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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO TOWNS AND CITIES - COMPREHENSIVE PLANNING AND LAND USE
ACT

Introduced By: Senator Leo R. Blais

Date Introduced: March 10, 2010

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-22.2-2, 45-22.2-3, 45-22.2-4, 45-22.2-5, 45-22.2-6, 45-22.2-8,
2 45-22.2-9, 45-22.2-10, 45-22.2-11, 45-22.2-12 and 45-22.2-13 of the General Laws in Chapter
3 45-22.2 entitled "Rhode Island Comprehensive Planning and Land Use Act" are hereby amended
4 to read as follows:

5 ~~45-22.2-2. Adoption of comprehensive plans; supersession of prior plans; relation to~~
6 ~~other statutes. -- Status of comprehensive plans; relation to other statutes. --~~ (a) All lawfully
7 adopted comprehensive plans shall remain in full force and effect but shall be brought into
8 conformance with this chapter prior to June 1, 2016. ~~according to the schedule set forth in section~~
9 ~~45-22.2-5(a)(3). Each city and town shall review its comprehensive plan and make established~~
10 ~~amendments or revisions that are necessary to bring it into conformance with this chapter.~~

11 ~~(b) All cities and towns which have not adopted a comprehensive plan shall do so~~
12 ~~pursuant to the schedule established in section 45-22.2-5(a)(3).~~

13 ~~(c) Section 45-22-6 and all special acts relating to comprehensive plans are repealed~~
14 ~~effective July 1, 1990. All provisions of comprehensive plans adopted under the authority of the~~
15 ~~provisions of section 45-22-6 or any special act repealed by this chapter become null and void~~
16 ~~upon the adoption of a comprehensive plan by a municipality and upon approval of the plan by~~
17 ~~the director, unless amended to conform to the provisions of this chapter.~~

18 ~~(d) All comprehensive plans adopted under the authority of section 45-22-6 or any~~

1 ~~special enabling act that is in effect on June 11, 1988 shall remain in full force and effect until the~~
2 ~~date specified in the schedule in section 45-22.2-5(a)(3), unless amended or repealed before the~~
3 ~~specified date.~~

4 ~~(e) Where time periods specified for an action conflict with the provisions of a home rule~~
5 ~~or legislative charter adopted prior to June 11, 1988, the provisions of this chapter take~~
6 ~~precedence.~~

7 ~~(f)~~(b) Nothing contained in this chapter is construed to supersede or diminish any
8 regulatory authority granted to a state agency by statute.

9 **45-22.2-3. Legislative findings and intent -- Statement of goals.** -- (a) Findings. - The
10 general assembly recognizes these findings, each with equal priority and numbered for reference
11 only, as representing the need to substantially revise present enabling legislation and, therefore,
12 declares that:

13 (1) ~~The absence of accurate technical information and comprehensive~~ Comprehensive
14 planning by municipal government ~~as a~~ is necessary to form a rational basis for the long-term
15 physical development of a municipality and to avoid ~~creates~~ conflicting requirements and reactive
16 land use regulations and decisions.

17 (2) Municipal government is responsible for land use, ~~but lacks the~~ and requires accurate
18 technical information and financial resources to plan for orderly growth and development, and the
19 protection and management of our land and natural resources.

20 (3) Land, water, and air are finite natural resources. Comprehensive planning ~~must~~ is
21 needed to provide for protection, development, use, and management of our land and natural
22 resources.

23 (4) Comprehensive planning and its implementation ~~will~~ is needed to promote the
24 appropriate use of land. The lack of comprehensive planning and its implementation ~~has led~~ could
25 lead to the misuse, underuse, and overuse of our land and natural resources.

26 (5) ~~The~~ Comprehensive planning is needed to provide for the coordination of growth and
27 the intensity of development with provisions for services and facilities, ~~is a proper objective of~~
28 ~~comprehensive planning.~~

29 (6) Comprehensive planning is needed to provide a basis for municipal and state
30 initiatives to insure all citizens have access to a range of housing choices, including the
31 availability of affordable housing for all income levels and age groups.

32 (7) ~~Municipal comprehensive~~ Comprehensive planning ~~must~~ is needed to recognize and
33 address potentially conflicting land uses as well as shared resources in contiguous municipalities
34 and encourage cooperative planning efforts by municipalities.

1 (8) Comprehensive planning ~~will~~ is needed to provide a basis for improved coordination
2 so that local plans reflect issues of local, regional, and statewide concern. ~~Comprehensive~~
3 ~~planning will insure that municipal government has~~ Municipalities must have a role in the
4 formulation of state goals and policies.

5 (9) Improved coordination is necessary between state and municipal governments to
6 promote uniform standards and review procedures as well as consistency in land use regulations.

7 (b) Intent. - The general assembly declares it is the intent of this chapter to:

8 (1) ~~Establish;~~ in each municipality, a program of comprehensive planning that is
9 implemented according to the standards and schedule contained in this chapter;
10 comprehensive plans shall be maintained and amended as necessary in order to achieve the goals established
11 within this section.

12 (2) Provide financial assistance for the formulation and implementation of the
13 comprehensive plan.

14 (3) Provide financial assistance to establish and maintain a uniform data and technical
15 information base to be used by state and municipal governments and their agencies.

16 (4) Establish standards and a uniform procedure for the review and approval of
17 municipal comprehensive plans and state guide plans and their consistency with overall state
18 goals, objectives, standards, applicable performance measures, and policies.

19 (5) Establish and maintain a procedure ~~in comprehensive~~ for coordinating planning at
20 state and municipal levels ~~which will accommodate future requirements.~~

21 (c) Goals. - The general assembly hereby establishes a series of goals to provide overall
22 direction and consistency for state and municipal agencies in the comprehensive planning process
23 established by this chapter. The goals have equal priority and are numbered for reference only.

24 (1) To promote orderly growth and development that recognizes the natural
25 characteristics of the land, its suitability for use, and the availability of existing and proposed
26 public and/or private services and facilities.

27 (2) To promote an economic climate which increases quality job opportunities and
28 overall economic well being of each municipality and the state.

29 (3) To promote the production and rehabilitation of year-round housing and to preserve
30 government subsidized housing for persons and families of low and moderate income in a manner
31 that: considers local, regional, and statewide needs; achieves a balance of housing choices, for all
32 income levels and age groups;
33 ~~which~~ recognizes the affordability of housing as the responsibility
34 of each municipality and the state; takes into account growth management and the need to phase
and pace development in areas of rapid growth; is consistent with available resources and the

1 need to protect the public health, including drinking water supply, drinking water safety, and
2 environmental quality; and ~~which~~ facilitates economic growth in the state.

3 (4) To promote the protection of the natural, historic and cultural resources of each
4 municipality and the state.

5 (5) To promote the preservation of the open space and recreational resources of each
6 municipality and the state.

7 (6) To provide for the use of performance-based standards for development and to
8 encourage the use of innovative development regulations and techniques that promote the
9 development of land suitable for development while protecting our natural, cultural, historical,
10 and recreational resources, and achieving a balanced pattern of land uses.

11 (7) To promote consistency of state actions and programs with municipal comprehensive
12 plans, and provide for review procedures to ensure that state goals and policies are reflected in
13 municipal comprehensive plans and state guide plans.

14 (8) To ensure that adequate and uniform data are available to municipal and state
15 government as the basis for comprehensive planning and land use regulation.

16 (9) To ensure that municipal land use regulations and decisions are consistent with the
17 comprehensive plan of the municipality, and to ~~insure~~ ensure state land use regulations and
18 decisions are consistent with state guide plans.

19 (10) To encourage the involvement of all citizens in the formulation, review, and
20 adoption, or amendment of the comprehensive plan.

21 ~~(11) To preserve existing government subsidized housing for persons and families of low~~
22 ~~and moderate income and to increase the overall supply of year round housing, including housing~~
23 ~~for low and moderate income persons and families.~~

24 **45-22.2-4. Definitions.** -- As used in this chapter the following words have the meanings
25 stated herein:

26 (1) "Affordable housing plan" means a component of a housing element, prepared by a
27 town subject to planning expectations established by chapter 53 of this title, or a component of a
28 housing element, prepared for the purpose of conformity with the requirements of section 42-128-
29 8.1.

30 (2) "Agricultural land" means land suitable for agriculture by reason of suitability of soil
31 or other natural characteristics or past use for agricultural purposes. Agricultural land includes
32 that defined as prime farm land or additional farm land of statewide importance for Rhode Island
33 by the soil conservation service of the United States Department of Agriculture.

34 ~~(3) "Board" means the state comprehensive plan appeals board as established by chapter~~

1 ~~22.3 of this title.~~

2 (4)(3) "Capacity" or "land capacity" means the suitability of the land, as defined by
3 geology, soil conditions, topography, and water resources, to support its development for uses
4 such as residential, commercial, industrial, open space, or recreation. Land capacity may be
5 modified by provision of facilities and services.

6 (5)(4) "Capital improvements program" means a proposed schedule of all future projects
7 listed in order of construction priority together with cost estimates and the anticipated means of
8 financing each project.

