

# 2011 -- H 5380 SUBSTITUTE A

LC00637/SUB A/3

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

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

Introduced By: Representatives Winfield, and Petrarca

Date Introduced: February 15, 2011

Referred To: House 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 Regulation Act" are  
4 hereby amended 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 ~~according to the schedule set forth in § 45-22.2-5(a)(3)~~ prior to  
9 June 1, 2016. ~~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 § 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13 ~~(c) Section 45-22-6 and all special acts relating to comprehensive plans are repealed~~  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15 ~~provisions of § 45-22-6 or any special act repealed by this chapter become null and void upon the~~  
16 ~~adoption of a comprehensive plan by a municipality and upon approval of the plan by the~~  
17 ~~director, unless amended to conform to the provisions of this chapter.~~

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

1 ~~enabling act that is in effect on June 11, 1988 shall remain in full force and effect until the date~~  
2 ~~specified in the schedule in § 45-22.2-5(a)(3), unless amended or repealed before the specified~~  
3 ~~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 or planning authority granted or delegated to a state agency by state or federal 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,~~ for effective  
12 planning, therefore, declares that:

13 (1) ~~The absence of accurate technical information and comprehensive~~ Comprehensive  
14 planning by municipal government ~~as 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~~ 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~~ are 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~~ ensure 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~~ 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; comprehensive  
10 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 municipal  
17 comprehensive plans and state guide plans and their consistency with overall state goals,  
18 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~~ including addressing  
21 potentially conflicting land uses as well as shared resources in contiguous municipalities and  
22 encouraging cooperative planning efforts by municipalities.

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

26 (1) To promote orderly growth and development that recognizes the natural  
27 characteristics of the land, its suitability for use, ~~and~~ the availability of existing and proposed  
28 public and/or private services and facilities, and is consistent with available resources and the  
29 need to protect public health, including drinking water supply, drinking water safety, and  
30 environmental quality.

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

33 (3) To promote the production and rehabilitation of year-round housing and to preserve  
34 government subsidized housing for persons and families of low and moderate income in a manner

1 that: considers local, regional, and statewide needs; achieves a balance of housing choices for all  
2 income levels and age groups; ~~which~~ recognizes the affordability of housing as the responsibility  
3 of each municipality and the state; takes into account growth management and the need to phase  
4 and pace development in areas of rapid growth; and ~~which~~ facilitates economic growth in the  
5 state.

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

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

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

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

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

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

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

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

27 **45-22.2-4. Definitions.** – As used in this chapter the following words have the meanings  
28 stated herein:

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

32 ~~(2)~~(1) "Agricultural land" means land suitable for agriculture by reason of suitability of  
33 soil or other natural characteristics or past use for agricultural purposes. ~~Agricultural land~~  
34 ~~includes that defined as prime farm land or additional farm land of statewide importance for~~

1 ~~Rhode Island by the soil conservation service of the United States department of agriculture.~~

2 ~~(3) "Board" means the state comprehensive plan appeals board as established by chapter~~  
3 ~~22.3 of this title.~~

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

8 ~~(5)~~(3) "Capital improvements program" means a proposed schedule of all future projects  
9 listed in order of construction priority together with cost estimates and the anticipated means of  
10 financing each project.

11 (4) "Chief" means the highest-ranking administrative officer of the division of planning  
12 as established by subsection 42-11-10(g).

13 ~~(6)~~(5) "Coastal features" means ~~those coastal features defined in chapter 23 of title 46 any~~  
14 coastal beach, barrier island or spit, coastal wetland, coastal headland, bluff or cliff, rocky shore,  
15 manmade shoreline or dune as outlined and defined by the coastal resources management  
16 program, and as may be amended.

17 ~~(7)~~(6) "Comprehensive plan" or "comprehensive land use plan" means a document  
18 containing the components described in this chapter, including the implementation program  
19 which is consistent with the goals and guidelines established by this chapter.

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

21 ~~(9)~~(7) "Days" means calendar days.

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

23 ~~(11)~~(8) "Division of planning" means the office ~~of state planning as~~ established as a  
24 division of the department of administration by § subsection 42-11-10(b)(g).

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

26 ~~(i) Low income housing units insured or assisted under §§ 221(d)(3) and 236 of the~~  
27 ~~National Housing Act, 12 U.S.C. § 1701 et seq.;~~

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

30 ~~(iii) Rural low income housing financed under § 515 of the Housing Act of 1949, 12~~  
31 ~~U.S.C. § 1715z.~~

32 ~~(13)~~(9) "Floodplains" or "flood hazard area" means an area that ~~has~~ is subject to a flood  
33 from a storm having a one percent (1%) ~~or greater~~ chance of ~~inundation being equaled or~~  
34 exceeded in any given year, as delineated ~~by~~ on a community's flood hazard map as approved by

1 the federal emergency management agency pursuant to the National Flood Insurance Act of 1968,  
2 as amended (P.L. 90-448), 42 U.S.C. 4011 et seq.

3 ~~(14)~~(10) "Forecast" means a description of the conditions, quantities, or values  
4 anticipated to occur at a designated future time.

5 ~~(15)~~(11) "Goals" means those goals stated in § section 45-22.2-3.

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

10 ~~(17)~~(12) "Historic or cultural site resource" means any real property, ~~man-made~~ structure,  
11 natural object, place, landmark, landscape, archaeological site or configuration or any portion or  
12 group of the preceding which has been ~~registered~~ listed on the federal or state register of historic  
13 places; or that is deemed eligible to be included, considered by the Rhode Island Historical  
14 Preservation & Heritage Commission to meet the eligibility criteria for listing on the state register  
15 of historic places pursuant to § section 42-45-5 or is located in a historic district established by a  
16 municipality in accordance with chapter 45-24.1, Historic Area Zoning.

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

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

21 ~~(20)~~(14) "Land use regulation" means a rule or statute of general application adopted by  
22 the municipal legislative body which controls, directs, or delineates allowable uses of land and  
23 the standards for these uses.

24 ~~(21)~~(15) "Local government" means any governmental agency authorized by this chapter  
25 to exercise the power granted by this chapter.

26 ~~(22) "Low and moderate income housing" means housing as defined in chapter 53 of this  
27 title as low and moderate income housing, or as necessary in the context of implementing the  
28 purposes of the federal Low Income Preservation and Resident Home Ownership Act of 1999 [12  
29 U.S.C. § 4113], housing as defined in the federal Low Income Preservation and Resident Home  
30 Ownership Act of 1990 [12 U.S.C. § 4101 et seq.] and as may be amended for both the purposes  
31 of this chapter and any reference to low and moderate income housing in relation to a  
32 Comprehensive Plan prepared and adopted pursuant to this chapter.~~

33 (16) "Maintain" means to evaluate regularly and revise as needed or required in order to  
34 ensure that a comprehensive plan remains consistent with the goals and guidelines established by

1 [this chapter.](#)

2 ~~(23)~~(17) "Municipal legislative body" means ~~the town meeting in a town;~~ the town  
3 council in a town or the city council in a city; or that part of a municipal government that  
4 exercises legislative powers under a statute or charter.

