

What were they Thinking?

How to be heard in land use decisions and
legislation

Maria Mack
Rep Kathy Fogarty

A SHORT HISTORY OF AMERICA

















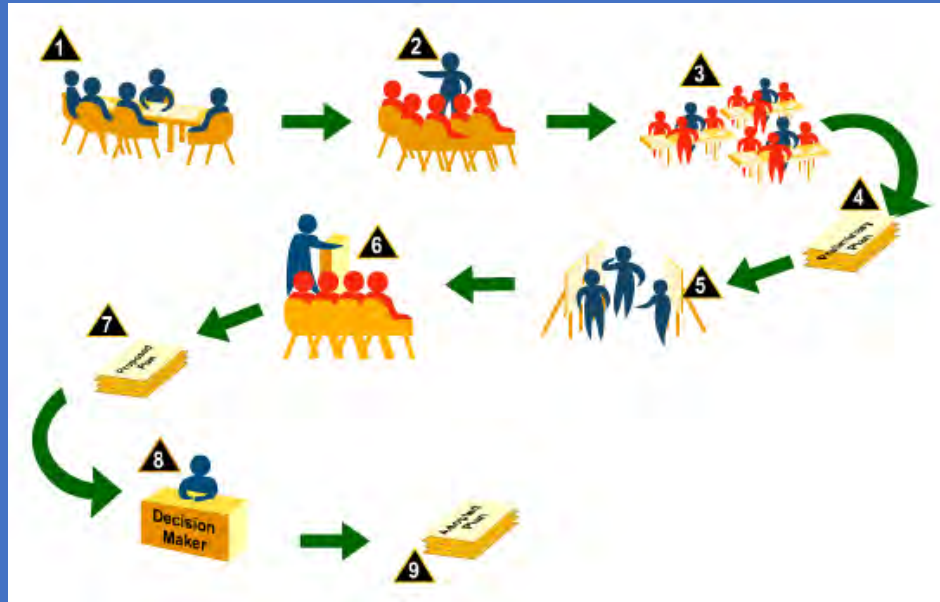








Be a Part of the Local Planning Process



Participate in an effective and meaningful way and influence the outcome.

Be familiar with standards.

Be an expert in the process.

Planning Standards and Process

State Laws

1988 Comprehensive Planning Act (2011
Amendments) RIGL 45-22

1991 Zoning Enabling Act (Frequent
Amendments) RIGL 45-24

1992 Land Development and Subdivision
Review Act (As Amended) RIGL 45-
23

1991 Low and Moderate-Income Housing Act
(2004-2005 Amendments) RIGL 45-53

Local Laws

Zoning Ordinance

Subdivision Regulations

Rules of Procedure (Bylaws)

eCode360 or MuniCode
City/Town Website

The Comprehensive Planning Guidance Handbook Series

- ❖ 16 Guidance Handbooks covering comp plan topics and processes
- ❖ Guidance Handbooks covering specific topics are organized in three sections:
 - General information on the topic
 - How to fulfill the standards
 - Crafting a better plan - offering suggestions and technical assistance to go beyond the minimum standards

