Handbook Number16

Handbook on the Local Comprehensive Plan

For the Rhode Island Comprehensive Planning and Land Use Regulation Act

June 1989

Update 2003

The State Planning Council
Division of Planning
Rhode Island Department of Administration
One Capitol Hill
Providence, RI 02908

PREFACE

Rhode Island's Comprehensive Planning and Land Use Regulation Act of 1988 requires, in section 45-22.2-I0(B), that:

> The Director (of the Rhode Island Department of Administration) shall develop standards to assist municipalities in the incorporation of the State goals and policies into comprehensive plans and to guide the Director's review of comprehensive plans and State agency activities.

The intent of this Handbook is to provide such standards and guidance to municipalities. The Handbook describes the material to be included in each of nine local plan elements and the procedures to be followed by municipalities to meet the requirements of the Act.

This handbook was prepared by William E. L. Sutton, Jr., consultant to the Division of Planning. Assistance was provided by the following staff members: Susan P. Morrison, Chief, Office of Systems Planning; and M.J.Giusti 111, Supervising Draftsperson.

This activity was carried out under Task 612, Comprehensive Planning and Land Use Regulation Act, in the FY 1989 Work Program of the Division of Planning. Funding support was provided by state appropriations under the Act.

This Handbook was adopted, following regulatory procedures, by the State Planning Council on June 8, 1989.

HANDBOOK UPDATE (DECEMBER 1995)

This Handbook has been amended twice by the State Planning Council since its adoption. These two amendments have been incorporated in Part I of the Handbook.

In addition, both the Rhode Island Comprehensive Planning .and Land Use Regulation Act and the State Comprehensive Plan Appeals Board (Appendices A and B) have been amended and are reprinted herein in their present form.

Two other changes should be noted at this point. The Handbook's Table of Contents has been updated to reflect the above changes and the new location of the Division of Planning is listed.

Table of Contents

Preface ii

Part

I: BACKGROUND I-1

A General Summary of the Rhode Island Comprehensive Planning and Land Use Regulation Act I-1
B. Prior Handbooks I-3
C. New Informational Material Related to this Act I-3
D. State Contact for Assistance I-4
E. Purpose and Use of this Handbook I-4

1. Amendment #1 I-5
2. Amendment #2 I-7

II. LOCAL COMPLIANCE WITH THE ACT II-1

A. Financial and Technical Resources for Planning II-1

1. Assistance from the State of Rhode Island II-1
2. Local Technical Resources II-1

B. Municipal Responsibility for Comprehensive Plan Preparation II-3
C. Cooperative Action by Contiguous Cities and Towns II-3
D. General Timetable for Municipalities II-4

1. State Deadlines II-4
2. Local Government Deadlines II-4

E. Required Comprehensive Plan Elements II-5
F. Options for Presentation of the Local Comprehensive Plan II-5

1. Report with Text, Maps, Charts, Tables and Graphs II-5
2. Abbreviated Text Material with Display Graphics II-6
3. Video or Motion Picture Presentation II-7
4. Newspaper Supplements and Press Releases II-7

G. Coordination with Plans of Contiguous Communities II-7
H. Consistency with the State Guide Plan II-8
I. The adoption Process for a Local Comprehensive Plan II-9
J. State Review and Acceptance of the Local Comprehensive Plan II-9
K. Maintaining the Validity of the Local Comprehensive Plan II-9
L. The Local Comprehensive Plan and the Zoning Ordinance II-10

III. THE ROLE OF THE STATE GUIDE PLAN III-1

A. State Guide Plan Element I 10-Goals and Policies III-2
B. State Guide Plan Element I 12-Policy Statement: Resources Management in the Reuse of Surplus Navy Lands III-5
C. State Guide Plan Element 121 -Land Use 201 0: State Land Use Policies and Plan III -5
D. State Guide Plan Element 152-Ocean State Outdoors: Recreation and Conservation Strategies for Rhode Island III-6
E. State Guide Plan Element 161 -Forest Resources Management Plan III-6
F. State Guide Plan Element 21 1 -Economic Development Strategy III-7
G. State Guide Plan Element 421 -State Housing Plan III-8
H. State Guide Plan Element 422-Areawide Housing Plan III-8
I. State Guide -Plan Element 610- Rhode Island Transportation Plan 1990 III-9
J. State Guide Plan Element 61 1 -Interim Ground Transportation Plan -- Year 2010 III-9
K. State Guide Plan Element 620-Transportation System Management Plan III-10
L. State Guide Plan Element 621 -Policy Statement: Proposals for New or Restructured Public Transit Facilities or Service III-10
M. State Guide Plan Element 640-State Airport System Plan III-11
N. State Guide Plan Element 691 -Transportation Element of the State Implementation Plan for Air Quality III-11
O. State Guide Plan Element 710-Water Resources Management and Water Quality Management Plans III-12
P. State Guide Plan Element 72 1 -Water Supply Policies for Rhode Island III-13
Q. State Guide Plan Element 78 1 -Energy Facility Siting III-14

IV. THE LOCAL COMPREHENSIVE PLAN AND ITS REQUIRED ELEMENTS IV-1

A. Findings, Intent and Goals of the Act IV-1
B. The Required Elements of the Local Comprehensive Plan IV-2

1. Goals and Policies Statement - Element 1 IV-7
2. Land Use Plan Element - Element 2 IV-8
3. Housing Element - Element 3 IV-12
4. Economic Development Element - Element 4 IV-16
5. Natural and Cultural Resources Element - Element 5 IV-19
6. Services and Facilities Element - Element 6 IV-24
7. Open Space and Recreation Element - Element 7 IV-27
8. Circulation Element - Element 8 IV-33
9. Implementation Program - Element 9 IV-37

V. LOCAL ADOPTION OF THE COMPREHENSIVE PLAN V-1

A. Findings, Intent and Goals of the Act V-2
B. The Required Elements of the Local Comprehensive Plan V-5
C. Adoption by the City/Town Council v-6

VI. REVIEW AND ACCEPTANCE BY THE STATE OF RI VI-1

A. Submission of the Comprehensive Plan for Review VI-1
B. Review and Action by the Director VI-3
C. Appeal of the Decision of the Director VI-4
D. Failure of Compliance by a Municipality VI-5
E. Result of Plan Acceptance VI-6

VII: LOCAL MAINTENANCE OF THE COMPREHENSIVE PLAN VII-1

A. The Context for the Five Year Update VII-1
B. The Five-Year Update Product VII-2
C. Miscellaneous Considerations VII-2

Appendix

Appendix A A-1
Appendix B B-1
Appendix C C-1

PART I: BACKGROUND

At the 1988 Session of the Rhode Island General Assembly, landmark legislation was enacted as the result of work by the "Commission to Study the Entire Area of Land Use, Preservation, Development and Regulation." Membership on this broad-based Commission included- legislative, state agency, municipal and professional representation; and it was formed by the General Assembly at its 1987 Session.

The Act establishes two new Chapters of the General Laws of Rhode Island:

- Chapter 45-22.2, entitled: Rhode Island Comprehensive Planning and Land Use Regulation Act

- Chapter 45-22.3, entitled: State Comprehensive Plan Appeals Board.

Chapter 22.2 replaces portions of Chapter 45-22 relative to specifications for local comprehensive plans and will be called the "Act" throughout this Handbook.

A. General Summary of the Rhode Island Comprehensive Planning and Land Use Regulation Act

In general terms, this Act sets forth the following in establishing revised criteria and requirements governing the formulation, adoption and state acceptance of local comprehensive plans:

1. Local comprehensive plans are required to conform to the provisions of the Act according to a schedule established therefore.

2. Current comprehensive plans are continued in force until July 1, 1990, or until superseded by new plans adopted under the Act.

3. Legislative findings, intent and goals are established as a basis for Act requirements.

4. Definitions of terms used in the Act are included for clarity.

5. General guidelines for the formulation of local comprehensive plans are set forth.

6. The nine elements of a local comprehensive plan are specified, and the general areas of coverage of each are summarized.

7. Provisions for the coordination of municipal planning activities and for possible joint planning activities by two or more municipalities are included.

8. The procedure for local adoption of comprehensive plans is set forth with attention given to opportunity for public comment and input. Compliance of the local zoning ordinance with the adopted and accepted local comprehensive plan is required within a specified time period.

9. The procedure for state review of local plans is outlined, giving the Director of the Rhode Island Department of Administration (hereinafter referred to as the "Director") this review function. In addition, time schedules are established for local adoption, submission to the Director, and the various steps involved in state review and acceptance.

10. A process for appeal of the decision of the Director is established and a State Comprehensive Plan Appeals Board is created for this purpose.

11. Provision is made for the coordination and participation of state agencies with authority in areas relating to the goals of the Act. State agencies must incorporate the goals of the Act into their activities, and their plans and projects must be consistent with approved local plans.

12. All local comprehensive plans are required to be consistent with all applicable elements of the State Guide Plan as approved by the State Planning Council.

13. A state program of technical and financial assistance is established to facilitate local formulation and adoption of plans. In support of this, an appropriation of $500,000 is made, with a commitment for future appropriations, as required, in fiscal years 1990 and 1991.

14. The Director is required to provide statewide data and technical information.

15. A program of planning grants to cities and towns is established.

16. The Act provides for the processing of future updates and amendments to local plans.

17. Provision is made for the Director to prepare and the State Comprehensive Plan Appeals Board to adopt a comprehensive plan for any city or town that fails to adopt and submit a plan or whose plan is disapproved by the Director.

Appendices A and B of this Handbook contain copies of the Rhode Island Comprehensive Planning and Land Use Regulation Act and the State Comprehensive Plan Appeals Board Act for readers who may wish to check the language. In addition, certain provisions of the Act are discussed in detail elsewhere in this Handbook.

B. Prior Handbooks

From time to time, handbooks covering subjects of local planning interest have been issued by the Local Planning Assistance Program, Office of Municipal Affairs, Division of Planning. While a number of these earlier handbooks have limited application to the revised comprehensive planning process, they are listed below and may be helpful in developing plan proposals and in formulating plan implementation measures.

Planning Paper # 7
Rhode Island State Enabling Acts- September 1978. Revised annually

Planning Paper # 8
Handbook for Local Planning Boards and Commissions - May 1979

Planning Paper # 9
Capital Improvement Programming - June 1979

Planning Paper # 10
Cluster Residential Development - July 1979

Planning Paper # 11
Mapped Streets Handbook - June 1981

Planning Paper # 12
Local Zoning Appeals Handbook - June 1981

Planning Paper # 13
Street Naming and Numbering Handbook - April 1986

Planning Paper # 14
Subdivision Regulation Administration - February 1988

Planning Paper # 15
Grant Application and Management Handbook - December 1988

These Handbooks have been distributed to all municipalities, and several are in short supply. Copies can be made available through the Local Planning Assistance Program office on a limited basis.

C. New Informational Material Related to this Act

To assist in understanding and complying with the requirements of the Act, the Division of Planning will issue other handbooks and informational publications for municipal use from time to time.

D. State Contact for Assistance

Notwithstanding the availability of technical and financial assistance from the State of Rhode Island as noted in Part 11 of this Handbook, personnel of the Division of Planning will be available for consultation with municipal officials and agencies on the requirements of the Act. The principal contact is:

Local Planning Assistance Program (277-2867)
Division of Planning, Rhode Island Department of Administration
One Capitol Hill
Providence, Rhode Island 02908

E. Purpose and Use of this Handbook

This Handbook is intended to provide guidance to cities and towns in fulfilling the requirements of the Act. Amendments to this Handbook are shown on the following two pages. In particular, this Handbook will deal with requirements of the Act relating to the formulation, adoption, and state acceptance of local comprehensive plans. While all significant aspects of this local planning process will be covered, emphasis will be given to the development of local comprehensive plans that will satisfy criteria for state acceptance and, at the same time, satisfy local need for a process that can form the basis for local development actions and decisions consistent with local needs and objectives.

THE STATE PLANNING COUNCIL
DIVISION OF PLANNING
RHODE ISLAND DEPARTMENT OF ADMINISTRATION
One Capitol Hill
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AMENDMENT NUMBER I TO HANDBOOK NUMBER 16:

HANDBOOK ON THE LOCAL COMPREHENSIVE PLAN

Page	Revision
IV-3	Add Goal (11).
	(11) To preserve existing government subsidized housing for persons and families of low and moderate income.
IV-14	Revise the "Act Citation" to read:
	"Shall consist of identification and analysis of existing and forecasted housing needs and objectives including programs for the preservation, including but not limited to the preservation of federally insured or assisted housing, improvement and development of housing for all citizens. The housing element shall enumerate local policies and implementation techniques to provide a balance of housing choices, recognizing local, regional and statewide needs for all income levels and for all age groups, including, but not limited to, the affordability of housing and the preservation of federally insured or assisted housing. The element shall identify specific programs and policies for inclusion in the implementation program, necessary to accomplish this purpose."
IV-17	Add to "Discussion," preceding the last paragraph on this page:

- Describe the methods and actions that will be used to preserve existing subsidized housing so as to maintain its accessibility to persons and families of low and moderate income. This part of the housing element must address all:
    - Low income housing units insured or assisted under sections
    - 221(d)(3) and 236 of the National Housing Act (12 U.S.C. 1701 et seq.]:
    - Low income housing units produced with assistance under section 8 of the United State Housing Act of 1937 [42 U.S.C. 1401 et seq.];

- Rural low-income housing financed under section 514- of the Housing Act of 1949 [12 U.S.C. 1715 z],

- Other subsidized or assisted housing such as rental or cooperative housing for elderly or handicapped persons financed with long-term direct loans to eligible private non-profit sponsors under section 202 of the National Housing Act of 1959.

Preservation of this part of the communities housing stock will affect other elements of the plan. Policies may prohibit or discourage acquisition or physical displacement of such housing for other purposes. The land use element may make appropriate use and density designations. Necessary support may be programmed in the services and facilities, open space and recreation, and circulation elements.

Adopted by the State Planning Council on November 8, 1990

THE STATE PLANNING COUNCIL
DIVISION OF PLANNING
Rhode Island Department of Administration
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AMENDMENT NUMBER 2 TO HANDBOOK NUMBER I6:
HANDBOOK ON THE LOCAL COMPREHENSIVE PLAN

Page	Revision
VI-3	Revise the second paragraph on page VI-3 to read:

The submission to the Director shall consist of the following number of copies:

The initial plan required by Sections 45-22.2-2 and 5 of the General Laws, or a completely revised plan required by Section 45-22.2-12(B) of the *General Laws* ..... 15 copies

An amended plan or amendment as described in Section 45-22,2-9(C)(3)(a) of the *General Laws* ..... 12 copies

An amended plan or amendment as described in Section 45-22.2-9(C)(3)(b) of the *General Laws* ..... 6 copies

Submissions shall be mailed or delivered to the Division of Planning. In submitting material for state review, the municipality shall designate a contact person who can act for the city or town in clarifying material and serve as a communication link with the Director with regard to the submission.

Adopted by the State Planning Council on: November 12, 1992.

PART II: LOCAL COMPLIANCE WITH THE ACT

A. Financial and Technical Resources for Planning

With the exception of a limited number of larger cities and towns with fully staffed local planning units, almost all municipalities will require intensified technical effort to accomplish the required actions within the schedule set forth in the Act. The following materials briefly review the major technical resources available for this purpose.

1. Assistance from the State of Rhode Island

Principal assistance from state government will be through two programs.

a. State Grant Program

As provided in section 45-22.2-11 of the Act, the Director is authorized to develop and administer a program of grants to provide financial resources to cities and towns to assist in the preparation of local comprehensive plans. The Act further provides for apportionment of funds to municipalities by a formula that considers land area and population in addition to an equal share to each municipality. A Grant Application and Management Handbook has been distributed.

b. State Technical Assistance

In addition to the existing Local Planning Assistance Program of the Division of Planning, the Act authorizes the Director to establish a program of technical assistance and a statewide database for use by cities and towns. Separate notification will be given regarding the scope of technical assistance to be made available. The Division of Planning has initiated the steps required to assemble the statewide data ase.

2. Local Technical Resources

Utilizing local planning resources supplemented by state grants, local governments may take two approaches to achieve compliance with the Act: local planning staff and consultant services. Interested citizens may also contribute to the effort.

a. Local Planning Staff

Where a local planning staff exists and is responsible to the municipal chief executive or planning board commission, the nucleus for the required effort is in place. It is logical that this existing planning unit be given responsibility for the technical work of plan development.

Since it is unlikely that existing staff can redirect enough effort to honor the stringent deadlines set in the Act, a logical use of state grant funds is to supplement this staff for specific assignment to plan development.

Where no local planning staff exists, a city or town may wish to use state grant funds combined with new local funds to create planning staff. This may be particularly appropriate for a municipality that has reached the complexity of development where local staff is required.

Several cautions must be considered in utilizing grant funds to create or augment local planning staff.

- Any new or additional staff supported by grant funds must be used for the purposes outlined in the Act and cannot be assigned to routine activities not directly related to the local comprehensive plan.

- Additions to the staff or new staff must be qualified to perform the task. In light of the magnitude of the task and the time frame established for completion, a very careful selection process is essential.

- Grant-funded staff must be considered as temporary, to cease upon completion of the task. Where staff is created by use of grant funds, a city or town may wisely assume financial responsibility for its continuation in the light of the probable need for a permanent planning function.

Despite these cautions, it is believed that the use of grant funds to supplement or create local staff is a prudent approach to the development of the required plan. Local staff has several advantages over other technical assistance:

- Its full-time energy is available for the task.

- It generally has or can develop greater knowledge of the municipality and its problems.

- It is directly responsible to the municipality and can be responsive to public and local government input and need.

b. Planning Consultant Services

The use of consultant services from a qualified firm or individual represents a viable alternative to the use of grant funds for new staff or staff expansion where the following factors may apply:

- No local staff exists and the municipality does not anticipate long-term creation of a staff. In such a case, the creation of temporary staff may be difficult within the established time frame.

- As a temporary supplement to a limited planning staff that will not be expanded.

- A consulting firm with a comprehensive array of backgrounds among its staff may be able to offer specialized services not normally available in a small staff

In engaging consultant services to prepare the required comprehensive plan, communities are urged to consider the following:

- The qualifications of the consultant or firm. References and prior work of each candidate must be investigated, and a minimum of three persons or firms should be interviewed after the submission of proposals. Selection should be made only after a comparative evaluation of qualifications, prior work, manner of presentation, proposed scope of services, and cost related to the scope of services.

- The negotiation of provisions of the contract for services. There must be assurances that both the municipality and the consultant fully understand their respective obligations. Since the final objective is the acceptance of the comprehensive plan by the state, it is imperative that the contract for plan development set aside services for adjustment of the plan if state review indicates a need for changes or additional material.

Appendix C contains an outline of a Request for Proposals, which can be used in the development of a contract with a consultant. This material is included to assist local governments who have had little experience with consultant services.

B. Municipal Responsibility for Comprehensive Plan Preparation

Section 45-22.2-8 of the Act clearly assigns principal responsibility for preparation of the comprehensive plan to the local Planning Board or Commission established under the provisions of Chapter 45-22 of the General Laws. Such Boards and Commissions continue to be governed by the provisions of that Chapter except where superseded by the new Act.

