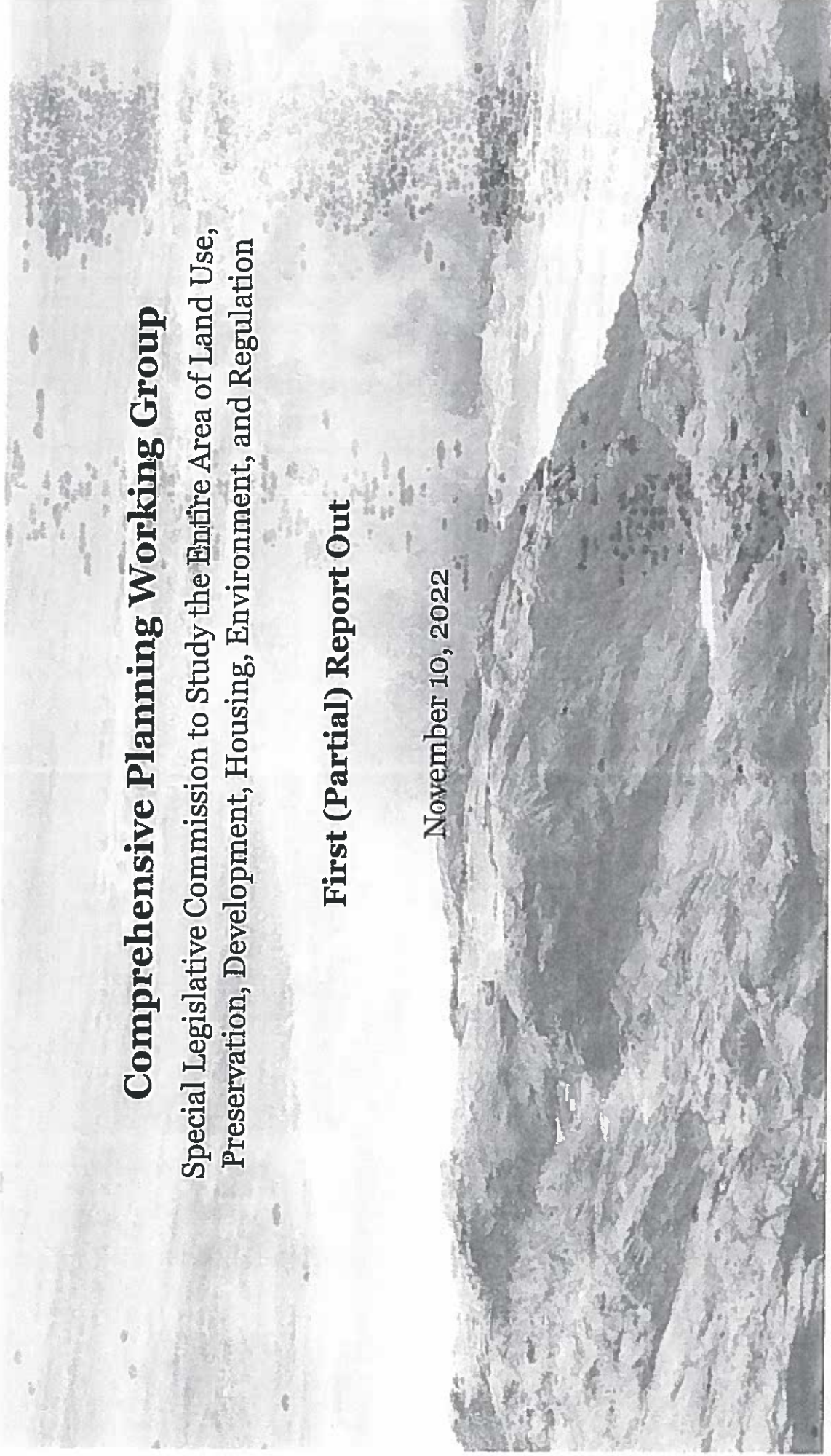


# **Comprehensive Planning Working Group**

Special Legislative Commission to Study the Entire Area of Land Use,  
Preservation, Development, Housing, Environment, and Regulation

