

TIMING IS EVERYTHING

Bringing Your Comprehensive Plan into Compliance with the Comprehensive Planning and Land Use Act

The Comprehensive Planning and Land Use Regulation Act (the Act) was amended in 2011. The amended Act provides more flexibility for organizing a comprehensive plan and includes some new topical requirements that must be addressed. Additionally, the Act mandates that comprehensive plans be in compliance with the Act, as amended, prior to June 1, 2016, meaning that municipalities should begin thinking about the process for, and time line of, preparing and adopting a new plan.

CONSISTENCY BY JUNE 1, 2016

Comprehensive plans must be consistent with the new requirements of the Act by June 1, 2016 [[See RIGL 45-22.2-2 \(a\)](#)]. In short, this means that:

1. the legislative body of the municipality must adopt a comprehensive plan meeting all the new requirements prior to June 1, 2016; and
2. the adopted comprehensive plan must be sent to the Associate Director of the Division of Planning within 30 days of its adoption.

Full adoption requires at least one public hearing before the planning board or commission and one public hearing before the city or town council, both of which are preceded by 3 weeks of public notice. The adoption timeline can vary dramatically by city or town; municipalities have the option to hold a joint meeting of the two bodies, some councils choose to hold consideration of the plan until the next meeting after the hearing, and many municipalities hold more than one meeting of each body. Municipalities are advised to begin the adoption process as early as possible before the June 1, 2016 deadline to account for the potential variations.

To meet the deadline of the Act, the Rhode Island Statewide Planning Program (RI SPP) advises that municipalities begin their public hearing process no later than January 2016, and to account for any surprises that may come along during the adoption process,

municipalities should plan to begin holding public hearings well in advance of that date. If your municipality would like to have State approval in place by June 1, 2016, the State review process must also be factored into the timeline (more information provided below).

OBTAINING AND MAINTAINING STATE-APPROVAL

With the June 1, 2016 deadline, currently approved comprehensive plans now fall into two categories – plans whose approval will expire prior to June 1, 2016 and plans whose approval will expire on June 1, 2016. Any plan that had received a 5-year State approval prior to June 1, 2011 will expire 5 years from the date of adoption.

RI SPP strongly recommends that State approval of comprehensive plans not be allowed to lapse. State approval provides the following benefits for municipalities:

1. State approval verifies that comprehensive plans meet all of the requirements of the Act. [[See RIGL 45-22.2-9 \(d\)](#)]
2. State approval allows the comprehensive plan to be submitted to any state agency which requires the submission of the plan as a part of its requirements. For example, submission of a comprehensive plan is required for certain state grant applications. If the comprehensive plan does not have state approval, the submission of said comprehensive plan will not satisfy the application requirement. [[See RIGL 45-22.2-9 \(h\)](#)]
3. Once a comprehensive plan is approved, programs and projects of state agencies, excluding the

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state guide plan, must conform to the plan.
[See RIGL 45-22.2-10 (g)]

Comprehensive plans whose State approval will expire prior to June 1, 2016

If a municipality's comprehensive plan received State approval prior to June 1, 2011, the approval will expire 5-years from the date approval was given. In this circumstance, municipalities have two options for maintaining their approval status.

1. Municipalities may choose to adopt a comprehensive plan that is consistent with the previous version of the Act and obtain an approval that will expire on June 1, 2016. This may be a good choice if the municipality is already well underway with a comprehensive plan update under the previous requirements of the Act, with local adoption expected within the next few months. However, a new plan, meeting the requirements of the Act as amended, must still be prepared and adopted prior to June 1, 2016, meaning that two adoption processes and two State review processes would be needed between now and 2016. This option may not be the best choice for most municipalities.
2. Municipalities may choose to adopt a comprehensive plan that is fully consistent with the new Act and obtain State approval prior to the expiration of the currently-approved plan. This will likely be the best choice for the majority of comprehensive plans that expire prior to June 1, 2016.

Comprehensive plans whose State approval will expire on June 1, 2016.

If a municipality's comprehensive plan received State approval after June 1, 2011, the plan's State approval will automatically expire on June 1, 2016 unless that plan was previously found to be consistent with the amended Act. In order for State approval not to lapse, municipalities must adopt plans that are in compliance with the Act and have said plans approved by the State prior to June 1, 2016.

Comprehensive plans without current State approval

If the State approval of a municipality's comprehensive plan has already expired or never been granted, there is no better time than now to bring the plan into compliance. RI Statewide Planning Program staff is available to assist in your revision process, as described below.

TIMELINES FOR STATE REVIEW OF COMPREHENSIVE PLANS

The timeline for State review of comprehensive plans depends on whether the municipality submitted the comprehensive plan for draft review prior to adoption, as described below.