As stipulated in Subsection 45-22.2-2(c) of the Act, plans or elements of plans adopted under the older act remain effective but become null and void upon adoption by the municipality and acceptance by the state of a plan prepared under the new Act.

C. Cooperative Action by Contiguous Cities and Towns

In accordance with the provisions of section 45-22.2-7, contiguous communities may conduct joint planning and regulatory programs to satisfy the requirements of the Act. Such joint programs may be initiated only through a written agreement adopted by the cooperating city or town councils. In brief, such an agreement must include:

1. Establishment of a local planning committee responsible for comprehensive plan development, assuming the normal role of the local Planning Board or Commission in the areas of cooperation. This agreement must cover local representation on the joint committee.

2. Establishment of procedures for the preparation and adoption of the comprehensive plan and subsequent land use regulations.

3. Apportionment of responsibility for program funding.

4. Agreement on the designation of land use controls adjacent to municipal boundaries to provide consistency of regulation.

5. Forwarding of a copy of the joint agreement to the Division of Planning.

All other provisions of the Act shall apply to jointly developed comprehensive plans; and such plans shall, after adoption by the participating city or town councils, be submitted for state acceptance.

D. General Timetable for Municipalities

The Act sets forth time limits for actions of both the state and its municipalities. 1. State Deadlines

a. July 15, 1988 - Notification by the Director setting forth the financial assistance to be made available to municipalities in support of the requirements of the Act. This has been completed.

b. January 1, 1989 - Deadline for submission by state agencies to the Director of reports indicating how each agency has incorporated the findings, intent and goals of the Act into its program of planned activities.

c. January 1, 1989 - Deadline for state agencies to initiate the conduct of their work programs and activities in a manner consistent with the Act.

d. January 1, 1989 - Deadline for adoption by the State Planning Council of any rules required to implement the procedures established in the Act.

e. July 1, 1989 - Deadline for the availability of statewide technical data for use in local plan development through the Division of Planning.

2. Local Government Deadlines

a. January 1, 1990 - Deadline for amendment or updating and adoption of existing comprehensive plans. This will be applied only to plans adopted prior to the effective date of this Act, requiring only minor amendment or updating to qualify for submission to the state.

b. January 1, 1990 - Deadline for submission of existing plans for state acceptance to the Director.

c. December 31, 1990 - Deadline for adoption of new local comprehensive plans prepared to quality under the Act.

d. December 31, 1990 - Deadline for local submission of new comprehensive plans to the Director for state review and acceptance.

Since the Act does not clearly differentiate between a "new" and an "existing" plan, cities and towns are advised to consider any plan (existing or new) that requires action other than very minor updating and amendment as a "new" plan to take advantage of the additional time allowed for adoption and submission to the state.

E. Required Comprehensive Plan Elements

Part IV of the Handbook covers in detail each of the local comprehensive plan elements specified in Section 45-22.2-6 of the Act. These required elements are:

1. Statement of Goals and Policies
2. Land Use Plan Element
3. Housing Element
4. Economic Development Element
5. Natural and Cultural Resources Element
6. Services and Facilities Element
7. Open Space and Recreation Element
8. Circulation Element
9. Implementation Program

Two of these elements (Goals and Policies, Implementation) must be considered as applying to all of the other elements, numbered as 2 through 8, which are the functional divisions of the plan. In other words, both the Goals and Policies Statement and the Implementation Program must cover land use, housing, economic development, etc.

F. Options for Presentation of the Local Comprehensive Plan

While the Act describes the plan as a statement in text, maps, illustrations or other media of communication, cities and towns may elect to present plans in a variety of media and are encouraged to be innovative. In selecting media for plan presentation, municipalities must consider the steps in the local planning process. Each of these steps requires presentation and each has its own peculiar requirements leading to the selection of the most effective medium. The following material discusses media and their suitability for use at various steps in the planning process.

1. Report with Text, Maps, Charts, Tables and Graphs

This is the traditional plan presentation and is best used at steps that require detailed review for formal adoption, approval or acceptance. Availability of copies of a comprehensive report will permit review by individuals and board/council members and will permit action referring to a written document. In this respect this also provides a record of the instrument upon which action has been taken.

Several cautions must be put forth on the use of this medium:

- Preliminary reviews by the Planning Board/Commission and other groups invariably result in substantive changes in a plan. This could require expensive and time-consuming changes in a printed report.

- Public review sessions and hearings require wide dissemination of materials and displays that can be used for reference at meetings. The printed report is not particularly suited to this use because of the expense in providing copies and the need for display. Changes can and should be expected after public exposure, again requiring expensive and time-consuming alteration of the printed report.

It is recommended that the comprehensive, printed report with maps and charts be used principally for the following:

- Final Planning Board/Commission review, adoption and transmittal to the City or Town Council for hearing and adoption.

- Town or City Council review for adoption and the entering of copies into council records as evidence of action.

- Submission to the Director for state review and acceptance and the entering of copies into state records as evidence of acceptance.

- Distribution after adoption and state acceptance, to agencies at all levels of government who may use local plan reports as resource documents.

- Placing on file copies to be available to local organizations and individuals for study and use.

2. Abbreviated Text Material with Display Graphics

This method, utilizing summary text materials with display graphics in the form of slides or wall maps, is well suited to preliminary stages in the plan process where public participation is required and where initial proposals are presented to the Planning Board/Commission or other public groups and agencies. This medium is suited to use in large meeting rooms. The use of slides can accommodate photos of specific physical locations to support planning proposals. The abbreviated text material can be in the form of a simple flyer with sketches, graphs and diagrams, which can be widely distributed at minimal cost. For presentations, an oral or taped description can supplement visual material.

This medium can also serve as a supplement or "road" version of the plan to be used to broadcast an adopted plan to inform the public.

3. Video or Motion Picture Presentation

While this medium has been infrequently used, it presents an interesting possibility at certain stages in the plan review process for informing the public and interested government agencies of the proposals to be considered in the development of the plan. This type of presentation is similar to the use of slide or wall graphics for display, although the use of video may be difficult at large meetings and relatively expensive equipment is required. The most advantageous use of video is in presenting proposals to smaller groups in limited meeting rooms.

Video presentation offers an unparalleled opportunity for the dissemination of information on the plan process in areas where cable TV is in operation, through the use of channels reserved for community and government use. Where possible, presentation through home television should be given serious thought as a means of getting very wide distribution of plan information to foster the widest possible public participation and interest in the process.

4. Newspaper Supplements and Press Releases

Although the use of newspaper supplements has been largely limited to public hearing notice on zoning and subdivision matters, the supplement and press releases may also be useful tools in disseminating information to the public on the general proposals of the plan in preparation for public meetings and hearings. In contrast to zoning hearing notices, supplements or releases may be used to highlight plan proposals under consideration and need not present verbatim material. Mapped materials may also be included. Although newspaper supplements are costly, the wide distribution potential for this medium may prove to be economical, compared with any direct mailing. Coverage of press releases is, of course, cost free.

The newspaper can only be considered as a means of providing information to residents and other community-based interests; it cannot be of much value at a public meeting or hearing where there is still need for oral presentation backed by graphics. Formal public hearings will, of course, require proper legal notice through a newspaper of general local circulation.

G. Coordination with Plans of Contiguous Communities

An important objective of the Act is the relationship of a local plan to the goals, policies and plans of adjacent municipalities that share borders and influences. Prior to this act, the coordination of local plans has been almost entirely ignored except where water supplies are involved (zoning requirement) or where municipalities have notified adjacent cities and towns of hearings, more or less as a matter of courtesy.

Section 45-22.2-7c of the Act clearly stipulates that: "all municipalities shall provide for coordinating land uses with contiguous municipalities, other municipalities and other agencies, as appropriate, including the management of resources and facilities that extend beyond municipal boundaries such as rivers, aquifers, transportation facilities and others." It further stipulates that "the comprehensive plan

shall demonstrate consistency with comprehensive plans of contiguous municipalities and other municipalities as appropriate." This consistency will be verified during state review of the plan.

To provide for the required inter-local plan consistency, the following steps are recommended:

1. During the formulation stage, planning staffs and/or consultants must open lines of communication with their counterparts in other municipalities and must identify and address issues that cross municipal boundaries. This can assure coordination and consistency at the early stages of the plan process and can assure that proposals submitted to the Planning Board/Commission have been coordinated with contiguous communities.

2. During the public information meeting stages, opportunity must be presented for comment and input by neighboring community interests.

3. At formal public hearings before both the Planning Board/Commission and the City/Town Council, notice must be forwarded to neighboring municipal governments who should be made parties in interest to the proceedings. As a minimum, notice should be sent to the Planning Board/Commission and the City/Town Council of all neighboring municipalities.

4. Lines of communication should be established with counterpart Planning Boards/Commissions and Councils to permit exchange of information during review of plan proposals prior to formal adoption.

The required consistency must be demonstrated, as appropriate, in the plan goals and objectives, the implementation element, and each of the functional plan elements. While there may be features of each element that have little external influence, it is vital that all plan considerations that may be capable of effect or influence beyond the municipality demonstrate consistency with those of other jurisdictions.

In summary, "consistency" need not result in identical approaches or features, but it must result in recognition of shared resources and characteristics and coordinated treatment and actions in each community.

H. Consistency with the State Guide Plan

A major objective of the Act and one of the principal areas of state review and acceptance is the achievement of consistency with the elements of the State Guide Plan. From time to time over the past twenty years, the State Planning Council has approved various elements of the State Guide Plan in accordance with authority granted to the Council by Section 42-11-10 of the General Laws. The Act stipulates in several places that local comprehensive plans demonstrate consistency with the State Guide Plan.

To emphasize this requirement, subsection 45-22.2-9(D) of the Act sets forth one of the four principal state review elements as a requirement that: "all Plans are consistent with the State Guide Plan, and embody the goals and policies of the state and its departments and agencies." This subsection further stipulates that this requirement for consistency extend to all comprehensive plans, updates and amendments and that this consistency must be demonstrated to achieve state acceptance. In view of the significance of this requirement, Part III of this Handbook will provide guidance to assist in achieving the required consistency.

I. The Adoption Process for a Local Comprehensive Plan

Part V of this Handbook details the provisions of the Act relative to local comprehensive plan adoption as outlined in section 45-22.2-8. While the general process of Planning Board/Commission formulation, adoption and recommendation to the City/Town Council and subsequent Council adoption is carried over from the superseded legislation, the new Act deals much more extensively with public input and participatory activities and, further, stipulates that the plan, notwithstanding adoption by the Council, shall not take effect until state acceptance has been granted.

J. State Review and Acceptance of the Local Comprehensive Plan

For the first time, this Act establishes a process for state review of comprehensive plans to assure that municipalities have complied with the requirements of the Act. The various deadlines associated with the plan process and submission to the state for acceptance are outlined in Part IID.

For the purpose of state review and acceptance, the Director of the Rhode Island Department of Administration has been designated in the Act as the reviewing agent in addition to responsibilities for carrying out all provisions of the Act and ensuring that the findings, intent and goals are achieved. Part VI of the Handbook details this review process, the review timetable, and the appeals process available to municipalities who wish to appeal the decision of the Director.

K. Maintaining the Validity of the Local Comprehensive Plan

While a local comprehensive plan should represent the best judgement of the city or town as to its future development at the time of adoption, it is inevitable that internal and external changes and other influences will require periodic review of plan elements, goals and implementation schedules from time to time. This is particularly true in implementation, where schedules change and short-range items are accomplished, requiring revision of projected actions.

The Act addresses the problem of maintaining the local plan in Section 45.22.2-12, as follows:

1. Encouraging municipalities to periodically review and amend their plans in a timely manner to account for community growth.

2. Requiring, as a minimum, the review and updating of local plans once every five years.

3. Providing for submission of amendments, to plans or amended plans to the Director for review and acceptance in the same manner and with the same requirements as for new plans. The Act further authorizes the Director to provide an expedited review procedure for amendments made subsequent to initial plan acceptance.

4. To ease the load on the state review mechanism and avoid capricious alteration of local plans, the Act limits the number of plan amendments to a maximum of four per calendar year. This limits the number of amendatory actions submitted to the state but does not appear to limit the number of items in the plan that can be amended in each action. In short, an amendment may contain more than one change in a plan.

L. The Local Comprehensive Plan and the Zoning Ordinance

The Act establishes a clear relationship between the plan and the zoning ordinance by requiring that a municipality conform its zoning ordinance and map with its comprehensive plan within eighteen months of the acceptance of the plan by the state. This sets the framework for one of the most significant and direct plan implementation measures, the regulation of the use of land.

In discussing the content of the land use element of the plan, the Act requires that the municipality analyze (within this element) any inconsistencies between the current zoning ordinance and the land use element. The Act further requires that the land use element specify the process by which the zoning ordinance and map will be amended or replaced to conform to the land use element.

It is strongly recommended, in view of the eighteen-month period allowed for zoning compliance with the plan, that local governments consider all zoning implications in the formulation of the plan so that best use can be made of this short time period.

PART III: THE ROLE OF THE STATE GUIDE PLAN

While "general conformity" with state plans has been required in Section 45-22-6 of the General Laws (on the comprehensive community plan), the new Act strengthens this requirement and provides a mechanism for state review and acceptance to assure, among other things, that consistency with the State Guide Plan is demonstrated.

Since many aspects of community development are influenced by regional and statewide development factors and, conversely, exert an influence on the region and the state, it follows that the goals, policies and development actions at each level of government must be coordinated to assure optimum physical, social and economic development of the state and its municipalities. Avenues of plan implementation such as land use regulation, housing development, and community facility and services development are controlled at the local level; while highway, pollution control, water supply and others are principally controlled at the state level. The proper coordination of such implementation activities depends entirely upon a high degree of consistency between local and state plans.

Section 42-11-10 of the General Laws provides authority for the State Planning Council to approve elements of the State Guide Plan in accordance with adopted rules. This approval process was initiated in 1974 with the adoption of "Goals and Policies" for the state and has continued with the adoption of more than twenty elements of the State Guide Plan. Section 42-11-10(c) describes the scope and purpose of the State Guide Plan as follows:

> The state guide plan shall be comprised of functional elements or plans dealing with land use; physical development and environmental concerns; economic development; human services; and other factors….The state guide plan shall be a means for centralizing and integrating long range goals, policies, and plans.

This Handbook attempts only to describe briefly the elements of the State Guide Plan with which consistency must be demonstrated. Copies of Guide Plan elements are routinely sent to local officials and agencies upon approval and should be on file in each city and town. Recognizing that review and assimilation of all of these detailed reports may not be feasible, the following document is recommended for local review and determinations of consistency:

Report Number 48***, STATE GUIDE PLAN OVERVIEW***
STATE GUIDE PLAN ELEMENT 010
(June 1984; amended December 1984, October 1988, and June 1989)

That document summarizes the scope and issues addressed, goals, policies and strategies involved in each adopted element. Maps have been incorporated to supplement written material where required for clarity.

It is believed that the State Guide Plan Overview, together with Part IV of this handbook, contains sufficient material to allow municipalities to establish consistency with the goals, policies and intent of applicable elements of the State Guide Plan as part of their overall compliance with Act requirements. Although some elements need updating, the goals and policies remain valid, and cities and towns will be expected to demonstrate consistency with all elements adopted as of the date of final local plan submission to the state.

The following is a list of all State Guide Plan elements with which local plans must demonstrate consistency. The State Guide Plan Overview (published separately) provides a fuller summary, typically of five to ten pages for each element.

A. State Guide Plan Element 110

Goals and Policies - approved 11-13-74

This initial State Guide Plan element presents a statement of goals and policies for the physical, economic and social development of Rhode Island, to establish a framework for the formulation of later functional elements. Other individual elements have more specific goals and policies related to their functional areas.

By general title, goals and policies are established as follows:

1. Human Resources

- Expansion of opportunities for personal development.
- Strive for a living environment that fosters a greater sense of identity and individuality.
- Continuous improvement in the structure and operations of governments and in their responsiveness to the citizenry.
- Expansion and equalization of opportunities in education and cultural pursuits.
- Reduce the number of families with incomes below the poverty level and increase minimum income levels.

2. Economic Development

- Maintenance of economic growth at a rate adequate to support the state's population in a manner consistent with the state's characteristics, capabilities and environmental objectives.

- Reduction of unemployment and under-employment.

- Fuller and more effective use of manpower development resources. Sustain industrial development at a rate consistent with regional resources and capable of providing a broad range of employment opportunities for an expanding labor force.

- Provision of commercial services and facilities needed to serve an expanding population.

- Maintain and upgrade resources essential to the commercial and sport fishing industries.

3. Physical Development

- Consideration of energy requirements in planning for land use.

- Achievement of a harmonious relationship between population and the natural environment.

- Preservation and protection of open space. Protection of the coastal region

- Revitalization of older central cities.

- Control of urban sprawl and dispersion.

- Protection against loss of life and property damage caused by flooding or extreme tidal action.

- Alleviation of water pollution problems.

- Alleviation of air pollution problems.

- Alleviation of solid waste problems.

- Protection and enhancement of historic values.

4. Facilities and Services

- Improvement of the quality of public educational facilities at all levels.

- Coordinated development and use of the state's public water resources.

- A balanced and integrated multi-modal intrastate transportation system, which provides efficient and economical movement between component parts of the state and offers maximum possible mobility to all elements of our society.

- An improved interstate transportation capability.

- Improved transportation terminal facilities.

- Adequate and diverse recreational opportunities and facilities to meet the needs of the state's citizens and to attract and serve tourists.

- Greater opportunities for water-oriented recreation.

- Achievement of the highest possible standards of public health and safety in public facilities and services.

- An effective program to improve quality and broaden choice of housing.

- Improved law enforcement and correctional services and facilities.

B. State Guide Plan Element 112

Policy Statement: Resources Management in the Reuse of Surplus Navy Lands - approved 4-12-79

This element establishes objectives and strategies for the reuse of lands declared surplus to Navy needs. It also establishes guidelines for Port Authority and Economic Development Corporation projects relating to the reuse of such lands.

C. State Guide Plan Element 121

Land Use 2010: State Land Use Policies and Plan - approved 6-8-89

This element sets forth policies and strategies for the use of land to the year 2010. Maps in the plan are intended to illustrate a process for applying the policies, not to assign uses to specific land parcels.

Policies are established with respect to the following

- General Land Development
- Economic Development
- Water Resources
- Transportation
- Energy
- Recreation and Open Space
- Housing

The plan emphasizes:

- relating development to land capability and to the level of public services,
- increasing the capacity of local government to carry out its land use responsibilities, and
- encouraging innovative development techniques

The importance of this element of the State Guide Plan in the development of local plans is most significant, and this will be the subject of careful review for consistency.

