



**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS TO
COMMITTEE on Judiciary**

**SPEAKING IN SUPPORT OF
LD 775 - "An Act to Streamline Judicial Review of Certain Land Use
Decisions"**

DATE OF HEARING: May 14, 2015

**Senator Burns, Representative Hobbins, and Distinguished Members of the
Committee on Judiciary:**

My name is Amanda Bunker, and I am a professional planning consultant from Brunswick, Maine, here to offer testimony on behalf of the Maine Association of Planners, in support of LD 775. The Maine Association of Planners, or MAP, is a statewide organization of more than 100 citizen and professional planners. We work in diverse settings at the municipal, regional and state level in the public and private sectors.

In each and every community, proposed land development projects of any significant size must undergo a municipal review process, which includes mandatory opportunities for public input. The project must comply with a local comprehensive plan, and meet the requirements of state regulations and local land use ordinances, which have also been drafted and adopted using a multi-layered public process. Once a project has completed the review process, there remains opportunities for parties to seek a judicial review or relief from the development approval or denial.

Land use and urban planners know the challenge that communities and the individuals within communities face in balancing property rights and the need to allow growth and development, with the impacts that certain land uses and scales of development have on their immediate surroundings. In order to meet broader community needs, municipal land use planning and standards cannot always meet the expectations of individuals, but the intent in most all cases is to minimize and/or mitigate impacts to those directly impacted by new development.

The right to challenge a municipality's decision on a land development through the court system must be preserved in order to maintain the integrity of the public process and protect the health, safety and welfare of the community. However, the demonstrated abuse of this system by a few individuals as a strategic tactic that benefits individuals, and contradicts the entire public planning and review process, is now becoming a more serious threat in Maine to land use planning and development.

LD 775 supports the integrity of the judicial review process by reducing the opportunity for parties to undermine the ultimate decision in a deliberative public process with unsubstantiated delay. Based on the draft bill text provided to MAP, we support LD 775 with the following recommended amendments.

1. In the section titled "Significant Municipal Land Use Decision," MAP would add a requirement that only projects that are located in a designated growth area, identified in a comprehensive plan that has been deemed consistent with state goals, are eligible for streamlined review. Comprehensive plans are a monumental undertaking for municipalities and projects that respect that municipal planning effort should benefit from streamlining.

2. In the section titled "E. Additional evidence," MAP recommends that new evidence of related decisions made by any agent of the municipality or state agency that may show a failure to apply existing standards of review should also be allowed.

On behalf of the Maine Association of Planners, thank you for your consideration of our comments.