5 ~~(24)~~(18) "Municipal reviewing authority" means the municipal planning board, or  
6 commission, ~~or if none, the municipal officers.~~

7 ~~(25)~~(19) "Open space" means any parcel or area of land or water set aside, dedicated,  
8 designated, or reserved for public or private use or enjoyment or for the use and enjoyment of  
9 owners and occupants of land adjoining or neighboring the open space; provided that the area  
10 may be improved with only those buildings, structures, streets, and off-street parking, and other  
11 improvements that are designed to be incidental to the natural openness of the land.

12 ~~(26)~~(20) "Planning board" or "commission" means the body established by a municipality  
13 [under chapter 45-22](#) or combination of municipalities which has the responsibility to prepare a  
14 comprehensive plan and make recommendations concerning that plan to the municipal legislative  
15 body.

16 ~~(27) "Program" means the statewide planning program established by chapter 11 of title~~  
17 ~~42.~~

18 ~~(28)~~(21) "State guide plan" means goals, policies, and plans or plan elements for the  
19 physical, economic, and social development of the state, adopted by the state planning council in  
20 accordance with [§ section](#) 42-11-10.

21 ~~(29)~~(22) "State or regional agency" means, for the purposes of this chapter, any state  
22 agency, department, public authority, public corporation, organization, commission, or other  
23 governing body with regulatory or other authority affecting the goals established either in this  
24 chapter or the state guide plan. Pursuant to [§ section](#) 45-22.2-2~~(f)~~, the definition of state and  
25 regional agency shall not be construed to supersede or diminish any regulatory [or planning](#)  
26 authority granted.

27 [\(23\) "State agency program or project" State agency program means any non-regulatory,](#)  
28 [coordinated group of activities implemented for the purpose of achieving a specific goal or](#)  
29 [objective. State agency project means a specific initiative or development on an identifiable](#)  
30 [parcel\(s\) of land.](#)

31 ~~(30) "Strategic plan for housing production and rehabilitation" means the state guide plan~~  
32 ~~element promulgated and adopted as set forth in § 42-128-8.1.~~

33 ~~(31)~~(24) "Voluntary association of local governments" means two [\(2\)](#) or more  
34 municipalities ~~who~~ [that](#) have joined together pursuant to a written agreement and pursuant to the

1 authority granted under this chapter for the purpose of drafting a comprehensive land use plan  
2 and implementation program.

3 ~~(32)~~(25) ~~"Wetland, coastal"~~ "Wetland" means ~~a salt marsh bordering on the tidal waters~~  
4 ~~of this state and contiguous uplands extending no more than fifty (50) yards inland therefrom a~~  
5 marsh, swamp, bog, pond, river, river or stream flood plain or bank; an area subject to flooding or  
6 storm flowage; an emergent or submergent plant community in any body of fresh water; or an  
7 area within fifty feet (50') of the edge of a bog, marsh, swamp, or pond, as defined in section 2-1-  
8 20; or any salt marsh bordering on the tidal waters of this state, whether or not the tidal waters  
9 reach the littoral areas through natural or artificial watercourses, and those uplands directly  
10 associated and contiguous thereto which are necessary to preserve the integrity of that marsh, and  
11 as further defined by the RI coastal resources management program, as may be amended.

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

16 ~~(34)~~(26) "Zoning" means the reservation of certain specified areas within a community  
17 or city for building and structures, or use of land, for certain purposes with other limitations as  
18 height, lot coverage, and other stipulated requirements.

19 ~~**45-22.2-5. Formulation of comprehensive plan by cities and towns**~~ **Formulation of**  
20 **comprehensive plans by cities and towns.** – (a) The comprehensive plan is a statement (in text,  
21 maps, illustrations, or other media of communication) that is designed to provide a basis for  
22 rational decision making regarding the long-term physical development of the municipality. The  
23 definition of goals and policies relative to the distribution of future land uses, both public and  
24 private, forms the basis for land use decisions to guide the overall physical, economic, and social  
25 development of the municipality.

26 ~~(a)~~(b) There is established a program of local comprehensive planning to address the  
27 findings and intent and accomplish the goals of this chapter. Rhode Island's cities and towns,  
28 through the exercise of their power and responsibility pursuant to the general laws, applicable  
29 articles of the Rhode Island Constitution, and subject to the express limitations and requirements  
30 of this chapter, shall:~~(1) Plan for future land use which relates development to land capability;~~  
31 ~~protects our natural resources, promotes a balance of housing choices, encourages economic~~  
32 ~~development, preserves and protects our open space, recreational, historic and cultural resources,~~  
33 ~~and provides for orderly provision of facilities and services;~~

34 ~~(2) Adopt, update, and~~ prepare, adopt, amend, and maintain comprehensive plans.



1 including implementation programs, that relate development to land capacity, protect our natural  
2 resources, promote a balance of housing choices, encourage economic development, preserve and  
3 protect our open space, recreational, historic and cultural resources, provide for orderly provision  
4 of facilities and services and are consistent with the goals, findings, intent, and other provisions of  
5 this chapter; and the laws of the state.

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

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

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

13 ~~(e)(d)~~ Each municipality shall submit ~~its proposed comprehensive plan and existing land~~  
14 ~~use regulation~~ to the ~~director~~ chief, as provided for in sections 45-22.2-9 and 45-22.2-12 and the  
15 rules promulgated by the state planning council:

- 16 (1) Its locally adopted comprehensive plan;
- 17 (2) Any amendment to its comprehensive plan;
- 18 (3) An informational report on the status of its implementation programs; and
- 19 (4) Its zoning ordinance text and generalized zoning map or maps.

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

21 **45-22.2-6. Required elements of comprehensive plan** **Required content of a**  
22 **comprehensive plan.** ~~– The comprehensive plan is a statement (in text, maps, illustrations, or~~  
23 ~~other media of communication) that is designed to provide a basis for rational decision making~~  
24 ~~regarding the long term physical development of the municipality. The definition of goals and~~  
25 ~~policies relative to the distribution of future land uses, both public and private, forms the basis for~~  
26 ~~land use decisions to guide the overall physical, economic, and social development of the~~  
27 ~~municipality. The comprehensive plan must be internally consistent in its policies, forecasts, and~~  
28 ~~standards, and include the following elements:~~

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

31 (b) The comprehensive plan must be internally consistent in its policies, forecasts, and  
32 standards, and shall include the content described within this section. The content described in  
33 subdivisions (1) through (10) may be organized and presented as deemed suitable and appropriate  
34 by the municipality. The content described in subdivisions (11) and (12) must be included as

1 individual sections of the plan.