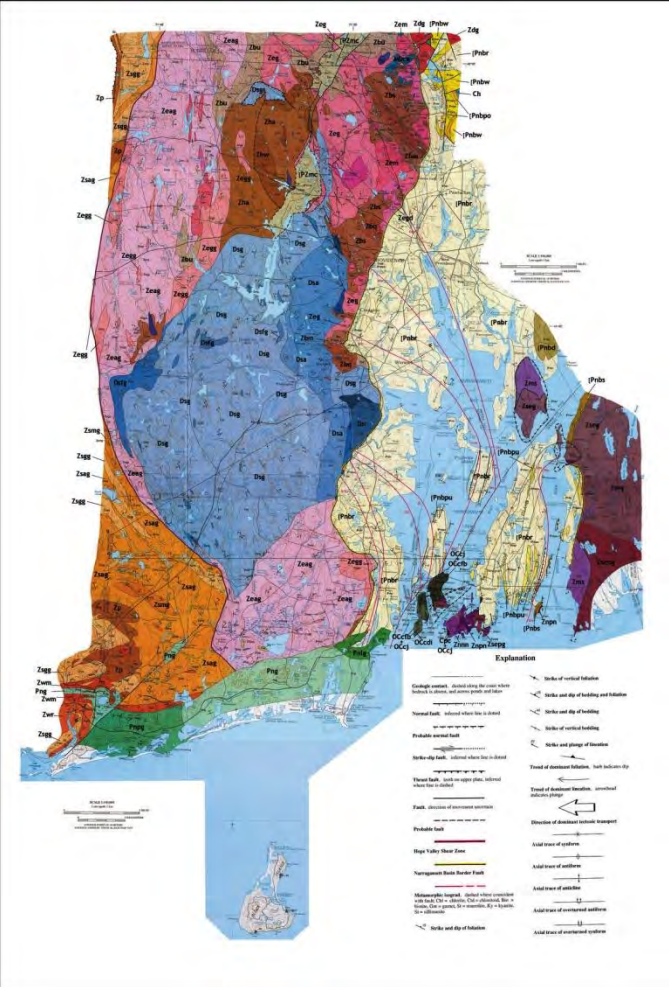
Comprehensive Planning Resources

The Comprehensive Planning Standards Manual

- ❖ Provides the standards used by Statewide Planning in determining whether a comp plan receives State approval

- ❖ Standards include:
 - Planning for Natural Resources
 - Planning for Agriculture
 - Planning for Water Supply
 - Planning for Recreation
 - Planning for Natural Hazards and Climate Change
 - Planning for Land Use
 - Cultural & Historic Resources
 - Housing
 - Transportation

Land Use Act



The Act requires comp plans to contain certain minimum content pertaining to conservation and natural resources including:

- A map or maps displaying open space and conservation areas (public and private) § 45-22.2-6(b)(2)
- A map or maps displaying natural resources such as, but not limited to, surface water, wetlands, floodplains, soils, and agricultural land § 45-22.2-6(b)(2)

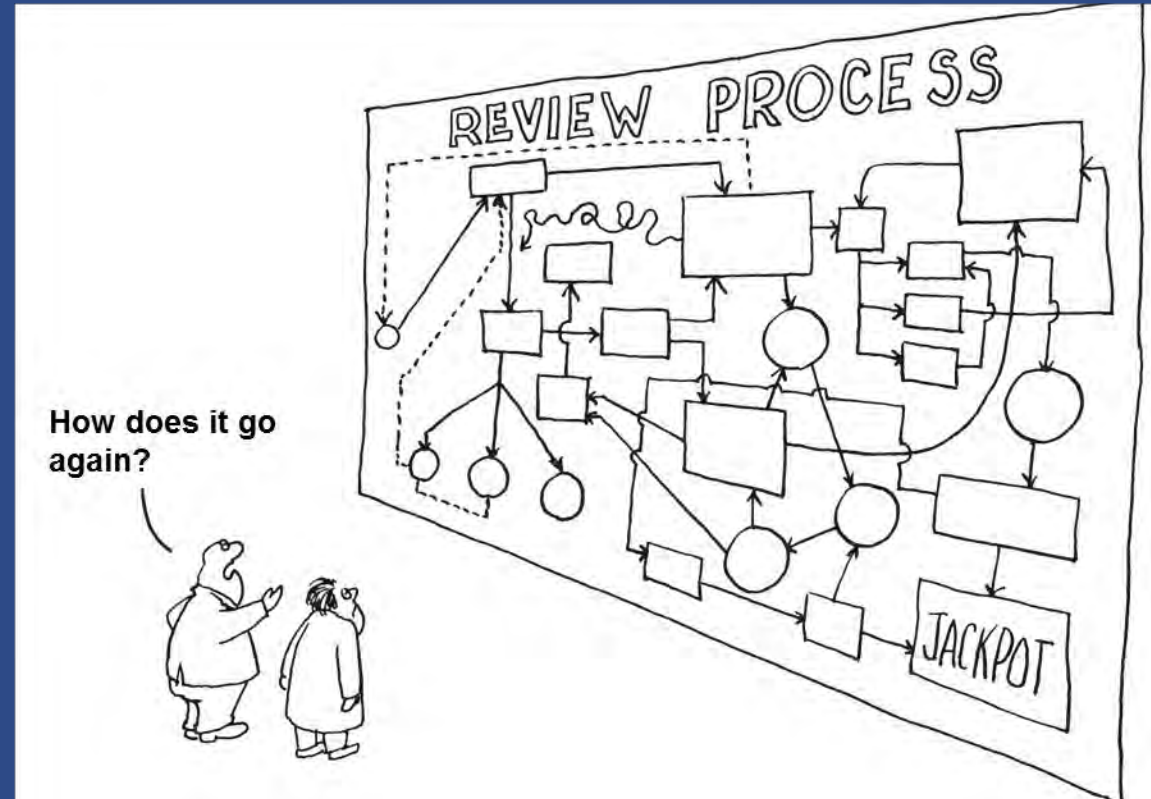
Process

Process through which a Board or Commission conducts the public's business

- Some procedures are mandated – e.g. type of notice, when a public hearing is required
- Some procedures are at the discretion of the Board or Commission – conduct of business and “protocols”.

