

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Maureen O'Meara, Town Planner
DATE: May 1, 2019
SUBJECT: Review of the draft comprehensive plan

The 2019 Comprehensive Plan Committee has submitted a final draft comprehensive plan to the Town Council for consideration. With the Town Council commencing its review on May 8th, it may be helpful to keep in mind the following:

1. Compliance with state requirements. The Town Council charged the committee to " develop a new comprehensive plan for town council consideration that meets the review standards of the Maine Growth Management Act." (adopted 9-12-2016)

Enclosed is the state Comprehensive Plan Rule which guided the committee's work. Much of the information in the draft comprehensive plan has been included in anticipation that the plan will be submitted for state certification. Assuming the Town Council ultimately adopts the draft plan, it will then be submitted to the state Department of Agriculture, Conservation and Forestry for a determination of consistency with state goals.

2. Legal foundation for town land use regulations. One of the most important functions of the comprehensive plan is to be the legal foundation for land use regulations. Town regulations must be *consistent* with the comprehensive plan or the regulation is more vulnerable to legal challenge. For this reason, there are many instances in the draft plan where the recommendation is to continue with existing regulations. Continued support for existing regulations is also a method of demonstrating compliance with state goals without the need to adopt further regulations.

It is entirely appropriate for the comprehensive plan to recommend policy changes. With adoption of the plan, however, the town will then be obligated to consider ordinance amendments that implement the new policies.