9 (5) "Chief" means the chief executive officer of the division of planning as established
10 by subsection 42-11-10(g).

11 (6) "Coastal features" means ~~those coastal features defined in chapter 23 of title 46~~ any
12 coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore,
13 manmade shoreline or dune as outlined and defined by the coastal resources management
14 program, and as may be amended.

15 (7) "Comprehensive plan" or "comprehensive land use plan" means a document
16 containing the components described in this chapter, including the implementation program
17 which is consistent with the goals and guidelines established by this chapter.

18 (8) "Council" means the state planning council as established by chapter 11 of title 42.

19 (9) "Days" means calendar days.

20 ~~(10) "Director" means the director of administration.~~

21 ~~(11)~~(10) "Division of planning" means the office ~~of state planning as~~ established as a
22 division of the department of administration by ~~section 42-11-10(b)~~ subsection 42-11-10(g).

23 ~~(12)~~(11) "Federally insured or assisted housing" means:

24 (i) Low income housing units insured or assisted under sections 221(d)(3) and 236 of the
25 National Housing Act, 12 U.S.C. section 1701 et seq.;

26 (ii) Low income housing units produced with assistance under section 8 of the United
27 States Housing Act of 1937, 42 U.S.C. section 1401 et seq.; and

28 (iii) Rural low income housing financed under section 515 of the Housing Act of 1949,
29 12 U.S.C. section 1715z.

30 ~~(13)~~(12) "Floodplains" or "flood hazard area" means an area that ~~has~~ is subject to a flood
31 having a one percent (1%) ~~or greater~~ chance of ~~inundation~~ being equaled or exceeded in any
32 given year, as delineated ~~by~~ on a community's flood hazard map as approved by the federal
33 emergency management agency pursuant to the National Flood Insurance Act of 1968, as
34 amended (P.L. 90-448), 42 U.S.C. 4011 et seq.

1 ~~(14)~~(13) "Forecast" means a description of the conditions, quantities, or values
2 anticipated to occur at a designated future time.

3 ~~(15)~~(14) "Goals" means those goals stated in section 45-22.2-3.

4 ~~(16)~~(15) "Historic district" means one or more historic sites and intervening or
5 surrounding property significantly affecting or affected by the quality and character of the historic
6 site or sites, and has been registered, or is deemed eligible to be included, on the state register of
7 historical places pursuant to section 42-45-5.

8 ~~(17)~~(16) "Historic site" means any real property, man made structure, natural object, or
9 configuration or any portion or group of the preceding which has been registered, or is deemed
10 eligible to be included, on the state register of historic places pursuant to section 42-45-5.

11 ~~(18)~~(17) "Improvement" means any man made, immovable item which becomes part of,
12 placed upon, or is affixed to, real estate.

13 ~~(19)~~(18) "Land" means real property including improvements and fixtures on, above, or
14 below the surface.

15 ~~(20)~~(19) "Land use regulation" means a rule or statute of general application adopted by
16 the municipal legislative body which controls, directs, or delineates allowable uses of land and
17 the standards for these uses.

18 ~~(21)~~(20) "Local government" means any governmental agency authorized by this chapter
19 to exercise the power granted by this chapter.

20 ~~(22)~~(21) "Low and moderate income housing" means housing as defined in chapter 53 of
21 this title as low and moderate income housing, or as necessary in the context of implementing the
22 purposes of the federal Low Income Preservation and Resident Home Ownership Act of 1999 [12
23 U.S.C. section 4113]housing as defined in the federal Low Income Preservation and Resident
24 Home Ownership Act of 1990 [12 U.S.C. section 4101 et seq.]and as may be amended for both
25 the purposes of this chapter and any reference to low and moderate income housing in relation to
26 a comprehensive plan prepared and adopted pursuant to this chapter.

27 (22) "Maintain" means to evaluate regularly and revise as needed or required in order to
28 ensure that a comprehensive plan remains consistent with the goals and guidelines established by
29 this chapter.

30 (23) "Municipal legislative body" means the town meeting in a town; the town council in
31 a town or the city council in a city; or that part of a municipal government that exercises
32 legislative powers under a statute or charter.

33 (24) "Municipal reviewing authority" means the municipal planning board, or
34 commission, ~~or if none, the municipal officers.~~

1 (25) "Open space" means any parcel or area of land or water set aside, dedicated,
2 designated, or reserved for public or private use or enjoyment or for the use and enjoyment of
3 owners and occupants of land adjoining or neighboring the open space; provided that the area
4 may be improved with only those buildings, structures, streets, and off-street parking, and other
5 improvements that are designed to be incidental to the natural openness of the land.

6 (26) "Planning board" or "commission" means the body established by a municipality
7 under chapter 45 of title 22 or combination of municipalities which has the responsibility to
8 prepare a comprehensive plan and make recommendations concerning that plan to the municipal
9 legislative body.

10 (27) "Program" means the statewide planning program established by chapter 11 of title
11 42.

12 (28) "State guide plan" means goals, policies, and plans or plan elements for the
13 physical, economic, and social development of the state, adopted by the state planning council in
14 accordance with section 42-11-10.

15 (29) "State or regional agency" means, for the purposes of this chapter, any state agency,
16 department, public authority, public corporation, organization, commission, or other governing
17 body with regulatory or other authority affecting the goals established either in this chapter or the
18 state guide plan. Pursuant to subsection ~~45-22.2-2(f)~~ 45-22.2-2(b), the definition of state and
19 regional agency shall not be construed to supersede or diminish any regulatory authority granted
20 by state or federal statute.

21 (30) "Strategic plan for housing production and rehabilitation" means the state guide
22 plan element promulgated and adopted as set forth in section 42-128-8.1.

23 (31) "Voluntary association of local governments" means two or more municipalities
24 ~~who, that~~ have joined together pursuant to a written agreement and pursuant to the authority
25 granted under this chapter for the purpose of drafting a comprehensive land use plan and
26 implementation program.

27 (32) ~~"Wetland, coastal" means a salt marsh bordering on the tidal waters of this state and~~
28 ~~contiguous uplands extending no more than fifty (50) yards inland therefrom. "Wetland" means a~~
29 marsh, swamp, bog, pond, river, river or stream flood plain or bank; an area subject to flooding or
30 storm flowage; an emergent or submergent plant community in any body of fresh water; or an
31 area within fifty feet (50') of the edge of a bog, marsh, swamp, or pond, as defined in section 2-1-
32 20; or any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters
33 reach the littoral areas through natural or artificial watercourses, and those uplands directly
34 associated and contiguous thereto which are necessary to preserve the integrity of that marsh, and

1 as further defined in section 46-23-1 et. seq. and the Rhode Island coastal resources management
2 program, as may be amended.

3 ~~(33) "Wetland, freshwater" means a marsh, swamp, bog, pond, river, river or stream~~
4 ~~flood plain or bank; area subject to flooding or storm flowage; emergent or submergent plant~~
5 ~~community in any body of fresh water; or area within fifty feet (50') of the edge of a bog, marsh,~~
6 ~~swamp, or pond, as defined in section 2-1-20.~~

7 ~~(34)~~(33) "Zoning" means the reservation of certain specified areas within a community
8 or city for building and structures, or use of land, for certain purposes with other limitations as
9 height, lot coverage, and other stipulated requirements.

10 ~~45-22.2-5. Formulation of comprehensive plan by cities and towns. ---~~ **Formulation of**
11 **comprehensive plans by cities and towns.** -- (a) There is established a program of local
12 comprehensive planning to address the findings and intent and accomplish the goals of this
13 chapter. Rhode Island's cities and towns, through the exercise of their power and responsibility
14 pursuant to the general laws, applicable articles of the Rhode Island Constitution, and subject to
15 the express limitations and requirements of this chapter, shall:

16 (1) ~~Plan for future land use which relates development to land capability, protects our~~
17 ~~natural resources, promotes a balance of housing choices, encourages economic development,~~
18 ~~preserves and protects our open space, recreational, historic and cultural resources, and provides~~
19 ~~for orderly provision of facilities and services;~~

20 (2) ~~Adopt, update, and amend comprehensive plans including implementation programs~~
21 ~~consistent with the provisions of this chapter;~~

22 (3) ~~Conform its zoning ordinance and map with its comprehensive plan within eighteen~~
23 ~~(18) months of plan adoption and approval as provided for in section 45-22.2-9;~~

24 (4) ~~Do all things necessary to carry out the purposes of this chapter.~~

25 Prepare, adopt, amend, and maintain comprehensive plans, including implementation
26 programs, that relate development to land capacity, protects our natural resources, promotes a
27 balance of housing choices, encourages economic development, preserves and protects our open
28 space, recreational, historic and cultural resources, provides for orderly provision of facilities and
29 services and is consistent with the goals, findings, intent, and other provisions of this chapter.

30 (b) Each municipality shall ~~prepare and adopt a comprehensive plan which is consistent~~
31 ~~with the goals, findings, intent, and other provisions of this chapter, or amend its existing~~
32 ~~comprehensive plan to conform with the requirements of this chapter.~~ ensure that its zoning
33 ordinance and map are consistent with its comprehensive plan.

