

2015 -- S 0818

LC002390

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

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

Introduced By: Senators Cote, Picard, Raptakis, P Fogarty, and Lombardo

Date Introduced: April 09, 2015

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

4 **45-22.2-9. State review of local comprehensive plans.** -- (a) There is established a  
5 program of comprehensive planning review to promote the preparation and implementation of  
6 local comprehensive plans, and to provide technical and financial assistance to accomplish this  
7 purpose. The program also ensures that all local comprehensive plans are consistent with the  
8 goals, findings, and intent as established by this chapter ~~and the state guide plan.~~

9 (b) The chief is designated as the reviewing agent, and is responsible for carrying out the  
10 provisions of this chapter and ensuring that the findings, intent, and goals of this chapter are  
11 achieved. The chief shall publish guidelines for the preparation of comprehensive plan content  
12 required by § 45-22.2-6.

13 (c) The chief shall review any comprehensive plan or amendments adopted under the  
14 provisions of this chapter for consistency with the goals and intent established in the chapter ~~and~~  
15 ~~in the state guide plan,~~ and in accordance with the following schedule:

16 (1) Comprehensive plans or amendments shall be submitted to the chief within thirty  
17 (30) days of adoption by the municipal legislative body, pursuant to subdivision 45-22.2-8(b)(2).

18 (2) Within fifteen (15) days of the receipt of a comprehensive plan the chief shall solicit

1 comments from the public, regional and state agencies, and all municipalities contiguous to the  
2 municipality submitting the plan or amendment. The comment period shall extend for thirty (30)  
3 days and shall be posted on the division of planning website.

4 (3) Review of the plan or amendment, and comments by the chief shall be completed and  
5 forwarded to the municipality as follows:

6 (i) Within one hundred twenty (120) days of the end of the comment period for new  
7 plans or amendments that have not been submitted under the provisions of subdivision 45-22.2-  
8 8(a)(4); or

9 (ii) Within thirty (30) days of the end of the comment period for new plans or amended  
10 plans previously submitted for review under subdivision 45-22.2-8(a)(4).

11 (iii) The chief is authorized to discuss and negotiate, with the municipality, concerning  
12 any aspect of a plan or amendment being reviewed under subdivision (3)(i) or (3)(ii) of this  
13 subsection.

14 (iv) The chief and the municipality submitting a plan amendment may mutually agree, in  
15 writing, to reduce or extend the review period established by this section.

16 (4) Municipalities shall correct any deficiencies reported by the chief within sixty (60)  
17 days of the receipt of the chief's review and comments provided that the chief and the  
18 municipality submitting a plan or amendment may mutually agree, in writing, to reduce or extend  
19 this period.

20 (5) The chief shall review all corrections and related material submitted by the  
21 municipality and render a final decision on the plan. In the event of disapproval, the chief shall  
22 notify the municipality by registered mail and shall issue findings specifically describing the  
23 deficiencies in the plan or amendment as it relates to the goals and other provisions of this  
24 chapter.

25 (6) The municipality may appeal the decision of the chief to a hearing officer as provided  
26 for under § 45-22.2-9.1. The appeal must be filed within thirty (30) days of receipt of the decision  
27 by the chief.

28 (d) Comprehensive plans and amendments shall be reviewed by the chief to ensure that  
29 the following requirements are complied with:

30 (1) The intent and goals of this chapter have been met.

31 (2) All required content as stated in § 45-22.2-6 is complete.

32 (3) The plan or amendment is consistent with, ~~and embodies the goals and policies of,~~  
33 ~~the state and its departments and agencies as contained in the state guide plan and~~ the laws of the  
34 state.

1 (4) Municipal planning activities have been coordinated according to the provisions of §  
2 45-22.2-7.

3 (5) The plan or amendment has been officially adopted and submitted for review in  
4 accordance with § 45-22.2-8 of this chapter and other applicable procedures.

5 (6) The plan or amendment complies with rules and regulations adopted by the state  
6 planning council as provided for by subsection 45-22.2-10(c).

7 (7) Adequate, uniform, and valid data have been used in preparing each plan or  
8 amendment.

9 (e) State approval of a plan and any amendment thereto shall expire upon the tenth (10th)  
10 anniversary of the chief's or superior court's approval and shall not be extended.

11 (f) After an amendment to this chapter ~~or to the state guide plan~~, all municipalities shall,  
12 within one year, amend their comprehensive plan to conform with the amended chapter ~~or the~~  
13 ~~amended state guide plan~~. Failure to do so may result in the rescission, in whole or in part, of  
14 state approval. The chief shall notify the municipality in writing of a rescission.

15 (g) Disapproval of an amendment to a state approved plan shall apply to the amendment  
16 only and not affect the validity of a previously existing plan approval.

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

22 (i) Those portions of a comprehensive plan for which state approval was rescinded under  
23 subsection 45-22.2-9(f) and those amendments to a state approved plan for which state approval  
24 was not received under subsection 45-22.2-9(g), shall not be subject to the provisions of  
25 subsection 45-22.2-9(h).

26 **45-22.2-10. Coordination of state agencies.** -- (a) State agencies shall develop their  
27 respective programs and conduct their respective activities in a manner consistent with the  
28 findings, intent, and goals established under this chapter.

29 (b) The chief shall develop standards to assist municipalities in the incorporation of the  
30 state goals and policies into comprehensive plans, and to guide the chief's review of  
31 comprehensive plans and state agency activities.

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

34 (d) The chief shall develop and make readily available to all municipalities statewide

1 data and technical information for use in the preparation of comprehensive plans. Data specific to  
2 each municipality shall be provided by that municipality. The chief shall make maximum use of  
3 existing information available from other agencies.

4 (e) The chief may contract with any person, firm, or corporation to develop the necessary  
5 planning information and coordinate with other state agencies as necessary to provide support and  
6 technical assistance for local planning efforts.

7 (f) The chief shall notify appropriate state agencies of the approval of a comprehensive  
8 plan or amendment to a comprehensive plan.

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

14 (1) That the program, project, or facility conforms to the stated goals, findings, and  
15 intent of this chapter; and

16 (2) That the program, project, or facility is needed to promote or protect the health,  
17 safety, and welfare of the people of Rhode Island; and

18 ~~(3) That the program, project, or facility is in conformance with the relevant sections of~~  
19 ~~the state guide plan; and~~

20 ~~(4)~~(3) That the program implementation, project, or size, scope, and design of the facility  
21 will vary as little as possible from the comprehensive plan of the municipality.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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- 1           This act would repeal the provisions and references to compliance with the state guide
- 2   plan relative to local comprehensive planning for land use.
- 3           This act would take effect upon passage.

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