2 (1) Goals and policies ~~statement. Identifies~~ The plan must identify the goals and policies  
3 of the municipality for its future growth and development and for the conservation of its natural  
4 and cultural resources. ~~The statement enumerates how the plan is consistent with the overall goals~~  
5 ~~and policies of this chapter, the state guide plan, and related elements.~~ The goals and policies of  
6 the plan shall be consistent with the goals and intent of this chapter and embody the goals and  
7 policies of the state guide plan.

8 ~~(2) Land use plan element. Designates the proposed general distribution and general~~  
9 ~~location and interrelationship of land use for residential, commercial, industry, open space,~~  
10 ~~recreation facilities, and other categories of public and private uses of land. The land use element~~  
11 ~~is based upon the other elements contained in this section, and it relates the proposed standards of~~  
12 ~~population density and building intensity to the capacity of the land and available or planned~~  
13 ~~facilities and services. A land use plan map, illustrating the future strategy and land use policy of~~  
14 ~~the municipality, as defined by the comprehensive plan, is required. The land use plan must~~  
15 ~~contain an analysis of the inconsistency of existing zoning districts, if any, with the land use plan.~~  
16 ~~The land use plan should specify the process by which the zoning ordinance and zoning map shall~~  
17 ~~be amended to conform to the comprehensive plan.~~

18 ~~(3) Housing element. Consists of identification and analysis of existing and forecasted~~  
19 ~~housing needs and objectives including programs for the preservation, including, but not limited~~  
20 ~~to, the preservation of federally insured or assisted housing, improvement, and development of~~  
21 ~~housing for all citizens. The housing element enumerates local policies and implementation~~  
22 ~~techniques to promote the production and rehabilitation of housing that achieves a balance of~~  
23 ~~housing choices, recognizing local, regional, and statewide needs for all income levels and for all~~  
24 ~~age groups, including, but not limited to, the affordability of housing and the preservation of~~  
25 ~~federally insured or assisted housing. The element identifies specific programs and policies for~~  
26 ~~inclusion in the implementation program necessary to accomplish this purpose and takes into~~  
27 ~~account growth management and the need to phase and pace development in areas of rapid~~  
28 ~~growth. The housing element includes an affordable housing plan that identifies housing needs in~~  
29 ~~the community, including, but not limited to, the needs for low and moderate income housing,~~  
30 ~~establishes goals and policies to address those needs, consistent with available resources and the~~  
31 ~~need to protect public health, including drinking water supplies and safety and environmental~~  
32 ~~quality. The affordable housing plan includes an implementation program of actions to be taken~~  
33 ~~to effectuate the policies and goals of the affordable housing plan.~~

34 (4) Economic development element. Includes the identification of economic development

1 ~~policies and strategies, either existing or proposed by the municipality, in coordination with the~~  
2 ~~land use plan element. These policies should reflect local, regional, and statewide concerns for~~  
3 ~~the expansion and stabilization of the economic base and the promotion of quality employment~~  
4 ~~opportunities and job growth. The policies and implementation techniques must be identified for~~  
5 ~~inclusion in the implementation program element.~~

6 ~~(5) Natural and cultural resources element. Provides an inventory of the significant~~  
7 ~~natural resource areas as water, soils, prime agricultural lands, natural vegetation systems,~~  
8 ~~wildlife, watersheds, wetlands, aquifers, coastal features, flood plains, and other natural~~  
9 ~~resources, and the policies for the protection and management of these areas. The element~~  
10 ~~includes policies for the protection of the historic and cultural resources of the municipality and~~  
11 ~~the state. The policies and implementation techniques must be identified for inclusion in the~~  
12 ~~implementation program element.~~

13 ~~(6) Services and facilities element. Provides an inventory of existing and forecasted needs~~  
14 ~~for facilities and services used by the public as, but not limited to, educational facilities, public~~  
15 ~~safety, water, sanitary sewers, libraries, and community facilities. The policies and~~  
16 ~~implementation techniques must be identified for inclusion in the implementation program~~  
17 ~~element.~~

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

23 ~~(8) Circulation element. Consists of the inventory and analysis of existing and proposed~~  
24 ~~major circulation systems, street patterns, and any other modes of transportation in coordination~~  
25 ~~with the land use element. The policies and implementation techniques must be identified for~~  
26 ~~inclusion in the implementation program element. (9) Implementation program:~~

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

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

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

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

7 (2) Maps. The plan must contain maps illustrating the following as appropriate to the  
8 municipality:

9 (i) Existing conditions:

10 (A) Land use, including the range of residential housing densities;

11 (B) Zoning;

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

13 (D) Service areas for public water and sewer;

14 (E) Historical and cultural resource areas and sites;

15 (F) Open space and conservation areas (public and private); and

16 (G) Natural resources such as, but not limited to, surface water, wetlands, floodplains,  
17 soils, and agricultural land;

18 (ii) Future land use illustrating the desired patterns of development, density, and  
19 conservation as defined by the comprehensive plan; and

20 (iii) Identification of discrepancies between future land uses and existing zoning use  
21 categories.

22 (3) Natural resource identification and conservation. The plan must be based on an  
23 inventory of significant natural resource areas such as, but not limited to, water, soils, prime  
24 agricultural lands, forests, wildlife, wetlands, aquifers, coastal features, and floodplains. The plan  
25 must include goals, policies, and implementation techniques for the protection and management  
26 of these areas.

27 (4) Open space and outdoor recreation identification and protection. The plan must be  
28 based on an inventory of outdoor recreational resources, open space areas, and recorded access to  
29 these resources and areas. The plan must contain an analysis of forecasted needs, policies for the  
30 management and protection of these resources and areas, and identification of areas for potential  
31 expansion. The plan must include goals, policies, and implementation techniques for the  
32 protection and management of existing resources and acquisition of additional resources if  
33 appropriate.

34 (5) Historical and cultural resources identification and protection. The plan must be based

1 on an inventory of significant historical and cultural resources such as historical buildings, sites,  
2 landmarks, and scenic views. The plan must include goals, policies, and implementation  
3 techniques for the protection of these resources.

4 (6) Housing. The plan must include the identification of existing housing patterns, an  
5 analysis of existing and forecasted housing needs, and identification of areas suitable for future  
6 housing development or rehabilitation. The plan shall include an affordable housing program that  
7 meets the requirements of section 42-128-8.1, the "Comprehensive Housing Production and  
8 Rehabilitation Act of 2004" and chapter 45-53, the "Rhode Island Low and Moderate Income  
9 Housing Act". The plan must include goals and policies that further the goal of subdivision 45-  
10 22.2-3(c)(3) and implementation techniques that identify specific programs to promote the  
11 preservation, production, and rehabilitation of housing.