- If a plan was reviewed as a complete draft by RI SPP prior to local adoption, State review can take no more than 30 days (which starts after a 30 day public comment period).
- If a plan was not reviewed as a complete draft by RI SPP prior to local adoption, State review can take no more than 120 days (which starts after a 30 day public comment period).

State Review Timeline



Local Adoption and State Review Timing

Municipalities that intend to undertake full draft review by RI SPP prior to approval by planning board/commission have approximately **28 months** to complete revisions

Municipalities that do not undertake full draft review by RI SPP prior to approval by planning board/commission have approximately **25 months** to complete revisions

- June 2013
- July 2013
- August 2013
- September 2013
- October 2013
- November 2013
- December 2013
- January 2014
- February 2014
- March 2014
- April 2014
- May 2014
- June 2014
- July 2014
- August 2014
- September 2014
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- January 2015
- February 2015
- March 2015
- April 2015
- May 2015
- June 2015
- July 2015
- August 2015
- September 2015
- October 2015
- November 2015
- December 2015
- January 2016
- February 2016
- March 2016
- April 2016
- May 2016

- Planning Board/Commission Hearing
- Approval by Planning Board/Commission
- City/Town Council Hearing
- Adoption by City/Town Council
- Public Notice & Comment Period - 45 days
- State Review Process - 30 days with full draft review
- Revisions to Address State Comments
- Final State Review and Letter - 30 days

- Planning Board/Commission Hearing
- Approval by Planning Board/Commission
- City/Town Council Hearing
- Adoption by City/Town Council
- Public Notice & Comment Period - 45 days
- State Review Process - 120 days without full draft review
- Revisions to Address State Comments
- Final State Review and Letter - 30 days

ASSISTANCE FROM STATEWIDE PLANNING PROGRAM STAFF

The RI Statewide Planning Program (RI SPP) is here to help. RI SPP's Comprehensive Planning team wants your community's comprehensive plan to be the best it can be and staff is available to assist in a variety of ways over the course of your update, long before the plan goes to the city or town council for approval.

Before You Begin

Talk to us before advisory committees are organized, citizens are gathered, pen is put to paper or a consultant is hired. To make the final approval process as easy as possible, we suggest the following pre-project process so that RI SPP staff can give you the maximum amount of support possible.

Step 1: Initial contact with RI SPP staff

Call or email Kevin Nelson, the comprehensive planning Supervising Planner, at kevin.nelson@doa.ri.gov or 222-2093, to alert RI SPP that the community will be beginning the process and to kick-off RI SPP's participation in the effort. Let Kevin know where the community is in the process (i.e. are you just beginning to think about the update or have you already hired a consultant) and, if there are any specific aspects of the plan that present concerns, point those out. If there is already a sense of how extensive the revisions will be, let us know that as well.

Step 2: Discussion with RI SPP staff

Upon undertaking the revision process, the municipality should review the existing plan to determine:

1. What aspects of the plan need revising (or how extensive the revisions will be); and
2. If there are any critical issues that the community will need RI SPP assistance with throughout the update process.

Once this review has been completed, a meeting should be scheduled with all of the involved players from both the municipality and RI SPP. At this initial meeting, RI SPP staff will provide the municipality some important information about RI SPP's expectations regarding what will be necessary for the comprehensive plan revision to receive state approval. Specifically, RI SPP staff will highlight any new requirements of the Act that weren't required at the time the previous version was adopted and will give any initial ideas that could help to strengthen the plan.

This meeting also provides an opportunity for the team to review with RI SPP the process that will be undertaken to get from the existing plan to a plan that is ready for state approval and for RI SPP to give the team some ideas for the process based on our experience with other communities. The staff of RI SPP has experience developing comprehensive plans and engaging the public and would be happy to provide input to strengthen the process. Also, RI SPP staff can alert the team to anything that might be required for State approval that has been inadvertently left out. Having this upfront meeting of the minds will get everyone on the same page about the process and requirements.

During the Drafting Process

Among other things, the RI Statewide Planning Program is equipped to provide the following types of technical assistance to a municipality during the crafting of a comprehensive plan. To request technical assistance on your comprehensive plan, contact Jared Rhodes, Chief of the RI Statewide Planning Program, at jared.rhodes@doa.ri.gov or 222-5772.