34 (c) Each municipality shall ~~submit its proposed comprehensive plan and existing land use~~

1 ~~regulation to the director.~~ submit to the chief, as provided for in sections 45-22.2-9, 45.22.2-12,
2 and the rules promulgated by the state planning council:

3 (1) Its locally adopted comprehensive plan;

4 (2) Any amendment to its comprehensive plan;

5 (3) An informational report on the status of its implementation programs; and

6 (4) Its zoning ordinance text and generalized zoning map or maps,

7 ~~(d) Each municipality shall submit any amended comprehensive plan to the director.~~

8 **45-22.2-6. Required elements of comprehensive plan** **Required content of a**

9 **comprehensive plan.** – (a) The comprehensive plan is a statement (in text, maps, illustrations, or
10 other media of communication) that is designed to provide a basis for rational decision making
11 regarding the long term physical development of the municipality. The definition of goals and
12 policies relative to the distribution of future land uses, both public and private, forms the basis for
13 land use decisions to guide the overall physical, economic, and social development of the
14 municipality. ~~The comprehensive plan must be internally consistent in its policies, forecasts, and~~
15 ~~standards, and include the following elements:~~

16 (b) The comprehensive plan must utilize a minimum twenty (20) year planning timeframe
17 in considering forecasts, goals, and policies.

18 (c) The comprehensive plan must be internally consistent in its policies, forecasts, and
19 standards, and shall include the content described within this section. The content described in
20 subsections (1) through (10) may be organized and presented as deemed suitable and appropriate
21 by the municipality. The content described in subsection (11) and (12) must be included as
22 individual sections of the plan.

23 (1) Goals and policies ~~statement.~~ - ~~Identifies~~ The plan must identify the goals and
24 policies of the municipality for its future growth and development. ~~The statement enumerates~~
25 ~~how the plan is consistent with the overall goals and policies of this chapter, the state guide plan,~~
26 ~~and related elements~~ and for the conservation of its natural and cultural resources. The goals and
27 policies of the plan shall be consistent with the goals and intent of this chapter and embody the
28 goals and policies of the state guide plan.

29 ~~(2) Land use plan element.—Designates the proposed general distribution and general~~
30 ~~location and interrelationship of land use for residential, commercial, industry, open space,~~
31 ~~recreation facilities, and other categories of public and private uses of land. The land use element~~
32 ~~is based upon the other elements contained in this section, and it relates the proposed standards of~~
33 ~~population density and building intensity to the capacity of the land and available or planned~~
34 ~~facilities and services. A land use plan map, illustrating the future strategy and land use policy of~~

1 ~~the municipality, as defined by the comprehensive plan, is required. The land use plan must~~
2 ~~contain an analysis of the inconsistency of existing zoning districts, if any, with the land use plan.~~
3 ~~The land use plan should specify the process by which the zoning ordinance and zoning map shall~~
4 ~~be amended to conform to the comprehensive plan.~~

5 ~~(3) Housing element.—Consists of identification and analysis of existing and forecasted~~
6 ~~housing needs and objectives including programs for the preservation, including, but not limited~~
7 ~~to, the preservation of federally insured or assisted housing, improvement, and development of~~
8 ~~housing for all citizens. The housing element enumerates local policies and implementation~~
9 ~~techniques to promote the production and rehabilitation of housing that achieves a balance of~~
10 ~~housing choices, recognizing local, regional, and statewide needs for all income levels and for all~~
11 ~~age groups, including, but not limited to, the affordability of housing and the preservation of~~
12 ~~federally insured or assisted housing. The element identifies specific programs and policies for~~
13 ~~inclusion in the implementation program necessary to accomplish this purpose and takes into~~
14 ~~account growth management and the need to phase and pace development in areas of rapid~~
15 ~~growth. The housing element includes an affordable housing plan that identifies housing needs in~~
16 ~~the community, including, but not limited to, the needs for low and moderate income housing,~~
17 ~~establishes goals and policies to address those needs, consistent with available resources and the~~
18 ~~need to protect public health, including drinking water supplies and safety and environmental~~
19 ~~quality. The affordable housing plan includes an implementation program of actions to be taken~~
20 ~~to effectuate the policies and goals of the affordable housing plan.~~

21 ~~(4) Economic development element.—Includes the identification of economic~~
22 ~~development policies and strategies, either existing or proposed by the municipality, in~~
23 ~~coordination with the land use plan element. These policies should reflect local, regional, and~~
24 ~~statewide concerns for the expansion and stabilization of the economic base and the promotion of~~
25 ~~quality employment opportunities and job growth. The policies and implementation techniques~~
26 ~~must be identified for inclusion in the implementation program element.~~

27 ~~(5) Natural and cultural resources element.—Provides an inventory of the significant~~
28 ~~natural resource areas as water, soils, prime agricultural lands, natural vegetation systems,~~
29 ~~wildlife, watersheds, wetlands, aquifers, coastal features, flood plains, and other natural~~
30 ~~resources, and the policies for the protection and management of these areas. The element~~
31 ~~includes policies for the protection of the historic and cultural resources of the municipality and~~
32 ~~the state. The policies and implementation techniques must be identified for inclusion in the~~
33 ~~implementation program element.~~

34 ~~(6) Services and facilities element.—Provides an inventory of existing and forecasted~~

1 ~~needs for facilities and services used by the public as, but not limited to, educational facilities,~~
2 ~~public safety, water, sanitary sewers, libraries, and community facilities. The policies and~~
3 ~~implementation techniques must be identified for inclusion in the implementation program~~
4 ~~element.~~

5 ~~(7) Open space and recreation element.—Includes an inventory of recreational resources,~~
6 ~~open space areas, and recorded access to these resources and areas. The element must also~~
7 ~~contain an analysis of forecasted needs and policies for the management and protection of these~~
8 ~~resources and areas. The policies and implementation techniques must be identified for inclusion~~
9 ~~in the implementation program element.~~

10 ~~(8) Circulation element.—Consists of the inventory and analysis of existing and proposed~~
11 ~~major circulation systems, street patterns, and any other modes of transportation in coordination~~
12 ~~with the land use element. The policies and implementation techniques must be identified for~~
13 ~~inclusion in the implementation program element.~~

14 ~~(9) Implementation program.~~

15 ~~(i) A statement which defines and schedules for a period of five (5) years or more the~~
16 ~~specific public actions to be undertaken in order to achieve the goals and objectives of each~~
17 ~~element of the comprehensive plan. Scheduled expansion or replacement of public facilities, and~~
18 ~~the anticipated costs and revenue sources proposed to meet those costs reflected in a~~
19 ~~municipality's capital improvement program, must be included in the implementation program.~~

20 ~~(ii) The implementation program identifies the public actions necessary to implement the~~
21 ~~objectives and standards of each element of the comprehensive plan that require the adoption or~~
22 ~~amendment of codes and ordinances by the governing body of the municipality.~~

23 ~~(iii) The implementation program identifies other public authorities or agencies owning~~
24 ~~water supply facilities or providing water supply services to the municipality, and coordinates the~~
25 ~~goals and objectives of the comprehensive plan with the actions of public authorities or agencies~~
26 ~~with regard to the protection of watersheds as provided in section 46-15.3-1, et seq.~~

27 ~~(iv) The implementation program must detail the timing and schedule of municipal~~
28 ~~actions required to amend the zoning ordinance and map to conform to the comprehensive plan.~~

29 (2) Maps. The plan must contain maps illustrating the following as appropriate to the
30 municipality.

31 (i) Existing conditions:

32 (A) Land use, including residential housing densities;

33 (B) Zoning;

34 (C) Key infrastructure such as, but not limited to, roads, public water, and sewer;

- 1 (D) Service areas for public water and sewer;
- 2 (E) Historical and cultural resource areas and sites;
- 3 (F) Open space and conservation areas (public and private); and
- 4 (G) Natural resources such as, but not limited to, surface water, wetlands, floodplains,
- 5 soils, and agricultural land.

6 (ii) Future land use illustrating the desired patterns of development, density, and
7 conservation as defined by the comprehensive plan.

8 (iii) Identification of discrepancies between future land uses and existing zoning.

9 (3) Natural resource identification and conservation. The plan must be based on an
10 inventory of significant natural resource areas such as, but not limited to, water, soils, prime
11 agricultural lands, forests, wildlife, wetlands, aquifers, coastal features, and flood plains. The plan
12 must include goals, policies, and implementation techniques for the protection and management
13 of these areas.

14 (4) Open space and outdoor recreation identification and protection. The plan must be
15 based on an inventory of outdoor recreational resources, open space areas, and recorded access to
16 these resources and areas. The plan must contain an analysis of forecasted needs, policies for the
17 management and protection of these resources and areas, and identification of areas of potential
18 expansion. The plan must include goals, policies, and implementation techniques for the
19 protection and management of existing resources and acquisition of additional resources if
20 appropriate.

