**To**: Ordinance Committee

**From**: Jay Chace, Planning Director

**Date**: October 19, 2020

**RE:** Responses to questions posed in JMC/Ord. Committee questions received on Oct 13, 2020

1. *Could we have the recommendations from the LRPC as well as the Planning Board on short and long term measures?*

At the request of the Ordinance Committee, the LRPC reviewed issues related to the Growth Management Ordinance at their meetings of June 19, July 24 and August 7. The recommendations from the LRPC were provided in a memo dated August 7, 2020 to the Ordinance Committee and discussed at the Committee meeting of August 20.

The August 7, 2020 memo with the LRPC recommendations, along with the meeting minutes, are provided under separate cover.

1. *Please summarize the takeaways from the information and analysis that you have developed and shared including enrollment projections, permits approved and in the pipeline, as well as proposals to streamline approvals for master plan and subdivision work. This would include 10 year averages of units, minus Hillcrest and contract zones.*

Among the key take ways from the LRPC work is that additional study of the impacts of multi-family development is needed, particularly by unit size and bedroom count. Information such as; correlation between number of cars and bedrooms in a unit, anticipated trips generated by unit size/type, student population per unit, public safety impacts and demands on public services, sanitary demands, demands on access to parks, beaches other natural resources. Staff is working to pull this data together and anticipates having the information by the end of 2020.

The information we have to date is broken down as follows:

1. *Please summarize the takeaways from the information and analysis that you have developed and shared including enrollment projections*

See Slide 1 on accompanying PowerPoint for data.

This data is from the 2019-20 school year, but the findings suggest that the school growth is still feeling the impacts of rapid single-family growth that led to the establishment of the Growth Management Ord.

Staff is working with our partners in the School Dept. to run a similar analysis for the 2020-21 school enrollment; with a focus on the entire school population and not just the Kindergarten class.

1. *permits approved and in the pipeline*

See Slides 2, 3, 4 & 5 on the accompanying PowerPoint for data.

1. *proposals to streamline approvals for master plan and subdivision work*

Staff is not aware of streamline proposals for master plans or subdivisions at this time. I believe this is in reference to the site plan review administrative review process that the Town Manager and Council leadership asked the staff to work on.

To that end, the Planning Board conducted a workshop on this topic on October 1. With direction and input from the Board, staff is developing language for further consideration by Council—anticipated to be available early November.

1. *10 year averages of units, minus Hillcrest and contract zones*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **Single-Family Dwelling** | **Duplex** | **Multi - Apartment** | **Affordable** | **Total Units** | **Total Growth Permits** | **Total**  **Permits**  **Issued** |
| **2010-19 Totals** | 827 | 66 | 660.5 | 35 | 1567.5 | 1180.65 | 1311.65 |
| **10 Year Averages** | **82.7** | **6.6** | **66.05** | **3.5** | **156.75** | **118.07** | **131.17** |
|  |  |  |  |  |  |  |  |
| Hillcrest | 131 |  |  |  | 131 | 0 | 131 |
| Contract Zones 2010-19 |  |  | 326 |  | 326 | 207 | 207 |
| **Total minus Hillcrest & CZ** | 695 |  | 334.5 |  | 1109.5 | 973.65 | 973.65 |
| **10 Year Averages** |  |  |  |  | **110.95** | **97.36** | **97.36** |
|  |  |  |  |  |  |  |  |

1. *Which developers do you think should be invited to a workshop discussion regarding Growth and potential changes to the process?*

A community discussion about the pace of growth and amendments to the GMO would benefit from input from many voices. With respect to developers that would like be interested, staff would start by reaching out to the Risbara and Chamberlain families as I have heard they were very involved in the original deliberations of the Growth Management Ordinance. Staff would suggest reaching out to other developers of all sizes, from Anderson, Frustaci, and Maietta, to those that get involved with individual projects such as O’Leary, Wasina, Kerr, Mezoian, as well as individual home owners that have built outside of subdivisions. It may be beneficial to also bring in representatives from affordable housing developments such as Avesta, South Portland Housing, Developers Collaborative and Burnham. Certainly this list is not all inclusive and staff would suggest opening the discussion to the public generally, but our department can be prepared to generate a more comprehensive list of those that have pulled permits over the past year or more.

*Overall, this is what we plan to discuss as a Committee:*

*a. Eliminate practice of fractionalization of permits. Evaluate risks and benefits.*

This is any area that Ordinance Committee identified the need for additional data and analysis during the August deliberation. Staff is working to provide the additional data by the end of the calendar year so that the GMO discussion can follow directly on the heels of the Comp Plan review by the Council without delay.

Further details provided in the August 7, 2020 memo as well as slide 6 on the accompanying PowerPoint.

*b. Adjust the annual number of growth permits to the state mandated levels of 5% over a rolling 10 year average.*

Information related to the past 10 years, 2010-2019, is provided in the August 7, 2020 memo.

*c. Reduce the reserve pool to 20 permits.*

As noted in August 7, 2020 memo, the GMO, as written, provides the Council the authority to add permits to the reserve pool; however, reductions to the reserve pool are accomplished only through the issuance of permits from the pool.

*d. Address the 20% distribution per developer.*

The LRPC noted that while it is technically feasible for one ‘common scheme’ development to have enough phases that could use all the growth permits in one year this did not seem like a practical concern. As noted in the August 7, 2020 memo, after discussion the consensus was that the LRPC did not have any issues with the town’s current provisions on this point.

e. *Explain “one on one” permitting that is followed in some other Maine towns.*

Staff assumes this is meant to read “one to one” permitting, meaning one permit to one dwelling unit. Staff has not conducted an exhaustive study, but based on our conversations we are not aware of other communities that utilizes fractional units as Scarborough does.

It should be noted that the idea of multiple units coming from a single growth permit pre-dates the current ‘fractional unit’ provision. Prior to the 2008 amendments, the GMO had a complex system for allocating growth permits based on different types of housing; including a provision that stated up to 5 growth permits could be issued for multifamily developments, and that one such growth permit could be used for up to 8 multifamily dwelling units (for a total of 40 multifamily units). Put in other terms, for the purposes of growth management up to 8 multifamily units equaled 1 single family unit.

As requested by the Ord. Committee, staff has scanned and is providing two memos that aim to provide some historical context to the discussion. One is a 2006 working memo that starts to give shape to the variable density in the Zoning Ord., and the other is the 2008 memo that accompanied amendments to the GMO that established the ‘fractional units’.

As identified in the provided memos, the foundation for the 2007 & 2008 changes to the Zoning and Growth Management Ordinances which enabled ‘fractional units’ are derived from the 2006 Comprehensive Plan.

Attachments:

1. August 7, 2020 memo
2. Minutes from LRPC meetings of June, July and August
3. 2006 Memo related to Zoning Ordinance amendments
4. 2008 Memo related to Growth Management Ordinance amendments
5. PowerPoint titled, “Ord Committee information Oct 2020” (converted to pdf)