

## Chapter 12. Comprehensive Plan Updates

[HISTORY: Adopted by the Town of Wells 11-5-2019.<sup>(1)</sup> Amendments noted where applicable.][1]*Editor's Note: This ordinance was adopted at a Special Town Meeting by citizen petition.*

### § 12-1. Statement of purpose; legislative authority.

A. Statement of purpose. This chapter is enacted as a result of public dissatisfaction with irregularities and lack of transparency in the preparation of the 2016 Comprehensive Plan Update, as well as the process employed in such preparation. This chapter is intended to ensure the maximum public participation in future updates; and, to ensure public awareness of proposed departures from the previous Comprehensive Plan (at this time the "2005 Comprehensive Plan"), through consistent document content structure with the prior Comprehensive Plan, and requiring that changes to the prior Plan be highlighted or otherwise made conspicuous in the updated plan, to enhance public comprehension with respect to changes.

B. This chapter is adopted pursuant to the home rule provisions of Article VIII, Part 2, Section 1, of the Maine Constitution and 30-A M.R.S.A. § 3001 as well as the Growth Management Act, 30-A M.R.S.A. § 4324 et seq., and to implement the Town of Wells, Maine, Comprehensive Plan.

### § 12-2. Updates required.

A. The Comprehensive Plan shall be updated not less often than every 10 years.

B. Updates to the Comprehensive Plan shall be prepared by staff at the direction of a Comprehensive Plan Update Committee ("the CPUC").

### § 12-3. Comprehensive Plan Update Committee (CPUC).

A. The CPUC shall be a permanent standing committee. Appointments to the CPUC shall be for staggered terms not to exceed three years. Within 60 days of the enactment of this chapter, the Board of Selectmen shall appoint 11 qualified resident voters as members of the CPUC, a majority of whom shall hold no other municipal office.

B. Notwithstanding 30-A M.R.S.A. § 4324.2, no selectman, or any Town employee, shall be eligible to serve on the CPUC. The Board of Selectmen may provide a selectman liaison.

C. The Board of Selectmen shall fill any vacancy for the remainder of the unexpired term, in the manner provided for original appointments. A vacancy shall exist if a member misses more than 30% of the regular Committee meetings in a calendar year.

D. The CPUC shall, from among its members, annually elect a Chairman and a Vice Chairman who shall retain their voting rights.

E. The CPUC will be staffed by the Town Planner/Engineer, Code Enforcement Officer, Town Manager, and a recording secretary. The Town Manager and Board of Selectmen shall provide additional clerical and technical assistance, upon reasonable request of the CPUC. The Committee

will report regularly on its activities to the Board of Selectmen and seek the Town Manager's approval for expenditure of any funds.

F. The CPUC may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this chapter.

G. Meetings of the CPUC shall appear on the Town Calendar, shall be open to the public, and shall be video recorded and broadcasted live to the public, whenever feasible.

H. Streaming video playback of CPUC meetings shall be made available from the Town's website within 24 hours, whenever feasible.

I. Meetings of CPUC shall include a 10-minute "Open to the Public" comment period at the beginning and at the end of each CPUC meeting, when any member of the public may speak for three minutes, or such longer time as the CPUC may permit.

## § 12-4. The update document.

A. The 2005 Comprehensive Plan shall be used as the basis for the first Comprehensive Plan update under this ordinance. Subsequent periodic updates shall be constructed from the most current update. The 2005 Comprehensive Plan Table of Contents structure of Part 1 through Part 5 shall be maintained. The chapters of Part 2 shall maintain the same five sections as the 2005 Comprehensive Plan: Introduction; Goals; Policies; Standards; and Implementation Strategies.

B. The first update after enactment of this chapter, and every subsequent update recommended for adoption, shall be made widely available to the public by the CPUC, in both a "clean" and a "mark-up/revision" copy, at least 30 days prior to any public hearing.

C. The CPUC will hold at least one public hearing on its proposed Comprehensive Plan update. If a follow-up hearing is held pursuant to comments made at a public hearing, the follow-up hearing may be conducted provided the same public notice is given.

## § 12-5. Transition.

A. Notwithstanding any adoption of any Comprehensive Plan update to the 2005 Comprehensive Plan that may have been adopted prior to this Ordinance, the 2005 Comprehensive Plan shall not be considered affected by such adoption.

B. The 2005 Comprehensive Plan shall remain in effect until replaced by an updated Comprehensive Plan, in accordance with the substance and procedures established in this chapter.

## § 12-6. Severability.

A. If any provision of this chapter is determined to be invalid, such invalidity shall not affect any other provision.

B. If any provision of this chapter conflicts with any other ordinance, the provisions of this chapter shall control.