21 (5) Historical and cultural resources identification and protection. The plan must be based
22 on an inventory of significant historical and cultural resources such as historical buildings, sites,
23 landmarks, and scenic views. The plan must include goals, policies, and implementation
24 techniques for the protection of these resources.

25 (6) Housing. The plan must include the identification of existing housing patterns and an
26 analysis of existing and forecasted housing needs. The plan must also identify areas suitable for
27 future housing development or rehabilitation and contain goals and policies that are consistent
28 with subdivision 45-22.2-3(c)(3). The plan shall include an affordable housing program that
29 meets the requirements of chapter 45-53, the “Rhode Island Low and Moderate Income Housing
30 Act.” Implementation techniques must identify specific programs to promote the preservation,
31 production, and rehabilitation of housing.

32 (7) Economic development. The plan must include the identification of existing types and
33 patterns of economic activities including, but not limited, to business, commercials, industrial,
34 agriculture, and tourism. The plan must also identify areas suitable for future economic expansion

1 or revitalization. The plan must include goals, polices, and implementation techniques reflecting
2 local, regional, and statewide concerns for the expansion and stabilization of the economic base
3 and the promotion of quality employment opportunities and job growth.

4 (8) Services and facilities. The plan must be based on an inventory of existing physical
5 infrastructure such as, but not limited to, educational facilities, public safety facilities, libraries,
6 indoor recreation facilities, and community centers. The plan must describe services provided to
7 the community such as, but not limited to, water supply and the management of wastewater,
8 storm water, and solid waste. The plan must consider energy production and consumption. The
9 plan must analyze the needs for future types and levels of services and facilities, and contain
10 goals, policies, and implementation techniques' for meting future demands that are also consistent
11 with state approved water supply system management plans.

12 (9) Circulation/Transportation. The plan must be based on an inventory and analysis of
13 existing and proposed major circulation systems, including transit and bikeways; street patterns;
14 and any other modes of transportation, including pedestrian, in coordination with the land use
15 element. Goals, policies, and implementation techniques for the provision of fast, safe, efficient,
16 and convenient transportation that promotes conservation and environmental stewardship must be
17 identified.

18 (10) Natural hazards. The plan must include and identification of areas that could be
19 vulnerable to the effects of sea-level rise, flooding, coastal storm damage, or other natural hazards
20 and to the municipal role in reducing that state's vulnerability to drought. Goals, policies, and
21 implementation techniques must be identified that would help to avoid or minimize the effects
22 that natural hazards pose to lives, infrastructures, and property.

23 (11) Land use. In conjunction with the future land use map as required in section 45-22.2-
24 5, the plan must contain a land use component that designates the proposed general distribution
25 and general location and interrelationships of land uses including, but not limited to, residential,
26 commercial, industry, open space, agriculture, recreation facilities, and other categories of public
27 and private uses of land. The land use component shall be based upon the required plan content as
28 stated in this section. It shall relate the proposed standards of population density and building
29 intensity to the capacity of the land and available or planned facilities and services. The land use
30 component must contain an analysis of the inconsistency of existing zoning districts, if any, with
31 planned future land use. The land use component shall specify the process and schedule by which
32 the zoning ordinance and zoning map shall be amended to conform to the comprehensive plan
33 and shall be included as part of the implementation program.

34 (12) Implementation program.

1 (i) A statement which defines and schedules the specific public actions to be undertaken
2 in order to achieve the goals and objectives of each component of the comprehensive plan.
3 Scheduled expansion or replacement of public facilities, and the anticipated costs and revenue
4 sources proposed to meet those costs reflected in a municipality's capital improvement program,
5 must be included in the implementation program.

6 (ii) The implementation program identifies the public actions necessary to implement the
7 objectives and standards of each component of the comprehensive plan that require the adoption
8 or amendment of codes and ordinances by the governing body of the municipality.

9 (iii) The implementation program identifies other public authorities or agencies owning
10 water supply facilities or providing water supply services to the municipality, and coordinates the
11 goals and objectives of the comprehensive plan with the actions of public authorities or agencies
12 with regard to the protection of watersheds as provided in section 46-15.3-1, et seq.

13 (iv) The implementation program must detail the timing and schedule of municipal
14 actions required to amend the zoning ordinance and map to conform to the comprehensive plan.

15 **45-22.2-8. ~~Adoption of comprehensive plans~~ Preparation, adoption, and**

16 **amendments of comprehensive plans.** -- (a) The preparation ~~and adoption~~ of a comprehensive
17 plan shall be conducted according to the following provisions in addition to any other provision
18 that may be required by law:

19 (1) ~~A single municipality shall establish and designate its planning board or commission~~
20 ~~as the agency having the sole responsibility for performing all those acts necessary to prepare a~~
21 ~~comprehensive plan for the municipality. Planning boards established under chapter 22 of this~~
22 ~~title shall continue to be governed by those provisions to the extent that those provisions do not~~
23 ~~conflict with the requirements of this chapter.~~ In addition to the duties established by chapter 45-
24 22, to the extent that those provisions do not conflict with the requirements of this chapter, a
25 planning board or commission has the sole responsibility for performing all those acts necessary
26 to prepare a comprehensive plan for municipality.

27 (2) Municipalities which choose to conduct joint planning and regulatory programs
28 pursuant to this section shall designate and establish a local planning committee which has
29 responsibility for the comprehensive planning program.

30 (3) The conduct of the ~~comprehensive planning program for all municipalities~~ planning
31 board, commission, or the local planning committee shall include:

32 (i) ~~Conduct of public hearings and any other methods to solicit and strongly encourage~~
33 ~~citizen input into the comprehensive planning process;~~ and Preparation of the comprehensive
34 plan, including the implementation program component.

1 (ii) ~~Preparation of the comprehensive plan, including the implementation program~~
2 ~~component, and recommendations to the municipal legislative body regarding the adoption of the~~
3 ~~plan or amendment.~~ Dissemination of information to the public and solicitation of both written
4 and oral comments during the preparation of the plan.

5 (iii) Conducting a minimum of one public hearing.

6 (iv) Submission of recommendations to the municipal legislative body regarding the
7 adoption of the plan or amendment.

8 (4) The municipality may enter into a formal written agreement with the chief to conduct
9 a review of a draft plan or amendment in order to provide comments prior to the public hearing
10 by the planning board, commission or committee.

11 (b) ~~In order to encourage citizen participation in the comprehensive planning process,~~
12 ~~planning boards, commissions, or committees are directed to adopt comprehensive plans only~~
13 ~~after soliciting and considering public input. Public hearings by the planning board, commission,~~
14 ~~or committee, and the municipal legislative body are required to be held prior to the adoption of~~
15 ~~the comprehensive plan. Adoption of the comprehensive plan by a municipal legislative body is~~
16 ~~in the same manner provided for the adoption of ordinances in the manner provided for in the~~
17 ~~legislative or home rule charter of the municipality except that the plan need not be published in~~
18 ~~its entirety in a newspaper of general circulation. Any local comprehensive plan adopted as~~
19 ~~prescribed in this section before the effective date is deemed to have been adopted in accordance~~
20 ~~with this section.~~ The adoption or amendment of a comprehensive plan shall be conducted
21 according to the following provisions in addition to any other provision that may be required by
22 law:

23 (1) Prior to the adoption or amendment of a comprehensive plan, the city or town council
24 shall first conduct a minimum of one public hearing.

25 ~~(e)~~(2) A comprehensive plan is adopted, for the purpose of conforming municipal land
26 use decisions and for the purpose of being transmitted to the ~~director~~ chief for state review, when
27 it has been ~~enacted~~ incorporated by reference into the municipal code of ordinances by the
28 legislative body of the municipality ~~pursuant to the manner provided for the adoption of~~
29 ~~ordinances in the municipality's legislative or home rule charter.~~ All ordinances dealing with the
30 adoption of or amendment to a municipal comprehensive plan shall contain language stating that
31 the comprehensive plan ordinance or amendment shall not become effective for the purposes of
32 guiding state agency actions until it is approved by the state of Rhode Island pursuant to the
33 methods stated in this chapter, or pursuant to any rules and regulations adopted pursuant to this
34 chapter. The comprehensive plan of a municipality shall not take effect for purposes of guiding

1 state agency actions until approved by the ~~director, comprehensive plan appeals board,~~ chief or
2 the Rhode Island ~~supreme~~ superior court.

3 (3) A municipality may not amend its comprehensive plan more than four (4) times in
4 any one calendar year. Amendments that are required to address the findings of the chief, changes
5 to the state guide plan, or changes to this chapter shall not be included under this provision.