D. State Guide Plan Element 152

Ocean State Outdoors: Recreation and Conservation Strategies for Rhode Island approved 9-11-86 and amended 12-8-88

The objective of this element is the development of strategies that will guide efforts to protect the resource base and provide recreational opportunities for present and future residents and visitors. Major issues addressed in this element are:

1. Preserving a Legacy: Open Space Preservation and Resource Protection
2. Meeting Needs: Water-Based Recreation
3. Meeting Needs: The State Park and Recreation System
4. Meeting Needs: The Community Recreation System
5. Managing the Recreation Estate
6. Providing Support for Open Space and Recreation

Under each issue, policies and strategies for action have been formulated. High, medium and lower priorities are established for the use of Federal Land and Water Conservation Program funding assistance at both the state and local levels.

This Guide Plan element establishes eligibility for federal funding assistance, and it is familiar to all municipalities who have made application for such funding in past years and have prepared local " SCORP" Plans to qualify.

E. State Guide Plan Element 161

Forest Resources Management Plan - approved 6-14-84

The purposes of this Guide Plan element are:

- To inventory and assess the state's forest resources To identity key planning issues
- To develop goals and policies
- To make specific recommendations to improve forest resource management
- To develop a work program for the Division of Forest Environment of the Rhode Island Department of Environmental Management to facilitate plan implementation.

Eight broad issues are addressed and, under the broad goal of protection and management of forest resources, a series of policies have been formulated in the following areas:

- Planning
- Management Information and Education
- Wildland Fire
- Legislation
- Marketing
- Insect and Disease Protection
- Soil Management

The strategies contain over fifty-five recommendations designed to enhance the management of the state's forests.

F. State Guide Plan Element 211

Economic Development Strategy - Approved 4-10-86 and amended 4-14-88

This element discusses economic development issues -and profiles key economic indicators for the state. While the dominant issue is economic growth, or the lack of such growth, the document discusses the following issues:

- Growth Industries
- Business Climate
- Transportation
- Energy

Within the overall goals to "foster and maintain a vigorous economy able to provide an adequate number and variety of activities that generate wealth for the people of the state." policies have been developed to achieve basic goals in the areas of employment, facilities and business climate.

This is followed by a series of strategies expressed as "action agendas" addressing nine specific issues:

- Target Industries
- Employment Information and Job Training
- Private/Public Investment
- Resource Based Industries
- Waste
- Energy
- Unemployment Compensation
- Industrial Sites and Infrastructure
- Demographics

This element concludes with a recommendation for preparation of an Economic Development Investment Strategy, now under development as part of a State Industrial Land Use Plan.

G. State Guide Plan Element 421
State Housing Plan - Approved 3-8-79

This element establishes state-level goals and policies for housing and analyzes the state's major housing problems. Actions are recommended by all government levels and by public/private housing interests.

Specific issues presented and addressed in this element are:

- Deteriorating neighborhoods and substandard, deteriorating and abandoned housing
- Involuntary concentration of black and other minority households
- Rapid rise in home prices relative to income
- Rapid rise in housing operating costs relative to income
- Shortage of decent affordable housing for low and moderate income families with children
- Displacement of low and moderate income households
- Inappropriate residential development patterns and laws
- Current and anticipated housing problems related to demographic changes
- Ineffective housing planning, housing problem-solving, and growth management

From these issues, goals and policies have been developed, leading to the enunciation of a series of strategies designed to address each issue.

H. State Guide Plan Element 422
Areawide Housing Plan - approved 11-8-84

This is the second functional plan within the housing element of the State Guide Plan. It partially updates and implements the State Housing Plan and is now under review for updating in 1990.

This document incorporates the goals and policies of the State Housing Plan but expands discussion of certain issues from the earlier document, leading to the proposal of new mechanisms designed to assist in achieving goals.

To achieve the goal to maximize quality, accessibility, variety and opportunity in the state's housing market, a series of strategies have been developed in the following areas:

- Policy proposals
- Administrative proposals
- Proposals for legislation
- Matters requiring further study

The principal issue discussed in this document is the identification and elimination of practices that foster concentration of low-income and minority households. Major consideration is given to the cost of housing and practices that limit low-cost housing options, as well as the equitable distribution of housing assistance among substate housing market areas according to need.

I. State Guide Plan Element 610
Rhode Island Transportation Plan - 1990 - approved 12-30-74 and amended 9-10-81 and 6-14-84

This element is the state's long-range ground transportation plan and is scheduled to be updated in 1989. It presents a description and discussion of recommended transportation systems together with performance, capacities and capital costs for all major ground transportation modes that are:

- Publicly operated or financially supported
- Anticipated to require public support to ensure future public service
- Anticipated to have a public need or have an interaction with other public facilities

The following modes are covered in this Plan as issues:

- Highways
- Urban public transportation, including bus, rail and other
- Marine terminals, waterways and harbors
- Parking facilities
- Intercity terminals and related facilities

The plan sets forth goals and strategies for these modes of ground and water transportation.

J. State Guide Plan Element 611
Interim Ground Transportation Plan - Year 2010 - approved 8-13-87

This element updates portions of Element 610 and was required to certify to the federal government that Rhode Island is carrying out a comprehensive and cooperative transportation planning process.

This interim plan contains four parts, as follows:

- Introduction
- Statement of transportation goals
- Historical background on highways, bus transit and commuter rail systems
- Recommended actions to the year 2010.

The modes covered in this element are the same as for 610, with considerable attention given to the Rhode Island Public Transit Authority as a public investment and to bicycle routes as an integral part of the ground transportation system.

Strategies developed in this element include projects for arterial highway improvement and development, bus transit policies, and bicycle routes (three independent bike paths plus routes to be accommodated on existing and planned highways where feasible and safe).

K. State Guide Plan Element 620
Transportation System Management Plan - approved 6-8-78, amended 9-15-83

This element presents a short-range (five to seven years) ground transportation development program. It emphasizes changes that will improve efficiency of existing facilities, as opposed to programming major investments in new facilities.

Strategies for implementation are incorporated into this element the following:

- Bus transit
- Commuter rail transit
- Paratransit
- Parking
- Highway systems

Other non-capital intensive programs relating to school bus routing, auto restricted zones, staggered work hours, carpooling and preferential treatment for high-occupancy vehicles

This element also discusses the Transportation Improvement Program (TIP), which presents a six-year program of specific projects for each category of funding, by project phases (design, right-of-way acquisition, and construction). A new TIP is prepared every two years and is the most complete source of information on planned highway, transit, and airport projects.

L. State Guide Plan Element 621
Policy Statement: Proposals for New or Restructured Public Transit Facilities or Service - Approved, 4-10-86 and amended 1-16-87

This element was prepared in order to meet federal requirements regarding private- sector participation in transit planning and operations. It outlines the legal basis and historical background of Rhode Island public transit, summarizes its present role and importance, and provides a series of public policy objectives for providing an integrated transit system. It describes the functions of the five state agencies with principal responsibilities in planning for, operating or supporting, and regulating public transit, as follows:

Statewide Planning Program
Public Utilities Commission
Department of Transportation
Department of Elderly Affairs
Rhode Island Public Transit Authority

Policies have been developed to cover public transit in Rhode Island. A series of strategies have been set forth to establish procedures for the development or restructuring of transit services and facilities, with an outline of the initiation and evaluation procedure for such new or restructured services and facilities. The role of each of the five state agencies in this evaluation procedure is outlined.

M. State Guide Plan Element 640
State Airport System Plan - Approved 6-14-84

This element has been developed to provide policies and recommendations to govern the state's airport system for a period of twenty years. This system consists of six state-owned airports: -one air carrier facility (T.F. Green) and five general aviation airports (Block Island, Newport, North Central, Quonset and Westerly) plus one heliport on the Providence River.

The issues addressed in this element are:

- Airport roles
- Facility needs
- Financing
- State involvement
- Airport land

Objectives and strategies have been developed for each of these issues. A program of facility improvements and other actions has been recommended in short- range (five-year), medium-range (ten-year) and long-range (twenty-year) phases. Areas for future investigation are also suggested. This element is scheduled for updating in 1989.

N. State Guide Plan Element 691
Transportation Element of the State Implementation Plan for Air Quality
Approved 6-10-82

This element analyzes the nature and extent of mobile-source air pollutants and develops proposals to reduce such pollutants to meet air quality standards. The air pollutants studied in this element are ozone and carbon monoxide. Overall goals relative to transportation-related air quality are presented.

While an extensive series of transportation strategies are analyzed in this element, the following four are concluded to be worthwhile for ameliorating transportation- generated air pollution:

- Federal Motor Vehicle Emission Control Program
- Inspection Maintenance Program
- Bus Transit Programs
- Bicycle Routes

The following measures have been selected because of their other benefits for inclusion in the State Guide Plan:

- Long range transit programs
- Commuter rail service
- Providence auto-restricted zone
- Fleet vehicle proposals
- Bicycle storage facilities
- Commuter parking
- Traffic control signal systems
- Ridesharing programs

O. State Guide Plan Element 710
Water Resources Management and Water Quality Management Plans

The water quality element of the State Guide Plan in comprised of plans for various river drainage basins. Originally seven "Phase I" basin plans were adopted by the State Planning Council between 1976 and 1978. The functions of these basin plans are as follows:

- To identify and rank point sources of pollution
- To divide the rivers into segments according to water quality standards and classify each according to the degree of treatment required to achieve those standards.
- To establish waste load allocations for water quality segments
- To determine municipal facility needs and establish priorities for construction grants
- To indicate the need for additional water quality planning such as facilities planning and "208" area-wide planning.

Federal requirements led to a redefinition of these seven basin areas into four regions to be studied in "Phase II" water resources management plans. Phase II plans would update the earlier plans in terms of:

- water quality standards and classifications
- segment classifications,
- sources of pollution (including non-point sources), and
- growth potential and treatment facilities requirements.

One Phase II plan (for the Blackstone Region) was adopted in 1982, replacing three entire Phase I plans and parts of others. As a result, elements that have been adopted within Element 710 are as follows:

Element 711 - Blackstone Region Water Resources Management Plan
Element 712 - Water Quality Management Plan for Narragansett Bay
Element 713 - Water Quality Management Plan for the Pawcatuck River
Element 714 - Water Quality Management Plan for the Pawtuxet River
Element 715 - Water Quality Management Plan for the Moosup River Basin

P. State Guide Plan Element 721
Water Supply Policies for Rhode Island - Approved 5-12-88

This element establishes a framework for water supply planning and implementation programs to form a comprehensive approach to water supply activities for the state. Three basic principles govern the policies developed within this element:

1. Water is a limited resource that is crucial to society. It must be managed and utilized in the most efficient and beneficial manner.

2. Water resources for water supply must be coordinated with other related activities. Maximizing the water supply potential should not present unresolvable conflicts with these other interests.

3. While the state must assume clear responsibility for the major role in water resources management, other levels of government, as well as other public and private interests, must participate fully to ensure the viability of any program.

The element expresses concern for resources management, institutional and operational considerations, and development and environmental considerations.

Policies are set forth for demand management, supply management, and planning and institutional issues. Consideration is given to ground and surface water resources as components of the overall water supply system for the state. The need for careful consideration of water supply capacities and delivery systems in local plans is stressed, with allocations for land use and development based upon these capacities. This policies element is intended as the initial phase of water supply planning in Rhode Island.

Q. State Guide Plan Element 781
Energy Facility Siting - Approved 10-1 1-84 and amended 3-13-86

Combining the work of five state agencies, this element provides the background and planning base for an improved process of reviewing and authorizing all types of energy facilities in the state. This element is divided into six related parts, each focused on major siting considerations for energy facilities:

- Review of the electric utility, natural gas and petroleum industries as they exist in Rhode Island and the New England region
- Forecasts of demand for electric power, natural gas and petroleum for residential, commercial and industrial uses
- Energy consumption trends as they affect industry decisions in Rhode Island
- An examination of the current process used by the state to coordinate energy facility siting
- A computer analysis of potential sites for an Outer Continental Shelf (OCS) gas pipeline landfall in Rhode Island and possible overland routes for pipeline location
- Findings, recommendations and conclusions.

The principal goal of this element is consideration of energy requirements in planning for future land use by promoting energy-conserving land use decisions, developing adequate energy siting criteria, minimizing adverse impact of energy facilities on the environment, and considering the land use implications of new alternative energy sources.

Strategies are set forth for the following:

- Coordination of siting actions
- Public policies on energy siting
- Petroleum storage facilities
- Energy supply and pricing
- Public policies on hydroelectric power
- State initiative in the area of pipeline location
- Demand forecasting

PART IV: THE LOCAL COMPREHENSIVE PLAN AND ITS REQUIRED ELEMENTS

Section 45-22.2-5 of the Act summarizes the requirements for formulation of a local comprehensive plan. While the content of the nine required elements of a local plan is summarized in the following section, Section 5 sets forth the basic requirement:

> Pursuant to the schedule established under this chapter, each municipality shall prepare and adopt a comprehensive plan which is consistent with goals, findings, intent and other provisions of this chapter, or shall amend its existing comprehensive plan to conform with the requirements of this chapter.

The goals, findings and intent of the Act are found in Section 45-22.2-3 and contain a summary of the fundamental purposes and objectives that led to its enactment. These, in turn, are required to be addressed in the local comprehensive plan. The reference above to "other provisions" covers requirements relating to State Guide Plan consistency, local adoption, citizen participation, submission to the state for acceptance, the required plan elements, and the various time periods for compliance.

A. Findings, Intent and Goals of Act

These are reproduced below.

45-22.2-3 Legislative findings and intent -- Statement of goals

A. Findings. The General Assembly recognizes these findings, each with equal priority and numbered for reference only, as representing the need to substantially revise present enabling legislation, and therefore, declares that:

> (1) The absence of accurate technical information and comprehensive planning by municipal government as a rational basis for long-term physical development creates conflicting requirements and reactive land use regulations and decisions.
>
> (2) Municipal government is responsible for land use, but lacks the technical information and financial resources to plan for orderly growth and development and the protection and management of our land and natural resources.
>
> (3) Land, water and air are finite natural resources. Comprehensive planning must provide for protection, development, use and management of our land and natural resources.
>
> (4) Comprehensive planning and its implementation will promote the appropriate use of land. The lack of comprehensive planning and its implementation has led to the mis-use, under-use and over-use of our land and natural resources.

(5). The coordination of growth and the intensity of development with provisions for services and facilities is a proper objective of comprehensive planning.

(6) Comprehensive planning is needed to provide a basis for municipal and state initiatives to insure all citizens have access to a range of housing choices, including the availability of affordable housing for all income levels and age groups.

(7) Municipal comprehensive planning must recognize and address land uses in contiguous municipal and encourage cooperative planning efforts by municipalities.

(8) Comprehensive planning will provide a basis for improved coordination so that local plans reflect issues of local, regional and statewide concern. Comprehensive planning will insure that municipal government has a role in the formulation of state goals and policies.

(9) Improved coordination is necessary between State and municipal governments to promote uniform standards and review procedures as well as consistency in land use regulations.

B. *Intent.* The General Assembly declares it is the intent of this act to:

(1) Establish, in each municipality, a program of comprehensive planning that is implemented according to the standards and schedule contained in this chapter.

(2) Provide financial assistance for the formulation and implementation of the comprehensive plan.

(3) Provide financial assistance to establish a uniform data and technical information base which shall be used by state and municipal governments and their agencies.

(4) Establish standards and a uniform procedure for the review and approval of municipal comprehensive plans and state guide plans and their consistency with overall state goals and policies.

(5) Establish a procedure in comprehensive planning at state and municipal levels which will accommodate future requirements.

(C) *Goals.* The General Assembly hereby establishes a series of goals to provide overall direction and consistency for State and municipal agencies in the comprehensive planning process established by this chapter. The goals have equal priority and are numbered for reference only.

(1) To promote orderly growth and development that recognizes the natural characteristics of the land, its suitability for use and the availability of existing and proposed public and/or private services and facilities.

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

(3) To promote a balance of housing choices, for all income levels and age groups, which recognizes the affordability of housing as the responsibility of each municipality and the state.

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

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

(6) To encourage the use of innovative development regulations and techniques that promote the development of land suitable for development while protecting our natural, cultural, historical and recreational resources and achieving a balanced pattern of land uses.

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

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

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

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

The goals are intended to provide direction and consistency for the local comprehensive planning process, while the findings describe general areas of need to be addressed in the process. The statement of intent lists the five principal purposes of the Act in creating this comprehensive planning process. The reader should be aware that many of the findings, intents and goals are applicable to the state and its municipalities, thus establishing a comprehensive process of planning at both levels of government.

B. The Required Elements of the Local Comprehensive Plan

Section 45-22.2-6 of the Act sets forth a series of nine elements that, collectively, form the local comprehensive plan and provide the scope of plan coverage specified in the Act. Two of the nine required elements (the goals and policies statement and the implementation program) are inclusive in that they are intended to cover the scope of the other seven elements dealing with functional areas (housing, economic development, etc.).

Municipalities may include any other elements that they desire; for example, downtown plans or waterfront plans. Such optional elements must, however, also be covered by the goals and policies statement and the implementation program.

In generally describing the local comprehensive plan, the Act reads:

> …a statement (in text, illustrations or other media of communication) that is designed to provide a basis for rational decision-making regarding the long-term physical development of the municipality. The definition of goals and policies relative to the distribution of future land uses, both public and private, forms the basis for land use decisions to guide the overall physical, economic and social development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards and must include the following elements.

While the general organization of the plan is left to local discretion, a number of cautions must be observed:

- If the plan is to be completed, adopted and submitted to the state in stages containing one or more elements, each such element must have a goals and policies statement and an implementation program covering those elements.

- If the plan is to be completed in its entirety with all elements, the goals and policies statement and the implementation program must cover all elements, either individually or collectively, but must be identified as to the applicable element(s).

- While the municipality, at its option, may elect to combine certain elements that bear a close relationship, it must clearly identify for state review exactly where and how each required element is satisfied. For example, it may be feasible to combine the Natural and Cultural Resources Element and the Open Space and Recreation Element, but each must be identified for state review purposes in the plan adoption and transmittal.

- In light of the five-year update required for all plans, each must detail proposals and other features for a minimum period of five years with a longer-range projection, subject to review, of typically twenty years.

- Determination of the medium for plan presentation must consider the necessity for City/Town Council hearing and adoption and state review with a comment period. This will require distribution of copies at each level in a medium that will facilitate review. A comprehensive report with associated maps, charts and tables is best suited for this purpose.

As mentioned in Part II of this Handbook, the Act provides for the transmittal of statewide data to cities and towns by the Department of Administration in 1989. The Division of Planning has initiated steps to prepare a data catalogue, which will list the sources and availability of information that agencies will require to prepare comprehensive plans. Computer-mapped data for the state is being assembled in the Rhode Island Geographic Information System (RIGIS), with the software package ARC/INFO, at a common scale for local use.

In initiating or reviewing a comprehensive plan, municipalities must first assemble basic map materials for use both in data collection and in presentation of data and plan features. The following are suggested as available maps and related materials for general planning use:

- Municipal base map showing the local street pattern at a scale of approximately 1 inch = 500 to 1,000 feet.

- USGS quadrangle maps at a scale of 1 inch = 2,000 feet (1:24,000). These maps are a valuable source for topographic data, water bodies, streams, and other physical features.

- General Highway Map Series (from RIDOT), mostly at a scale of 1 inch=mile. While minor street patterns may be inaccurate in places, the cultural and highway characteristics shown on this series will be valuable.