To contribute in a manner that is effective – an advocate needs to be familiar with the process.

Process may seem complicated



Not really, once you know
where to look →

- Websites
- Social media
- Newspapers
- Notice
- Organizations



Create an Account - Increase your productivity, customize your experience, and engage in information you care about.

Sign In



- Agendas & Minutes
- Boards & Commissions ▶
- Departments ▶
- Documents & Forms
- Municipal Code ▶
- Observed Holidays ▶
- Policies & Procedures ▶
- Schedule of Fees ▶
- Staff Directory
- Town Council ▶
- Voter Information ▶

Home > Government

Government

Agendas & Minutes

Access easily searchable meeting agendas and minutes for the Town Council, and various Town boards, commissions, and committees.

Boards & Commissions

Learn about the boards and commissions with administrative authority in the Town.

Departments

Learn more about and find information and resources provided by the various departments and divisions that represent South Kingstown.

Documents & Forms

Town documents, forms, and reports are available for view and download within the Town's Document Center.

Municipal Code

Review the current Town Ordinances, and learn about the procedure for new ordinances.

Observed Holidays

As the Town has a variety of buildings and departments, each may observe holidays differently. Learn more about when the Town's departments and buildings are closed due to holiday observance.

Policies & Procedures

Review policies and procedures followed in the Town of South Kingstown.

Schedule of Fees

Learn about current municipal fees.

Staff Directory

Find contact information for Town departments and personnel.

Enable Google Translate



State of Rhode Island General Assembly

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Welcome to the Rhode Island General Assembly Website



Nicholas A. Mattiello
Speaker of the House

Dominick J. Ruggiero
President of the Senate

Session Schedule 2019

March						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
24	25	26	27	28	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

The House meets 3/5 at 4:00 PM

The Senate meets 3/5 at 4:00 PM

[Committee Calendars](#)

[Floor Calendars](#)

[Committee Hearings](#)

Media Center



Capitol Spotlight with Sen. Mark McKenney



Capitol Spotlight with Rep. Joseph McNamara



Capitol Spotlight with Sen. Cynthia Coyne

News Headlines

[More](#)



Rep. Justine Caldwell introduces package of common-sense gun laws supported by governor, AG



Ruggiero bill would add more biodiesel to heating oil



State of Rhode Island General Assembly

Legislative Information

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Archives

Bill Status

- » Previous Years

Bill Text

- » 2018 session
- » 2017 session
- » 2016 session
- » 2015 session
- » 2014 session
- » 2013 session
- » 2012 session
- » 2011 session
- » 2010 session
- » 2009 session
- » 2008 session

Journals

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- » 2013 session
- » 2012 session
- » 2011 session
- » 2010 session
- » 2009 session
- » 2008 session

Public Laws, Acts and Resolves

2019 Legislative Session Information

- » Bill Status/History
- » Bill Text
- » Committee Agendas
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- » Other Meeting Notices
- » Committee Calendars
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- » Daily Introductions
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- » Committee Memberships
- » Public Laws
- » Local Acts and Resolves
- » The Rhode Island Constitution
- » United States Constitution
- » The State of Rhode Island General Laws -- Updated through November 15, 2018
- » News