**First (Partial) Report Out**

November 10, 2022



## Who's on the Working Group?

- Chair, Meredith Brady, Associate Director, Division of Statewide Planning
- Topher Hamblett, Director of Advocacy, Save the Bay
- Lawrence Taft, Executive Director, Audubon Society of Rhode Island
- Dr. Edinaldo Tebaldi, Professor of Economics, Bryant University
- Commission Chair Thomas Deller and Vice Chair Maria Mack have also joined us.

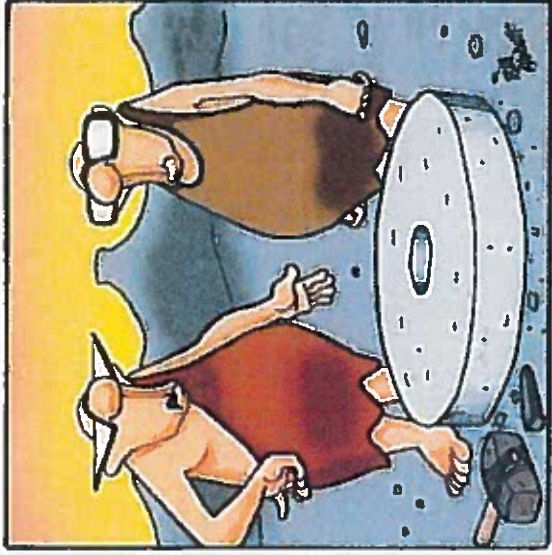


## Who Have We Spoken With?

- Staff from the Division of Statewide Planning responsible for reviewing local comprehensive community plans and working with municipalities. (Assistant Chief Roberta Groch, AICP & Supervising Planner Joshua O'Neill, AICP)
- Former Associate Director, Division of Statewide Planning, & former Cranston Planning Director Kevin Flynn, AICP
- Upcoming: Andy Teitz, Esq, AICP, Rhode Island land use law expert (next week), additional experts to be scheduled.



## Inventing the Wheel



“I thought I was on to something  
but I can’t figure out how to  
move it.”

## Some Background – Statutes and Process

### Chapter 22.2 Rhode Island Comprehensive Planning and Land Use Act

- **§ 45-22.2-1. Title.**
- **§ 45-22.2-2. Status of comprehensive plans: relation to other statutes.**
- **§ 45-22.2-3. Legislative findings and intent — Statement of goals.**
- **§ 45-22.2-4. Definitions.**
- **§ 45-22.2-5. Formulation of comprehensive plans by cities and towns.**
- **§ 45-22.2-6. Required content of a comprehensive plan.**
- **§ 45-22.2-7. Coordination of municipal planning activities.**
- **§ 45-22.2-8. Preparation, adoption, and amendments of comprehensive plans.**
- **§ 45-22.2-9. State review of local comprehensive plans.**
- **§ 45-22.2-9.1. Appeals.**
- **§ 45-22.2-10. Coordination of state agencies.**
- **§ 45-22.2-11. State technical and financial assistance.**
- **§ 45-22.2-12. Maintaining and re-adopting the plan.**
- **§ 45-22.2-13. Compliance and implementation.**
- **§ 45-22.2-14. Severability.**



# What is the Purpose and Importance of the Municipal Comprehensive Plan?

## A Municipal Comprehensive Plan:

1) Has the legal authority to act as the vehicle for guiding community development