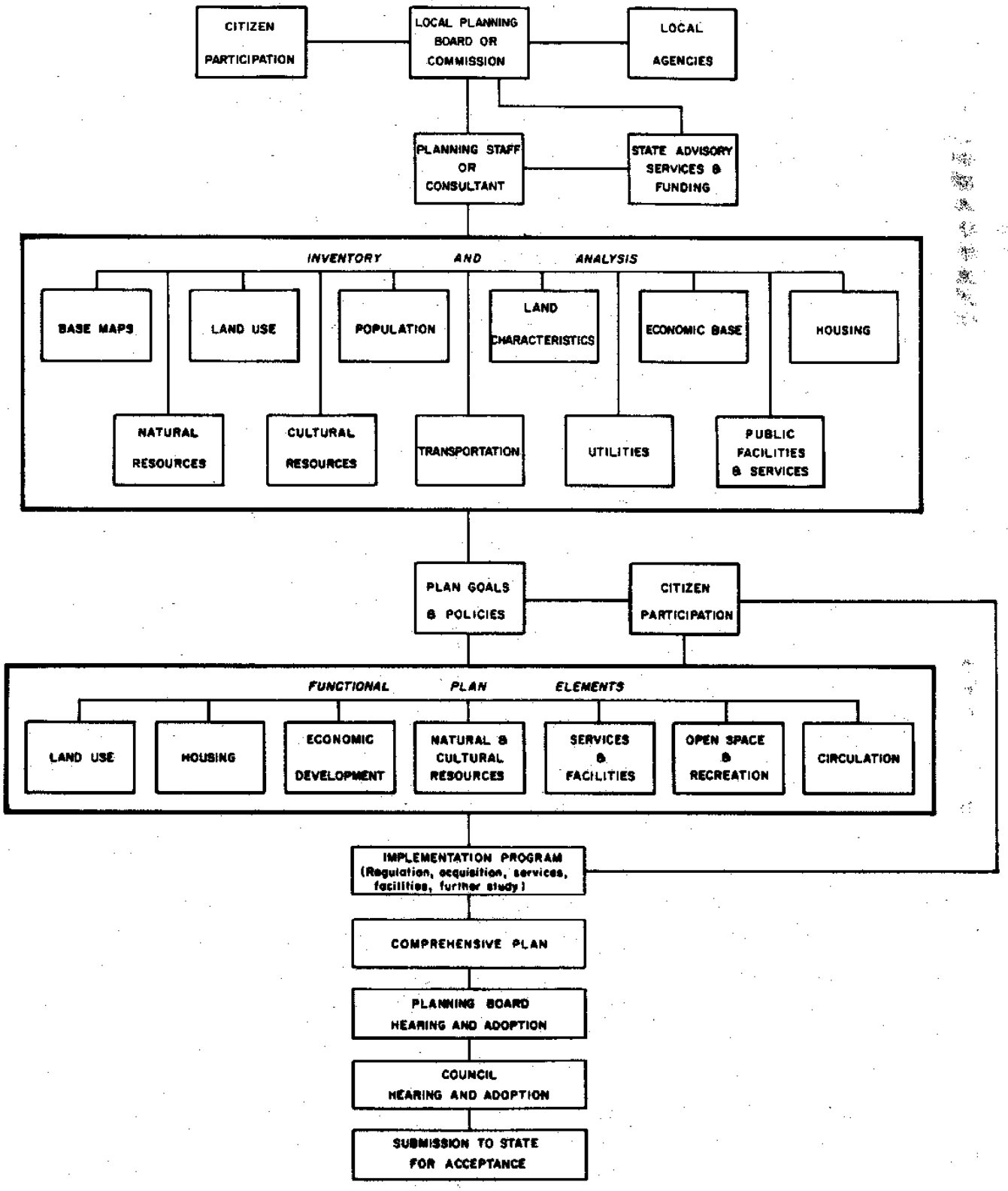
- Aerial Photographs. Available from the Division of Planning at a scale of I inch = 400 feet for 1988 (and earlier years). Such photos accurately show all culture and circulation patterns and are invaluable for planning inventory work.

Careful selection and use of base maps can significantly aid in the formulation of all plan elements and can be particularly useful in data collection, public presentations, and the final plan document.

The nine required elements of the local comprehensive plan are presented in the following section, supplemented by descriptive materials from the Act, an outline of major consistency requirements, possible sources of data, and general discussion. A flow chart of the comprehensive planning process is shown in Figure 1.

FIGURE I

THE COMPREHENSIVE PLANNING PROCESS



1. Goals and Policies Statement - Element 1

Act Citation:

> "Identifies the goals and policies of the municipality for its future growth and development. The statement shall enumerate how the Plan is consistent with the overall goals and policies of this chapter, the state guide plan and related elements."

Consistency with:

- All findings, intents and goals of the Act
- State Guide Plan Element 110 - *Goals and Policies,* and all other applicable State Guide Plan elements. Although some State Guide Plan elements need updating, the goals and policies remain valid.

Sources:

- Section 3 of the Act (see Appendix A)
- State Guide Plan Overview, State Guide Plan Element 010
- Individual State Guide Plan elements outlined in Part III of this Handbook
- The current local comprehensive plan if previously adopted
- The local citizen participation effort established in compliance with requirements of the Act. While public involvement is required in the formulation of all elements of the local plan, it is most important that there be citizen input into the development of plan goals and policies; for it is in this element that the direction of all local plan elements is established. The development of general planning goals for the city or town must rely upon the collective viewpoints of the citizenry as to the goals and policies required to address local issues, needs and problems.

Discussion:

For the purposes of the local comprehensive planning process, goals may be treated as ends or results toward which the planning process is directed. Policies may be defined as the courses or methods of action governing municipal decisions designed to reach goals. Both must address issues or problems associated with the development of the city or town.

The goals should be tailored to the particular community, giving clear direction as to the type of development that the community desires. They should not be such broadly stated generalizations that they could apply to every city and town.

The goals and policies that will govern the city or town's future growth and development (physical, social and economic) must cover all functional elements of the plan. If located within each plan element, the goals and policies must be identified to demonstrate the existence of this plan element.

The goals and policies must cover the entire plan period and may be designated as “short range" and "long range." The descriptive material must demonstrate the consistency of such goals and policies with the Act and with applicable elements of the State Guide Plan.

2. Land Use Plan Element - Element 2

Act Citation:

> "Designates the proposed general distribution and general location along with the inter-relationship of land use for residential, commercial, industrial, open space, recreational, community facilities and other categories of public and private uses of land. The Land Use Element is based upon the other elements contained in Section 45-22.2-6 and it shall relate the proposed standards of population density to the capacity of the land and available or planned facilities and services. A land use plan map, illustrating the future strategy and land use policy of the municipality as defined by the comprehensive plan, is required. The land use plan must contain an analysis of the inconsistency of existing zoning districts, if any, with the land use plan. The land use plan should specify the process by which the zoning ordinance and zoning map shall be amended to conform to the comprehensive plan."

Consistency with:

- State Guide Plan Element 121 - Land Use 2010: State Land Use Policies and Plan. While this is the principal Guide Plan element covering the use of land, the interrelationship of land use with other elements makes it essential that consistency be checked and established with all other applicable State Guide Plan elements and with all other elements of the local plan.

- Adjacent municipalities to assure coordinated treatment of boundary areas and other shared regional factors and influences

- Goals (1), (3), (4), (5), (6) and (9) of the Act

- All regulatory systems of federal and state governments that affect or control the use of or treatment of land areas, water bodies, wetlands, aquifers, coastal resources and other special areas

Sources:

- State Guide Plan Overview, State Guide Plan Element 010; Element 121- Land Use 2010: State Land Use Policies and Plan; and other Guide Plan elements

- RIGIS data and maps

- Local research, studies and field surveys of land use, demographics, development trends, municipal facilities, and permit and other records

- Local zoning ordinances, subdivision regulations, and other local land use controls

- Rhode Island Soils Survey

- State agencies, including:

  Coastal Resources Management Council
  Department of Administration - Division of Planning
  Department of Economic Development
  Department of Environmental Management
  Department of Transportation - Planning Division
  Housing and Mortgage Finance Corporation
  Solid Waste Management Corporation

Other agencies, including:

Public and private utilities that supply water, electric power, natural gas and communications services or are concerned with solid or liquid waste disposal

Discussion:

The Land Use Plan is the principal element of any local comprehensive plan. Since consideration of the use and treatment of land crosses the boundary into the purview of other required elements, it is essential that this element be formulated in coordination with the other elements, sharing goals, policies and certain implementation steps.

As a minimum, the Land Use Plan must consider the allocation of land for residence, business, industry, municipal facilities, public and private recreation, major institutional facilities, mixed uses, open space and natural and fragile areas. Optimum intensities and standards of development must be established for each use classification and location, based upon current development; natural land characteristics; and projected municipal, regional and state services and facilities.

Allocations of land use must consider impacts on surface and groundwater resources, wetlands, coastal features, and other sensitive and fragile natural resources. Judgments must be made on the ability of various existing and new land use controls to properly protect these natural resources.

The characteristics, trends and projections of population and employment will be essential input to the allocation of land areas for use. The plan may utilize Division of Planning projections or its own but, in the latter case, the derivation of these must be explained. The plan should show how the projections have been used to determine amounts of land needed for residential, industrial, and other purposes. These quantitative relationships carry over to other elements of the plan in that certain facilities and services (utilities, transportation, recreation areas, etc.) are needed to support the land allocated to each use.

Care must be taken to consider regional influences and adjacent community development in allocating land areas for use.

The ability of the regional transportation network to provide for the movement of persons and goods will exert an influence on the allocation of land for use.

Major state and federal lands, such as wildlife refuges, forest preserves, airports, military facilities and others, must be included in the local plan. Their basic use must be described, and the plan must set forth how such areas are to be accommodated and how surrounding land uses are to be made as compatible as possible. Any locally proposed changes in the treatment of such areas must be explained.

The Land Use Plan must be supplemented by a map that graphically portrays the policy of the city or town with regard to the planned treatment and use of land. While this plan map need not be at a scale of accuracy that will identify individual land parcels, it must be of sufficient scale and accuracy to allow for the following:

- A visual determination of the policies and goals of the municipality for the future use and intensity of development of all land and water bodies within its jurisdiction.
- A determination of the consistency of the Land Use Plan with the State Guide Plan.
- A determination of the consistency of the Land Use Plan with the current zoning ordinance and map, and use as a basis for the revision or replacement of inconsistent zoning requirements, subdivision regulations and other land use controls.

It is expected that this land use plan map will show features from other comprehensive plan elements such as open space, recreation, economic development, community facilities, natural areas and others that project the allocation of land or special treatment.

A useful feature of the Land Use Plan would be a brief analysis of the general effect on the municipality to be brought about by the implementation of this plan element.

Recognizing that the regulation of the use and development of land is primarily a municipal function granted by enabling legislation, the Act sets forth an eighteen-month period after plan adoption for zoning compliance with the plan. The Act specifically requires that all land use plan elements contain an analysis of inconsistencies between the plan and the existing zoning ordinance and map. The analysis must consider zoning district boundaries and the standards and use requirements for these districts compared to land use goals and policies. The Act also requires that the municipality include within this element an outline and schedule of the process that it contemplates to amend or replace its zoning ordinance and map to achieve consistency with its land use goals and policies. Since the zoning ordinance and map are the principal instruments of implementation for local and state land use policy, it is important to provide an accurate and valid comparative analysis and schedule for zoning action.

3. Housing Element - Element 3

Act Citation:

> "Housing Element. Consists of identification and analysis of existing and forecasted housing needs and objectives including programs for the preservation, including, but not limited to, the preservation of federally insured or assisted housing, improvement and development of housing for all citizens. The housing element enumerates local policies and implementation techniques to provide a balance of housing choices, recognizing local, regional and statewide needs for all income levels and for all age groups, including but not limited to, the affordability of housing and the preservation of federally insured or assisted housing. The element identifies specific programs and policies for inclusion in the implementation program, necessary to accomplish this purpose."

Consistency with:

- State Guide Plan Element 421 - State Housing Plan *issued March 2000*. Element 421 establishes state goals and policies for housing with which local housing elements must demonstrate consistency. Consistency must also be established with recommendations in this element directed toward local governments. Element 421 provides data and an analysis of housing assistance needs and an implementation program of policy, administrative and legislative measures with emphasis on special needs groups.

- The goals and policies for housing in Rhode Island as stated in the Guide Plan Element in terms of Quantity, Quality, Variety, Accessibility, and Affordability, addressing the need for serving diverse populations, maintaining code enforcement, stabilizing and protecting existing areas, improving use of existing structures, identifying optimal locations for new housing units, and developing and/or supporting new housing concepts (pp 1.1 & 1.2)

- A consideration of the housing goals and programs of other municipalities within the region.

Sources:

- *State Housing Plan* cited above

- Rhode Island state agencies involved with housing:

  Department of Administration - Division of Planning
  Department of Elderly Affairs
  Department of Children and Their Families
  Department of Human Services
  Department of Mental Health, Retardation and Hospitals
  Department of Health
  RI Housing and Mortgage Finance Corporation (RIHMFC)
  RI Housing Resources Commission

- U.S. Department of Housing and Urban Development (HUD)

- Municipal Housing Authority (where formed)

- Municipal or regional community development corporation (where formed)

- Municipal or regional anti-poverty agency

- The Consolidated Plan, formerly known as the Comprehensive Housing Affordability Strategy (CHAS), which sets out a five-year plan for addressing the needs of low and moderate income RI residents. This plan is developed by RIHMFC or entitlement communities to satisfy HUD funding requirements.

- Quarterly rent surveys conducted by RIHMFC.

- Housing sales price information collected by the RI Association of Realtors.

- Municipal code enforcement data and records, which will show needs for housing improvement and may indicate overcrowding and other housing-related problems, including lead paint.

- Waiting lists maintained by local housing authorities and non-profit housing providers to give indications of housing need.

- The US Census: 2000 and prior years

Discussion:

In past years, consideration of housing needs and costs in local comprehensive plans has often been ignored or has been given only cursory attention. In attempting to ease growth rates and minimize the demand for municipal facilities and services, many

cities and towns have opted for increases in residential lot sizes, with the result that higher density residential development has been excluded. While such measures may be justified in part by limitations in sewerage, water supply, soils capability and other constraints in some cities and towns, the net result of slowing growth has been reduced or eliminated opportunity for housing for lower-income and other special-needs groups. Impact fees and building permit caps have also raised barriers to the production of affordable housing.

The General Assembly addressed this situation by enacting the RI Low and Moderate Income Housing Act, (RIGL 45-53) which established a 10 percent minimum threshold of low and moderate income housing units for each city and town. Each community's progress in achieving this threshold is to be revised annually to accurately reflect the percentage of such structures in each city and town, and RIHMFC is to certify this count. Those communities determined to have less than 10 percent affordable units, may have their land management decisions subject to the review of the State Housing Appeals Board (SHAB), which has appellate power to reverse local denial of affordable housing proposals.

A second calculation was added several years later which modified the Board's jurisdiction over appeals. In addition to communities where low and moderate income units are "in excess of 10 percent of the housing units reported in the census", the law was amended to also exempt from the Board's jurisdiction an urban city or town which has at least 5000 occupied rental units and the units, as reported in the latest decennial census of the city or town, comprise twenty-five percent or more of the housing units and 15 percent of these units are affordable.

The effect of this law is to provide, in those cities and towns that have not attained the legislatively-established minimum thresholds of affordable units that exempt them from the law's provisions, both 1) an expedited review procedure that housing developers may utilize to gain local approvals for the production of affordable units, and (2) an expedited appeal procedure that can override local land management decisions. The Comprehensive Permit procedure established by the law provides for an alternative method of land use regulation that replaces local zoning.

Importantly, the law also enables a community to control residential development by developing an affordable housing plan as a proactive policy to attain the legislative goal of affordable units. A community's affordable housing plan should be an integral component of its comprehensive plan's housing element, and consistent with the plan's other elements, especially land use, facilities and services, and implementation.[1] When so integrated, the housing element creates an affirmative program for the community to direct the development and delivery of a range of housing choices, including sufficient housing for lower and moderate income households.

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[1] RIGL 45-53-6 Power of state housing appeals board….

(b) The standards for reviewing the appeal include, but are not limited to:

(1) The consistency of the decision to deny or condition the permit with the approved comprehensive plan:

(2) The extent to which the community meets or plans to meet the ten percent (10%) standard for existing low and moderate income housing units;

The Comprehensive Planning and Land Use Regulation Act recognizes housing as an important local development issue and requires local governments to address the wide range of housing needs as an integral part of their comprehensive plan. While the principal housing concern of municipalities will be to accommodate local residents, the surrounding housing market area must be considered in assessing present and future housing needs. These housing market areas are delineated in the State Housing Plan: Report Number 98, (March 2000). The need for housing opportunities for various populations with special-needs must also be considered.

The affordability of housing is not a problem restricted to lower-income populations of inner cities and declining urban areas. It is, in fact, an issue for all municipalities, affecting the poor and lower-income as well as a large portion of the middle-income population of every city and town. Many factors have worked to limit housing availability and affordability, such as:

- High land costs, aggravated by minimum lot size and other requirements in excess of environmental or social need
- High construction costs and resultant high rents or sales prices–
- High median household income and low vacancy rates
- Deterioration of older housing stock
- Elimination of housing stock by demolition or conversion to other uses
- Marginal funding of federal housing programs
- Unemployment and under-employment
- Attraction of employment opportunities without commensurate consideration of housing supply availability and cost
- Municipal development moratoria, and permit limits, and fees
- Lack of municipal facilities and services for potentially suitable housing and development sites
- Failure to utilize federal, state or private programs designed to enhance housing opportunity and availability
- Time-consuming and excessively expensive permitting procedures for housing development
- Local opposition to affordable housing development

The cost of land and basic building construction are matters largely beyond the control of local governments, but housing opportunities and affordability can be

promoted through land use codes and development controls that reduce development costs and target higher density development in areas where infrastructure is available or planned. Examples include duplex and/or multi-family dwellings, accessory apartments, mixed use, mill reuse, inclusionary zoning, cluster development, conservation development, planned unit development, transfer of development rights, manufactured housing and other contemporary techniques. Higher density may be appropriate in village centers and in the reuse of existing structures. Impact fees and building permit caps for subsidized and low and moderate income housing can also be waived. Streamlining of local and state permitting procedures can also be helpful. The U.S. Department of Housing and Urban Development and the National Association of Home Builders have conducted studies of housing affordability, which may be of assistance in preparing the local housing element.

Another approach to increasing the supply of decent affordable housing is to intensify code enforcement programs to upgrade deteriorating housing stock and to link this activity with grant funding assistance that ensures long-term affordability. Sites suitable for the development of needed and affordable housing must be identified, and the provision of essential facilities and services necessary to support such sites must be included within the services and facilities, open space and recreation, and circulation elements of the comprehensive plan. In addition to potential sites for new housing development, municipalities should identify existing structures that may be suitable for conversion to affordable family housing or special-needs housing.