Law Revision Office - New Session Laws

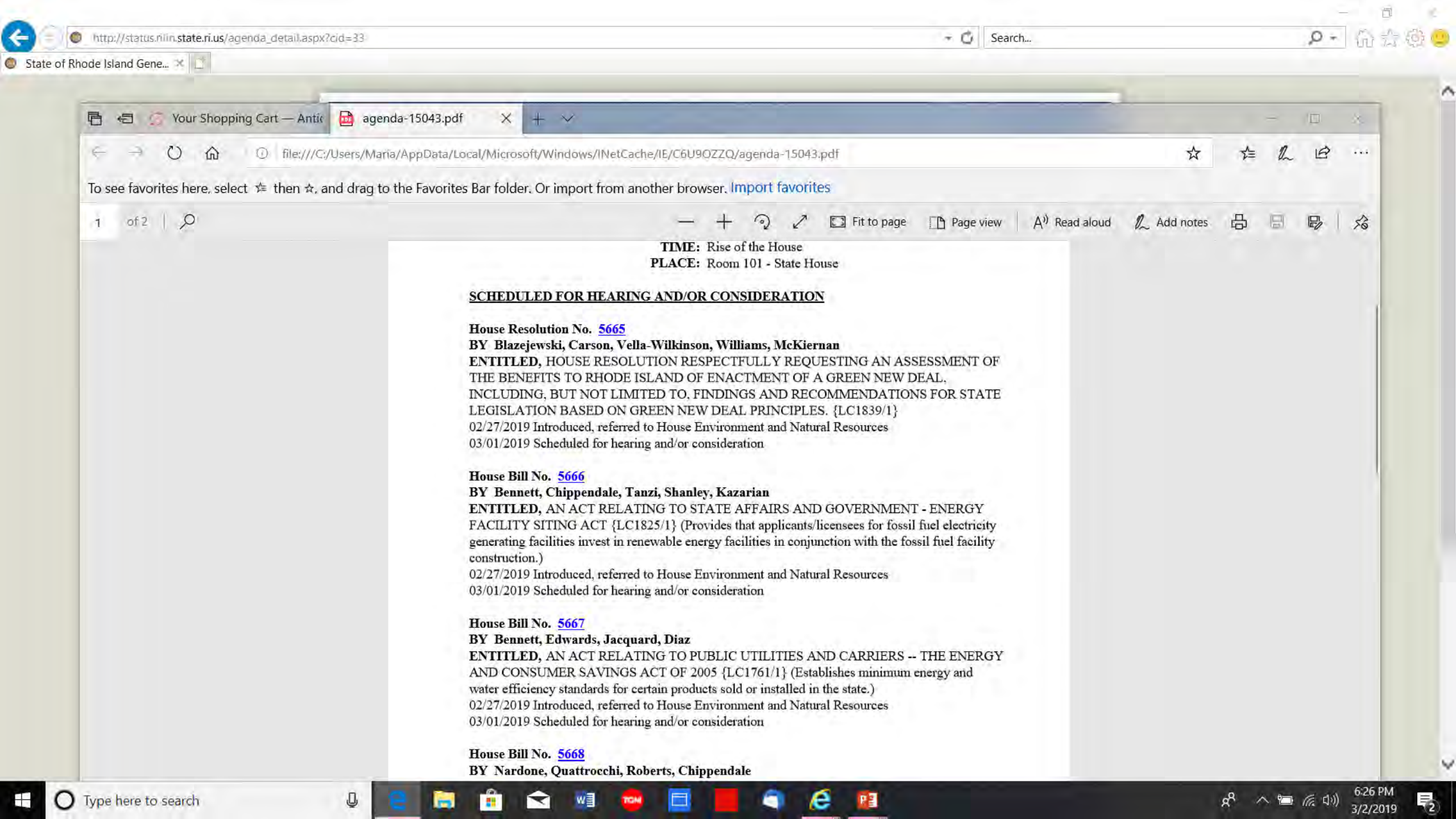
- » Public Laws - Short Title Lists with links to Public Law text
2019 2018
- » Local Acts and Resolves - Short Title Lists with links to text
2019 2018
- » General Laws Section List - Public Law Amendments
2019 2018
- » Salient Facts - Bills Introduced, Passed, Vetoed and Overridden
2019 2018
- » Executive Appointments by the Governor
2019 2018
- » Bills Vetoed by the Governor
2019 2018
- » Commissions Created or Amended Since the Year 1995
- » Law Revision Director's Annual Report to the General Assembly



Search Search Advanced

Posted Committee Agendas

House Committees	Senate Committees	Joint Committees
Conduct (0)	Commerce (1)	Economic Development (0)
Corporations (1)	Education (0)	Health Care Oversight (0)
Environment and Natural Resources (1)	Environment & Agriculture (1)	Legislative Services (0)
Finance (9)	Finance (2)	State Lottery (0)
Health, Education & Welfare (1)	Health & Human Services (2)	
Judiciary (1)	Housing & Municipal Government (1)	
Labor (0)	Judiciary (2)	
Municipal Government (1)	Labor (1)	
Oversight (0)	Rules, Government Ethics and Oversight (1)	
Rules (0)	Special Legislation and Veterans Affairs (0)	
Small Business (1)		
Special Legislation (0)		
Veterans' Affairs (0)		



