. Timely data on population, employment, housing, traffic and parking are important. No doubt, the requirements of the comprehensive planning process will strengthen town information resources, in some cases considerably. But growth management is a continuous process. Plan amendments will be necessary from time to time, and new information demands will be raised by state and federal mandates. Moreover, the growth management law requires that plan updates occur no less frequently than every five years. New data resources made available from satellite technology, air photos, geological surveys, and updated census estimates will have to be integrated into local data bases. In short, effective planning is not founded on static documents; continuous, systematic information is necessary.

Recognizing this resource need, the growth management law specified that the state will prepare a state-wide geographic information system (GIS). The nucleus of the system, under development by the Department of Conservation, became fully operational early in 1990 (Walters 1990). In addition, GIS development work has been in progress at the University of Maine, at the College of the Atlantic, and at other organizations in Maine. But a great deal of work remains to be done before GIS technology is available and cost-effective for widespread municipal use. Yet, the opportunity that GIS affords to standardize map and data parameters, to superimpose overlay data, to pose "what-if" questions, and to execute timely updates of information is enticing. The ability to "import" and "export" map data among towns and state agencies is another potential advantage. While GIS proficiency will not, by itself, resolve all municipal information resource problems (particularly in the short run), a combination of conventional information files and GIS will go a long way to improve planning performance. The resource issue here is whether the legislative and executive branches in Augusta will choose

to continue development of GIS capacity in the face of Maine's current budgetary constraints and reduced growth pressures.

Financing planning efforts

Finally the inevitable question of fiscal resources rears its ugly head. Legislators, state agency staff, and municipal officials roll their eyes when "one more" entreaty is made for additional funding in such areas as human resources, health, education, public safety or solid waste. Growth management is no exception. Still, it came as a pleasant surprise to learn from our survey of tier one comprehensive plan committee chairs that twenty-one percent felt financial resources to plan under the growth management law were "more than adequate." An additional 74 percent said they were "adequate." Only five percent found fault with the level of funding for planning (Gale and Colgan 1991a). We can only hope that the larger numbers of tier two and tier three towns will be similarly charitable in their assessment of financial assistance as they begin planning.

Once plans are completed, many towns now without regular access to professional planning staff and support services will have to finance these additional expenditures if effective day-to-day growth management is to occur. It remains to be seen whether the legislature will ante up with a continuing transfer payment to local governments to subsidize municipal planning. Certainly, current economic and budgetary conditions do not bode well for such a prospect.

Elsewhere I have argued that existing planning-related resources could be tapped to assist municipalities in financing their growth management programs (Gale, forthcoming 1992). For example, the federally-funded Community Development (CD) program provides annual entitlements to metropolitan centers such as Portland, Lewiston-Auburn, Waterville and Bangor. Smaller communities can apply for CD funds through Maine's Department of Economic and Community Development. These monies can be applied to an exceedingly broad range of community development needs, although at least sixty percent of funds must assist low-and moderate-income areas. Eligible uses include planning and administration, as well as infrastructure and capital investments such as affordable housing. Though the CD program has emphasized capital improvements in its awards to municipalities, enhanced priority could be given to supporting Office of Comprehensive Planning - approved local growth management programs.

Another potential source of financing relates to the provision in the growth management law that stipulates that a municipality loses the authority to impose impact fees on new development if the town is not in compliance with the law. While revenue from these fees cannot be used to fund municipal personnel or operating costs, they can be used to pay for infrastructure costs associated with a developer's project. To the extent that this relieves municipalities of capital costs that would be otherwise incurred, some of the savings might appropriately be diverted to bolstering local growth management capacity.

Finally, while the DECD's Tax Increment Financing (TIF) program is apparently not affected by the growth management law, eligibility to participate in it could be linked to possession of an approved local growth management system. DECD-approved local TIF projects allow municipalities to earmark a portion of additional property tax revenues generated in the TIF

district to retire debt incurred to finance improvements in the district. It is not clear whether any of these earmarked revenues could legally be used to finance local planning office preparation of a DECD application and a TIP project plan or to manage the TIF district. But, if not, perhaps policy makers in Augusta should examine the possibility of amending the TIF law to allow such uses.

We must recognize that economies of scale in the provision of local planning services will continue to be a concern in Maine and other New England states. This raises the issue of enhanced capacity-building for regional planning councils (RPCs). Long the neglected sphere of governance in Maine and elsewhere, RPCs have demonstrated their ability to offer planning expertise to countless communities. It is not clear, however, to what extent they are able to provide an effective, on-going growth management capacity to smaller towns. For communities without a town planning office, RPC staff may be the only source of such assistance. For larger towns with a single planner, either part-time or full-time, periodic supplemental assistance from RPC staff may be necessary to handle the rising list of responsibilities. Thus, the issue of resources for local planning in Maine should not ignore the obvious advantages of regionalism.

Conclusion

At this writing, New England and most of the nation suffer in the grips of a severe economic recession. For the moment, the development juggernaut has slipped into low gear (Fullerton 1990). Maine and other states are faced with massive budget shortfalls, increased state taxes, and high unemployment rates. It will be tempting for legislators and governors to compartmentalize the growth management issue in the same way Americans are beginning to view the Cold War - as an anachronism no longer worthy of public concern. But passage of the growth management law was not the final word in the debate over local government capacity to manage development and preservation issues effectively. The state will continue to attract new population, tourism and economic investment as eastern metropolitans seek relief from congested cities and suburbs. Will Maine's local governments have the muscle necessary to successfully meet this challenge? The jury is still out.

Dennis Gale is professor of public policy and management, Edmund S. Muskie Institute of Public Affairs, University of Southern Maine. He is a former director of the Center for Washington Area Studies at George Washington University where he was a professor of urban and regional planning.