Testimony by
Sheila Brush, Program Director, Grow Smart Rhode Island,
To the House Committee on Environment and Natural Resources
in opposition to H5990
An act relating to State Affairs and Government – State Rural Conservation

April 10, 2006

Good afternoon Mr. Chairman and members of the House Committee on Environment and Natural Resources. My name is Sheila Brush, and I am Director of Programs at Grow Smart Rhode Island.

Grow Smart Rhode Island is a statewide coalition of business, labor and institutional leaders and social and environmental advocates that have come together to address the issues of urban decay and suburban sprawl in Rhode Island. Our purpose is to make Rhode Islanders aware of the environmental, economic and social impacts of inefficient growth patterns and to promote policies and practices that direct future growth toward urban, town and village centers while at the same time preserving the forests, woodlands and open spaces that contribute so much to Rhode Island’s distinct character and quality of life.

I am here today, speaking on behalf of Grow Smart Rhode Island, to explain why we oppose H 5990, an Act Relating to State Affairs and Government – State Rural Conservation.

Grow Smart believes that protection of the significant natural resources in the western part of our state, the area that has come to be known as the Borderlands Region, is extremely important. However, we do not believe that H 5990 will help to achieve that protection, and, in fact, we are concerned that it may have just the opposite impact. We oppose the bill for four specific reasons.

First, H 5990 is premised on the belief that 5-acre zoning protects natural resources and wildlife habitats. In fact, as a number of different studies have documented, 5-acre zoning leads to the division of woodlands and forests into parcels that are too small to support wildlife and to the conversion of forest land to cleared house lots and paved roads. Five-acre zoning should not be held up as an effective land conservation strategy.

Second, H 5990 appears to directly contradict the strategies contained in the recently adopted State Land Use Plan entitled Land Use 2025. In order to protect important natural resources and greenspaces, such as those contained in western Rhode Island, Land Use 2025 calls for a two-pronged strategy of protecting open space while at the same time directing development toward carefully selected growth centers. Yet H 5990 expressly forbids any relationship between what it proposes as a land conservation strategy and the creation of more compact growth centers elsewhere in a community. Such an amendment could conceivably prevent the use of techniques such as transfer of development rights, which are recommended in Land Use 2025 and have been used successfully elsewhere to help conserve land.

Third, we are particularly concerned and disappointed that this legislation, proposed as an amendment to the Housing and Conservation Trust Fund Act, flies in the face of the spirit of that Act. The Trust Fund Act was originally sponsored by a coalition of both housing and land conservation entities, who were united by their belief that the need for housing and the need to conserve land are both critical priorities. The
coalition believed that strategies must be sought to achieve both priorities, rather than pitting the goals of one against the goals of another. That belief was reaffirmed in the April, 2006, report of the Housing and Conservation Trust Fund Study Commission, which was made up of both housing and conservation interests. Yet this amendment would insert in the Trust Fund Act language that suggests that land conservation efforts should trump housing initiatives. In fact, we believe that the legislation could be interpreted to provide that the communities within the Borderlands Region are actually exempt from RIGL 45-53, the Low and Moderate Income Housing Act.

Finally, the proposed amendment’s provision on 5-acre zoning is unnecessary. If a Town Council were to determine that 5-acre zoning was the most appropriate zoning for some portion of its municipality, the Town Council would have the authority under existing law to designate areas for 5-acre zoning.

For all of the above reasons, we ask the Committee on Environment and Natural Resources not to recommend passage of H5990.

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