6 ~~(d)~~(c) The intent of this section is to provide for the dissemination and discussion of
7 proposals and alternatives to the proposed comprehensive plan by means of either individual or
8 joint legislative and planning commission hearings which disseminate information to the public
9 and which seek both written and oral comments from the public. Public hearing requirements for
10 either joint hearings or for individual hearings of the planning board or commission and for the
11 municipal legislative body shall include the following:

12 (1) Prior to the adoption of, or amendment to, a comprehensive plan, notice shall be given
13 of the public hearing by publication of notice in a newspaper of general circulation within the city
14 or town at least once each week for three (3) successive weeks prior to the date of the hearing,
15 which may include the week in which the hearing is to be held, at which hearing opportunity shall
16 be given to all persons interested to be heard. Written notice, which may be a copy of the
17 newspaper notice, shall be mailed to the statewide planning program of the department of
18 administration. The newspaper notice shall be published as a display advertisement, using type
19 size at least as large as the normal type size used by the newspaper in its news articles, and shall:

20 (i) Specify the place of the hearing and the date and time of its commencement;

21 (ii) Indicate that adoption of, or amendment to, the comprehensive plan is under
22 consideration;

23 (iii) Contain a statement of the proposed amendments to the comprehensive plan that may
24 be printed once in its entirety, or summarize and describe the matter under consideration; the plan
25 need not be published in its entirety;

26 (iv) Advise those interested where and when a copy of the matter under consideration
27 may be obtained or examined and copied; and

28 (v) State that the plan or amendment may be altered or amended prior to the close of the
29 public hearing without further advertising, as a result of further study or because of the views
30 expressed at the public hearing. Any alteration or amendment must be presented for comment in
31 the course of the hearing.

32 **45-22.2-9. State review of local comprehensive plans.** -- (a) There is established a
33 program of comprehensive planning review to promote the preparation and implementation of
34 local comprehensive plans, and to provide technical and financial assistance to accomplish this

1 purpose. The program also ensures that all local comprehensive plans ~~and state guide plans~~ are
2 consistent with the ~~state~~ goals, findings, and intent as established by this chapter and state guide
3 plan.

4 (b) The ~~director~~ chief is designated as the reviewing agent, and ~~the director~~ is responsible
5 for carrying out the provisions of this chapter and ensuring that the findings, intent, and goals of
6 this chapter are achieved. The ~~director~~ chief shall publish guidelines for the preparation of
7 comprehensive plan ~~elements~~ content required by section 45-22.2-6.

8 (c) The ~~director~~ chief shall review any comprehensive plan or amendments adopted
9 under the provisions of this chapter, ~~submitted to the director~~, for consistency with the goals and
10 intent established in the chapter and in the state guide plan, and in accordance with the following
11 schedule:

12 (1) Comprehensive plans or amendments shall be submitted to the ~~director~~ chief within
13 thirty (30) days of adoption by the municipal legislative body, pursuant to section 45-22.2-8(c).

14 (2) Within fifteen (15) days of the receipt of a comprehensive plan the ~~director shall give~~
15 ~~public notice of the initiation of review, and~~ chief shall solicit comments from the public, regional
16 and state agencies, ~~all~~ and municipalities contiguous to the municipality submitting the plan,
17 ~~update, or amendment, and from interested parties~~. The comment period shall extend for thirty
18 (30) days ~~after the public notice~~ and shall be posted on the program's website.

19 (3) Review of the plan, update, or amendment, and comments by the ~~director~~ chief shall
20 be completed and forwarded to the municipality as follows:

21 (i) Within one hundred twenty (120) days of the end of the comment period for new
22 plans, ~~amended plans, or other amendments if any three (3) or more of the plan elements required~~
23 ~~by section 45-22.2-6 are revised in any way, as compared to any plan or amendment previously~~
24 ~~submitted under this chapter~~ or amendments that have not been submitted under the provisions of
25 subdivision 45-22.2-8(a)(4); or

26 (ii) Within thirty (30) days of the end of the comment period for new plans or amended
27 plans ~~or other amendments that revise not more than two (2) of the plan elements required by~~
28 ~~section 45-22.2-6, as compared to any plan or amendment previously submitted under this~~
29 ~~chapter~~ previously submitted for review under subdivision 45-22.2-8(a)(4).

30 (iii) The ~~director and the division of planning are~~ chief is authorized to discuss and
31 negotiate, with the municipality, concerning any aspect of a plan or amendment being reviewed
32 under subdivision (3)(i) or (3)(ii) of this subsection.

33 (iv) The ~~director~~ chief and the municipality submitting a plan, ~~amended plan,~~ or ~~other~~
34 amendment may mutually agree, in writing, to reduce or extend the review period established by

1 this section.

2 (4) Municipalities shall correct any deficiencies reported by the ~~director~~ chief within
3 sixty (60) days of the receipt of the ~~director's~~ chief's review and comments provided that the
4 ~~director~~ chief and the municipality submitting a plan, ~~amended plan,~~ or ~~other~~ amendment may
5 mutually agree, in writing, to reduce or extend this period.

6 (5) The ~~director~~ chief shall review all corrections and related material submitted by the
7 municipality and render a final decision on the plan, ~~update,~~ or amendment ~~or parts of the plan~~
8 within thirty (30) days of the end of the period for correction. In the event of disapproval, the
9 ~~director~~ chief shall issue findings specifically describing the deficiencies in the plan or
10 amendment as it relates to the goals and other provisions of this chapter.

11 ~~(6) The review process stated in subdivisions (1) through (5) of this subsection shall be~~
12 ~~carried out within a maximum time period of two hundred fifty five (255) days under subdivision~~
13 ~~(3)(i), one hundred sixty five (165) days under subdivision (3)(ii), or the appropriate maximum~~
14 ~~period determined under subdivision (3)(iv) or (4). The disapproval of an amendment to a plan~~
15 ~~that has valid approval, shall apply to the amendment only and not affect the validity of~~
16 ~~previously existing approval.~~

17 (7) The municipality may appeal the decision of the ~~director~~ chief to the ~~comprehensive~~
18 ~~plan appeals board~~ superior court. The appeal must be ~~made~~ filed within ~~fifteen (15)~~ thirty (30)
19 days of receipt by registered mail of the decision by the ~~director~~ chief. ~~The comprehensive plan~~
20 ~~appeals board shall hold a hearing on the appeal, make findings of fact, and affirm, modify, or~~
21 ~~reverse the director's decision. The board shall render its decision within sixty (60) days of receipt~~
22 ~~of the appeal. The municipality or director may appeal the decision of the board to the supreme~~
23 ~~court. The appeal must be made within thirty (30) days of the board's decision.~~

24 ~~(8) Upon approval by the director, the municipality is eligible for all benefits and~~
25 ~~incentives conditioned on adoption of an approved comprehensive plan pursuant to this chapter,~~
26 ~~and the municipality is allowed to submit the approved comprehensive plan or element to any~~
27 ~~state agency which requires the submission of a plan as part of its requirements, and the plan or~~
28 ~~element shall satisfy that requirement.~~

29 (d) Comprehensive plans, ~~updates,~~ and amendments shall be reviewed by the ~~director~~
30 chief to insure that the following requirements are complied with:

31 (1) The goals of this chapter have been met.

32 (2) All required ~~elements~~ content as stated in section 45-22.2-6 ~~are~~ is complete. ~~;~~
33 ~~provided, however, that the state review and approval of affordable housing plans submitted to~~
34 ~~conform with the provisions of chapter 53 of this title shall not be contingent on requirements for~~

1 ~~adopting and/or updating overall comprehensive plans or the elements thereof.~~

2 (3) All plans are consistent with and embody the goals and policies of, the state guide
3 plan, ~~and embody the goals and policies of the state and its departments and agencies.~~

4 (4) All plans comply with rules and regulations adopted by the state planning council as
5 provided for by ~~section 45-22.2-10(b)~~ subsection 45-22.2-10(c).

6 (e) The ~~director~~ chief shall also review comprehensive plans and amendments and
7 related documents to insure that the following procedures have been complied with:

8 (1) The planning board or commission is designated to conduct comprehensive planning.

9 (2) If comprehensive planning is conducted jointly by two (2) or more municipalities,
10 that an agreement containing all required information has been executed by all parties and filed
11 with the division of planning.

12 (3) Each plan encompasses the entire land and water area within the jurisdiction of the
13 municipality or municipalities concerned.

14 (4) Adequate, uniform, and valid data have been used in preparing each plan.

15 (5) Each plan has been coordinated with contiguous municipalities.

16 (6) The public has been involved in preparation of the plan, and hearings have been
17 conducted by both the planning board or commission and the legislative body.

18 (7) The plan has been officially adopted in accordance with this chapter and other
19 applicable procedures.

20 (8) The plan has been submitted for review in accordance with statutory deadlines.

21 (9) Amendments are made no more frequently than permitted by ~~section 45-22.2-12(e);~~
22 ~~provided, however, that the initial adoption of amendments by a municipality in order to comply~~
23 ~~with the requirements of an updated or new state guide plan element as provided for in section~~
24 ~~45-22.2-10(f) shall not be included in determining the frequency of amendments by a~~
25 ~~municipality.~~ subdivision 45-22.2-8(b)(3).

26 (f) State approval shall expire upon the tenth (10th) anniversary of the chief's or superior
27 court's approval and shall not be extended.

28 (g) Upon approval by the chief or superior court, the municipality is eligible for all
29 benefits and incentives conditioned on an approved comprehensive plan pursuant to this chapter,
30 and the municipality is allowed to submit the approved comprehensive plan or relevant section
31 thereof to any state agency which requires the submission of a plan as part of its requirements,
32 and the plan or relevant section thereof shall satisfy that requirement.