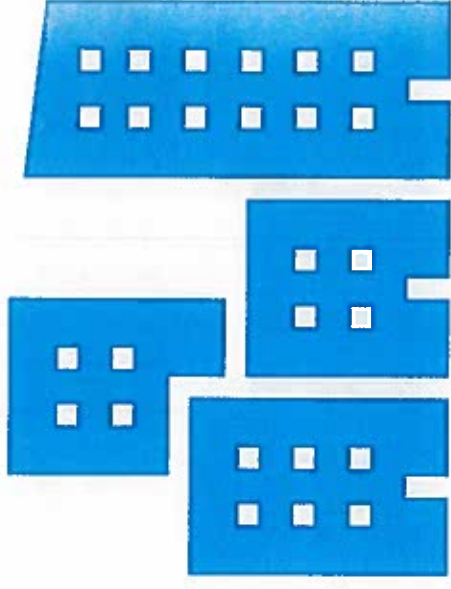
2) The scope to cover the necessary functions and processes to achieve community goals

3) Has the advantage of being able to coordinate other policies, plans, and programs into a single accessible document.

4) The history of practice to inspire public acceptance of its policies.

# Rhode Island's Reciprocal System of Comprehensive Planning

- Rhode Island has a reciprocal system of land use planning: the State sets broad goals and policies through the State Guide Plan and municipalities express local desires and conditions through the Community Comprehensive Plan.
- These local comprehensive plans serve as the basis for land use regulation and establish an implementation program for achieving each community's stated goals.
- The local comprehensive plans are reviewed by the State, and when approved, become binding on State agencies by requiring conformance of their programs and projects to the municipal comprehensive plan.





# The Division of Statewide Planning

Planning for Rhode Island's  
physical, economic, and social development since 1964

Central state  
planning  
agency  
established by  
R.I. General  
Law 42-11

Coordinate the  
activities of  
government  
agencies, &  
communities, &  
organizations  
through the State  
Guide Plan

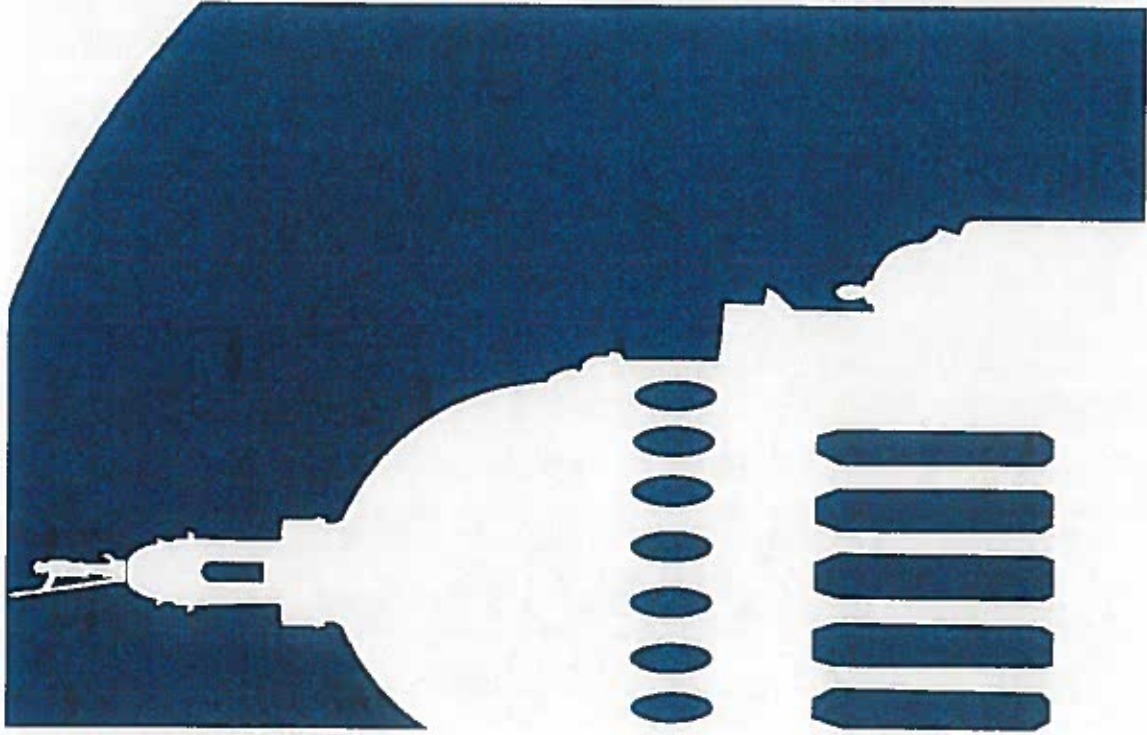
Provide planning  
assistance to the  
Governor, the  
General Assembly,  
municipalities,  
and other state  
agencies

