Rhode Island Statewide Planning Program

STATE PLANNING COUNCIL

MINUTES

Thursday, December 14th, 2006
William E. Powers Building
Capitol Hill, Providence, Rhode Island

Members Present

Mr. Kevin Flynn, Acting Chair	Representing Ms. Beverly Najarian, RI Department of Administration
Mr. George Johnson, Secretary	Statewide Planning Program
Ms. Susan Baxter	Rhode Island Housing Resources Commission
Ms. Jeanne Boyle	City of East Providence Planning Department
Ms. Lucy Garliauskas (Advisory Member)	Federal Highway Administration
Ms. Anna Prager	Public Member
Ms. Janet White Raymond	Public Member
Mr. Jared Rhodes	Representing League of Cities & Towns
Mr. Robert Shawver	Representing Mr. James Capaldi, RI Department of Transportation
Mr. Henry Sherlock	Representing Mr. Steven Cardi, Public Member
Mr. John Trevor	Environmental Advocate
Mr. William Sequino	Public Member
Ms. Sharon Conard Wells	Elmwood Neighborhood Community Development

Members Absent

Mr. Daniel Beardsley	RI League of Cities and Towns
Mr. Thomas Deller	Department of Planning & Development, City of Providence
Mr. Clarke Greene, Vice Chair	Governor's Policy Office
Mr. B. Michael Rauh	Environmental Advocate
Mr. Peder Schaefer	Representing Ms. Rosemary Booth Gallogly, Budget Office

Guests

Mr. Robert Griffith	Strategic Planning
Ms. Kelly Mahoney	Senate Policy Office
Ms. Meredith Holderbaum	Senate Fiscal Office

Strategic Planning

Mr. Robert Griffith	Chief, Strategic Planning

Staff--Statewide Planning Program

Mr. Michael Ahnrud	Supervising Planner, Comprehensive Plans
Ms. Blanche Higgins	Supervising Planner, Land Use
Ms. Nancy Hess	Principal Environmental Planner, Land Use
Mr. Kevin Nelson	Principal Planner, Land Use
Ms. Derwent Riding	Principal Planner, Land Use
Mr. John Stachelhaus	RIGIS Coordinator/DOA,DOIT
Ms. Patricia Greene	Customer Service Specialist I

AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:05 a.m.

2. Approval of November 9th Minutes

Ms. Raymond moved that:

THE MINUTES OF NOVEMBER 9TH BE APPROVED.

The motion was seconded by Mr. Trevor and carried unanimously.

3. Chief's Progress Report

Mr. Johnson reported on the following items:

Land Use

- Staff is anticipating having 4,500 copies of the executive summary of the Land Use Plan as soon as tomorrow. Initial distribution plans include members of the General Assembly, state and municipal officials, the media, professional associations and not-for-profit organizations which support planning.
- The Land Use Plan Implementation Committee held its first meeting on October 26th and will re-convene today. Upcoming agenda items include the roll-out of the executive summary, review of state funding options to support the plan, opportunities for parcel-based data and development tracking and discussion of

guidance and technical assistance to the communities. Staff is working to develop strategies on all these fronts for review with the Committee. One initiative is discussions with The Providence Plan to explore what it would take to develop a statewide parcel database that could be used to track land use changes and measure progress in implementation of the Plan's strategies.

- The GIS Mapping of Areas Suitable for Higher Density Housing, required under the 2004 Housing Act, is continuing. The focus is on looking at suitable areas identified within the urban services area in Land Use 2025. Mr. Johnson noted that Draft mapping has been sent to 19 of 28 communities affected; and comments have been received from 14. Staff is editing comments, as well as working to get the first cut maps out to the remaining 9 communities for review.

Transportation

- TIP Amendment #5, approved by the Council at its last meeting, has been signed by the Governor, and forwarded to FTA and FHWA.
- Staff is convening an Access Management Task Force to explore means to address congestion and safety issues by better managing access, either through use of preventive strategies or a retrofit where problems already exist. The group, consisting of federal, state, and local officials, and a member of the TAC, will hold its first meeting on December 14.
- The Safe Routes To School Steering Committee has been constituted and will meet next week. Members consist of officials from Statewide Planning, and the Departments of Transportation, Health, Education, and Environmental Management, the State police, a school nurse, a member of the TAC, a Safety Education Specialist, a local planner, Kids First, Grow Smart, and FHWA is an advisory member. A federally-sponsored training session was held on December 4 that was attended by DOT and Ronnie Sirota of our staff.
- A Public Participation Plan that is a new requirement under SAFTEALU is in progress. It will be consistent with Rule IX of the State Planning Council Rules of Procedure but will go into more detail. The draft will be reviewed by a Task Force that met in September and will highlight that group's contribution. It will be presented to the TAC in January or February. A hearing and a 45 day comment period are required. It will then be brought before the Council for approval. The Long Range Plan, in order to be SAFETEALU compliant, must be prepared according to this Plan. The Transportation webpage has been updated announcing the 2007 update of the Long Range Plan and providing a form to submit comments.