33 **45-22.2-10. Coordination of state agencies.** -- (a) ~~Each state agency with regulatory or~~
34 ~~other authority affecting the goals established in this chapter or the state guide plan, shall submit~~

1 ~~to the director, prior to January 1, 1989, a written report which addresses how each agency has~~
2 ~~incorporated the findings, intent, and goals of this chapter into its planned activities. This report~~
3 ~~shall be revised as necessary, but in no case less than once every two (2) years. After January 1,~~
4 ~~1989, State agencies shall conduct their respective activities in a manner consistent with the~~
5 findings, intent, and goals established under this chapter.

6 (b) The ~~director~~ chief shall develop standards to assist municipalities in the incorporation
7 of the state goals and policies into comprehensive plans, and to guide the ~~director's~~ chief's review
8 of comprehensive plans and state agency activities. ~~The state planning council shall adopt, no~~
9 ~~later than January 1, 1989, all rules and regulations necessary to implement the standards~~
10 ~~established by this chapter.~~

11 (c) The state planning council shall adopt and maintain all rules and regulations necessary
12 to implement the standards established by this chapter.

13 ~~(e) (1) By July 1, 1989, the director~~ (d) The chief shall develop and make readily
14 available to all municipalities statewide data and technical information for use in the preparation
15 of comprehensive plans. Data specific to each municipality shall be provided by that
16 municipality. The ~~director~~ chief shall make maximum use of existing information available from
17 other agencies.

18 ~~(2) (e)~~ (e) The ~~director~~ chief may contract with any person, firm, or corporation to develop
19 the necessary planning information and coordinate with other state agencies as necessary to
20 provide support and technical assistance for local planning efforts.

21 ~~(d) It is be the duty of the director to notify all~~ (f) The chief shall notify appropriate state
22 agencies of the approval of the comprehensive plan, or amendments to it, of a municipality.

23 ~~(e)~~ (g) Once a municipality's comprehensive plan is approved, programs and projects of
24 state agencies, excluding the state guide plan as provided for by section 42-11-10, shall conform
25 to that plan. In the event that a state agency wishes to undertake a project or to develop a facility
26 which is not in conformance with the comprehensive plan, the state planning council shall hold a
27 public hearing on the proposal at which the state agency must demonstrate:

28 (1) That the project or facility conforms to the stated goals, findings, and intent of this
29 chapter.

30 (2) That the project or facility is needed to promote or protect the health, safety, and
31 welfare of the people of Rhode Island.

32 (3) That the project or facility is in conformance with the relevant sections of the state
33 guide plan.

34 (4) That the project or size, scope, and design of the facility has been planned to vary as

1 little as possible from the comprehensive plan of the municipality.

2 ~~(f)~~ (h) After an amendment to this chapter or to the state guide plan, all municipalities
3 shall amend their comprehensive plan to conform with the amended chapter or the amended state
4 guide plan. The amendments shall be made within one year of the amendment to this chapter or to
5 the state guide plan. Failure to do so may result in the loss of state approval.

6 **45-22.2-11. State technical and financial assistance.** -- (a) There is established a
7 program of technical and financial assistance for municipalities to encourage and facilitate the
8 adoption and implementation of comprehensive planning throughout the state. The program is
9 administered by the ~~director~~ chief.

10 (b) The ~~director~~ chief shall develop and administer a grants program to provide financial
11 assistance to municipalities for the preparation of comprehensive plans pursuant to this chapter.

12 (c) Grants may be expended for any purpose directly related to the preparation of a
13 municipal comprehensive plan including, without limitation, the conduct of surveys, inventories,
14 and other data-gathering activities, the hiring of planning and other technical staff, the retention
15 of planning consultants, contracts for planning, and related services, and other related purposes,
16 in order to provide sufficient economies of scale and to build planning capacity at the municipal
17 level.

18 (d) The ~~director~~ chief shall establish a program of technical assistance to the various
19 municipalities, utilizing its own staff and resources to assist municipalities in the development of
20 a comprehensive plan. It is also a function of the ~~director~~ chief to establish a statewide data base
21 for the use of the municipalities. The ~~director~~ chief also validates data established by the
22 municipalities in the formulation of their comprehensive plans.

23 ~~(e) Financial assistance provided to each municipality, not exceeding one hundred~~
24 ~~twenty-five thousand dollars (\$125,000), for the preparation of the comprehensive plan under this~~
25 ~~chapter, is apportioned among the municipalities by the director as follows:~~

26 ~~(1) Fifty percent (50%) of the total funding appropriated is apportioned equally among~~
27 ~~the thirty-nine (39) municipalities without regard to population size or total land area;~~

28 ~~(2) Twenty percent (20%) of the total funding appropriated is apportioned among the~~
29 ~~municipalities on the basis of their respective total land areas (including inland water bodies) as~~
30 ~~determined by the director; and~~

31 ~~(3) Thirty percent (30%) of the total funding appropriated is apportioned among the~~
32 ~~municipalities on the basis of their respective total populations (as established by the director~~
33 ~~based upon the most recent decennial federal revenue census data available).~~

34 (e) All departments and agencies of the state, to the extent practicable, shall provide

1 technical assistance to municipalities in the development of a comprehensive plan at the request
2 of a municipality.

3 **45-22.2-12. Updates and amendments Maintaining and re-adopting plan.** -- (a) ~~Each~~
4 ~~municipality shall submit any amended comprehensive plans, revised pursuant to the chapter,~~
5 ~~including proposed amendments to the implementation program component of a plan, to the~~
6 ~~director for review and approval in the same manner as provided for review of new~~
7 ~~comprehensive plans. The director may provide an expedited review procedure for those~~
8 ~~submissions which represent amendments to comprehensive plans approved by it after January 1,~~
9 ~~1990.~~ A municipality must maintain a single version of the comprehensive plan including all
10 amendments, appendices and supplements. One or more complete copies of the comprehensive
11 plan, including all amendments, shall be made available for review by the public. Availability
12 shall include print, digital formats, and placement in the internet.

13 (b) A municipality ~~may~~ shall periodically review and amend its plan in a timely manner
14 to account for ~~growth. At a minimum, a municipality shall update its comprehensive plan at least~~
15 ~~once every five (5) years.~~ changing conditions. At a minimum, a municipality shall fully update
16 and re-adopt its entire comprehensive plan, including supplemental plans, such as but not limited
17 to, special area plans that may be incorporated by reference, at least once every ten (10) years
18 from the date of municipal adoption. A minimum twenty (20) year planning timeframe in
19 considering forecasts, goals and policies must be utilized for an update.

20 (c) ~~A municipality may not amend its comprehensive plan more than four (4) times in~~
21 ~~any one calendar year.~~ A newly adopted plan shall supersede all previous versions.

22 (d) A municipality shall file an informational report on the status of the comprehensive
23 plan implementation program with the chief not more than five (5) years from the date of
24 municipal approval.

25 **45-22.2-13. Compliance. Compliance and implementation.** -- (a) ~~In the event a~~
26 ~~municipality fails to submit a comprehensive plan in accordance with the provisions of this~~
27 ~~chapter, or the director disapproves a comprehensive plan and that decision is affirmed by the~~
28 ~~board, the director shall then prepare, and the state comprehensive plan appeals board adopt, for~~
29 ~~the municipality in question, a comprehensive plan which satisfies the requirements of this~~
30 ~~chapter.~~

31 ~~(b)(a) The comprehensive plan appeals board shall adopt a plan within one hundred~~
32 ~~eighty (180) days of the decision of the board unless the municipality appeals the decision of the~~
33 ~~board within thirty (30) days to the supreme court.~~ The municipality is responsible for the
34 administration and enforcement of the plan.

1 ~~(e)(b) For those municipalities with comprehensive plans approved pursuant to this~~
2 ~~chapter all~~ All municipal land use decisions shall be in conformance with the ~~approved~~ locally
3 adopted municipal comprehensive plan.

4 ~~(d)(c) For communities with municipally adopted comprehensive plans which have not~~
5 ~~received state approval pursuant to this chapter, these municipalities shall conform their land use~~
6 ~~decisions to the locally adopted comprehensive plan until the time state approval is granted.~~ Each
7 municipality shall amend its zoning ordinance and map to conform to the comprehensive plan in
8 accordance with the implementation program as required by sections 45-22.2-6(11) and 45-22.2-
9 6(12)(iv). The zoning ordinance and map in effect at the time of plan adoption shall remain in
10 force until amended.

11 (d) Limitations on land use approvals may be imposed according to the following
12 provisions in addition to any other provision that may be required by law.

13 (e) (1) Nothing in the chapter shall be deemed to preclude municipalities from imposing
14 limitations on the number of building permits or other land use approvals to be issued at any time,
15 provided such limitations are consistent with the municipality's comprehensive plan in
16 accordance with this chapter and are based on a reasonable, rational assessment of the
17 municipality's sustainable capacity for growth.