Review local  
comprehensive  
plans, proposed  
projects, and  
activities for  
consistency  
with the State  
Guide Plan

Metropolitan  
Planning  
Organization  
(MPO) for federal  
transportation  
planning and  
funding







**The Comprehensive Planning Standards Manual**  
**-- <https://planning.ri.gov/planning-areas/local-comprehensive-planning-standards-and-guidance>**

- Municipalities are required by RIGL 42-22.2 – the Comprehensive Planning Act – to create and maintain comprehensive community plans.
- Municipalities are required to satisfy a list of requirements found in the Act and to submit their plans to the State for approval.
- How should a community address all the Act’s requirements? How can a community know if their comprehensive plan is satisfactorily addressing the requirements of the Act?

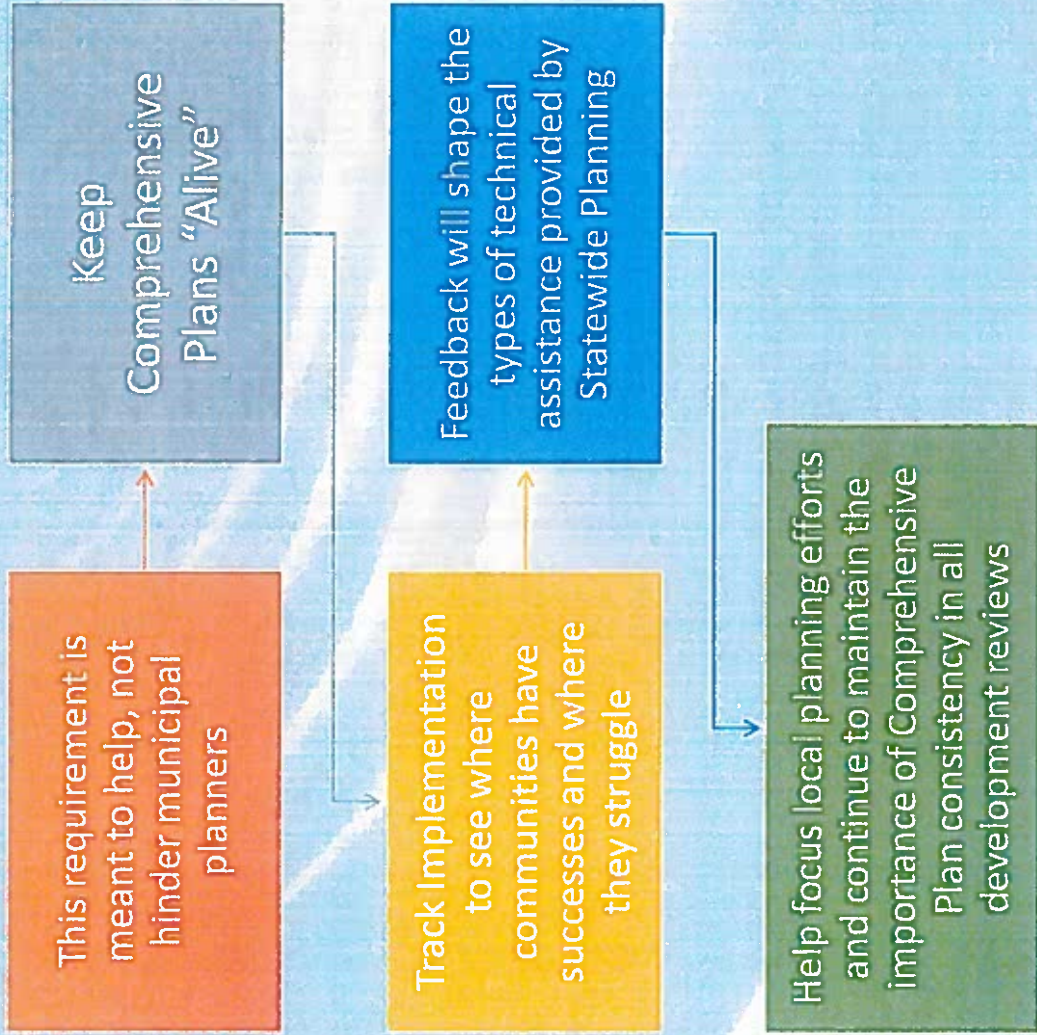
## The Required Elements of a Comprehensive Plan

