

FAQ REGARDING COUNCIL REVIEW OF 2013 COMPREHENSIVE PLAN

Draft: August 1, 2013

The Council is expected to receive from the Long Range Planning Advisory Committee (LPAC) a recommended 2013 Comprehensive Plan shortly. What is the Council expected to do with the committee's recommendations? Below is a Q&A to help the Council determine its approach.

What are the draft recommendations?

The draft recommendations are posted on the Town's website. See:

http://www.town.falmouth.me.us/Pages/FalmouthME_BComm/LPAC/20June2013Drafts

There are three volumes to the plan. Volume I is the core of the plan. Volume II contains back-up materials, and Volume III contains maps.

What are the key parts of the plan?

The vision statement in the Introduction provides the shortest summary of what the plan is trying to accomplish when implemented. Besides that, key parts of the plan are the chapters on (1) Issues, Goals, Policies, and Strategies and (2) Implementation Strategies (which contain 70 actions organized by five themes).

How has the Council been involved in the shaping of this plan?

Besides regular LPAC updates to the Council and the work of Council Liaisons (Rodden, Payne, and Pierce), Councilors met in May and June to review draft recommendations (Rodden, Pierce, Varney, Farber, Payne, Goldberg, King, Anderson). Various adjustments were made by LPAC in response to Council suggestions.

What is the Council requested to do when it gets formally presented with the recommendations?

The Council will be asked to review the plan and vote to adopt it.

What does "adopt" mean?

According to Oxford Dictionaries, adopt means: "take up or start to use or follow (an idea, method, or course of action)." ¹ Regarding the plan, "adopt" means that the Council intends to implement the recommend actions over next ten years.

What approach and schedule is suggested for the Council's review of the plan?

A draft schedule is attached on page 3.

Is the plan a guide or a rule?

The plan is a guide and nothing in the plan is considered a rule or local ordinance. It does not commit the current or future Councils in any way other than guidance to adopt more formal policies, ordinances, etc.

Do the Councilors have to agree with everything in the plan?

No, when the time comes each action (and responsible party) will be specifically authorized by the Council. The Council may adjust any of the actions at that time as circumstances warrant.

Can Councilors modify any part of the plan before voting to adopt it?

¹ http://oxforddictionaries.com/us/definition/american_english/adopt

Yes, if there are any unacceptable portions to the plan, the Council may amend the language accordingly.

How may the Council consider implementing the plan?

As the plan contains approximately 70 separate actions, the Council may request from LPAC specific implementation recommendations for the upcoming year in its annual reports to the Council. The Council may decide to accept or modify these, and incorporate them in the Council's Annual Work Plan as needed. As stated above, each action (and responsible party) is expected to be specifically authorized by the Council. This check-in with, and authorization by, the Council is anticipated to occur annually or as needed. If ordinance amendments or financial expenditures are required, specific recommendations would be brought back to the Council for approval.

Do all recommended actions have to be implemented?

No. Typically, not all adopted actions in a plan get executed in the life of a plan. Appendix 1 in Volume II of the 2013 Plan shows what happened with the actions of the 2000 Plan. Incomplete implementation occurs because there was too much to do, no (or not enough) funding was available, or perhaps there was not enough Council support to move a particular item forward. One does not get penalized for incomplete implementation by the State of Maine.

What are the repercussions of Council action that is counter to an adopted Comp Plan?

The implications of not following the plan may only come up if the Town runs very far off course from the plan and someone takes an issue with that. For example, if the Town were to amend its land use ordinance to include very dense development in an area designated in the plan as a non-growth or rural area. The plan forms the legal basis to substantiate the Town's zoning ordinance. The two documents (plan and ordinance) should not be in conflict with each other, but the Town has time to make any adjustment to its ordinances as needed.

If a future Council has a problem with the plan, can it formally amend the plan?

Yes, if a future Council has a different idea about what steps to take, it can consider adopting an amended plan, so the Council's actions stay in synch with the plan (and vice versa).

What happens after the plan is adopted by the Council?

Municipalities typically submit their plans to the State of Maine and request a certificate of consistency with the Planning and Land Use Regulation Act (commonly known as the Growth Management Act). ² Such a certificate is valid for ten years. Certification may be helpful in procuring State funding for specific implementation projects.

What happens if the State of Maine identifies deficiencies in the Town's plan?

The Town has 24 months to respond to, and correct, any identified deficiencies in the plan. A finding of inconsistency may also be formally appealed by the Town to the Department of Agriculture, Conservation, and Forestry.

² For Planning and Land Use Regulation Act, see 30-A MRSA Chapter 187 §4301 et seq. See also: http://www.maine.gov/doc/commissioner/landuse/docs/advantages_of_having_a_comp_plan.pdf