An investigation should be conducted into the feasibility of subsidies and incentives to be granted for the construction of affordable housing of all types.

In brief terms, **the Housing Element of the plan must**:

- Inventory and analyze existing housing stock, including its age, condition, type, location, occupancy and cost (rent and sales) using the most recently available data;

- Identify, based upon demographic and socio-economic analysis and projections used in the plan, and market conditions and trends, the unmet housing needs of the existing and future population, giving attention to all segments of the housing market (renters, homeowners, elderly, low and moderate income, large families, the homeless, and special-needs persons and groups) must be considered, with particular attention to the relationship of needs to costs (affordability) from the housing stock inventory and analysis. The most recently available data should be utilized. Housing needs should be identified from the local and regional perspective.:

- Establish goals and policies that will:

    - Upgrade deteriorating and substandard housing;

    - Provide new housing opportunities geared to the needs of all segments of the population; and

        - Address the documented need for affordable housing opportunities

- Identify resources and actions designed to achieve the housing goals and implement housing policies established by the element, including:

    - Municipal agency responsible for housing;
    - Code and ordinance changes and innovations to encourage achievement of housing goals,
    - Public and private resources to be utilized in achievement of housing goals;
    - Sites for housing development (locations and types);
    - Potential conversion of existing structures to housing use; and
    - Financial strategies to be developed for housing.

The implementation program for housing must cover a minimum period of five years, and municipalities are encouraged to project this program to a long-range period of typically twenty years.

Should a community decide to adopt an "affordable housing plan" that meets the threshold requirements of the Low and Moderate Income Housing Act as a component of the housing element, that "affordable housing plan" must identify specific steps that the municipality will take to increase the supply of affordable housing and identify resources to be used in this regard. Specifically the affordable housing plan should be a clear statement and guide to the housing development community that allows them to identify the types and number of affordable housing units in specific locations as desired by the community to address their affordable housing needs. The plan will include specific steps that:

- Identifies the number of affordable units needed to achieve the applicable threshold requirement for affordable housing as quantified in the most recent "Low and Moderate Income Housing by Community" tabulation published by RIHMFC by type and tenure consistent with the consolidated plan.

- Identifies specific strategies to attain the threshold over a reasonable period of time, taking into consideration anticipated residential growth based on building permit activity and build-out estimates. The number and type of low and moderate income units (e.g. family, elderly, special needs) produced by these strategies must be in proportion to the unmet local and state housing needs identified in the housing element and consistent with the consolidated plan.

- Provide quantitative estimates of how each strategy will contribute to attainment of the threshold and the timeframe for implementation of each. This implementation schedule must demonstrate commitment to short-term actions (six months to a year) and project out to the initial minimum five-year implementation program for the element and any subsequent implementation programs of the housing element and comprehensive plan.

    - Identifies responsible parties and partners for each implementation strategy and identifies resources that will be tapped to achieve them.

    - For land management density strategies such as inclusionary zoning and/or density bonuses, demonstrates that the number of low and moderate income units projected to be produced are consistent with build-out estimates, geographic building constraints (e.g. wetlands, ledge, flood plains), and infrastructure and services planned for targeted areas.

    - For redevelopment and/or reuse of existing buildings, identifies specific buildings and/or areas and estimate the number of low and moderate income units projected for each.

4. Economic Development Element - Element 4

Act Citation:

> "Shall include the identification of economic development policies and strategies, either existing or proposed by the municipality, in coordination with the land use plan element. Such policies should reflect local, regional and statewide concerns for the expansion and stabilization of the economic base and the promotion of quality employment opportunities. The policies and implementation techniques must be identified for inclusion in the implementation program element."

Consistency with:

- State Guide Plan Element 21 1 - Economic Development Strategy and other State Guide Plan elements such as land use, transportation, and airports

- The goals of this Act, specifically Goals (1) and (2)

- The economic development goals and programs of contiguous municipalities

- Internal consistency with other local plan elements

Sources:

- State agencies, including:

  Department of Administration - Division of Planning
  Department of Economic Development
  Department of Transportation

- Local Chambers of Commerce and/or business groups
- Local industrial development commission, if organized
- Labor organizations

Discussion:

Economic development is a key consideration for all municipalities. It must be viewed within the context of national, regional, and state conditions. Each city and town must carefully consider the needs of the state and surrounding municipalities in formulating this vital local plan element. Recognition must be given to the fact that site, space, transportation, labor force, market and other requirements peculiar to each type of economic development cannot be satisfied by all municipalities. Few municipalities will be able to provide employment for all of its resident labor force within its own boundaries; most will depend upon statewide economic development for such opportunities. This wider consideration extends even beyond the boundaries of the state into the region of southern New England.

Urban communities have economic development oriented to retail and service trade in the center and manufacturing or other industry in areas where services and space are available. Suburban municipalities usually have retail and service business centers and, in some cases, manufacturing or industry located in perimeter areas oriented to transportation facilities. Rural towns are likely to have an economic base oriented to agriculture and related activities, and coastal municipalities may have an economy based upon fishing or water recreation. Modern shopping centers and large-scale industrial development tend to be oriented to regional population patterns, transportation system elements and available sites to draw upon a region for its workforce and market. In a few municipalities, a major government or institutional use may be a significant element of the economic base. Tourism is of growing importance in many communities.

These diverse types of economic development share a number of features in spite of their differing character and function:

- All provide employment opportunities, varying in scope.

- All pay local property taxes, except where government or other tax-exempt facilities are involved.

- In varying degrees, all require access to some element of the local and regional transportation system.

- All, in varying degrees, require municipal public works, public safety, and utility services.

- All have specific site, space and locational requirements.

- All generate waste, in some cases requiring special treatment.

- Many manufacturing uses have the potential for the emission of noxious by-products requiring regulation.

- Some require large volumes of water for cooling or processing.

- All, in varying degrees, require careful consideration of their relationship and proximity to other uses of land.

Goals and policies for economic development must consider:

- The requirements of the projected population for goods and services

- The requirements of the projected population for employment opportunities

- The desirability of certain types of economic development in the municipality

- The ability of the local infrastructure to provide essential facilities and services

- The effect of economic development on the region and on neighboring uses of land in the municipality

- The availability of suitable raw sites and the types of economic development best suited for such sites, taking into account soils capabilities, sensitive environmental factors, and local or regional infrastructure

- The availability of existing building space and the types of economic development best suited to such space, with due consideration for compatibility with surrounding land uses

- Possible incentives and assistance to expand economic development.

The inventory and analysis of existing economic development will be the initial step in determining the extent and character of the economic base and its potential for expansion. An inventory must be undertaken of potential sites for new economic development and of structures having potential for economic reuse. An assessment of site and structure capabilities and available infrastructure will determine the best potential use for each and will assist in determining the specific types of activity to be included in the economic development goals of the city or town. Special advantages should also be identified, such as recreation and historic areas that can attract tourist industry.

This element must devise implementation steps to support the formulated economic development goals and policies by:

- Identification and reservation of sites and structures planned for new or expanded economic development.

- Protection of such planned sites or structures from use by other less demanding classes of development, principally through the zoning ordinance and other local land development controls.

- Infrastructure improvements designed to support economic development.

- Assignment of responsibility within the municipal government for providing guidance and assistance to new or expanded economic development. This will include continuing coordination with economic development activities of the state and municipalities in the region.

- Where deemed appropriate or necessary, the development of a program of incentives to stimulate economic development.

5. Natural and Cultural Resources Element - Element 5

Act Citation:

> "Shall provide an inventory of the significant natural resource areas such as water, soils, prime agricultural lands, natural vegetation systems, wildlife, wetlands, aquifers, coastal features, flood plains and other natural resources and the policies for the protection and management of such areas. The element shall include policies for the protection of historic and cultural resources of the municipality and the state. The policies and implementation techniques must be identified for inclusion in the implementation program element."

Consistency with:

- State Guide Plan Elements

  152- Ocean State Outdoors
  121- Land Use 2010: State Land Use Policies and Plan
  161 - Forest Resources Management Plan
  710 through 715 - Water Resources Management and Water Quality Management Plans
  721 - Water Supply Policies for Rhode Island

- The programs and regulations of the Rhode Island Department of Environmental Management with respect to wetlands, water quality classifications, non-point source pollution management, groundwater protection, endangered species, other natural resource areas and related features

- The protection goals of the Rhode Island Natural Heritage Program with respect to rare and endangered species, significant ecological communities, and other unique natural features.

- The designations, rules, plans, and policies of the Rhode Island Coastal Resources Management Council with respect to coastal features, water bodies and related areas. The Coastal Resources Management Program is the overall document; and Special Area Management Plans have been completed for Providence Harbor, Newport Harbor, the Narrow River, and coastal ponds from Westerly to Narragansett

- Surveys, plans. policies and register listings of the Rhode Island Historical Preservation Commission with respect to historic places and archeological resources

- Goals (1), (4), (5), and (6) of the Act

- Internal consistency with other local plan elements

Sources:

- The Rhode Island Geographic Information System (RIGIS)

- State agencies, including:

  Department of Administration - Division of Planning

  Coastal Resources Management Council

  Department of Environmental Management, including the Natural Heritage Program, Narragansett Bay Project, and the Agricultural Land Preservation Commission

  Historical Preservation Commission

- Rhode Island Areawide Waste Treatment Management ("208") Plan
- Non-point Source Pollution Management Plan for Rhode Island
- Groundwater Protection Strategy for Rhode Island
- URI Cooperative Extension Division and Coastal Resources Center
- State Geologist, at the URI Department of Geology
- U.S. Geological Survey
- U.S. Department of Agriculture - Soil Conservation Service (especially Rhode Island Soils Survey)
- U.S. Army - Corps of Engineers
- U. S. Department of the Interior - National Park Service, Fish and Wildlife Service
- Rhode Island field office of the Nature Conservancy
- Regional and statewide environmental groups such as the Audubon Society of Rhode Island, Save the Bay and others
- State, regional, and local water supply agencies

Discussion:

This element forms the environmental base for the comprehensive plan and is closely related to the Open Space and Recreation and the Land Use Plan Elements. The Land Use Plan must include, as an initial step, an inventory of natural and cultural resources.

The keys to the formulation of an effective Natural and Cultural Resources Element are this inventory and the strategies to be developed to implement policies with respect to such resources. The inventory must include all resource areas that are considered to have significance to both the natural and human environment.

The inventory should be mapped, with accompanying information on type of area, type of ownership, etc. Many of these areas have been studied, mapped and regulated (to some degree) and data on these locations is available through the Rhode Island Soils Survey, the RIGIS and the Rhode Island Natural Heritage Program. Others may be delineated by the application of specific definitions that are part of regulatory systems, as in the case of wetlands and coastal features. In such cases, the state regulatory agencies (principally the Department of Environmental Management and the Coastal Resources Management Council) should be consulted to maximize the accuracy of the inventory and gain agency determinations with regard to water quality, wetlands significance, and coastal feature classifications, among others. Finer definitions of the extent of certain natural features can be obtained by both field survey (performed at the time of land use field surveys) and the analysis of recent aerial photography. Consultation with staffs of regulatory agencies and environmental organizations is strongly urged also in devising strategies for implementation.

Reservoir watersheds and groundwater aquifers that are an existing or potential source of water for public use are an important consideration in formulating this plan element, most particularly in rural and developing areas. Not only the aquifer but also its direct recharge area and overall zone of contribution are to be considered in developing measures of protection. The types of soils found in and around aquifers are, in many cases, also deemed most suitable for development and will be subject to heavier pressure than other areas that have limited significance in ground water supply.

The 1987 Public Drinking Water Protection Act and a resulting bond issue provide funding for land acquisition and other aquifer and watershed protection programs. A requirement for eligibility for such funding assistance is a local Water Quality Protection Plan, and it is strongly recommended that municipalities include within the Natural and Cultural Resources Element the data and determinations required for that plan to assure eligibility for assistance from the new Water Quality Protection fund. As a minimum the Water Quality Protection Plan must include:

- Determination of the boundaries of watersheds of reservoirs serving the supplier or of the aquifers serving public wells.

- Identification of sources of contamination of each reservoir or well field.

- Identification of measures needed to protect each reservoir or well field from sources of contamination, including acquisition of buffer zones, diversion of storm waters or spills, and desirable land use control regulations.

- A priority list of actions for implementing these protection measures.

This local plan element also includes consideration of cultural resources of the city or town, with specific reference to historic resources. Many communities will have other cultural resources of a religious, institutional or similar nature that must be inventoried and considered in the implementation program. Historic resources have been well documented in Rhode Island municipalities by the Rhode Island Historical Preservation

Commission in local historic surveys and in studies of individual sites and structures. Historic cemeteries have been inventoried and marked by the State of Rhode Island. The commission and local historic groups should be consulted for recommendations on the most appropriate strategies to be implemented for each site or structure. In addition, any area that has been designated as a historic district under the authority of the historic zoning enabling act must be inventoried and consideration given to the designation of expanded or additional areas where appropriate.

The implementation strategies to be put forth in connection with the Natural and Cultural Resources Element and the Land Use Plan Element will fall into several categories, including but not limited to:

- Acquisition of land, easements or development rights to protect and preserve specific natural features, agricultural lands, aquifers, watersheds and others.

- Use of existing or new state regulatory systems to protect wetlands, streams, waterbodies, coastal features and other natural resources from intrusion by inappropriate development and from point and non-point sources of pollution.

- Use of existing, revised or new local regulatory systems such as zoning, subdivision control, performance standards, erosion control and others to limit or prohibit development in and adjacent to sensitive natural areas and to limit or eliminate the discharge of damaging or toxic elements into sensitive areas. watersheds, aquifers and water bodies. This includes the regulation of future development in accordance with the capabilities of the soils and the availability of water and sewer facilities. The Scituate Reservoir Watershed Management Plan of the Division of Planning and several publications of OEM are recommended for guidance in this regard.

- Development of new or improved municipal facilities and services to ease or eliminate pollution of natural resource areas. Sewerage, surface drainage, waste treatment and other improved services and facilities may be appropriate in many municipalities.

- Use of zoning and historic zoning to protect historic resources and provide a suitable environment for their preservation or creative reuse.

- More effective use of property taxation to protect agricultural, forest, and open space lands.

6. Services and Facilities Element - Element 5

Act Citation:

> "Shall provide an inventory of existing and forecasted needs for facilities and services used by the public such as, but not limited to, educational facilities, public safety, water, sanitary sewers, libraries and community facilities The Policies and implementation techniques must be identified for inclusion in the implementation program element."

Consistency with:

- State Guide Plan Elements

  110 - Goals and Policies

  121 - Land Use 2010: State Land Use Policies and Plan

  All other State Guide Plan elements that cover local facilities and services, such as water supply, sanitary and surface drainage, waste disposal and others

- Goal (1) of the Act

- Internal consistency with other elements of the local plan

- All state regulations and operational plans governing water supply, sewage disposal, waste disposal, educational services, library services, protective services and others

Sources:

- The principal sources for data on existing facilities and facility needs will be the range of local agencies that operate local facilities and provide local government services. This will include but not be limited to:

  Municipal chief executive
  Local or regional superintendent of schools
  Local police chief
  Local public works or highway superintendent
  Local fire chief or volunteer company(s)
  Local or regional sewer unit or authority
  Local or regional water company or authority
  Local public library director
  Local or regional emergency rescue service if separate from police and fire
  Local recreation department or board Town or city clerk
  Local public welfare director Community Action agency
  Other municipal offices such as inspection office, tax collector, assessor, etc.

- Rhode Island League of Cities and Towns

- Assistance in developing standards of need and space requirements can be obtained through a number of state agencies, including but not limited to:

  Department of Administration - Division of Planning
  Department of Education
  Department of Environmental Management - Division of Planning and Development
  Department of Elderly Affairs
  Department of Human Services
  Department of State Library Services
  Governor's Office of Intergovernmental Relations
  Solid Waste Management Corporation

- In a number of communities, citizen groups have been formed to support certain types of local services and facilities. Contact with such organizations may be valuable in assessing needs for facility expansion or improvement.

- Quasi-public and private operators of facilities

Discussion:

This element of the local plan must cover the entire range of local government and other public facilities and services, with two notable exceptions: the circulation system and open space/recreation system (covered in separate plan elements). In broad terms, this element requires the following steps in planning for municipal and related facilities and services:

- An inventory of existing public facilities and services, mapped where appropriate. This should include all publicly operated facilities and services plus quasi-public and private facilities that provide services to the general public.

- A general analysis of the effectiveness of each such facility and service, noting any deficiencies in quality of services provided.

- A forecast of current and future needs for such facilities and services, based largely upon projections of land usage and population change utilized in the other plan elements. The forecast should be based upon generally accepted standards of need or on standards developed by the city or town for this purpose and must be in conformity with local goals and policies established to govern the provision of such facilities and services.

- A program to be included in the Implementation Program element that will schedule actions designed to accomplish the following:

- Eliminate current deficiencies and provide improvements in services and facilities.

- Provide for expansion of facilities and services to satisfy the projected needs of future land development and population change.

- Initiate new types of facilities and services in accordance with projections of need.

While the range of facilities and services of each municipality will be based upon its peculiar characteristics, certain facilities and services will be common to most cities and towns, such as:

- Public elementary and secondary schools (local or regional)

- Protective services including police, fire and rescue, and emergency management

- Library services

- Public water supply, sanitary sewerage and surface drainage (where applicable or feasible)

- Public works facilities and services, including street maintenance, rubbish collection and disposal, etc.

- Municipal office functions including administrative, city or town clerk, assessor, tax collector, building inspector, etc.

- Special needs facilities and services for the elderly, handicapped, children, disadvantaged and other groups requiring special support services

- Federal, state and regional facilities and services established to satisfy the needs of the locality or the region

- Private and quasi-public social-service and recreational facilities and services for the general public

As mentioned previously, one source of needs data for facilities and services is the agency(s) charged with their operation. Their experience in providing such services and operating such facilities, when combined with the planning projections of land usage and population change, will allow each to estimate the level of services and facility space to be required in the future. They will also be able to document existing deficiencies in their operation, which may lead to short-range programming of improvements to cover unmet existing needs. In many cases, the judgment of these agencies will be confirmed by studying accepted standards for such facilities and services. Such agencies may be helpful in establishing schedules and general cost estimates for planned improvements. Caution must be observed in developing needs

estimates to ensure that all competing programs that target the same client groups are considered in programming changes in or expansions of facilities and services. Consultation with various state agencies (listed previously) may be helpful in the development of needs and standards associated with their role in the local services delivery systems.

This element presents an opportunity for each municipality to establish (if not already established) a continuing annual capital improvement program as a permanent aid to the maintenance of a valid and responsive schedule of needed capital improvements for the municipality. Improvements can be programmed in a manner tailored to municipal needs and financial resources.

In addition to the programming of capital facility improvements, the implementation program for this plan element must consider, in detail:

- assignment of responsibility for facility and service operation and development (state or local agencies, quasi-public agencies, private agencies, developers, etc.)-,

- schedule or timing of proposed actions; and

- methods to be used in this services and facilities element to guide or promote development proposed in the land use plan element.