12 (7) Economic development. The plan must include the identification of existing types and  
13 patterns of economic activities including, but not limited to, business, commercial, industrial,  
14 agricultural, and tourism. The plan must also identify areas suitable for future economic  
15 expansion or revitalization. The plan must include goals, policies, and implementation techniques  
16 reflecting local, regional, and statewide concerns for the expansion and stabilization of the  
17 economic base and the promotion of quality employment opportunities and job growth.

18 (8) Services and facilities. The plan must be based on an inventory of existing physical  
19 infrastructure such as, but not limited to, educational facilities, public safety facilities, libraries,  
20 indoor recreation facilities, and community centers. The plan must describe services provided to  
21 the community such as, but not limited to, water supply and the management of wastewater,  
22 storm water, and solid waste. The plan must consider energy production and consumption. The  
23 plan must analyze the needs for future types and levels of services and facilities, including, in  
24 accordance with section 46-15.3-5.1, water supply system management planning, which includes  
25 demand management goals as well as plans for water conservation and efficient use of water  
26 concerning any water supplier providing service in the municipality, and contain goals, policies,  
27 and implementation techniques for meeting future demands.

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

34 (10) Natural hazards. The plan must include an identification of areas that could be

1 vulnerable to the effects of sea-level rise, flooding, storm damage, drought, or other natural  
2 hazards. Goals, policies, and implementation techniques must be identified that would help to  
3 avoid or minimize the effects that natural hazards pose to lives, infrastructure, and property.

4 (11) Land use. In conjunction with the future land use map as required in subdivision 45-  
5 22.2-6(b)(2)(ii), the plan must contain a land use component that designates the proposed general  
6 distribution and general location and interrelationships of land uses including, but not limited to,  
7 residential, commercial, industrial, open space, agriculture, recreation facilities, and other  
8 categories of public and private uses of land. The land use component shall be based upon the  
9 required plan content as stated in this section. It shall relate the proposed standards of population  
10 density and building intensity to the capacity of the land and available or planned facilities and  
11 services. The land use component must contain an analysis of the inconsistency of existing  
12 zoning districts, if any, with planned future land use. The land use component shall specify the  
13 process and schedule by which the zoning ordinance and zoning map shall be amended to  
14 conform to the comprehensive plan and shall be included as part of the implementation program.

15 (12) Implementation program.

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

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

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

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

30 **45-22.2-8. ~~Adoption of comprehensive plans~~ Preparation, adoption, and**  
31 **amendments of comprehensive plans.** – (a) The preparation ~~and adoption~~ of a comprehensive  
32 plan shall be conducted according to the following provisions in addition to any other provision  
33 that may be required by law:

34 (1) ~~A single municipality shall establish and designate its planning board or commission~~

1 ~~as the agency having the sole responsibility for performing all those acts necessary to prepare a~~  
2 ~~comprehensive plan for the municipality. Planning boards established under chapter 22 of this~~  
3 ~~title shall continue to be governed by those provisions~~ In addition to the duties established by  
4 chapter 45-22, local planning board or commission, to the extent that those provisions do not  
5 conflict with the requirements of this chapter, a planning board or commission has the sole  
6 responsibility for performing all those acts necessary to prepare a comprehensive plan for a  
7 municipality.

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

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

13 (i) ~~Conduct of public hearings and any other methods to solicit and strongly encourage~~  
14 ~~citizen input into the comprehensive planning process; and~~

15 (ii) ~~Preparation of the comprehensive plan, including the implementation program~~  
16 ~~component, and recommendations to the municipal legislative body regarding the adoption of the~~  
17 ~~plan or amendment~~ Preparation of the comprehensive plan, including the implementation  
18 program component.

19 (ii) Citizen participation through the dissemination of information to the public and  
20 solicitation of both written and oral comments during the preparation of the plan.

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

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

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

27 (b) ~~In order to encourage citizen participation in the comprehensive planning process,~~  
28 ~~planning boards, commissions, or committees are directed to adopt comprehensive plans only~~  
29 ~~after soliciting and considering public input. Public hearings by the planning board, commission,~~  
30 ~~or committee, and the municipal legislative body are required to be held prior to the adoption of~~  
31 ~~the comprehensive plan. Adoption of the comprehensive plan by a municipal legislative body is~~  
32 ~~in the same manner provided for the adoption of ordinances in the manner provided for in the~~  
33 ~~legislative or home rule charter of the municipality except that the plan need not be published in~~  
34 ~~its entirety in a newspaper of general circulation. Any local comprehensive plan adopted as~~

1 ~~prescribed in this section before the effective date is deemed to have been adopted in accordance~~  
2 ~~with this section.~~

3 (b) The adoption or amendment of a comprehensive plan shall be conducted according to  
4 the following provisions in addition to any other provision that may be required by law:

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

7 ~~(e)(2)~~ (2) A comprehensive plan is adopted, for the purpose of conforming municipal land  
8 use decisions and for the purpose of being transmitted to the ~~director~~ chief for state review, when  
9 it has been ~~enacted~~ incorporated by reference into the municipal code of ordinances by the  
10 legislative body of the municipality ~~pursuant to the manner provided for the adoption of~~  
11 ~~ordinances in the municipality's legislative or home rule charter~~. All ordinances dealing with the  
12 adoption of or amendment to a municipal comprehensive plan shall contain language stating that  
13 the comprehensive plan ordinance or amendment shall not become effective for the purposes of  
14 guiding state agency actions until it is approved by the ~~state~~ State of Rhode Island pursuant to the  
15 methods stated in this chapter, or pursuant to any rules and regulations adopted pursuant to this  
16 chapter. The comprehensive plan of a municipality shall not take effect for purposes of guiding  
17 state agency actions until approved by the ~~director, comprehensive plan appeals board,~~ chief or  
18 the Rhode Island ~~supreme~~ superior court.

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

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

28 (1) Prior to the adoption of, or amendment to, a comprehensive plan, notice shall be given  
29 of the public hearing by publication of notice in a newspaper of general circulation within the city  
30 or town at least once each week for three (3) successive weeks prior to the date of the hearing,  
31 which may include the week in which the hearing is to be held, at which hearing opportunity shall  
32 be given to all persons interested to be heard. Written notice, which may be a copy of the  
33 newspaper notice, shall be mailed to the statewide planning program of the department of  
34 administration. The newspaper notice shall be published as a display advertisement, using a type



1 size at least as large as the normal type size used by the newspaper in its news articles, and shall:

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

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

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

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

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

14 **45-22.2-9. State review of local comprehensive plans.** – (a) There is established a  
15 program of comprehensive planning review to promote the preparation and implementation of  
16 local comprehensive plans, and to provide technical and financial assistance to accomplish this  
17 purpose. The program also ensures that all local comprehensive plans ~~and state guide plans~~ are  
18 consistent with the ~~state~~ goals, findings, and intent as established by this chapter and the state  
19 guide plan.