TIME: Rise of the House
PLACE: Room 101 - State House

SCHEDULED FOR HEARING AND/OR CONSIDERATION

House Resolution No. [5665](#)

BY Blazewski, Carson, Vella-Wilkinson, Williams, McKiernan

ENTITLED, HOUSE RESOLUTION RESPECTFULLY REQUESTING AN ASSESSMENT OF THE BENEFITS TO RHODE ISLAND OF ENACTMENT OF A GREEN NEW DEAL, INCLUDING, BUT NOT LIMITED TO, FINDINGS AND RECOMMENDATIONS FOR STATE LEGISLATION BASED ON GREEN NEW DEAL PRINCIPLES. {LC1839/1}

02/27/2019 Introduced, referred to House Environment and Natural Resources

03/01/2019 Scheduled for hearing and/or consideration

House Bill No. [5666](#)

BY Bennett, Chippendale, Tanzi, Shanley, Kazarian

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - ENERGY FACILITY SITING ACT {LC1825/1} (Provides that applicants/licensees for fossil fuel electricity generating facilities invest in renewable energy facilities in conjunction with the fossil fuel facility construction.)

02/27/2019 Introduced, referred to House Environment and Natural Resources

03/01/2019 Scheduled for hearing and/or consideration

House Bill No. [5667](#)

BY Bennett, Edwards, Jacquard, Diaz

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- THE ENERGY AND CONSUMER SAVINGS ACT OF 2005 {LC1761/1} (Establishes minimum energy and water efficiency standards for certain products sold or installed in the state.)

02/27/2019 Introduced, referred to House Environment and Natural Resources

03/01/2019 Scheduled for hearing and/or consideration

House Bill No. [5668](#)

BY Nardone, Quattrocchi, Roberts, Chippendale



How a Bill Becomes Law

I. INTRODUCTION

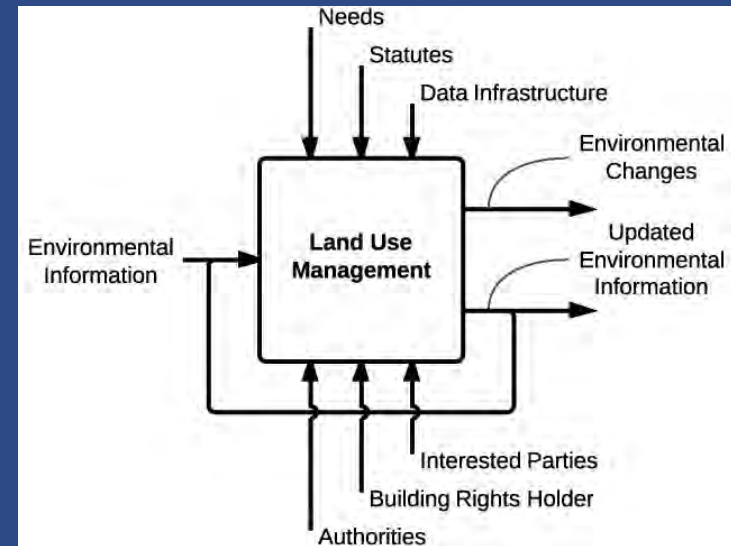
There are certain basic rules which guide the movement of legislation in the Rhode Island General Assembly. Although these rules may vary somewhat from session to session, and although certain exceptions are permitted, bills generally must follow a certain prescribed course through both houses of the legislature to be enacted into law. The following outline of the course of legislation is offered for your assistance.

II. COURSE OF LEGISLATIVE MEASURES THROUGH THE GENERAL ASSEMBLY

1. Any Representative or Senator may introduce a bill in his or her respective house.
2. The Recording Secretary numbers a bill introduced in the House of Representatives. The Secretary of the Senate numbers a bill introduced in the Senate.
3. The Speaker of the House or the President of the Senate refers the bill to the proper committee.
4. A House or Senate Committee may take the following action on a bill:
 - a. Recommendation of passage as introduced;
 - b. Recommendation of passage with amendments;
 - c. Recommendation of passage of a substitute;
 - d. Recommendation of reference to another committee;
 - e. Recommendation of indefinite postponement;
 - f. Reporting the bill to the floor and giving no recommendation, in which case it stands or falls on its own merit;
5. A bill goes on the calendar when a given committee makes a recommendation of passage. Under

