

H 5794

TO: House Judiciary Committee

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Chair Craven and members of the Judiciary Committee,

I have been involved in land use planning for more than 20 years, and have participated in application and project review, comprehensive plan evaluation, revisions, updates and renewals, zoning ordinance revisions and big picture assessment of the multiple connected areas that are an integral part of land use planning.

House bill 5794 applies a State override of local regulations regardless of any and all existing local land use. In fact, it contradicts several sections of responsibility in 45-22-7 whereby local governing authority, needs and concerns of issues such as environmental protection, natural resource conservation, historic sites and more appear to have no validity based on the following:

Defining MINOR subdivisions as an UNLIMITED number of lots on an existing public street, which means that per legislation passed in the 2024 session that there will be NO public notice to abutting property owners, No opportunity for input and local knowledge, NO review by local planning board.

This wholesale elimination of the public and planning board review process that will be up to an administrative officer represents a complete lack of transparency and further disenfranchises the public; your constituents. The language contained in the bill does not prevent further erosion and circumvention of a parcel without a public street. The unintended consequences of land use bills must be well understood by those representing our communities.

Elimination essentially of the pre-application stage by choice of the applicant is random, inconsistent with the purpose and advantage of the pre application process. As you may know, it allows for an informal discussion, prior to the onset of a formal timeframe, with the applicant and planning board prior to incurring major expenses on the part of the applicant. This allows for a better project outcome, design parameters that can more seamlessly fit in to the community. This has repeatedly been shown to save time and money.

Finally, delay of State permits to the final stage, does not allow for communication and improvement, or technical details to be incorporated early on in the process. This does not make sense and may prolong the process.

Thank you,

Maria Mack