This element represents a significant aspect of the local comprehensive plan in planning for the changes in municipal infrastructure required to provide basic facilities and services for future population and land use patterns. By careful planning and the prudent allocation of local resources, the level of services and facilities can be matched to the physical, economic and social development of the municipality.

7. Open Space and Recreation Element - Element 7

Act Citation:

> "Shall include an inventory of recreational resources, open space areas and recorded access to such resources and areas. The element shall also contain an analysis of forecasted needs and policies for the management and protection of such resources and areas. The policies and implementation techniques must be identified for inclusion in the implementation program element."

Consistency with:

- State Guide Plan elements I IO Goals and Policies

  121 Land Use 2010: State Land Use Policies and Plan

  152 Ocean State Outdoors

  161 Forest Resources Management Plan

- Internal consistency with other local plan elements
- Goals (1), (4), (5) and (6) of the Act
- All state regulatory systems and rules that govern or control wetlands, coastal features, water bodies, and other natural areas and features

Sources:

- State agencies, including:

  Department of Administration - Division of Planning

  Coastal Resources Management Council

  Department of Environmental Management-Division of Planning and Development

- Local recreation agency and conservation commission

- Local public school department

- Private and quasi-public operators of facilities that provide special types of recreation opportunities available to the general public

- Public, quasi-public and private agencies that provide recreation opportunities for special groups such as the elderly, handicapped and others

Discussion:

This local plan element is closely related to the Natural and Cultural Resources Element, especially in the consideration of open space that has both resource and recreation implications. It is also closely related to the Services and Facilities Element in that it deals with recreation facilities and services.

All cities and towns that have previously completed Recreation, Conservation, and Open Space Plans (SCORPS) to qualify for state and federal funding are familiar with the requirements for this element. Guidelines issued by the Recreation Resources

Review Committee ("RRRC Guidelines") are generally consistent with the requirements of this Act and may be used for guidance.

The Act clearly asks for four basic items in this element:

- an inventory of existing open space and recreation facilities, including consideration of access to such areas;

- an analysis of the forecasted needs of the local population for open space/recreation opportunities;

- development of municipal policies for the provision, management, and protection of open space/recreation opportunities; and

- an implementation program designed to achieve local open space /recreation goals and satisfy forecasted needs.

The Inventory:

The essential features of the required inventory are:

- All existing open space and recreation areas and facilities owned and operated by federal, state, regional and local agencies plus quasi-public and private entities where available for public use. Areas should be listed by type (e.g., playfield, town park, play lot, etc.) and by jurisdiction.

- Form of ownership or control (fee simple, easement, lease, other)

- Any access or use restrictions or limitations such as fees, memberships, age or other requirements.

- Public accessways to the shore, water bodies or other open space areas and the conditions associated with each.

- Open space areas owned or controlled, by quasi-public or private interests whose protection or preservation is deemed to be in the public interest. These may also appear in the Natural and Cultural Resources Element.

The inventory must consist of a map at a scale that will permit showing the location and boundaries of all areas and facilities. A scale of 1 inch = 2,000 feet or larger (e.g., 1 inch = 1,000 feet) is suggested. An accompanying inventory chart must be developed that gives pertinent information on usage, counts of available facilities, land and water acreage, and other data required to provide a complete description of each inventoried area or facility. This can be checked against the Division of Planning's 1988 recreation inventory.

The Needs Assessment:

Standards for recreation facility need must be applied to forecasts of land use and population characteristics, to determine the adequacy of present areas and facilities and the deficiencies that must be addressed in the implementation program. The municipality is encouraged to develop standards based upon its citizen involvement effort, current usage, and surveys. It may also elect to use the 1983 standards of the National Recreation and Park Association or other accepted standards. Some types of unique facilities may require the development of original standards by the municipality.

One very important step is an assessment of the condition and adequacy of existing facilities. This will permit the development of an improvement program as the initial step in satisfying currently unmet needs prior to the programming of new or expanded facilities. It might be added that the satisfaction of some types of needs may require improvements in the municipal infrastructure or circulation system carried in related local plan elements.

The needs assessment must be closely coordinated with the needs identified in State Guide Plan Element 152 - Ocean State Outdoors, particularly with regard to issues of statewide and regional park and special use facilities, water-based recreation and access thereto. The local plan should address all issues in the Guide Plan element that are applicable to local government.

In assessing needs, municipalities are urged to think in terms of a comprehensive community-wide open space/recreation system, with each area and facility as a component of that system integrated with all other elements of the local plan. While the state will give local governments wide latitude in the assessment of their local open space and recreational needs, the state will require documentation of the standards and processes used and the needs set forth to arrive at the total program.

Policies:

As a minimum, the policies developed for this element must:

- Respond to the needs and problems outlined in the needs assessment.
- Clearly state the philosophy of the municipality relative to its provision of open space/recreation opportunities for its citizens.
- Clearly respond to public input on open space/recreation needs.
- Provide a firm basis for the open space/recreation implementation program.

In developing policies to respond to these general criteria, the municipality will be expected to:

- Designate specific categories of recreation to be provided by local government and expected to be provided by federal and state governments, quasi-public agencies, and the private sector.

- Designate the types of open space land to be set aside and preserved, assigning responsibility as stated for recreation.

- Consider the interrelationship of open space/recreation and natural resource protection goals by programming compatible passive recreation in resource protection areas and utilizing open space/recreation land for water supply protection, flood control, erosion control and other related environmental protection purposes.

- Demonstrate the role of the local open space/recreation system in the context and character of community life.

- Demonstrate, where applicable, the coordination of the local system with the federal and state open space recreation systems and the goals and policies of each.

- Clearly consider the open space recreation needs of special segments of the population and demonstrate a guarantee of open space/recreation opportunity for all citizens.

- Provide for effective maintenance and operation of existing recreation facilities and consider operation and maintenance costs in programming new or rehabilitated facilities.

- Make recommendations on public access to coastal and inland water bodies and other open space/recreation areas, documenting the basis for proposed public access policies.

Implementation:

The RRRC Guidelines, mentioned at the beginning of this discussion, form an acceptable basis for the organization of the implementation program. Since this element will also be used to establish eligibility for open space and recreation project funding through the Recreation Resources Review Committee, these prior guidelines become important as a tangible means of implementing open space/recreation projects contained in this element.

Implementation steps should be specific and should include the following strategies where applicable to achievement of municipal goals and the satisfaction of needs:

- Regulation, including the allocation of open space and recreation areas through the administration of zoning and subdivision regulations in addition to other regulatory systems available or proposed to protect open space.

- Land acquisition or protection by fee simple acquisition, easements, development rights purchase, donation, mandatory dedication, tax incentive, preferential assessment or other means.

- Capital improvements, including facility construction, rehabilitation and expansion and the provision of supporting facilities where required by the improvement.

- Actions designed to enhance the availability of recreation opportunities by more effective and efficient management and operation of the local system.

Where land acquisition or facility development projects are proposed in the implementation program, these must be prioritized and scheduled in accordance with these priorities. Detail should be given on each project in a manner based upon the capital development action sheets provided in the RRRC Guidelines. General cost estimates should be developed to assist in establishing a viable funding program consistent with established priorities and municipal funding capabilities, with estimates of funding anticipated from federal, state and other non-local sources. The inventory map or a comparable map should show the location and extent of proposed acquisition and development projects, except where it is felt that identification of sites to be acquired will increase costs.

The Open Space and Recreation Element should be aimed at the development of a community-wide recreation and open space system that addresses needs and opportunities for active recreation and the enjoyment of open space. It should identify steps to meet needs and capture opportunities in the following areas:

- Open space requiring preservation and protection or forming an element in the local land use plan designated for walking and hiking, nature study, bird watching and other compatible passive activities.
- Coastal, scenic river, and other water-based recreation opportunities including public access thereto.

- Active recreation areas and facilities including playlots, playgrounds, sports fields, parks and others including public school play facilities.

- Special recreation facilities including ski areas, sliding hills, cycle trails, jogging trails, tennis courts, golf courses, hiking paths, skating rinks and others that are available to the public.

- Community centers designed to provide a range of indoor recreational and social activities.

- Special facilities for senior citizens, handicapped persons and other groups with special recreational needs or with limited physical capabilities.

Municipalities are urged to be innovative in formulating an Open Space and Recreation Element that fully complies with the requirements of this Act and the RRRC Guidelines for participation in open space/recreation facility funding programs.

8. Circulation Element - Element 8

Act Citation:

"Shall consist of the inventory and analysis of existing and proposed major circulation systems, street patterns and any other modes of transportation in coordination with the land use element. The policies and implementation techniques must be identified for inclusion in the implementation program element."

Consistency with:

- State Guide Plan elements:

  110 - Goals and Policies
  121 - Land Use 2010: State Land Use Policies and Plan
  610 - Rhode Island Transportation Plan -1990
  611 - Interim Ground Transportation Plan -2010
  620 - Transportation System Management Plan
  621 - Policy Statement: Proposals for New or Restructured Public Transit Facilities or Service
  691 - Transportation Element of the State Implementation Plan for Air Quality
  Other State Guide Plan elements where related to transportation considerations

- Goals (1), (2) and (6) of the Act

- Internal consistency with other local plan elements

Sources:

- State agencies, including:

  Department of Transportation -Division of Planning
  Department of Administration - Division of Planning

- Rhode Island Public Transit Authority (RIPTA)

- Public, quasi-public and private agencies or concerns providing para- transit services for special-needs persons and groups

- Local government public works, highway,-or engineering agencies or officials

- Local police and fire departments

Discussion:

This element of the local plan must be concerned with all circulation modes within the municipality and those external modes that influence local development. The focus of local concern will be municipal streets and roads, certain special needs transit, pedestrian circulation, local marine facilities, local bicycle paths, parking and other facilities providing or supporting the transportation of people and goods within the municipality. This focus will also include associated land uses such as terminals, stations and other shipping facilities.

While they must be considered in the local plan, other circulation and transportation facilities and services such as state highways, public transit, regional paratransit, passenger and freight rail service, regional bicycle routes and airports are principally matters of state concern.

Since the pattern of land use existing or forecast for a city or town and the range of community facilities and services provided by any municipality have a profound effect upon the need for transportation facilities, this element of the local plan must be fully coordinated with those local plan elements. In like manner, the availability of appropriate transportation facilities is a key factor in local economic development, making coordination of this element with the economic development element essential to a viable local program of economic development. The impact of transportation facilities on sensitive natural and cultural resources must be identified early in the circulation system planning process. It is likely that a number of transportation implementation measures will be located within other plan elements as well as in the circulation element.

As a minimum, the inventory for the Circulation Element should cover:

- Highways, arranged by functional classification (arterial, collector, local) and by jurisdiction (state and municipal). Where available, capacities, conditions, and average daily traffic (ADT) volumes should be noted along with any programmed improvements in the state Transportation Improvement Program (TIP).

- Parking facilities should be inventoried (garages, surface lots and curb parking) in areas where parking is a problem.

- The inventory may need to include municipal traffic control devices such as traffic signals, stop lights, caution lights, pedestrian signals, rail crossing signals, and other facilities designed to facilitate traffic flow and safety.

- Accident records from RIDOT and the local police department should be consulted where street design features or capacity may be factors in accident frequency. Safe school-bus operation and routing should be considered. Police records may also be a valuable source on traffic problems. Public transportation serving the city or town must be included in this inventory. Routes, frequency and useage of scheduled public transit should be listed along with a route map to show the current relationship of transit facilities to general land use. Terminals and passenger pickup points should be noted. Where paratransit or demand-response services exist, these should be noted along with the type of service and group served.

- Rail, marine and terminal facilities, although in many cases covered by State Guide Plan elements, should be included in the inventory.

- The inventory should also include or consider pedestrian and other special routes and facilities such as bicycle trails.

Utilizing this inventory and projections of land development in the Land Use Plan element, the municipality can assess and forecast the needs for changed, improved or expanded circulation facilities and develop policies and actions to be included in the implementation program. As a minimum, policies should cover:

- The role of local development and other controls in the improvement of transportation system elements, including but not limited to:

  Street design and construction standards in subdivisions and other areas of new development.

  Control of frontage development and access on major highways to maximize road capacity and safety.

  Traffic regulation through signalization and other controls.

  Control of development in areas influenced by major highway interchanges.

  Public off-street and curb parking requirements to serve commercial, manufacturing, institutional, recreational and other traffic-generating land uses.

- Design standards for all municipal streets, with variable standards designed to encourage affordable housing.

- A system for analyzing pavement needs and the establishment of a local pavement management program.

- A municipal policy on private streets.

- The role of public transit in regard to existing and forecasted development, recognizing the relationship between development densities and the feasibility of public transit.

- The ground transportation implications for energy conservation and air pollution abatement.

- The role of other transportation modes such as marine, rail, bicycling and others where applicable or feasible as an element of community development.

The implementation program for the circulation element must include, as a minimum, the following items designed to satisfy the transportation needs of the municipality:

- General transportation policies

- Regulatory actions relating to the circulation system

- Items recommended for future study and action

- Service improvements

- Capital improvements.

This program must provide for adequate transportation service to major traffic generators and areas planned for future development. A most important vehicle for implementation will be a program of service and capital improvements related to all applicable modes of transportation. Since service improvements will, in all likelihood, involve capital improvements or acquisitions, these should be programmed together as parts of a coordinated program for all modes, as required. Certain capital improvements such as highway widening and relocations may require further study of design and costs before specific improvement actions can be programmed. In such cases, it is perfectly proper for the municipality to indicate and document the need, with specific actions left for further study. This would be the likely case with state highway improvements that may be required to improve local traffic access and safety.

In summary, the circulation system implementation program should cover the five cited topics of policy, regulation, future study, service improvements, and capital improvements in a program timed in accordance with the priority assigned to each action. As a minimum, this program must cover a short-range period of five years with a projection beyond that period to typically twenty years. Projects should be assigned in accordance with jurisdiction (state, local or private) and should be adequately described with estimates of cost and funding sources. A valid approach for scheduling capital projects may be gained from the system used in the state Transportation Improvement Program (TIP), where highway and other transportation projects are divided into planning/engineering, right-of-way acquisition. and construction phases. The approach used by RIDOT for its multi-year highway program may be used to set priorities for proposed actions. A program developed in this manner can be used when the Division of Planning and RIDOT solicit local requests for state transportation programs.

The regional implications of major transportation facilities make it vital to coordinate local circulation implementation programs with those of adjacent municipalities and with the transportation elements of the State Guide Plan.

S. Implementation Program - Element 9

Act Citation:

> "A statement which defines and schedules for a period of five (5) years or more the specific public actions to be undertaken in order to achieve the goals and objectives of each element of the comprehensive plan. Scheduled expansion or replacement of public facilities and the anticipated costs and revenue sources proposed to meet-those costs reflected in a municipality's capital improvement program shall be included in the implementation program.
>
> The implementation program shall identify the public actions necessary to implement the objectives and standards of each element of the comprehensive plan that require the adoption or amendment of codes and ordinances by the governing body of the municipality.
>
> The implementation program must detail the timing and schedule of municipal actions required to amend the zoning ordinance and map to conform to the comprehensive plan."

Consistency with:

- Elements of the State Guide Plan
- All goals and requirements of the Act applicable to local governments
- Rules issued by the State Planning Council pursuant to this Act

- Internal consistency and coordination with all other local plan elements and

- any implementation actions contained therein

- All rules, codes, ordinances or other regulatory systems of federal, state and local governments where jurisdiction is established over any action proposed for implementation in the local plan

Sources:

The other elements of the local comprehensive plan

Discussion:

The Implementation Program is significant because it is in this final element that a program of actions is devised and scheduled to lead to the attainment of local goals and the implementation of local policies emanating from all of the plan elements. Goals stand little chance of attainment and plans, even well-conceived and documented, will be unrealized without a carefully formulated program of implementation. Much of the discussion associated with the previous functional plan elements has dealt with implementation. and this discussion should have pointed out the need for careful development of a realistic program of implementation with actions scheduled according to priorities set by needs, all internally coordinated to provide a coherent overall program of action.

The municipality may elect to set forth its implementation program within each element. Alternatively, the municipality may show the entire comprehensive plan implementation program in one summary section as a separate element If this alternative is selected, it will be necessary to clearly identify the functional plan element to which each implementation step is related.

Within the language and requirements set forth in the Act and cited at the beginning of this subsection, the municipality is free to organize the implementation program in the way best suited to its needs. The minimum requirements for presentation of the implementation program are discussed below.

- An important part of the implementation program will be the assignment of responsibility within local government for all actions recommended for implementation. Since adoption of the comprehensive plan by the city/town council represents a directive to all local agencies and officials under its jurisdiction, it is essential that the plan provide guidance to these agencies and officials. As a minimum, the implementation program should include the following where applicable to any recommended project or program:

- Identification of the local agency or official to be assigned responsibility for each proposed action.

- Assessment of the ability of each agency or official to carry out this responsibility in terms of staffing, facility space, equipment, and legal authority. Needs with respect to any of these resources should, in turn, become part of the implementation program.

- Where assessment .of responsibility may require major reorganization or expansion of a local government unit, study of any such need should, in like manner, be treated as an implementation step. Such study should provide decisions on the problems of information needs, legal authority, areas of coordination, required funding and potential sources, recordkeeping, administrative procedures, and time schedules.

- Identification of the role of other public agencies or authorities providing facilities or services to the municipality, and coordination with such agencies where required.

- The program of implementation must cover a minimum period of five years. While this conforms to the mandated five-year review period for local plans, municipalities are urged to project long-range actions, typically for twenty years.

- Within the policies established for each functional plan element, the following types of public actions must be scheduled in the implementation program:

  - Legislative and regulatory actions: amendment, updating or new adoption of the codes, ordinances, or rules required to implement plan features. While the Act specifically requires detailing of the schedule for local action to bring the zoning ordinance and map into conformity with the plan's Land Use Element and sets a time limit therefore, there will undoubtedly be other regulatory actions and changes recommended to assist in plan implementation. These may include subdivision regulations, an official map and mapped streets ordinance, a historic zoning ordinance, and such others as may be required to implement plan proposals. Where applicable to local goals and needs, municipalities may recommend new state legislation or modified or new state regulatory systems.

  - New or improved public services may be programmed where need has been determined to attain plan goals. Such services may be oriented to public works, education, human resources, housing, protective services, local government organization, and others; and these may or may not involve capital improvements. Consideration should be given to the cost of any expanded or new services and the revenues required to offset such costs. The municipality may also elect to recommend new or expanded state services where deemed necessary to attain local goals.

- Capital improvements consisting of new, improved or expanded schools, recreation facilities, protective facilities, public works facilities, streets, utilities, sewerage, drainage, land acquisitions, housing, and others will be a significant part of the implementation program. In some cases, major items of equipment may be recommended as capital projects. Capital projects should be scheduled according to a priority system that recognizes need as revealed in the appropriate plan element analysis. Estimates of cost and possible sources of revenue to meet the cost must be provided along with an adequate description of the project. In the case of land acquisitions, the purpose, location, area .and estimated cost along with the form of acquisition (fee simple, easement, lease, etc.) should be shown. Where further study is needed to determine the size, location, extent and cost of a proposed capital improvement, this should be recommended and a general description provided with an estimate of cost. Estimates of cost, even preliminary or unit costs, are valuable in scheduling capital improvements in relationship to the municipality's financial capabilities. Those municipalities which operate under a continuing annual Capital Budget and Six-Year Capital Improvement Program may wish to use the general format of this program as a framework for the capital improvement portion of the plan implementation program; and other cities and towns may wish to recommend the initiation of such a continuing annual program as one major plan implementation step in support of the attainment of facility goals.