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

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

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

31 (2) Within fifteen (15) days of the receipt of a comprehensive plan the ~~director shall give~~  
32 ~~public notice of the initiation of review, and~~ chief shall solicit comments from the public, regional  
33 and state agencies, and all municipalities contiguous to the municipality submitting the plan,  
34 ~~update, or amendment, and from interested parties.~~ The comment period shall extend for thirty

1 (30) days ~~after the public notice~~ and shall be posted on the [division of planning website](#).

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

4 (i) Within one hundred twenty (120) days of the end of the comment period for new  
5 plans, ~~amended plans, or other amendments if any three (3) or more of the plan elements required~~  
6 ~~by § 45-22.2-6 are revised in any way, as compared to any plan or amendment previously~~  
7 ~~submitted under this chapter~~ or [amendments that have not been submitted under the provisions of](#)  
8 [subdivision 45-22.2-8\(a\)\(4\)](#); 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\(a\)\(4\)](#) ~~or other amendments that~~  
11 ~~revise not more than two (2) of the plan elements required by § 45-22.2-6, as compared to any~~  
12 ~~plan or amendment previously submitted under this chapter.~~

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

16 (iv) The ~~director~~ [chief](#) and the municipality submitting a plan, ~~amended plan, or other~~  
17 amendment may mutually agree, in writing, to reduce or extend the review period established by  
18 this section.

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

23 (5) The ~~director~~ [chief](#) shall review all corrections and related material submitted by the  
24 municipality and render a final decision on the plan, ~~update, or amendment or parts of the plan~~  
25 ~~within thirty (30) days of the end of the period for correction. In the event of disapproval, the~~  
26 ~~director.~~ [In the event of disapproval, the chief](#) shall [notify the municipality by registered mail and](#)  
27 [shall](#) issue findings specifically describing the deficiencies in the plan or amendment as it relates  
28 to the goals and other provisions of this chapter.

29 ~~(6) The review process stated in subdivisions (1) through (5) of this subsection shall be~~  
30 ~~carried out within a maximum time period of two hundred fifty five (255) days under subdivision~~  
31 ~~(3)(i), one hundred sixty five (165) days under subdivision (3)(ii), or the appropriate maximum~~  
32 ~~period determined under subdivision (3)(iv) or (4).~~

33 ~~(7)~~[\(6\)](#) The municipality may appeal the decision of the ~~director~~ [chief](#) to ~~the~~  
34 ~~comprehensive plan appeals board~~ [a hearing officer as provided for under section 45-22.2-9.1.](#)

1 The appeal must be ~~made~~ filed within ~~fifteen (15)~~ thirty (30) days of receipt of the decision by the  
2 ~~director chief~~. ~~The comprehensive plan appeals board shall hold a hearing on the appeal, make~~  
3 ~~findings of fact, and affirm, modify, or reverse the director's decision. The board shall render its~~  
4 ~~decision within sixty (60) days of receipt of the appeal. The municipality or director may appeal~~  
5 ~~the decision of the board to the supreme court. The appeal must be made within thirty (30) days~~  
6 ~~of the board's decision.~~

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

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

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

15 (2) All required ~~elements~~ content as stated in § section 45-22.2-6 ~~are~~ is complete;  
16 ~~provided, however, that the state review and approval of affordable housing plans submitted to~~  
17 ~~conform with the provisions of chapter 53 of this title shall not be contingent on requirements for~~  
18 ~~adopting and/or updating overall comprehensive plans or the elements thereof.~~

19 (3) The plan or amendment is ~~All plans are~~ consistent with ~~the state guide plan~~, and  
20 ~~embody~~ embodies the goals and policies of, the state and its departments and agencies as  
21 contained in the state guide plan and the laws of the state.

22 (4) ~~All plans comply with rules and regulations adopted by the state planning council as~~  
23 ~~provided for by § 45-22.2-10(b).~~ Municipal planning activities have been coordinated according  
24 to the provisions of section 45-22.2-7.

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

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

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

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

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

34 ~~(2) If comprehensive planning is conducted jointly by two (2) or more municipalities, that~~

1 ~~an agreement containing all required information has been executed by all parties and filed with~~  
2 ~~the division of planning.~~

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

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

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

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

9 ~~(7) The plan has been officially adopted in accordance with this chapter and other~~  
10 ~~applicable procedures.~~

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

12 ~~(9) Amendments are made no more frequently than permitted by §45-22.2-12(e);~~  
13 ~~provided, however, that the initial adoption of amendments by a municipality in order to comply~~  
14 ~~with the requirements of an updated or new state guide plan element as provided for in § 45-22.2-~~  
15 ~~10(f) shall not be included in determining the frequency of amendments by a municipality.~~

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

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

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

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

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

33 **45-22.2-9.1. Appeals.** – (a) A decision of the chief involving the disapproval of a  
34 comprehensive plan or amendment thereto, or rescission in whole or in part, of a plan approval

1 may be appealed by the municipality under the provisions of chapter 42-35, the Administrative  
2 Procedures Act, to a hearing officer designated by the director of the department of  
3 administration.

4 (b) The decision of the hearing officer shall be in writing and shall include findings of  
5 fact and conclusions of law as required in section 42-35-12. The chief may, in his or her  
6 discretion, adopt, modify, or reject such findings of fact and/or conclusions of law provided;  
7 however, that any such modification or rejection of the proposed findings of fact or conclusions  
8 of law shall be in writing and shall state the reason therefor. The hearing officer shall not revise  
9 the comprehensive plan or amendment thereto, but may suggest alternative language as part of his  
10 or her decision.

11 (c) A municipality, having exhausted all administrative remedies available within the  
12 agency, and who is aggrieved by a final administrative decision is entitled to judicial review  
13 under the provisions of section 42-35-15, the Administrative Procedures Act.

14 **45-22.2-10. Coordination of state agencies.** – (a) ~~Each state agency with regulatory or~~  
15 ~~other authority affecting the goals established in this chapter or the state guide plan, shall submit~~  
16 ~~to the director, prior to January 1, 1989, a written report which addresses how each agency has~~  
17 ~~incorporated the findings, intent, and goals of this chapter into its planned activities. This report~~  
18 ~~shall be revised as necessary, but in no case less than once every two (2) years. After January 1,~~  
19 ~~1989, agencies~~ State agencies shall develop their respective programs and conduct their  
20 respective activities in a manner consistent with the findings, intent, and goals established under  
21 this chapter.