18 (2) In the event of a dire emergency not reasonably foreseeable as part of the
19 comprehensive planning process, a municipality may impose a limitation on the number of
20 building permits or other land use approvals to be issued at any time, provided that such
21 limitation is reasonably necessary to alleviate the emergency and is limited to the time reasonably
22 necessary to alleviate the emergency.

23 (f) A one-time moratorium, for the purpose of providing interim protection for a planned
24 future land use or uses, may be imposed during the twelve (12) months subsequent to the
25 adoption of the local comprehensive plan provided that a zoning ordinance and map change or
26 changes has been identified and scheduled for implementation within twelve (12) months of plan
27 adoption. The moratorium may regulate restrict, or prohibit any use, development, or subdivisions
28 under the following provisions:

29 (1) The moratorium is restricted to those areas identified on the map or maps as required
30 by paragraph 45-22.2-6(c)(2)(iii).

31 (2) A notice of the moratorium must be provided by first class mail to property owners
32 affected by said moratorium at least fourteen (14) days in advance of the public hearing.

33 (3) The moratorium shall be enacted as an ordinance and shall specify:

34 (i) The purpose of the moratorium;

1 ~~provide an operating statement summarizing meetings or hearings held, meeting minutes if~~
2 ~~requested, subjects addressed, decisions rendered, rules or regulations promulgated, studies~~
3 ~~conducted, policies and plans developed, approved, or modified, and programs administered or~~
4 ~~initiated; a consolidated financial statement of all funds received and expended including the~~
5 ~~source of the funds, a listing of any staff supported by these funds, and a summary of any clerical,~~
6 ~~administrative or technical support received; a summary of performance during the previous~~
7 ~~fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,~~
8 ~~complaints, suspensions, or other legal matters related to the authority of the board; a summary of~~
9 ~~any training courses held pursuant to subsection 45-22.3-3(e); a briefing on anticipated activities~~
10 ~~in the upcoming fiscal year; and findings and recommendations for improvements. The report~~
11 ~~shall be posted electronically on the general assembly and the secretary of state's websites as~~
12 ~~prescribed in section 42-20-8.2 of the Rhode Island general laws. The director of the department~~
13 ~~of administration shall be responsible for the enforcement of this provision.~~

14 **45-22.3-3. Membership.** ~~—~~ (a) The board shall consist of nine (9) members appointed by
15 ~~the governor with the advice and consent of the senate, as follows:~~

16 ~~(1) Three (3) members shall be municipal elected and/or appointed officials of~~
17 ~~municipalities considered to be in the top one third (1/3) population bracket as determined by the~~
18 ~~most recent decennial federal census available; three (3) members shall be municipal elected~~
19 ~~and/or appointed officials of municipalities considered to be in the middle one third (1/3)~~
20 ~~population bracket; and three (3) member shall be municipal elected and/or appointed officials of~~
21 ~~municipalities considered to be in the lower one third (1/3) population bracket;~~

22 ~~(2) No state elected or appointed official and no state employee shall be eligible for~~
23 ~~appointment to the board;~~

24 ~~(3) No more than one municipal elected or appointed official from the same city or town~~
25 ~~may serve on the board at the same time; and~~

26 ~~(4) All members selected shall have a reasonable knowledge of land use, planning,~~
27 ~~zoning, local government, land conservation, and/or land development.~~

28 ~~(b) Those members of the board as of April 6, 2006 who were appointed to the board by~~
29 ~~the governor shall continue to serve for the duration of their current terms.~~

30 ~~(c) Those members of the board as of April 6, 2006 who were appointed to the board by~~
31 ~~members of the general assembly shall cease to be members of the commission on April 6, 2006,~~
32 ~~and the governor shall thereupon nominate six (6) new members, two (2) of whom shall serve an~~
33 ~~initial term of one year, two (2) of whom shall serve an initial term of two (2) years, and two (2)~~
34 ~~of whom shall serve an initial term of three (3) years.~~

1 ~~(d) The board shall elect a chair from among its members.~~

2 ~~(e) Newly appointed and qualified members of the board shall, within six (6) months of~~
3 ~~their qualification or designation, attend a training course that shall be developed with board~~
4 ~~approval and conducted by the chair of the board and which shall include instruction in the~~
5 ~~following areas: the provisions of chapters 45-22.3, 42-46, 36-14 and 38-2 and the board's own~~
6 ~~rules and regulations. The director of the department of administration shall, within ninety (90)~~
7 ~~days of April 6, 2006, prepare and disseminate training materials relating to the provisions of~~
8 ~~chapters 42-46, 36-14 and 38-2.~~

9 **45-22.3-4. Term.** ~~--- (a) Except as expressly otherwise provided in subsection 45-22.3-~~
10 ~~3(e) of this chapter, members of the board shall serve for staggered three (3) year terms.~~

11 ~~(b) A majority of the members of the board constitutes a quorum for the conduct of all~~
12 ~~business by the board.~~

13 ~~(c) Members of the commission shall be removable by the governor pursuant to section~~
14 ~~36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reasons~~
15 ~~unrelated to capacity or fitness for the office shall be unlawful.~~

16 **45-22.3-5. Appeal.** ~~--- (a) A decision of the director involving the approval or disapproval~~
17 ~~of a comprehensive plan or any amendment may be appealed to the state comprehensive plan~~
18 ~~appeals board.~~

19 ~~(b) An appeal may be made by any municipality aggrieved by a decision of the board.~~

20 ~~(c) No appeal may be taken unless a notice of appeal is transmitted to the board within~~
21 ~~the time prescribed by chapter 22.2 of this title.~~

22 ~~(d) The appellant shall furnish a copy of the notice of appeal to all appropriate parties.~~

23 ~~(e) The board shall establish rules designating the contents of appeal and all other~~
24 ~~matters relating to the procedure for appeal.~~

25 **45-22.3-6. Decisions of the board.** ~~--- (a) The board has the power to approve,~~
26 ~~disapprove, or modify the decision of the director. In issuing a decision, the board has all the~~
27 ~~power that the director had in issuing the initial decision, including the power to attach conditions~~
28 ~~and restrictions.~~

29 ~~(b) All decisions of the board shall contain a statement of the reason for the decision.~~

30 ~~(c) Parties to the proceeding shall be given written notice of the board's decision, and the~~
31 ~~board shall enter proof of performance of its duty in the record of the case.~~

32 **45-22.3-7. Procedure for rules and order.** ~~--- Rules of order of the board other than rules~~
33 ~~concerning its internal organization and affairs, shall be adopted or issued in accordance with the~~
34 ~~state of Rhode Island's Administrative Procedures Act.~~

1 ~~**45-22.3-8. Severability.** -- If any provision of this chapter or of any rule, regulation, or~~
2 ~~determination made under it, or the application to any person, agency, or circumstances, is held~~
3 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule, regulation, or~~
4 ~~determination and the application of the provisions to other persons, agencies, or circumstances~~
5 ~~shall not be affected by the invalidity. The invalidity of any section or sections or parts of any~~
6 ~~section or sections of this chapter shall not affect the validity of the remainder of the chapter.~~

7 SECTION 3. Sections 45-24-34 and 45-24-50 of the General Laws in Chapter 45-24
8 entitled "Zoning Ordinances" are hereby amended to read as follows:

9 **45-24-34. General provisions -- Purpose and consistency with comprehensive plan. --**

10 (a) A zoning ordinance adopted pursuant to this chapter shall provide a statement of its purposes.
11 Those purposes shall be consistent with section 45-24-30. A zoning ordinance adopted or
12 amended pursuant to this chapter shall include a statement that the zoning ordinance is consistent
13 with the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title, or
14 as otherwise provided below and shall provide that in the instance of uncertainty in the
15 construction or application of any section of the ordinance, the ordinance shall be construed in a
16 manner that will further the implementation of, and not be contrary to, the goals and policies and
17 applicable elements of the comprehensive plan.

18 (b) The city or town shall bring the zoning ordinance or amendment into conformance
19 with its comprehensive plan as approved by the ~~director of administration, the state~~
20 ~~comprehensive plan appeal board,~~ chief or the supreme court ~~not more than eighteen (18) months~~
21 ~~after approval is given.~~ in accordance with its implementation schedule. A zoning ordinance shall
22 address and specify requirements for the coordination between contiguous communities, the state,
23 and other agencies, as required by chapter 22.2 of this title.

24 **45-24-50. Adoption -- Power of council to adopt -- Consistency with comprehensive**

25 **plan. --** (a) For the purpose of promoting the public health, safety, morals, and general welfare, a
26 city or town council has the power, in accordance with the provisions of this chapter, to adopt,
27 amend, or repeal, and to provide for the administration, interpretation, and enforcement of, a
28 zoning ordinance. The provisions of a zoning ordinance are stated in text and map(s), and may
29 incorporate charts or other material.

30 (b) A zoning ordinance, and all amendments to it, must be consistent with the city or
31 town's comprehensive plan, as described in chapter 22.2 of this title, and provide for the
32 implementation of the city or town comprehensive plan.