Concerned Citizen

- It is not necessary for you to be an abutter
- Understand the criteria
- Look at the 'Big Picture'
- Think about design as well as density
- Help everyone to connect the dots



Points of View



Understand the Ask

Applicant is asking for:

Subdivision

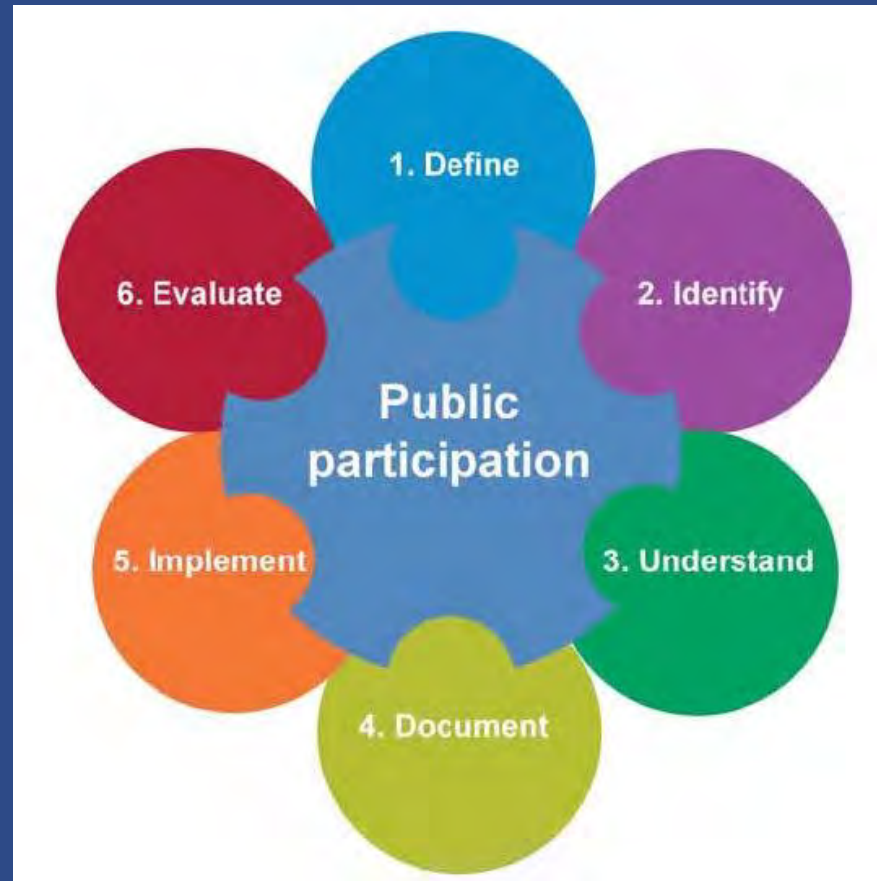
Construction

Change in the Rules

Various forms:

- Projects
- Residential
- Commercial
- Industrial
- Zone Changes/Special Use Permit
- Variance
- Subdivisions LDP Major/Minor
- Inclusionary Zoning
- Comprehensive Permit

Your Position as Advocate



Be Prepared

Start with public record. (project background, resources, stage or review, staff opinion)

Build your own knowledge. (research subject parcel, applicant and the proposed use)

Understand your role in the process.





Projects that may affect the environment and natural resources

Advocate for additional notice
Create interest through education
Keep watching and asking

Citizen's Group

- Organize
- Generate Support & Interest
- Be Productive
- Communicate



Allied Organizations

- Reach out to groups with similar concerns
- Consider Statewide and National orgs
- Other citizens groups

How to Participate



Don't be contentious...
be constructive.

Move the dialogue
beyond "Not in my back
yard."

Public Participation

Public Meeting
Open Meetings Act

Public Hearing
Getting it on the Record



How can you make an impact?



Know what is going on and when

Gather information and get organized

Take a position and keep showing up

Language is Important

may consider investigate encourage

will 'shall' **must** **require**

'impracticable'

Public Hearing Order of Presentation

Opening of the Public Hearing



Summary and Recommendation of Staff*

Presentation by Applicant

Presentation by any Interested Party*

Response and/or Rebuttal*

Deliberation by the Board

Board Establishes Findings of Fact

Closure or Continuance*

Decision – Voted, Written, Recorded



Standards of Review

Burden is on the applicant to prove that all the standards have been met

Lobbyists and hired consultants subjective
Advocate for a more reasonable alternative
and mitigation of impacts

Officials must give thoughtful consideration
to all information presented.