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

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

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

34 ~~(2)~~(e) The ~~director~~ chief may contract with any person, firm, or corporation to develop

1 the necessary planning information and coordinate with other state agencies as necessary to  
2 provide support and technical assistance for local planning efforts.

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

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

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

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

15 (3) That the program, project, or facility is in conformance with the relevant sections of  
16 the state guide plan: ; and

17 (4) That the program implementation, project, or size, scope, and design of the facility  
18 ~~has been planned to~~ will vary as little as possible from the comprehensive plan of the  
19 municipality.

20 ~~(f) After an amendment to this chapter or to the state guide plan, all municipalities shall~~  
21 ~~amend their comprehensive plan to conform with the amended chapter or the amended state guide~~  
22 ~~plan. The amendments shall be made within one year of the amendment to this chapter or to the~~  
23 ~~state guide plan~~

24 **45-22.2-11. State technical and financial assistance.** – (a) There is established a  
25 program of technical and financial assistance for municipalities to encourage and facilitate the  
26 adoption and implementation of comprehensive planning throughout the state. The program is  
27 administered by the ~~director~~ chief.

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

30 (c) Grants may be expended for any purpose directly related to the preparation of a  
31 municipal comprehensive plan including, without limitation, the conduct of surveys, inventories,  
32 and other data-gathering activities, the hiring of planning and other technical staff, the retention  
33 of planning consultants, contracts for planning, and related services, and other related purposes,  
34 in order to provide sufficient economies of scale and to build planning capacity at the municipal

1 level.

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

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

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

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

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

18 (e) All departments and agencies of the state, to the extent practicable, shall provide  
19 technical assistance to municipalities in the development of a comprehensive plan at the request  
20 of a municipality.

21 ~~**45-22.2-12. Updates and amendments** Maintaining and re-adopting the plan. – (a)~~  
22 ~~Each municipality shall submit any amended comprehensive plans, revised pursuant to the~~  
23 ~~chapter, including proposed amendments to the implementation program component of a plan, to~~  
24 ~~the director for review and approval in the same manner as provided for review of new~~  
25 ~~comprehensive plans. The director may provide an expedited review procedure for those~~  
26 ~~submissions which represent amendments to comprehensive plans approved by it after January 1,~~  
27 ~~1990. A municipality must maintain a single version of the comprehensive plan including all~~  
28 ~~amendments, appendices, and supplements. One or more complete copies of the comprehensive~~  
29 ~~plan including, all amendments, shall be made available for review by the public. Availability~~  
30 ~~shall include print, digital formats, and placement on the internet.~~

31 (b) A municipality ~~may~~ shall periodically review and amend its plan in a timely manner  
32 to account for ~~growth. At a minimum, a municipality shall update its comprehensive plan at least~~  
33 ~~once every five (5) years~~ changing conditions. At a minimum, a municipality shall fully update  
34 and re-adopt its entire comprehensive plan, including supplemental plans, such as, but not limited

1 to, special area plans, that may be incorporated by reference, at least once every ten (10) years  
2 from the date of municipal adoption. A minimum twenty (20) year planning timeframe in  
3 considering forecasts, goals, and policies must be utilized for an update.

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

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

9 **45-22.2-13. Compliance and implementation.** ~~(a) In the event a municipality fails to~~  
10 ~~submit a comprehensive plan in accordance with the provisions of this chapter, or the director~~  
11 ~~disapproves a comprehensive plan and that decision is affirmed by the board, the director shall~~  
12 ~~then prepare, and the state comprehensive plan appeals board adopt, for the municipality in~~  
13 ~~question, a comprehensive plan which satisfies the requirements of this chapter.~~

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

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

21 ~~(d)(c) For communities with municipally adopted comprehensive plans which have not~~  
22 ~~received state approval pursuant to this chapter, these municipalities shall conform their land use~~  
23 ~~decisions to the locally adopted comprehensive plan until the time state approval is granted.~~ Each  
24 municipality shall amend its zoning ordinance and map to conform to the comprehensive plan in  
25 accordance with the implementation program as required by subdivision 45-22.2-6(b)(11) and  
26 paragraph 45-22.2-6(b)(12)(iv). The zoning ordinance and map in effect at the time of plan  
27 adoption shall remain in force until amended. In instances where the zoning ordinance is in  
28 conflict with an adopted comprehensive plan, the zoning ordinance in effect at the time of the  
29 comprehensive plan adoption shall direct municipal land use decisions until such time as the  
30 zoning ordinance is amended to achieve consistency with the comprehensive plan and its  
31 implementation schedule. In instances of uncertainty in the internal construction or application of  
32 any section of the zoning ordinance or map, the ordinance or map shall be construed in a manner  
33 that will further the implementation of, and not be contrary to, the goals and policies and  
34 applicable content of the adopted comprehensive plan.



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

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

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

13 (e) A one-time moratorium, for the purpose of providing interim protection for a planned  
14 future land use or uses, may be imposed during the twelve (12) months subsequent to the  
15 adoption of the local comprehensive plan provided that a change to the zoning ordinance and map  
16 has been identified and scheduled for implementation within twelve (12) months of plan  
17 adoption. The moratorium shall be enacted as an ordinance and may regulate, restrict, or prohibit  
18 any use, development, or subdivisions under the following provisions:

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

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

23 (3) The ordinance shall specify:

24 (i) The purpose of the moratorium;

25 (ii) The date it shall take effect and the date it shall end;

26 (iii) The area covered by the moratorium, and;

27 (iv) The regulations, restrictions, or prohibitions established by the moratorium.

28 (4) The moratorium may be extended up to an additional ninety (90) days if necessary to  
29 complete a zoning ordinance and map change provided that: (i) The public hearing as required by  
30 section 45-24-53 has commenced; and (ii) The chief approves the extension based on a  
31 demonstration of good cause. Said extension shall not be deemed as non-conformance to the  
32 implementation schedule.

33 (f) A moratorium enacted under the provisions of subsection (e) shall not apply to state  
34 agencies until such time that the municipal comprehensive plan receives approval from the chief

1 or superior court.

2 (g) In the event a municipality fails to amend its zoning ordinance and map to conform to  
3 the comprehensive plan within the implementation schedule, or by the expiration of the  
4 moratorium period, a municipality must amend either their implementation schedule or, if the  
5 future land use is no longer desirable or feasible, amend the future land use map.

6 (1) Failure to comply with this provision within one hundred twenty (120) days of the  
7 date of the implementation schedule or the expiration of the moratorium period shall result in the  
8 denial or rescission, in whole or in part, of state approval of the comprehensive plan and of all  
9 benefits and incentives conditioned on state approval.