PART V: LOCAL ADOPTION OF THE COMPREHENSIVE PLAN AND ITS ELEMENTS

While a cursory comparison of the older legislation regarding local Planning Boards and Commissions (Chapter 45-22 of the General Laws) with the new Act (Chapter 45- 22.2) reveals similar procedures for local adoption of the comprehensive plan, there are significant differences. These differences are most apparent in the areas of public information, input and hearings at both the Planning Board/Commission and the City/Town Council adoption stages.

The following chart shows the broad differences between the older Act and the new Act. In some respects, each Act does not specify requirements or actions; while in other cases, there are clear requirements with detailed specifications.

Planning Board/Commission

	Older Act 45-22	**New Act 45-22.2**
Plan responsibility	Specified	Specified
General public input	Not specified	Required
Public hearing	Optional	Required
Hearing notice procedure	Not Specified	Not specified
Joint municipal action	Not Specified	Optional w/ guidelines
Adoption	Required	Required
Plan content	General summary	9 specified elements
Plan review	5 year maximum	5 year maximum

City/Town Council

General public input	Not specified	Not specified
Public hearing	Required	Required
Hearing notification	Not specified	Not specified
Adoption	Optional	Required
Adoption process	Not specified	As per ordinance
Effective date	Upon adoption	Upon state acceptance
State Guide Plan compliance	Required	Required/specified
Amendment Procedures	Specified	As per adoption

Since this Part is concerned with the adoption process leading to the submission of the local plan to the state for review and acceptance, it will provide guidance to local governments in the areas of: public information and input, Planning Board/Commission adoption and City/Town Council adoption.

A. Public Information and Input

To set the stage for discussion of this vital element of the local planning process, the following is extracted from Section 45-22.2-8(B) of the Act:

> In order to encourage citizen participation in the comprehensive planning process, Planning Boards, Commissions or Committees are directed to adopt comprehensive plans only after soliciting and considering public input. Public Hearings by the Planning Board, Commission or Committee and the Municipal legislative body are required to be held prior to the adoption of a comprehensive plan.

This language clearly sets forth two types of public participation as requirements for adoption. These are discussed in the following pages.

1 Public Participation

This requirement is mandated by the Act as an essential part of the planning process. The Act leaves no doubt that opportunity for public input into the formulation of the plan is a prerequisite to adoption by the Planning Board/Commission. This requirement should not in any way be confused with the requirement for public hearing. While the public hearing is most certainly an opportunity for public participation, it is essentially a device designed to gain public reaction to a proposal rather than encouraging public participation in the formulation of the proposal. In short, this requirement is intended to gain public input prior to decisions as part of the general input upon which final plan decisions are based.

The Planning Board Commission is responsible for providing the opportunity for citizen input at the formulation stages of the planning process. This opportunity can be provided through any combination of mechanisms, as suggested below.

a. Citizens Advisory Committee

This device has been successful in a number of communities by creating a broad- based group – representative of all areas of community life -- as an advisory unit. Typically such a committee has representation from business, professional, environmental, recreational, civic, charitable, religious, educational and other fields in addition to citizens-at-large and is established solely for the purpose of providing comments, advice, and recommendations to the Planning Board Commission.

Such a committee may be created by the City or Town Council or in any manner selected by the municipality. An existing organization may be designated to serve as the citizens advisory committee provided that the required broad representation of local interests is accomplished. Regardless of the manner of appointment, it is advisable for the City or Town Council to designate the committee and assign its duties by ordinance, resolution or other appropriate action to ensure that the committee has standing to obtain assistance from local agencies and the public.

In accordance with the intent of the Act, citizens advisory committees shall conform to the following standards:

1. Membership shall cover the broadest possible range of interests represented in the municipality.

2. All meetings of the committee shall be open to the public.

3. Recognizing that statutory responsibility for comprehensive plan formulation is assigned to the Planning Board/Commission, the citizens advisory committee shall direct all advice relative to the plan to the Board/Commission. In addition to receiving assignments from the Planning Board/Commission, the committee may undertake surveys and studies and may convene public workshops to form a basis for its input to the Board/Commission.

4. The committee will be expected to have frequent and continuing contact with the Board Commission, staff and/or consultant, who shall provide all possible assistance and data to the committee to facilitate its work.

b. Public Participation Workshops

A series of workshops can form the cornerstone of public participation efforts. To be successful, such workshops should be convened by the Planning Board/Commission and its staff at regular intervals, starting early in the formulation stage and running to the point where the plan is assembled for public hearing and adoption. The earlier in the formulation stage that such a schedule of workshops is initiated, the more meaningful the input from these sessions can be toward the development of final proposals.

Such workshops can be organized in the following manner:

1. Scheduled at regular intervals

2. Public notification by newspaper announcement and posted notices.

3. Special notice to the City/Town Council, adjacent local governments and other public officials whose input is required

4. Sessions opened with a general presentation by planning staff on the subject(s) selected for discussion

5. Response to questions and solicitation of comments, recommendations, ideas and objections from attendees

Summary records should be kept of discussions, comments, and questions for use in the ensuing work on the plan. If the municipality has created a Citizens Advisory Committee, it may be appropriate for this committee to organize and conduct these participation workshops as part of its advisory function.

c. Group Presentations

A valuable supplement to any well-conceived public information and participation program can be presentation to civic and community groups whose areas of interest include environmental concerns, education, business. civic improvement, conservation, historic preservation and others.

Such presentations would require use of oral/graphic or video presentations on various plan subjects or on the entire comprehensive plan by the Board/Commission or its staff. Valuable input can be gained from discussion periods following the presentation, particularly in the field of interest of each organization. In some cases, the organizations may undertake studies or surveys and make later reports to the Board, Commission with recommendations.

d. Video and Cable Television

As mentioned earlier, the potential of cable television should be explored as a means of conveying plan information to viewers. While this will not result in direct citizen input it can be valuable in disseminating information on the planning process, which can result in more reasoned input at workshops and other citizen participation efforts. Use of cable television as a public information supplement is recommended where feasible.

e Other Citizen Information Efforts

In addition to the efforts listed in a through d, newspaper or other media coverage of meetings and press releases can form a valuable supplement to direct citizen involvement and informational activities. In some cases, it may be prudent to contact possible interested parties and groups by letter or telephone to invite comment and input in their known areas of interest. Local students can take part in plan activities.

2. Public Hearings

Clearly the Act requires a formal public hearing as a prerequisite to final action by the Planning Board/Commission to adopt and recommend the comprehensive plan to the City/Town Council for municipal adoption and, further, requires a separate formal public hearing as a prerequisite to Council adoption and submission of the plan to the state for review and acceptance. While there are no specifications in the Act covering hearing notice requirements, the fact that the Council adoption procedure is specified as the same as for ordinance adoption gives general guidance. Since ordinance adoption procedures vary from municipality to municipality and are usually governed by Charter provisions, the following is recommended as a minimum notification standard unless specified by Charter language. This can be used for both the Planning Board Commission and the City/Town Council public hearing on the plan.

a. Notice of hearing in a newspaper of general local circulation at a frequency and with the detail required for general local ordinances. As a minimum, this notice should summarize the major plan goals and objectives, implementation measures and highlights of other plan elements deemed to be of general public interest. This summary material can also be set forth in a newspaper supplement, as discussed in Part II- of this Handbook.

b. Supplementing formal hearing notice and newspaper coverage, cities and towns are strongly urged to provide wide availability and distribution of descriptive plan materials by use of one or both of the following:

- Plan summary flyer by direct mail, inclusion with other scheduled mailings, personal delivery or other means, including supplies made available at public buildings, business locations and other places frequented by the public.

- Where feasible, use of public cable television channels to present live or taped summaries of plan features to home viewers.

c. As a minimum, formal hearing notice should be forwarded to the planning and legislative bodies of all adjacent cities and towns, treating these as parties- -in-interest in the hearing proceedings. The Division of Planning of the Rhode Island Department of Administration should receive hearing notice.

d. The public hearings should be conducted in a manner that will encourage requests for clarification: entering of objections: support of proposals; and recommendations for additions. changes, or deletion of plan proposals by attendees. A logical sequence is presentation of plan proposals (orally, supplemented by graphics). followed by comment and amplification by members of the hearing body and then opened to attendees for questions, comments, etc.

B. Adoption by the Planning Board Commission

Following its public hearing, the Board/Commission is free to proceed toward final adoption. Prior to this action, all discussion. recommendations and objections derived from the public hearing must be reviewed with a view to their possible effect upon the final plan. If the earlier citizen participation efforts have been comprehensive and successful in shaping the features of the plan, there should be minimal changes arising from the public hearing; and the Board/Commission can proceed without delay to finalization of the plan for adoption and transmittal to the City Town Council.

It the nature of the comments, recommendations and objections arising at the public hearing are such that substantive changes to the proposal are deemed necessary, the Planning Board/Commission may wish to convene another public hearing on the changed material. While no precise standards exist on the depth of changes that should lead to rehearing, local Boards Commissions should consider such action where the changes are substantial and not thoroughly heard at the hearing. The Board/Commission may elect to "continue" the public hearing to a future date to allow for presentation of altered materials for public review.

While the materials presented and discussed at earlier meetings may have been in outline form to stimulate comment and recommendations, the material that will be the subject of the formal adoption action must be in final form (a complete written report).

In its final action, the Planning Board/Commission will be taking two distinct steps:

- Adoption of the comprehensive plan as a guide for future actions and decisions of the Board/Commission in its planning and administrative roles.

- Transmittal of its adopted plan to the City/Town Council with a recommendation that the Council adopt the plan and transmit it to, the state.

Copies of the final plan must be transmitted to the Council, and copies must be retained by the Board- Commission for it records and use.

C. Adoption by the City/Town Council

The process of hearing and adoption by the City/Town Council is similar to the process used by the Planning Board Commission; however, there are differences in effect and in related actions:

- Council adoption represents the commitment of local government to utilize the plan as a guide for its actions lying within the scope of plan content.

- The Council must submit its adopted plan to the state for review and must make final implementation of its adoption contingent upon state acceptance.

- The Council must revise the local zoning ordinance to comply with the elements of the plan within eighteen months of adoption and acceptance.

- Upon adoption and state acceptance, the Council must make provision for distribution of copies of the plan to agencies at all levels of government and must provide copies for review and use by all interested parties.

The City/Town Council will receive a comprehensive plan document from its Planning Board/Commission in final form with a recommendation for adoption. The Council should hear the plan as submitted. Section 45-22-6 of the older legislation, superseded as of July 1, 1990, by the new Act (45-22.2), required referral of all changes, amendments and modifications to the Planning Board/Commission for recommendation and provided that the Council could override an adverse recommendation of the Board/Commission only by a two-thirds vote. While this requirement is not in the new Act, it is strongly recommended that any substantive changes contemplated by the Council be referred to the Board/Commission for review and recommendation prior to adoption.

Notwithstanding the local schedule for plan formulation and adoption, the following are statutory deadlines that must be observed in submitting adopted plans to the Director for state review and acceptance:

January 1, 1990 - For existing, adopted comprehensive plans that require only minor updating and modification. For this purpose, “existing" will be treated as plans that were adopted by the City/Town Council prior to the effective date of the new Act (June 11, 1988).

December 31, 1990 - For new comprehensive plans adopted after the effective date of the new Act (June 11, 1988) by the City/Town Council. For the purpose of this state review, an existing plan that requires substantial updating and modification (in whole or in part) will be considered as a "new" plan even though it may have been adopted prior to June 11, 1988.

PART VI. REVIEW AND ACCEPTANCE BY THE STATE OF RHODE ISLAND

In brief terms, this part will describe the four basic actions involved in gaining state acceptance of an adopted local comprehensive plan, as follows:

- submission of the plan, adopted by the City/Town Council, to the state;
- review and action on the submitted plan by the state;
- appeal of the decision or action of the state; and
- failure of compliance by a municipality with respect to the plan.

For the purpose of state review of local plans leading to acceptance or rejection, a program of comprehensive planning review is established in Section 45-22.2-9 of the Act. This program, in addition to providing technical and financial assistance to municipalities in support of plan formulation and adoption, is designed to ensure that all local comprehensive plans (and state plans) are consistent with the goals, findings and intent established in the Act. The Act designates the Director of the Rhode Island Department of Administration as the responsible official for carrying out its provisions and as the state agent for review and action on all local plans submitted for that purpose.

A flow diagram of the state review process is shown in Figure 2.

A. Submission of the Comprehensive Plan for Review

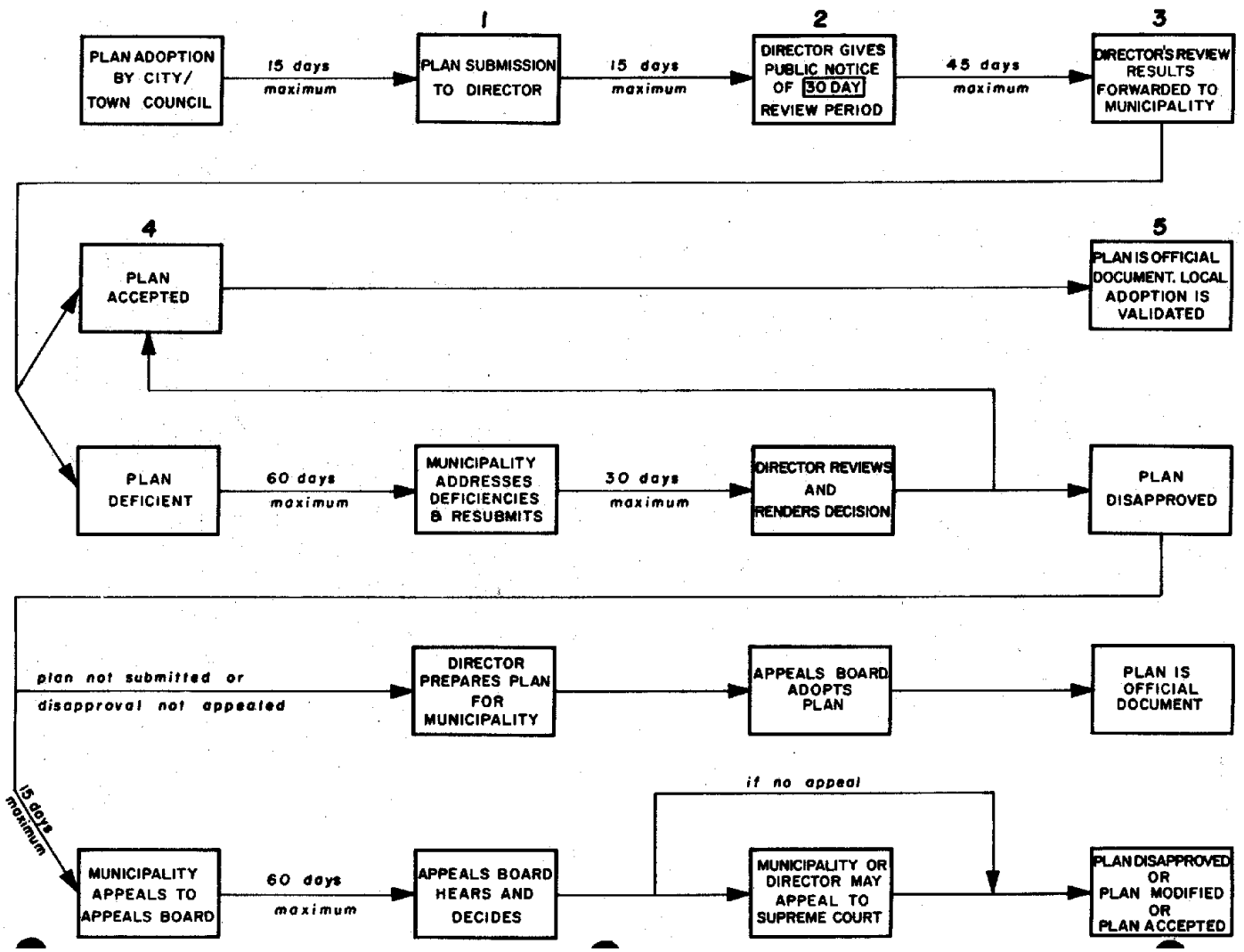
The Act requires that all comprehensive plans, elements of plans or amendments to plans be submitted to the Director within fifteen days of their adoption by the City/Town Council. While submission of the entire comprehensive plan at one time is encouraged, submission of individual or groups of elements will be acceptable, provided the entire plan consisting of all required elements is received by the prescribed deadline.

The checklist shown in Appendix D is intended to serve as a record of local and state action on each plan submission. Part I of this checklist, consisting of three pages, must be completed and signed by an authorized official of the submitting municipality (or group of municipalities) and submitted with the plan or element. While only the checklist and the comprehensive plan or element must be submitted, a file of meeting records (notices, minutes and other written material on all comprehensive plan meetings, workshops and hearings) must be maintained by the municipality(s). This file shall be made available to the Director upon request, to facilitate the review of citizen participation and other local actions relating to plan formulation and local adoption.

In adopting a comprehensive plan, element of a plan or amendment to a plan, the City/Town Council shall stipulate that the adoption shall become effective upon the date of acceptance of the submitted material by the Director.

FIGURE 2

FLOW DIAGRAM OF STATE REVIEW PROCESS



The submission to the Director shall consist of six copies of the adopted plan, element or amendment, each with copies of all attachments required to provide the Director with a complete submission. Submissions shall be mailed or delivered to the Division of Planning. In submitting material for state review, the municipality shall designate a contact person who can act for the city or town in clarifying material and serve as a communication link with the Director with regard to the submission.

B: ***Review and Action by the Director***

The Director will conduct a review of the submission content and the procedures utilized by the municipality in formulating and adopting the plan, element or amendment as outlined below:

1. Review of submission content to make findings that:

    a. the goals of the Act have been met;

    b. all required elements of the plan are complete, if an entire comprehensive plan has been submitted;

    c. all plans, elements and amendments are consistent with all elements, as applicable, of the State Guide Plan and embody the goals and policies of the state and its departments and agencies; and

    d. the submission complies with all rules and regulations adopted by the State Planning Council pursuant to Section 45-22.2-10(B) of the Act.

2. Review of local procedures to make findings that:

    a. the Planning Board/Commission is designated to conduct comprehensive planning;

    b. if two or more municipalities have conducted a joint comprehensive planning program, an agreement containing all required information has been executed by all participating municipalities and has been filed with the Division of Planning;

    c. each submitted plan, element or amendment encompasses the entire land and water area within the municipality or municipalities concerned;

    d. adequate, uniform and valid data have been used in preparation;

    e. each plan, element or amendment has been coordinated with contiguous municipalities:

    f. the public has been involved in the preparation of the plan, element or amendment; and public hearings have been held thereon;

g. the plan, element or amendment has been officially adopted in accordance with the Act and all other applicable procedures;

h. the plan, element or amendment has been submitted to the Director in accordance with statutory deadlines; and

i. amendments have been submitted no more frequently than as provided by Section 45-22.2-12(c) of the Act.

