

COUNTY OF WASHINGTON
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Kevin L. Shorey, Commissioner

County Manager:

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Secretary:

Gail Popham

May 08, 2008

Commissioner E. Bart Harvey, III
Land Use Regulation Commission
Maine Department of Conservation
22 State House Station • Augusta, Maine 04333-0022

Dear Commissioner Harvey,

As Chairman of the Board, I speak here on behalf of the entire board of Washington County Commissioners regarding the proposed 2008 Revision of the Comprehensive Land Use Plan (CLUP) that governs the Unorganized Territories in Maine. Representing the people of Washington County, the County Commissioners govern over 35 different territories within our boundaries. As such, the possible impacts of this plan are far reaching and are very much a concern to not only the board of County Commissioners but also to everyone with in this county.

All will agree that the management of the Unorganized Territories across this great state of ours is an arduous task. A task that does require planning and thoughtful review of that planning over time. But with that, the planning must always stay on task. That task, we feel is evident in the name of your commission, the Land USE Regulation Commission, with USE being the operative word. In reviewing this plan, it appears as though the USE of this land has become at best secondary, while preservation seems to have become your primary mission. If this is in fact the case, I dare submit to you that your mission is flawed.

The purpose of LURC was to assist the people in seeing that the people's wishes are adhered to in the use and development of LURC governed territories. Being that the public is in fact the owners of the business, they, and they alone, are the only ones who can alter LURC's primary focus and purpose. It seems evident to us that this plan was written by LURC staffers who were unevenly influenced by environmental and conservational interests. These interests are agreeably extremely important, but they can not arbitrarily be considered policy setting entities, nor representative majorities of the people's interests.

What is perhaps most unsettling, is the little known fact that this is one of the only inputs the "owners of the business" get to have. After the public input period expires, the decision falls solely onto the LURC board to be signed off on by the Governor. Once signed, there is no recourse. Although there is a new step added for legislative review, it is committee only and no one really knows what authority the committee can wield in this instance.

"The Sunrise County – where the sun first shines!"

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Residents do not vote on it, the full legislature does not debate it, we all simply get to abide by it. It is this reason that we as County Commissioners come out in such strong opposition. We see this is one of the last opportunities for the voice of the people to be heard. A sad commentary of our government considering it is based upon the will of the people.

This 2008 Revision is long, detailed and not exactly a "great read". But we have in fact reviewed it. There are many issues to be had with it. But they can be boiled down to this. The plan sees fit to add words such as limiting, preventing and restricting while defending these mission changes with such strong arguments as to protect "other values". One such example of this "strong argument" can be found in the hillside and ridge development section of the plan. What are these "other values" and who determines their worth.

The plan also complains about the strain being placed upon LURC framework do to changing land uses. Although unfortunately foreign in many levels of government today, it is the role of government to adapt to the needs of the people, not the role of the people to adapt to the needs of government. After all, LURC recently just this year raised fees and taxes levied on the UT's and it would seem that should be enough for the Commission to overcome it's "strains". But if taking more of the people's money bought them more restrictions, I'm sure the people would just as soon have their money back.

The conservational interests forced upon the people of Maine over the past three decades have successfully done one thing, locked up more of Maine's opportunities and in turn made Maine less successful. What is ironic is that for the past couple hundred years, the people of Maine were left to manage their own land. Today, as a result of that self management, we remain one of the most beautiful states in our nation.

Self management was what had given us the very resources that government and environmental interests are now falling all over themselves to regulate and protect today. I just can't figure out who they are trying to "protect us" from, ourselves? I dare say that if past practice is indicative of future performance, we certainly should put our trust in the people of Maine, not the regulatory and government agencies of Maine, to do what is best for Maine. This being that one of these groups has been the only thing that has allowed us to survive, while the other is often times what we fight to survive against.

Now this is not to say that we oppose or disagree with every facet of this revision. We certainly support better education of landowners as to what services can be provided in remote areas of development, prior to them making a choice to be there. We support this because the "choice" is left to the people and education can only help make more informed choices. But to preemptively take away that choice is not governance by the people.

