MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1643

H.P. 1211

House of Representatives, March 13, 2001

Millient M. Mac Failand

An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances.

Submitted by the State Planning Office pursuant to Joint Rule 204. Reference to the Committee on Natural Resources suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DAIGLE of Arundel.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BRUNO of Raymond, COLWELL of Gardiner, COWGER of Hallowell,
DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, Senators: DAGGETT of Kennebec,
SAWYER of Penobscot.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 30-A MRSA §4360 is enacted to read:
4	Season Date of growth andinance
6	§4360. Rate of growth ordinances
Ū	A municipality may enact an ordinance under its home rule
8	authority limiting the number of building or development permits issued over a designated time frame, referred to in this section
10	as a "growth rate ordinance," only under the following
	circumstances.
12	
14	1. Temporary growth rate ordinance. A temporary growth rate ordinance must meet the following requirements:
16	A. The growth rate ordinance is needed to provide time for
18	the municipality while it takes specific actions to improve facilities or services needed to accommodate growth;
20	B. The growth rate ordinance is enacted for a definite term, not to exceed one year; and
22	C. A municipality may not enact a temporary growth rate
24	ordinance more than once during any 5-year period.
26	2. Ongoing growth rate ordinance. An ongoing growth rate ordinance may be enacted only as part of an integrated growth
28	management strategy that includes the following components:
30	A. A comprehensive plan adopted under the planning and land use regulation laws under this chapter;
32	B. A clear justification in the comprehensive plan that:
34	(1) Identifies existing or projected capacity problems
36	regarding municipal facilities and services;
38	(2) Provides a strategy in the capital investment plan for increasing capacity regarding municipal facilities
40	and services;
42	(3) Links the proposed growth rate ordinance to an allocation of existing and future capacity regarding
44	municipal facilities and services;
46	(4) Provides a basis for the amount of growth to be allowed under the growth rate ordinance that considers
48	the municipality's historic growth rates and its reasonable share of future growth anticipated in the
50	region;

2	(5) Considers the impact of the growth rate ordinance
	on housing affordability; and
4	
	(6) Considers the impact of the growth rate ordinance
6	on neighboring communities;
8	C. A requirement that the number of permits issued annually
	under the growth rate ordinance must be no less than the
10	average annual number of permits issued by the municipality
	for the 10 years prior to adoption of the growth rate
12	ordinance; and
14	D. A requirement in the growth rate ordinance that the
	municipality review and update the justification in the
16	comprehensive plan described in paragraph B every 5 years to
	provide an analysis as to whether the growth rate ordinance
18	is still necessary and how the growth rate ordinance may or
	may not be adjusted to meet current conditions.
20	
	3. Growth rate ordinances that apply outside designated
22	growth areas. Notwithstanding the provisions of subsection 2, a
	municipality with a comprehensive plan adopted under the planning
24	and land use regulation laws under this chapter may adopt an
	ongoing growth rate ordinance that applies only to designated
26	rural areas if:
28	A. The growth rate ordinance is recommended in the plan as
	a mechanism for guiding growth; and
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	B. The comprehensive plan lays out meaningful policies and
32	strategies for accommodating most of the community's future
	growth in designated growth areas.
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36	SUMMARY
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30	This bill outlines the parameters within which a
4.0	municipality may adopt a growth rate ordinance. Temporary growth
40	rate ordinances may be enacted only to slow development while a
4.3	community works toward solving the problems necessitating the
42	growth rate ordinance. A permanent growth rate ordinance may be
	enacted only as part of an integrated growth management strategy
44	and also may be used in designated rural areas as a mechanism to
4.5	guide growth within a community. The bill also clarifies that a
46	municipality with comprehensive plan may implement a growth rate
	ordinance in its rural area only.