- Natural Resources and Conservation
- Open Space and Outdoor Recreation
- Historic and Cultural Resources
- Housing
- Economic Development
- Public Services and Facilities
- Transportation/Circulation
- Natural Hazards
- Land Use
- Implementation Program

## A Noticeable Change in 2011

- In 2011, the Comprehensive Planning and Land Use Act was amended to add Natural Hazards and Energy as two new areas that must be addressed in municipal comprehensive plans
- Also, within the update to the legislation, comprehensive plans were required to be updated at a minimum every ten (10) years versus every five years (5) as it had been previously.
- While the update deadline was extended, a new requirement to submit “Implementation Reports” every five (5) years was created as so that the Division of Statewide Planning could track municipal progress in achieving Comprehensive Plan goals.

# Why Do Municipalities Have to File a Status Report?



Municipality	Municipality Approved	State Approved	Plan/Approval Expiration	Approval Status
Barrington	3/25/2015	5/11/2015	5/10/2025	Fully Approved
Bristol	1/25/2017	2/2/2017	2/1/2027	Fully Approved
Burrillville	7/9/2018	12/3/2018	12/2/2028	Fully Approved
Central Falls	12/18/2006	11/1/2007	10/31/2012	Expired
Charlestown	5/4/2021	8/4/2021	8/3/1931	Fully Approved
Coventry	3/5/1999	3/22/1999	3/21/2004	Expired
Cranston	8/25/2010	10/18/2012	7/1/2017	Expired
Cumberland	6/25/2016	4/19/2017	4/18/2027	Fully approved
East Greenwich	3/24/2014	4/1/2014	3/31/2024	Fully approved
East Providence	1/5/2010			Denied
Exeter	12/8/2003	3/3/2004	3/2/2009	Expired
Foster	6/8/2006	9/14/2006	9/13/2011	Expired
Glocester	4/19/2018	7/26/2018	7/25/2028	Fully Approved
Hopkinton	5/4/2017	3/27/2018	3/26/2028	Fully Approved
Jamestown	4/6/2015	5/15/2015	5/14/2025	Fully Approved
Johnston	9/30/2009	11/17/2009	11/16/2014	Expired
Lincoln	8/19/2003	9/20/2004	9/19/2009	Expired
Little Compton	2/15/2018	4/30/2018	4/29/2028	Fully Approved
Middletown	3/2/2015	11/20/2015	11/21/2025	Fully Approved
Narragansett	9/5/2017	10/3/2017	10/2/2027	Fully Approved
New Shoreham	11/16/2016	3/2/2017	3/1/2027	Fully Approved
Newport	2/8/2017	5/3/2017	5/2/2027	Fully Approved
North Kingstown	11/19/2018	11/18/2019	11/17/2029	Fully Approved
North Providence	8/20/2014	11/17/2014	11/16/2024	Fully Approved
North Smithfield	4/1/2019	10/29/2019	10/28/2029	Fully Approved
Pawtucket	3/22/2017	6/16/2017	6/15/2027	Fully Approved
Portsmouth	10/26/1992	8/15/2002	8/14/2007	Expired
Providence	11/20/2014	1/5/2015	1/4/2025	Fully Approved
Richmond	2/15/2022	3/22/2022	3/22/1932	Fully Approved
Scituate	6/12/2003	7/19/2004	7/18/2009	Expired
Smithfield	1/17/2017	10/3/2017	10/2/2027	Fully Approved
South Kingstown	5/24/2021	9/15/2021	9/15/1931	Fully Approved
Tiverton	10/22/2018	11/5/2018	11/4/2028	Fully Approved
Warren	1/13/2004	2/12/2004	2/11/2009	Expired
Warwick	4/17/2014	8/18/2014	8/17/2024	Fully Approved
West Greenwich	12/16/1995			Denied
West Warwick	2/26/2020	8/17/2020	8/16/2030	Fully Approved
Westerly	1/20/2021	5/13/2021	5/12/1931	Fully Approved
Woonsocket	4/4/2012	4/24/2012	4/23/2017	Expired