33 (c) A zoning ordinance adopted or amended during the pendency of the approval of a
34 municipality's comprehensive plan must be consistent with that plan, until the zoning ordinance is

1 brought into full compliance with the Comprehensive Planning Act, section 45-22.2-5(a)(4).

2 (d) The city or town must bring the zoning ordinance or amendment into conformance
3 with its comprehensive plan as approved by the ~~director of administration, the state~~
4 ~~comprehensive plan appeal board, chief~~ or the supreme court ~~not more than eighteen (18) months~~
5 ~~after approval is given.~~ in accordance with its implementation schedule.

6 SECTION 4. Section 42-11-10 of the General Laws in Chapter 42-11 entitled
7 "Department of Administration" is hereby amended to read as follows:

8 **42-11-10. Statewide planning program.** -- (a) Findings. - The general assembly finds
9 that the people of this state have a fundamental interest in the orderly development of the state;
10 the state has a positive interest and demonstrated need for establishment of a comprehensive
11 strategic state planning process and the preparation, maintenance, and implementation of plans
12 for the physical, economic, and social development of the state; the continued growth and
13 development of the state presents problems that cannot be met by the cities and towns
14 individually and that require effective planning by the state; and state and local plans and
15 programs must be properly coordinated with the planning requirements and programs of the
16 federal government.

17 (b) Establishment of statewide planning program. - (1) A statewide planning program is
18 hereby established to prepare, adopt, and amend strategic plans for the physical, economic, and
19 social development of the state and to recommend these to the governor, the general assembly,
20 and all others concerned.

21 (2) All strategic planning, as defined in subsection (c) of this section, undertaken by the
22 executive branch for those departments and other agencies enumerated in subsection (g) of this
23 section, shall be conducted by or under the supervision of the statewide planning program. The
24 statewide planning program shall consist of a state planning council, and the office of strategic
25 planning and the office of systems planning of the division of planning, which shall be a division
26 within the department of administration.

27 (c) Strategic planning. - Strategic planning includes the following activities:

- 28 (1) Establishing or identifying general goals.
29 (2) Refining or detailing these goals and identifying relationships between them.
30 (3) Formulating, testing, and selecting policies and standards that will achieve desired
31 objectives.

32 (4) Preparing long-range or system plans or comprehensive programs that carry out the
33 policies and set time schedules, performance measures, and targets.

34 (5) Preparing functional short-range plans or programs that are consistent with

1 established or desired goals, objectives, and policies, and with long-range or system plans or
2 comprehensive programs where applicable, and that establish measurable intermediate steps
3 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

4 (6) Monitoring the planning of specific projects and designing of specific programs of
5 short duration by the operating departments, other agencies of the executive branch, and political
6 subdivisions of the state to insure that these are consistent with and carry out the intent of
7 applicable strategic plans.

8 (7) Reviewing the execution of strategic plans and the results obtained and making
9 revisions necessary to achieve established goals.

10 (d) State guide plan. - Components of strategic plans prepared and adopted in accordance
11 with this section may be designated as elements of the state guide plan. The state guide plan shall
12 be comprised of functional elements or plans dealing with land use; physical development and
13 environmental concerns; economic development; housing production; energy supply, including
14 the development of renewable energy resources in Rhode Island, and energy access, use, and
15 conservation; human services; and other factors necessary to accomplish the objective of this
16 section. The state guide plan shall be a means for centralizing, integrating, and monitoring long-
17 range goals, policies, plans, and implementation activities related thereto. State agencies
18 concerned with specific subject areas, local governments, and the public shall participate in the
19 state guide planning process, which shall be closely coordinated with the budgeting process.

20 (e) Membership of state planning council. - The state planning council shall consist of:

21 (1) The director of the department of administration as chairperson;

22 (2) The director, policy office, in the office of the governor, as vice-chairperson;

23 (3) The governor, or his or her designee;

24 (4) The budget officer;

25 (5) The chairperson of the housing resources commission;

26 (6) The chief of statewide planning, as secretary;

27 (7) The president of the League of Cities and Towns or his or her designee and one
28 official of local government, who shall be appointed by the governor from a list of not less than
29 three (3) submitted by the Rhode Island League Cities and Towns; and

30 (8) The executive director of the League of Cities and Towns;

31 (9) One representative of a nonprofit community development or housing organization;

32 (10) Four (4) public members, appointed by the governor;

33 (11) Two (2) representatives of a private, nonprofit environmental advocacy
34 organization, both to be appointed by the governor; and

1 (12) The director of planning and development for the city of Providence.

2 (f) Powers and duties of state planning council. - The state planning council shall have
3 the following powers and duties:

4 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,
5 and to modify and amend any of these, following the procedures for notification and public
6 hearing set forth in section 42-35-3, and to recommend and encourage implementation of these
7 goals to the general assembly, state and federal agencies, and other public and private bodies;
8 approval of strategic plans by the governor; and to ensure that strategic plans and the long-range
9 state guide plan are consistent with the findings, intent, and goals set forth in section 45-22.2-3.

10 (2) To coordinate the planning and development activities of all state agencies, in
11 accordance with strategic plans prepared and adopted as provided for by this section;

12 (3) To review and comment on the proposed annual work program of the statewide
13 planning program;

14 (4) To adopt rules and standards and issue orders concerning any matters within its
15 jurisdiction as established by this section and amendments to it;

16 (5) To establish advisory committees and appoint members thereto representing diverse
17 interests and viewpoints as required in the state planning process and in the preparation or
18 implementation of strategic plans. The state planning council shall appoint a permanent
19 committee comprised of:

20 (i) Public members from different geographic areas of the state representing diverse
21 interests, and

22 (ii) Officials of state, local and federal government, which shall review all proposed
23 elements of the state guide plan, or amendment or repeal of any element of the plan, and shall
24 advise the state planning council thereon before the council acts on any such proposal. This
25 committee shall also advise the state planning council on any other matter referred to it by the
26 council; and

27 (6) To establish and appoint members to an executive committee consisting of major
28 participants of a Rhode Island geographic information system with oversight responsibility for its
29 activities.

30 (7) To adopt on or before July 1, 2007, and to amend and maintain as an element of the
31 state guide plan or as an amendment to an existing element of the state guide plan, standards and
32 guidelines for the location of eligible renewable energy resources and renewable energy facilities
33 in Rhode Island with due consideration for the location of such resources and facilities in
34 commercial and industrial areas, agricultural areas, areas occupied by public and private

1 institutions, and property of the state and its agencies and corporations, provided such areas are of
2 sufficient size, and in other areas of the state as appropriate.

3 (g) Division of planning. - (1) The division of planning shall be the principal staff
4 agency of the state planning council for preparing and/or coordinating strategic plans for the
5 comprehensive management of the state's human, economic, and physical resources. The division
6 of planning shall recommend to the state planning council specific guidelines, standards, and
7 programs to be adopted to implement strategic planning and the state guide plan and shall
8 undertake any other duties established by this section and amendments thereto.

9 (2) The division of planning shall maintain records (which shall consist of files of
10 complete copies) of all plans, recommendations, rules, and modifications or amendments thereto
11 adopted or issued by the state planning council under this section. The records shall be open to
12 the public.

13 (3) The division of planning shall manage and administer the Rhode Island geographic
14 information system of land-related resources, and shall coordinate these efforts with other state
15 departments and agencies, including the University of Rhode Island, which shall provide
16 technical support and assistance in the development and maintenance of the system and its
17 associated data base.

18 (4) The division of planning shall coordinate and oversee the provision of technical
19 assistance to political subdivisions of the state in preparing and implementing plans to accomplish
20 the purposes, goals, objectives, policies, and/or standards of applicable elements of the state guide
21 plan and shall make available to cities and towns data and guidelines that may be used in
22 preparing comprehensive plans and elements thereof and in evaluating comprehensive plans and
23 elements thereby.

24 (h) Transfer determinations. - (1) The director of administration, with the approval of the
25 governor, shall make the conclusive determination of the number of positions, personnel, physical
26 space, property, records, and appropriation balances, allocations and other funds of the
27 department of mental health, retardation, and hospitals, department of health, department of
28 human services, department of corrections, department of labor and training, department of
29 environmental management, department of business regulation, department of transportation,
30 department of state library services, Rhode Island Economic Development Corporation,
31 department of elderly affairs, department of children, youth, and families, historical preservation
32 commission, water resources board, and the defense civil preparedness/emergency management
33 agency of the executive department to be transferred to the department of administration in
34 connection with the functions transferred there into by the provisions of this article.

1 ~~(2) In order to ensure continuity of the strategic planning process of the department~~
2 ~~specified heretofore, the actual transfer of functions or any part thereof to the department of~~
3 ~~administration may be postponed after July 1, 1985 until such time as, by executive order of the~~
4 ~~governor, the transfer herein provided can be put into force and effect but no later than December~~
5 ~~31, 1985.~~

6 SECTION 5. This act shall take effect upon passage.

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LC01435
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - COMPREHENSIVE PLANNING AND LAND USE
ACT

- 1 This act would amend the Rhode Island Comprehensive Planning and Land Use Act.
- 2 This act would take effect upon passage.

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LC01435
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