Criteria

- Topography
- Stormwater/runoff
- Water Table
- LID – GI
- No Net Increase in Runoff
- 100 Year Storm
- GPOD/Overlay



Consider

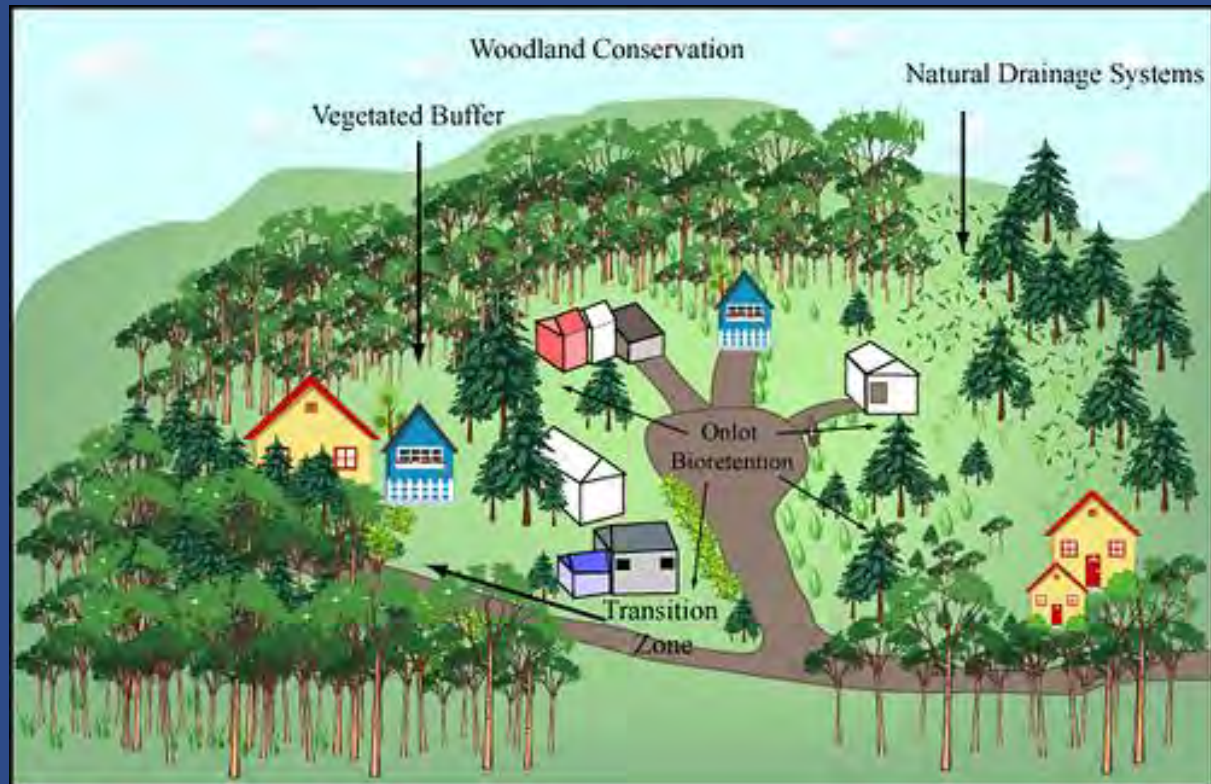
- Cut & Fill
- “Impracticable”
- E & S Plan
- Stone Walls
- Street Trees & Landscaping
- Invasives
- Historic Site/National Register



Criteria Continued

- Vegetation/Buffers
- Wetlands/Habitat
- Natural Heritage Areas
- Roads Private/Public
- Ingress/Egress
- Setbacks
- Limit of Disturbance
- OWTS





Questions?



For more information

Check these websites:

www.planning.ri.gov/statewideplanning/compplanning/handbook.php

<http://plannersweb.com/topics/columnists/mcmahon/>

<https://www.lincolnst.edu/research-data/toolkits>

<https://www.pps.org/category/placemaking>

<https://www.rural-design.org/>

<https://www.planning.org/library/greatbooks/>

<http://www.greenerprospects.com/products.html>

<https://www.orton.org/>

<https://islandpress.org/book/community-character>