## Re-Inventing the Wheel?

Current Process



Comprehensive Planning Statute



Improved Process



### **The Issues – What’s Broken (Part 1)**

- Lack of staff – state, municipal, private sector
- Lack of resources – state, municipal, private sector
- State Guide Plan – some elements out of date, other plans adopted outside of SGP

### **The Solutions – How to Fix It (Part 1)**

- Reestablish a graduate degree in Community Planning in Rhode Island.
- Develop program to provide education assistance to those who work or can be trained on the job in planning in Rhode Island
- Carrots!
  - Fund return of FTEs at Division of Statewide Planning to provide technical assistance to municipalities in developing comprehensive community plans
  - Fund grants to municipalities for local staff or consultants to develop & update plans
- Update State Guide Plan elements and reliably adopt long-range plans as SGP elements.
  - Consider what elements (if any) should be added
  - Require that all agencies work with Statewide Planning staff on long-range planning efforts.
  - Provide non-transportation funding to Statewide Planning staff



### **The Issues – What’s Broken**

- Lack of staff – state, municipal, private sector
- Lack of resources – state, municipal, private sector
- Struggle to keep from losing staff or funding resources
- State Guide Plan – some elements out of date, other plans adopted outside of SGP
- Timing of Comprehensive Plan reviews and adoption.
- Local body decisions, findings, conformance with Comp Plan



## **The Solutions –How to Fix It**

- Reestablish a graduate degree in Community Planning in Rhode Island.
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- Carrots!
- Fund return of FTEs at Division of Statewide Planning to provide technical assistance to municipalities in developing comprehensive community plans
- Fund grants to municipalities for local staff or consultants to develop & update plans
- Update State Guide Plan elements and reliably adopt long-range plans as SGP elements.
- Consider what elements (if any) should be added
- Require that all agencies work with Statewide Planning staff on long-range planning efforts.
- Provide non-transportation funding to Statewide Planning staff
- Other Changes
  - Stagger timing of review of Comprehensive Community Plans – consider adding language that allows for flexible timing based on community needs.
  - Require Council to make separate findings of compliance (or non-compliance) with Comp Plan if decisions vary from Planning Board recommendation.

### **Funding – Where Would It Come From?**

- Should be tied to something related to planning
- Real estate transfer tax: projected to raise \$21m in Rhode Island in FY2023
- Based on \$2.30 per \$500 tax (and an additional \$2.30 per \$500 for residential properties over \$800k)
- \$.20 increase would provide approximately \$1.6m (rough projection)
- Other ideas?