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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

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

Introduced By: Senators Cote, Raptakis, E O'Neill, Gee, and Kettle

Date Introduced: March 11, 2015

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-22.2-6 of the General Laws in Chapter 45-22.2 entitled "Rhode
2 Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:

3 **45-22.2-6. Required content of a comprehensive plan.** -- (a) The comprehensive plan
4 must utilize a minimum twenty (20) year planning timeframe in considering forecasts, goals, and
5 policies.

6 (b) The comprehensive plan must be internally consistent in its policies, forecasts, and
7 standards, and shall include the content described within this section. The content described in
8 subdivisions (1) through (10) may be organized and presented as deemed suitable and appropriate
9 by the municipality. The content described in subdivisions (11) and (12) must be included as
10 individual sections of the plan.

11 (1) Goals and policies. - The plan must identify the goals and policies of the municipality
12 for its future growth and development and for the conservation of its natural and cultural
13 resources. The goals and policies of the plan shall be consistent with the goals and intent of this
14 chapter and embody the goals and policies of the state guide plan.

15 (2) Maps. - The plan must contain maps illustrating the following as appropriate to the
16 municipality:

17 (i) Existing conditions:

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

- 1 (B) Zoning;
- 2 (C) Key infrastructure such as, but not limited to, roads, public water, and sewer;
- 3 (D) Service areas for public water and sewer;
- 4 (E) Historical and cultural resource areas and sites;
- 5 (F) Open space and conservation areas (public and private); and
- 6 (G) Natural resources such as, but not limited to, surface water, wetlands, floodplains,
- 7 soils, and agricultural land;
- 8 (ii) Future land use illustrating the desired patterns of development, density, and
- 9 conservation as defined by the comprehensive plan; and
- 10 (iii) Identification of discrepancies between future land uses and existing zoning use
- 11 categories.
- 12 (3) Natural resource identification and conservation. - The plan must be based on an
- 13 inventory of significant natural resource areas such as, but not limited to, water, soils, prime
- 14 agricultural lands, forests, wildlife, wetlands, aquifers, coastal features, and floodplains. The plan
- 15 must include goals, policies, and implementation techniques for the protection and management
- 16 of these areas.
- 17 (4) Open space and outdoor recreation identification and protection. - The plan must be
- 18 based on an inventory of outdoor recreational resources, open space areas, and recorded access to
- 19 these resources and areas. The plan must contain an analysis of forecasted needs, policies for the
- 20 management and protection of these resources and areas, and identification of areas for potential
- 21 expansion. The plan must include goals, policies, and implementation techniques for the
- 22 protection and management of existing resources and acquisition of additional resources if
- 23 appropriate.
- 24 (5) Historical and cultural resources identification and protection. - The plan must be
- 25 based on an inventory of significant historical and cultural resources such as historical buildings,
- 26 sites, landmarks, and scenic views. The plan must include goals, policies, and implementation
- 27 techniques for the protection of these resources.
- 28 (6) Housing. - The plan ~~must~~ may include the identification of existing housing patterns,
- 29 an analysis of existing and forecasted housing needs, and identification of areas suitable for future
- 30 housing development or rehabilitation. The plan ~~shall~~ may include an affordable housing program
- 31 that meets the requirements of § 42-128-8.1, the "Comprehensive Housing Production and
- 32 Rehabilitation Act of 2004" and chapter 45-53, the "Rhode Island Low and Moderate Income
- 33 Housing Act". The plan ~~must~~ may include goals and policies that further the goal of subdivision
- 34 45-22.2-3(c)(3) and implementation techniques that identify specific programs to promote the

1 preservation, production, and rehabilitation of housing. Each city or town shall have the option to
2 decline to comply with any provision contained in this chapter and the state guide plan relating to
3 affordable housing programs described in this subsection, including land use provisions related to
4 affordable housing currently or as contained in any further amendment within ninety (90) days of
5 the effective date of any amendment. The option shall be exercised by filing a timely notice, in
6 writing, of declination with the chief.

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

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

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

29 (10) Natural hazards. - The plan must include an identification of areas that could be
30 vulnerable to the effects of sea-level rise, flooding, storm damage, drought, or other natural
31 hazards. Goals, policies, and implementation techniques must be identified that would help to
32 avoid or minimize the effects that natural hazards pose to lives, infrastructure, and property.

33 (11) Land use. - In conjunction with the future land use map as required in subdivision
34 45-22.2-6(b)(2)(ii), the plan must contain a land use component that designates the proposed

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

11 (12) Implementation program.

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would remove the mandate requiring cities and towns to include an affordable
2 housing program in their comprehensive plans and would provide an opt-out provision regarding
3 any provision in the state guide plan regarding affordable housing and any related land use
4 provisions.

5 This act would take effect upon passage.

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