3. The Director will review each plan, element or amendment within a period of one hundred eighty days from the date of submission, following the statutory schedule.

a. Within fifteen days of receipt, the Director will give public notice of the initiation of review and will solicit comments from regional and state agencies, contiguous municipalities and other interested parties. This comment period will extend for thirty days from the date of public notice.

b. Review of the submission will be completed by the Director within forty - five days of the end of the comment period. This review will be submitted to the municipality.

c. Any deficiencies reported to the municipality by the Director shall be corrected by the municipality within sixty days of receipt of the review.

d. The Director will review all corrections and related material submitted and will render a final decision on the plan, element, or amendment or parts thereof within thirty days of the end of the correction period.

e. In the event that the final decision is a disapproval, the Director will issue findings specifically describing the deficiencies in the submission as they relate to the goals and other requirements of the Act.

C. Appeal of the Decision of the Director

In subsection 45-22.2-9(c)(7) of the Act, provision is made for appeal of the final decision of the Director by an aggrieved municipality to a new State Comprehensive Plan Appeals Board, established by Chapter 45-22.3 of the General Laws.

While this Board will issue rules of procedure after its appointment and organization, the Act does set the following guidelines for appeal:

1. Appeal of the Director's decision must be made by the aggrieved municipality within fifteen days of the decision.

2. The Board shall hold a hearing on the appeal.

3. The Board shall make findings of fact and shall affirm, modify or reverse the decision of the Director.

4. The Board shall render its decision within sixty days of receipt of the appeal of the aggrieved municipality.

5. The municipality or the Director may appeal the decision of the Board to the Rhode Island Supreme Court. Such an appeal must be filed within thirty days of the decision.

D. Failure of Compliance by a Municipality

Section 45-22.2-13 deals with the situation where a municipality fails to comply with the provisions of this Act by one of the following:

1. failure to submit a comprehensive plan, element of a plan or amendment to a plan in accordance with the provisions of this Act;

2. disapproval of a submitted comprehensive plan, element of a plan or amendment to a plan by the Director and affirmation of that action by the State Comprehensive Plan Appeals Board.

Where such a failure in compliance occurs, the Act requires the Director to prepare a comprehensive plan that complies with the requirements of the Act for adoption by the State Comprehensive Plan Appeals Board. Adoption of this plan by the Board will be deemed to constitute an adopted comprehensive plan for the delinquent municipality.

E. Result of Plan Acceptance

In addition to the direct benefit that a municipality will derive from the formulation and adoption of a comprehensive plan setting forth goals, policies, guidelines and implementation programs for future action, the Act sets forth the following:

- A city or town shall be allowed to submit its adopted and accepted comprehensive plan or element thereof to any state agency that requires the submission of a plan as part of its requirements, and such a plan shall satisfy any and all such requirements for eligibility.

- Once a municipality's plan has been accepted, plans and projects of state agencies "shall" conform to the plan. Where a state agency proposes to undertake a project not in conformance with the local plan, the State Planning Council must hold a public hearing on the proposal and the state agency must demonstrate that the four factors contained in Section 45-22.2-10(e) apply to the proposal.

Another benefit is that acceptance of a municipality's comprehensive plan should strengthen it as the legal basis for future development controls and decisions.

After notification of an amendment to the State Guide Plan, by the addition of a new element or the revision of an existing element, all cities and towns shall amend their comprehensive plans where necessary to conform with the State Guide Plan amendment. This shall be accomplished within one year of the Guide Plan amendment.

PART VII: LOCAL MAINTENANCE OF THE COMPREHENSIVE PLAN

Although the RI Comprehensive Planning and Land Use Regulation Act is somewhat quiet on the details for insuring that a local comprehensive plan be kept current, there are at least two sections which evidence its intentions.

- Section 45-22.2-3 (B) (5). Establish a procedure in comprehensive planning at state and municipal levels which will accommodate future requirements.

- Section 45-22.2-12 (B) A municipality may periodically review and amend its plan in a timely manner to account for growth. At a minimum, a municipality shall update its comprehensive plan at least once every five (5) years.

At the discretion of the municipality, a thorough review and update of its local comprehensive plan may be submitted more frequently than once every five years. Changes will inevitably occur which will impact a plan's goals, policies, and implementation.

A. The Context for the Five-Year Update

While acknowledging the importance of maintaining the validity of local comprehensive plans, the Act provides few specifies on the format and content of an update. With an overall goal that the update be both meaningful and manageable, the Statewide Planning Program sponsored a series of workshops and hearings with local communities, State review agencies, the Technical Committee, and the State Planning Council to establish minimum guidelines for the five-year update of local comprehensive plans.

As a practical matter, when a municipality submits a five-year update to its comprehensive plan, the State is operating on the basis that the plan's long-term, twenty-year timeframe is not necessarily extended accordingly. The municipality must recognize this and, if it does intend to extend the long-range planning horizon, this must be clearly noted and supported with appropriate forecasts and analyses in their five- year update.

As was the case for the initial local comprehensive plans, there must be consistency with the State Guide Plan, available RIGIS data, State agency goals and policies, adjacent municipalities, state and federal regulatory systems, amongst the individual elements, the local zoning ordinance, and with the goals of the Act. The State will provide each community with a listing of all new or revised State Guide Plan Elements as well as legislation.

Municipalities will also provide information supplemental to the update. This will include a listing of all amendments to their comprehensive plan by city/town council adoption date and a completed Appendix E, the Comprehensive Plan Five-Year Update Checklist.

B. The Five-Year Update Product

At a minimum, what should comprise the submitted five-year update product? it must include the original State certified plan as amended. An Update Summary cover sheet is required for each functional element. These cover sheets will be provided by the Statewide Planning Program. A sample of each is shown at the end of this Part. An update report is required for the two inclusive elements: Goals and Policies as well as Implementation. Update cover sheets for these elements are also provided.

While it is most effectively done on a continuous basis, the five-year update insures that municipalities undergo a self-evaluation with respect to the performance of their comprehensive plans A fundamental component of this self-evaluation process is the identification of significant changes. What constitutes a significant change will best be understood at the local level although the State does reserve the right to ask questions, based on currently available information.

Past experience or new conditions may necessitate that a new analysis be undertaken. This may well result in changes to the plans' goals and/or policies. Factual corrections and updates will be required. Within the context of an Inventory-Demand- Forecast format, it must be determined if the community's baseline has changed.

The update report on Implementation can be treated as a performance review on proposed activities by element. It should be noted which activities were completed (to what effect), dropped (explain why) or still pending. There will also be new activities resulting from updated information in the plan. What changes occurred where and why.

C. Miscellaneous Considerations

There are a number of miscellaneous factors that a municipality may want to consider. First, are the maps and data RIGIS compatible? The State and its localities would both be well served by a more proactive approach in this regard. Second, how can the public access the comprehensive plan and have they? Third, how has the plan been utilized in the community? Is it routinely consulted as part of the local decision- making process?

One final note regarding the update and other comprehensive plan submissions. If the information can be submitted in a electronic format, it is encouraged that the municipality do so. The Statewide Planning Program operates a Windows Platform running Office 97 and Office 2000 and can import a variety of formats (e.g. RTF, Word Perfect, txt).

Community_____**Date****_____

*Five- Year Update Summary**

Land Use Element

Amendments: (Briefly describe any land use related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Land Use or Infrastructure

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Land Use Demand (e.g. population, employment)

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Future Land Use Allocations

Summary	Text/Map Page
1.	
2.	
3.	

Land Use Goals and Policies Changes

Summary	Text/Map Page
1.	
2.	
3.	

Land Use Implementation Changes (identify inconsistencies with zoning)

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary
** Council adoption of update

Community_____**Date****_____

*Five- Year Update Summary**
Housing Element

Amendments: (Briefly describe any housing related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Housing Inventory and Programs

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Housing Demand (by type of unit and household)

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Housing Affordability (supply and demand)

Summary	Text/Map Page
1.	
2.	
3.	

Future Housing Demand Impacts on Land Use and Related Elements

Summary	Text/Map Page
1.	
2.	
3.	

Housing Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____**Date****_____

Five- Year Update Summary*

Economic Development Element

Amendments: (Briefly describe any economic development related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Economic Base

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Industrial/Commercial Site and Space Inventory

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Gaps between Economic Development Resources and Needs

Summary	Text/Map Page
1.	
2.	
3.	

Analysis of Ability to Address Gaps

Summary	Text/Map Page
1.	
2.	
3.	

Economic Development Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____**Date****_____

*Five- Year Update Summary**

Natural and Cultural Resources Element

Amendments: (Briefly describe any natural and cultural resources related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Inventory of Resources

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Threats to Resources

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Analysis of Sustainability of Resources

Summary	Text/Map Page
1.	
2.	
3.	

Natural & Cultural Resources Goals and Policies Changes

Summary	Text/Map Page
1.	
2.	
3.	

Natural & Cultural Resources Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____**Date****_____

*Five- Year Update Summary**

Services and Facilities Element

Amendments: (Briefly describe any services & facilities related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Inventory of Services & Facilities

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Current Demand Versus Available Capacity

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Project Future Demands and Analyze Capacity Sustainability

Summary	Text/Map Page
1.	
2.	
3.	

Services & Facilities Goals and Policies Changes

Summary	Text/Map Page
1.	
2.	
3.	

Services & Facilities Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____**Date****_____

*Five- Year Update Summary**

Open Space & Recreation Element

Amendments: (Briefly describe any open space & recreation related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Facilities & Programs

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Needs Assessment for Various Populations

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Project Future Needs and Analyze Program & Facility Adequacy

Summary	Text/Map Page
1.	
2.	
3.	

Open Space & Recreation Goals and Policies Changes

Summary	Text/Map Page
1.	
2.	
3.	

Open Space & Recreation Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____**Date****_____

*Five- Year Update Summary**

Circulation Element

Amendments: (Briefly describe any circulation related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Significant Changes: Transportation Facilities and Services

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Facilities Design Standards and Maintenance Programs

Summary	Text/Map Page
1.	
2.	
3.	

Significant Changes: Project Future Demand and Identify Potential Problems Areas

Summary	Text/Map Page
1.	
2.	
3.	

Circulation Goals and Policies Changes

Summary	Text/Map Page
1.	
2.	
3.	

Circulation Implementation Changes

Summary	Text/Map Page
1.	
2.	
3.	

*This page identifies changes made to this element of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Unless referenced herein, the original element and related goals, policies and implementation schedules remain in effect. Attach additional pages if necessary

** Council adoption of update

Community_____Date_____**

*Five- Year Update Summary**

Goals and Polices

Amendments: (Briefly describe any goals and policies related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Identify significant changes to the plan's goals and policies based upon past experience and updates of the functional elements.

	Text/Map Page

Community_____**Date****_____

*Five- Year Update Summary**

Implementation

Amendments: (Briefly describe any implementation related amendments and indicate date of adoption)

Summary	Adoption Date
1.	
2.	
3.	

Provide a status of report of implementation activities by functional element (e.g. Land Use, Housing, etc.

Identify major implementation accomplishments and shortcomings from original plan.

Identify significant changes to implementation activities based upon update of functional elements (if addressed within each element, indicate.)

	Text/Map Page

* This page identifies the minimum guidelines for a performance report on the implementation of the (community) Comprehensive Plan since its original adoption and the result of a five-year update. Attach additional pages as necessary.
** Council adoption of update

Appendix A
Chapter 22.2

Rhode Island Comprehensive Planning and Land Use Regulation Act

Appendix B
Chapter 22.3

State Comprehensive Plan Appeals Board

APPENDIX C:

OUTLINE OF REQUEST FOR PROPOSALS FOR CONSULTANT SERVICES IN COMPREHENSIVE PLAN FORMULATION

The following is an outline that can serve as a basis for a Request for Proposals (RFP) by a municipality to engage consultant professional planning services for the development of a Comprehensive Plan. This material is in outline form in recognition of the fact that each city and town will have differing requirements, procedures and governmental organization.

1. INTRODUCTION

The following text is a sample of how to begin an RFP.

The Planning Board/Commission of the City/Town of Rhode Island, will receive proposals for the professional planning services required for preparing a Comprehensive Plan (hereinafter referred to as the Plan). This Plan and its nine required elements shall be in compliance with Chapter 45-22 of the General Laws of Rhode Island, as amended by Chapter 45-22.2, and with all rules and requirements of the State of Rhode Island pursuant to Chapter 45-22.2, the Comprehensive Planning and Land Use Regulation Act.

_____ copies of the proposal shall be submitted no later than _____

_____
on_____

To: _____

Questions may be directed to

_____

_____

_____

___

II. BACKGROUND ON THE MUNICIPALITY

This section of the RFP can provide the following general information for prospective consultants:

- brief community history:

- general assessment of the character of the community, including its geographic and environmental characteristics, demographics and recent trends in population and the economy, and land use; and

- form of local government and financial summary.

III. MAJOR PLANNING ISSUES

This section can identify the known planning and development problems of the municipality with respect to land use, population, housing, economic base, social issues, transportation, other public services, the environment, recreation, historic resources, urban deterioration, or any other issues that relate to the need for the Comprehensive Plan. Where problems relate to specific areas of the city or town, these can be described.

Past planning studies and actions can be listed also, with significant dates, to give an indication of the status and previous achievements of municipal planning. Land use controls arising from prior planning work can be described, with dates and a judgment of their current status. Other significant local planning implementation steps can be mentioned.

IV. PROPOSED TASKS

The content of this portion of the RFP will depend on the status and age of previous planning efforts. In general, the following planning phases leading to development of (or revision of) the Comprehensive Plan, or specific elements, should be described. The degree of detail must be sufficient to allow consultants to formulate a precise series of work proposals.

If the city or town intends to engage consultant services to prepare only one or a few elements of the Plan, the requested tasks should be defined accordingly.

A. Preparatory Efforts

- Base map preparation and/or assembly
- Review and assessment of past planning materials
- Review and assessment of development controls and other implementation measures
- Initial public involvement and goal-setting

B. Planning Inventory

- Inventory of physical, environmental, social, historical, transportation, other infrastructure, recreation, population, housing, economic, and other characteristics of the municipality

- Development of appropriate data, maps, charts, tables, and text to describe the factors that affect community development and influence the direction of the plan

C. Planning Analysis

- Assessment of the suitability of general land areas for various types of development based upon environmental characteristics, transportation, sewers, water supply and other requirements for development

- Projection of population and other variables for the future in short and long range periods

- Assessment of the economic development, housing, recreation and other development deemed necessary to meet the community's goals and to support the trends in population and land development

- Assessment of the municipal facilities and services required to serve projected development

The requirements for this analysis should be described in some detail as a guide to prospective consultants in drafting proposals.

D. Comprehensive Plan

Utilizing this handbook and the requirements of the Act as guides, this portion of the RFP should include, as a minimum, a description of the nine required elements of the plan. A city or town may wish to expand the scope of any of the elements or to add elements.

The form of the plan report(s) can be specified for each phase of review, leading to the final plan document prepared for Planning Board/'Commission hearing and adoption, City- Town Council hearing and adoption, and submission to the state for acceptance.

As stipulated in the Act, the Plan must include, in the Land Use Plan element, an analysis of the consistency of the current local zoning ordinance with the Land Use Plan and a recommended schedule for achieving the required consistency within eighteen months of state acceptance of the Plan. The RFP may, at the option of the municipality, include services to draft the necessary zoning changes to meet this requirement.

E. Citizen Participation Program

The RFP should specify the role of the planning consultant in providing for the required program of citizen participation at all phases of the Plan formulation. An estimate has to be made of the frequency of public meetings and workshops and of the number and type of informational materials.

The RFP may say that the consultant is to design the entire citizen participation program, in addition to the basic role of technical resource.

V. TIMETABLE

The RFP should stipulate a timetable to be observed by the consultant in the development of the Plan. The timetable should be broken into logical phases for each work item and should include meeting frequencies and times for the delivery of specific products. The times can be expressed by number of weeks/months or by specific dates. Deadlines for Plan adoption and submission to the state must be emphasized. The RFP may specify periodic progress reports. It is recommended that the timetable be as detailed as possible, with variations permitted only by mutual agreement between the consultant and the municipality, with due cause.

VI. SUPERVISION AND ACCEPTANCE OF CONSULTANT'S WORK

The RFP must clearly indicate the municipal officer or agency who will directly supervise the Plan project and the work of the consultant. Frequency of meetings and submissions to the supervisory person or agency should be specified.

The RFP can also inform prospective consultants that successful discharge of their responsibilities is dependent upon state acceptance of the Comprehensive Plan. It is recommended that acceptance be made a contractual condition and that a specific percentage of the value of the contract be held pending such acceptance. This will, in effect, retain consultant services in the event that state review leads to adjustments in the Plan or in the event of state disapproval of the Plan.

The RFP may say that, if subcontractors are proposed, the prime consultant will be responsible for their performance.

VII. SELECTION

The following language is suggested for this part of the RFP:

The selection of the consultant is the responsibility of the Agency _____of the City/Town _____upon the concurrence/recommendation of _____. In evaluating submitted proposals, the Agency _____will use the following criteria:

- Appropriateness of the proposal and schedule in response to the RFP.
- Quality of the technical approach to the work tasks. Communication skills of the consultant.
- Experience and reputation of the consultant, especially with similar projects, as determined from the proposal and references.
- Credentials of the staff proposed to be assigned.
- Ability to deliver the required product(s) on time and within the contract budget.

The review and selection process may be described in the RFP. If a pre-submission meeting is planned to answer questions from prospective consultants, it should be noted.

VII. MINIMUM PROPOSAL CONTENT

The following language is suggested:

Proposals shall contain at least the following:

- Transmittal letter, signed by a person authorized to commit the firm legally.
- Discussion of the approach to be taken to the work tasks. The consultant must demonstrate familiarity with the type of work, sensitivity to the project setting, and ability to pursue the work program in a creative manner. The consultant is expected to submit a complete description of a Scope of Work, which may be used in the actual contract agreement. If it is felt that modification of the work tasks outlined in the RFP is necessary or appropriate, this should be indicated, with reasons.

- Summary of the firm's capabilities, and staffing plan for this project. Resumes and responsibilities of key persons to be assigned must be set forth, including information on any subcontractors proposed to assist in the project. The proposal must identify key individuals by name and resume, with an estimate of the percentage of their time to be assigned to the project.

- Fee proposal, which details the not-to-exceed amounts for the proposed tasks. This must show the classifications of assigned personnel together with billing rates and person-hour breakdowns. Proposals will be considered for a lump-sum contract with hourly rates for additional tasks.

- Work timetable. Any changes in the timetable contained in the RFP must be explained and justified.

- References, especially from clients for similar projects.

- Full statement of professional liability insurance coverage.

The city or town may wish to set a limit on the number of pages in a proposal (excluding the sections on the firm's qualifications and staff resumes). Other formal requirements may be set.