10 (2) An implementation schedule amended under this provision shall not be eligible for an  
11 additional moratorium as provided for in subsection (e).

12 SECTION 2. Chapter 45-22.3 of the General Laws entitled "State Comprehensive Plan  
13 Appeals Board" is hereby repealed.

14 ~~45-22.3-1. Title.— Chapter 22.3 of this title shall be known as the "State Comprehensive~~  
15 ~~Plan Appeals Board".~~

16 ~~45-22.3-2. State comprehensive plan appeals board.— (a) There is created a state~~  
17 ~~comprehensive plan appeals board to hear and decide appeals by any municipality of a decision~~  
18 ~~of the division to approve or disapprove a comprehensive plan or any amendment to a~~  
19 ~~comprehensive plan.~~

20 ~~(b) Within ninety (90) days after the end of each fiscal year, the board shall approve and~~  
21 ~~submit an annual report to the governor, the speaker of the house of representatives, the president~~  
22 ~~of the senate, and the secretary of state, of its activities during that fiscal year. The report shall~~  
23 ~~provide an operating statement summarizing meetings or hearings held, meeting minutes if~~  
24 ~~requested, subjects addressed, decisions rendered, rules or regulations promulgated, studies~~  
25 ~~conducted, policies and plans developed, approved, or modified, and programs administered or~~  
26 ~~initiated; a consolidated financial statement of all funds received and expended including the~~  
27 ~~source of the funds, a listing of any staff supported by these funds, and a summary of any clerical,~~  
28 ~~administrative or technical support received; a summary of performance during the previous~~  
29 ~~fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings,~~  
30 ~~complaints, suspensions, or other legal matters related to the authority of the board; a summary of~~  
31 ~~any training courses held pursuant to subsection 45-22.3-3(e); a briefing on anticipated activities~~  
32 ~~in the upcoming fiscal year; and findings and recommendations for improvements. The report~~  
33 ~~shall be posted electronically on the general assembly and the secretary of state's websites as~~  
34 ~~prescribed in § 42-20-8.2 of the Rhode Island general laws. The director of the department of~~

1 ~~administration shall be responsible for the enforcement of this provision.~~

2 ~~**45-22.3-3. Membership.**—(a) The board shall consist of nine (9) members appointed by~~  
3 ~~the governor with the advice and consent of the senate, as follows:~~

4 ~~(1) Three (3) members shall be municipal elected and/or appointed officials of~~  
5 ~~municipalities considered to be in the top one third (1/3) population bracket as determined by the~~  
6 ~~most recent decennial federal census available; three (3) members shall be municipal elected~~  
7 ~~and/or appointed officials of municipalities considered to be in the middle one third (1/3)~~  
8 ~~population bracket; and three (3) member shall be municipal elected and/or appointed officials of~~  
9 ~~municipalities considered to be in the lower one third (1/3) population bracket;~~

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

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

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

16 ~~(b) Those members of the board as of the effective date of this act [April 6, 2006] who~~  
17 ~~were appointed to the board by the governor shall continue to serve for the duration of their~~  
18 ~~current terms.~~

19 ~~(c) Those members of the board as of the effective date of this act [April 6, 2006] who~~  
20 ~~were appointed to the board by members of the general assembly shall cease to be members of~~  
21 ~~the commission on the effective date of this act [April 6, 2006], and the governor shall thereupon~~  
22 ~~nominate six (6) new members, two (2) of whom shall serve an initial term of one year, two (2) of~~  
23 ~~whom shall serve an initial term of two (2) years, and two (2) of whom shall serve an initial term~~  
24 ~~of three (3) years.~~

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

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

33 ~~**45-22.3-4. Term.**—(a) Except as expressly otherwise provided in subsection 45-22.3-~~  
34 ~~3(e) of this chapter, members of the board shall serve for staggered three (3) year terms.~~

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

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

6 ~~**45-22.3-5. Appeal.**—(a) A decision of the director involving the approval or disapproval~~  
7 ~~of a comprehensive plan or any amendment may be appealed to the state comprehensive plan~~  
8 ~~appeals board.~~

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

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

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

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

15 ~~**45-22.3-6. Decisions of the board.**—(a) The board has the power to approve,~~  
16 ~~disapprove, or modify the decision of the director. In issuing a decision, the board has all the~~  
17 ~~power that the director had in issuing the initial decision, including the power to attach conditions~~  
18 ~~and restrictions.~~

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

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

22 ~~**45-22.3-7. Procedure for rules and order.**— Rules of order of the board other than~~  
23 ~~rules concerning its internal organization and affairs, shall be adopted or issued in accordance~~  
24 ~~with the state of Rhode Island's Administrative Procedures Act.~~

25 ~~**45-22.3-8. Severability.**— If any provision of this chapter or of any rule, regulation, or~~  
26 ~~determination made under it, or the application to any person, agency, or circumstances, is held~~  
27 ~~invalid by a court of competent jurisdiction, the remainder of the chapter, rule, regulation, or~~  
28 ~~determination and the application of the provisions to other persons, agencies, or circumstances~~  
29 ~~shall not be affected by the invalidity. The invalidity of any section or sections or parts of any~~  
30 ~~section or sections of this chapter shall not affect the validity of the remainder of the chapter.~~

31 SECTION 3. Sections 45-24-34 and 45-24-50 of the General Laws in Chapter 45-24  
32 entitled “Zoning Ordinances” are hereby amended to read as follows:

33 ~~**45-24-34. General provisions – Purpose and consistency with comprehensive plan. –**~~

34 (a) A zoning ordinance adopted pursuant to this chapter shall provide a statement of its purposes.

1 Those purposes shall be consistent with [§ section](#) 45-24-30. A zoning ordinance adopted or  
2 amended pursuant to this chapter shall include a statement that the zoning ordinance is consistent  
3 with the comprehensive plan of the city or town adopted pursuant to chapter 22.2 of this title, or  
4 as otherwise provided below and shall provide that in the instance of uncertainty in the  
5 construction or application of any section of the ordinance, the ordinance shall be construed in a  
6 manner that will further the implementation of, and not be contrary to, the goals and policies and  
7 applicable elements of the comprehensive plan.

8 (b) The city or town shall bring the zoning ordinance or amendment into conformance  
9 with its comprehensive plan as approved by the ~~director of administration, the state~~  
10 ~~comprehensive plan appeal board,~~ [chief of the division of planning of the department of](#)  
11 [administration](#) or the ~~supreme superior~~ court ~~not more than eighteen (18) months after approval is~~  
12 ~~given~~ [in accordance with its implementation schedule as set forth in said plan](#). A zoning  
13 ordinance shall address and specify requirements for the coordination between contiguous  
14 communities, the state, and other agencies, as required by chapter 22.2 of this title.