Recently this County entered into the very first Tax Increment Financing (TIF) ever in a UT of Maine to encourage First Wind Company, formerly UPC Wind, to bring a wind farm in a northern Washington County UT. This was in hopes of bringing diversification to our county and green energy to our State. It also was an opportunity to invest a large portion of the revenues from the TIF in economic development activities for the future of Washington County.

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To accomplish this, the County Commissioners had proposed that the investment monies funded by the TIF would be able to be utilized in development activities not only in the UT's but also in the service centers around the UT's as well. We saw this as the best course to help all of the people in these UT's and throughout Washington County. For example to help those who live in the UT of Trescott, economic development could also be focused in the adjacent service center of Lubec. We thought this was not only smart, but also it was seen as being sensitive to the already restrictive guidelines governing the UT's under the 1997 CLUP that certainly did not encourage development in its own right.

This was met with opposition from State UT administration. They said that the monies generated in the UT TIF could **only** could only be focused in the development of the UT's. This opposition was strong enough to kill Senator Kevin Raye's bill in the legislature that would have allowed for the countywide investment. How confusing it is now for all of us standing here now to find out that the UT administration demands that development be in the UT's while LURC's 2008 revision seems to discourage it that very same development. UT administration and LURC either don't know or don't care what the other is advocating. This is confusing at best, typical bureaucracy at worst.

What is even more confusing is that in the face of the School Consolidation Law, the biggest issue facing Rural Maine in recent history, LURC proposes a 2008 CLUP Revision that is littered with short sighted thought and complete disregard for Rural Maine's issues. In essence this 2008 Revision is indicative and a continuing causation of what is wrong

Most of Washington County makes no mistake, they know rural Maine is in the fight for it's life. The School Consolidation issue is only a calling card to the greater issue. For example, many of our local schools do not cost too much, they cost too much *per student*. The symptom of the real problem facing rural Maine is that our school's are costing the tax payer more and more, the rural Maine's illness however is dying communities which is causing that dwindling enrollment. Through such things as consolidation and school closures, we continue to only treat the symptom as many logically would when there is no offer for a cure.

To survive, Rural Maine must find a way to reintroduce the youth to its population, to attract new people to its areas and rebuild our once strong communities. The UT's are a vital instrument to rebuilding these communities. The appropriate blend of their amenities and their opportunities is what can help attract new, younger people to Maine. To limit opportunities in the UT's now in the face of rural Maine's current situation all in the name of it's "future", clearly shows that this plan cares more for the land than it does for the people who have lived upon it for generations. Generations, we might add, before governmental regulation.

And with this historical reference, I would like to end with this. Recently in reviewing a lot of material in preparation of this testimony, I had the pleasure of reading the thoughts and opinions from people all over this state. Some in favor but most opposed to this 2008 CLUP Revision. When I saw that Trescott Township was listed by proponents of this revision as an example of "sprawl", we laughed out loud. It was said that based upon the fact that it was averaging 5 new building permits per year it was indicative of the problem.

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Another piece of testimony I had the pleasure of seeing certainly offset that nonsense. In it a gentleman stated if his little township in Northern Maine continued to grow at it's present rate, by 2060 it would have the population it had in 1890. This made me wonder if this was an isolated incident or an "alarming trend". So I checked into Edmunds Twp (my hometown) and Trescott Twp which represent two of our more populated UT's here in Washington County.

What we found is very much in line with our friend to the north. Since 1900 Edmunds Twp population has gone from 492 to an estimated 350 in 2008 a decrease of roughly 30%. Trescott Twp. has gone from 463 to an estimated 325 in 2008 a decrease of also roughly 30%. If the population does in fact show an upward trend in the past 30 years as LURC staffers are fearful of, thank goodness. Hopefully it continues at a greater rate and hopefully it is not too late. And hopefully this 2008 Revision as drafted fails, because in it's passage it will be only yet another example of what is wrong in the death by regulation approach of the past three decades in Maine.

Upon review of the plan we must say we are extremely concerned and disheartened by the approach that has been taken in this plan. This plan represents much of what is wrong with governmental oversight and per usual overreach. As the 2008 Revision is written, the Washington County Commissioners can not only fail to support it, but we must vehemently appose it.

Sincerely,

Christopher M. Gardner, Chairman
Washington County Commissioners