- Review proposed processes and methods for existing conditions analysis, such as surveys, assessment tools, inventory methods and data to be gathered.
- Assist in data gathering from state agencies or the census bureau.
- Review results of existing conditions analysis and provide recommendations on determining needs.
- Brainstorm on agendas or the process for public workshops and meetings.
- Assist with public workshop and meeting facilitation.
- Provide topical presentations to planning board and/or citizens related to state goals.
- Attend advisory committee meetings to provide input on how suggested revisions support or hinder state goals.
- Review proposed implementation program (goals, policies, objectives, and implementation strategies) and provide recommendations on strengthening the program.
- Provide samples and models as are available.
- Develop required maps using available data.

Draft Review

We highly recommend getting RI SPP staff involved in the draft review process as early as possible. RI SPP and many of the other State agencies are willing and able to review drafts of a community's comprehensive plan both

as they are produced and in its final version.

Encouraging draft review of comprehensive plans is important to RI SPP because we feel that municipalities get a large amount of value from the draft review process. The most obvious benefit of draft review is the reduction in the statutorily mandated, post-adoption state review time period. Without draft review, state review can take up to 120 days; with review of a complete final draft, state review must be completed within 30 days. However, draft review provides many additional benefits to municipalities. RI SPP staff have a lot of experience crafting comprehensive plans, performing assessments, determining needs and creating user-friendly documents and we'd be happy to share our experience with you to strengthen your plan. Perhaps the most important benefit, though, is that draft review enables two-way discussions between RI SPP staff and the local comprehensive planning team about issues that may hinder approvability. During draft review, RI SPP staff can alert the local team to any unmet requirements of the Act or conflicts with state goals and policies and a conversation can be had about the various ways to address the issues. Addressing approvability issues prior to a Planning Board or Commission approval and City or Town Council adoption can limit post-adoption revisions, saving time and eliminating the need for additional hearings.

RI SPP can review both individual chapters and the plan as a whole and can offer advice on both strengthening the contents of the plan and on resolving issues that may hinder approvability. To make the draft review process as effective as possible, RI SPP recommends municipalities take advantage of both of the stages of draft review outlined below.

Review of Draft Chapters

First, RI SPP recommends that municipalities submit draft chapters for informal review by staff at RI SPP. We will do our best to give any and all advice that is applicable, including suggestions on:

- Major issues that might hinder the plan's approvability;
- Other factors to consider in the existing conditions analysis;
- The appropriate use of terminology, including goals, objectives, policies and implementation actions;
- Any seeming inconsistencies in the plan's text; and
- Making the document more user-friendly.

If, during the review of a particular chapter, RI SPP staff feels that the municipality would benefit from getting other agencies or entities involved in the review, we will suggest their involvement to the municipality and will assist in coordinating their involvement as may be necessary, but involvement of other state agencies will be at the discretion of the municipality.

Review of Full Final Drafts

Second, we recommend that municipalities submit a full draft of the comprehensive plan for review by both RI SPP staff and the staff of other state agencies prior to Planning Board or Commission approval. This review can happen whether or not draft chapters have been previously reviewed, but must occur in order to qualify a plan for the reduced final review time outlined in the Act. [\[See RIGL 45-22.2-9 \(c\) \(3\)\]](#)

During this review, the full draft of the plan will be sent for comment to all of the agencies that will be involved in the final review of the adopted plan. RI SPP will summarize all of the agencies' comments, pointing out which comments present approvability issues for the plan, and will work with the municipality to address any problems that may arise. It can be expected that agency comments will be less extensive if the agencies have performed a technical assistance review of the draft material and the municipality has addressed any preliminary comments that may have been brought forward.

This review can only occur if a full draft of the plan is submitted. RI SPP will need to review the plan as a whole in order to identify any major inconsistencies between the chapters and provide any final thoughts on major issues that will be an impediment to final approval.

Summary

There are two types of review available for comprehensive plan updates. Municipalities should indicate which type of draft review is being sought when requesting assistance.

- One or more draft chapters may be submitted for informal review by RI SPP staff.
- A full final draft of the comprehensive plan may be submitted for review by RI SPP staff and staff of other State agencies.

Please note – draft amendments can also be reviewed by RI SPP staff and/or the staff of other State agencies prior to adoption, to reduce final review time.

THE RI COMPREHENSIVE PLANNING GUIDEBOOK

The RI Statewide Planning Program is also in the process of developing a written handbook for municipalities on comprehensive planning. The guidance is expected to be released later this year and is anticipated to include specific guidance about what content will be required for state approval. The guidebook will include guidance on all of the topics required by the Act, as well as ideas and options for the comprehensive planning process and public participation. Contact Chelsea Siefert, Principal Planner, at chelsea.siefert@doa.ri.gov or 222-4721 with any questions about the guidebook..

**A city is not an accident,
but the result of coherent vision and aims.**

- Leon Krier, *The Architecture of Community*

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