15 **45-24-50. Adoption – Power of council to adopt – Consistency with comprehensive**  
16 **plan.** – (a) For the purpose of promoting the public health, safety, morals, and general welfare, a  
17 city or town council has the power, in accordance with the provisions of this chapter, to adopt,  
18 amend, or repeal, and to provide for the administration, interpretation, and enforcement of, a  
19 zoning ordinance. The provisions of a zoning ordinance are stated in text and map(s), and may  
20 incorporate charts or other material.

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

24 (c) A zoning ordinance adopted or amended during the pendency of the approval of a  
25 municipality's comprehensive plan must be consistent with that plan, until the zoning ordinance is  
26 brought into full compliance with the Comprehensive Planning Act, [§ subdivision](#) 45-22.2-  
27 5(a)(4).

28 (d) The city or town must bring the zoning ordinance or amendment into conformance  
29 with its comprehensive plan as approved by the ~~director of administration, the state~~  
30 ~~comprehensive plan appeal board,~~ [chief of the division of planning of the department of](#)  
31 [administration](#) or the ~~supreme superior~~ court ~~not more than eighteen (18) months after approval is~~  
32 ~~given~~ [in accordance with its implementation schedule as set forth in said plan](#).

33 SECTION 4. Section 42-11-10 of the General Laws in Chapter 42-11 entitled “Statewide  
34 Planning Program” is hereby amended to read as follows:

1           **42-11-10. Statewide planning program.** – (a) Findings. The general assembly finds  
2 that the people of this state have a fundamental interest in the orderly development of the state;  
3 the state has a positive interest and demonstrated need for establishment of a comprehensive  
4 strategic state planning process and the preparation, maintenance, and implementation of plans  
5 for the physical, economic, and social development of the state; the continued growth and  
6 development of the state presents problems that cannot be met by the cities and towns  
7 individually and that require effective planning by the state; and state and local plans and  
8 programs must be properly coordinated with the planning requirements and programs of the  
9 federal government.

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

14           (2) All strategic planning, as defined in subsection (c) of this section, undertaken by ~~the~~  
15 ~~executive branch for those departments and other agencies enumerated in subsection (g) of this~~  
16 ~~section;~~ all departments and agencies of the executive branch unless specifically exempted, shall  
17 be conducted by or under the supervision of the statewide planning program. The statewide  
18 planning program shall consist of a state planning council, and ~~the office of strategic planning and~~  
19 ~~the office of systems planning of~~ the division of planning, which shall be a division within the  
20 department of administration.

21           (c) Strategic planning. Strategic planning includes the following activities:

22           (1) Establishing or identifying general goals.

23           (2) Refining or detailing these goals and identifying relationships between them.

24           (3) Formulating, testing, and selecting policies and standards that will achieve desired  
25 objectives.

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

28           (5) Preparing functional short-range plans or programs that are consistent with  
29 established or desired goals, objectives, and policies, and with long-range or system plans or  
30 comprehensive programs where applicable, and that establish measurable intermediate steps  
31 toward their accomplishment of the goals, objectives, policies, and/or long-range system plans.

32           (6) Monitoring the planning of specific projects and designing of specific programs of  
33 short duration by the operating departments, other agencies of the executive branch, and political  
34 subdivisions of the state to insure that these are consistent with and carry out the intent of

1 applicable strategic plans.

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

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

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

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

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

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

18 (4) The budget officer;

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

20 (6) ~~The chief of statewide planning, as secretary;~~ The highest-ranking administrative  
21 officer of the division of planning, as secretary;

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

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

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

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

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

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

31 (f) Powers and duties of state planning council. The state planning council shall have the  
32 following powers and duties:

33 (1) To adopt strategic plans as defined in this section and the long-range state guide plan,  
34 and to modify and amend any of these, following the procedures for notification and public

1 hearing set forth in § 42-35-3, and to recommend and encourage implementation of these goals to  
2 the general assembly, state and federal agencies, and other public and private bodies; approval of  
3 strategic plans by the governor; and to ensure that strategic plans and the long-range state guide  
4 plan are consistent with the findings, intent, and goals set forth in § 45-22.2-3, the "Rhode Island  
5 Comprehensive Planning and Land Use Regulation Act";

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

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

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

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

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

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

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

26 (7) To adopt, ~~on or before July 1, 2007, and to~~ amend and maintain as an element of the  
27 state guide plan or as an amendment to an existing element of the state guide plan, standards and  
28 guidelines for the location of eligible renewable energy resources and renewable energy facilities  
29 in Rhode Island with due consideration for the location of such resources and facilities in  
30 commercial and industrial areas, agricultural areas, areas occupied by public and private  
31 institutions, and property of the state and its agencies and corporations, provided such areas are of  
32 sufficient size, and in other areas of the state as appropriate.

33 (g) Division of planning. (1) The division of planning shall be the principal staff agency  
34 of the state planning council for preparing and/or coordinating strategic plans for the



1 comprehensive management of the state's human, economic, and physical resources. The division  
2 of planning shall recommend to the state planning council specific guidelines, standards, and  
3 programs to be adopted to implement strategic planning and the state guide plan and shall  
4 undertake any other duties established by this section and amendments thereto.

5 (2) The division of planning shall maintain records (which shall consist of files of  
6 complete copie s) of all plans, recommendations, rules, and modifications or amendments thereto  
7 adopted or issued by the state planning council under this section. The records shall be open to  
8 the public.

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

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

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

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

1 ~~31,1985.~~

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

=====  
LC00637/SUB A/3  
=====

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

\*\*\*

- 1           This act would amend the existing laws on statewide planning and land use by:
- 2           (a) Requiring participation by municipalities in the formulation of state goals and policies
- 3 in land use regulation.
- 4           (b) Requiring maintenance and coordination of date.
- 5           (c) Requiring a comprehensive plan, which must include goals and policies and detailed
- 6 maps which would identify:
- 7           (1) Natural resources and conservation;
- 8           (2) Open space and outdoor recreation;
- 9           (3) Historic and cultural resources;
- 10           (4) Existing housing patterns;
- 11           (5) Types and patterns of economic activities with an eye toward economic growth;
- 12           (6) Services and facilities (infrastructure);
- 13           (7) Proposed and existing street patterns, mass transit and bikeways;
- 14           (8) Potential natural hazards; and
- 15           (9) Future land use.
- 16           (d) Detailing the procedure which must be followed in the approval and adoption of a
- 17 comprehensive plan and how appeals from a decision must be taken.
- 18           (e) Providing for a one-time moratorium period.
- 19           This act would take effect upon passage.

=====  
LC00637/SUB A/3  
=====