Planning Challenge Grants

- Quarterly reports have been submitted by all the grant recipients. Many of the projects are getting really good local involvement and media coverage. The Washington County Route 1 Corridor Study has been supplemented with Scenic Highway funding from RIDOT, although staff still has to work out some details with the grant recipient. Staff has significant challenges with the two commuter rail studies. In Pawtucket, a portion of the historic station is imminently threatened with demolition for a CVS. Statewide Planning submitted comments encouraging the Pawtucket City Council to preserve the station until an informed decision on its utility for rail service could be determined. In Woonsocket, the Providence and Worcester Railroad is proposing the abandonment of a piece of the line that could potentially be used to connect Woonsocket with Boston via Franklin. That goes through a federal process with the Surface Transportation Board, and the Program is commenting. In both cases, staff's comments relate to the fact that federally funded studies are ongoing.

Economic Development

- Staff is getting an update of the Economic Development Policies and Plan underway, and will be using that process to experiment with a new approach. Staff has contracted with New Commons – a Providence strategic planning and facilitation firm – to work with the staff and other stakeholders to get input for the plan update. Staff is looking for the process to be both a valuable learning experience that will engage the entire staff, and also to help us build external links and networks that will support the implementation of the plan.
- Mr. Johnson referred to the handout of the CEDS Annual Report for 2006 which the Council approved in September. A Notice of Availability has been e-mailed to potential CEDS applicants, including all the municipal contacts. He noted that anyone needing additional copies could contact Bruce Vild of the staff, bvild@planning.state.ri.us.

Other

- Our Census staff has developed a draft paper documenting recent immigration trends in Rhode Island, and hopes to present it at the next meeting.

Mr. Flynn added the following items:

- The public hearing on the draft Solid Waste Management Plan has to be re-scheduled from January 8th due to a conflict with the inauguration of the Mayor of the Town of Johnston. Staff has tried to avoid scheduling the hearing to conflict with local meetings in Johnston (Council, Planning Board, etc.), so that Town officials from the landfill host community could attend; but somewhere along the way there was a miscommunication, and the inauguration escaped our notice. Staff will advise the Council of the rescheduled date. *(The workshop and hearing have now been rescheduled for January 10th at 6 p.m. in the Johnston High School Cafeteria.)*
- The HRC and HRC staff is working with RI Housing staff to develop regulations which will govern distribution of funds from of the $50 million Affordable Housing Bond passed in November. The HRC accepted draft regulations earlier this month, and will now be the subject of a public review process, with workshops and hearings during February.

There were no questions or comments on the Chief's Report.

4. Technical Committee Appointments

Mr. Flynn referred members to Supplement #4 providing the listing of nominations taken under advisement at the November meeting. The nominations were developed by the Council's Nominating Committee. He noted that terms are for two years.

Ms. Baxter moved:

TO APPOINT THE NOMINEES TO THE TECHNICAL COMMITTEE.

The motion was seconded by Mr. Rhodes and carried unanimously.

5. Transportation Advisory Committee Appointments

Mr. Flynn referred members to Supplement #5 providing the listing of nominations taken under advisement at the November meeting. The nominations were developed by the Council's Nominating Committee. He noted that terms are for three years.

Ms. Raymond moved to:

APPOINT THE NOMINEES TO THE TRANSPORTATION ADVISORY COMMITTEE

The motion was seconded by Ms. Baxter and carried unanimously.

6. 2007 Meeting Schedule

Mr. Johnson stated that pursuant to the Open Meetings Act, the Council must file an annual schedule of meetings with the Secretary of State each December. The dates were tentatively discussed at the October meeting, and a schedule drawn up accordingly. He referred members to an updated handout which provides one correction – the November meeting was mistakenly listed for the third Thursday, the 15th; instead of the 8th as shown on the update. Also, he noted that Conference Room A is not available for the February date; an alternate location may be necessary for that meeting, and that the Council will be advised in advance of the meeting when arrangements are complete.

Ms. Raymond moved:

TO APPROVE THE 2007 MEETING SCHEDULE AS PRESENTED.

The motion was seconded by Ms. Boyle and carried unanimously.

7. <u>2003-04 Land Use/Land Cover Analysis</u>

Mr. Flynn recalled that during the preparation of the new Land Use Plan, several Council members expressed concern that the state's basic land use dataset was 10 years old. To respond to that, Statewide Planning, with the assistance of the RIGIS staff in the Division of Information Technology undertook a project to develop a new statewide land use/land cover dataset based upon the aerial photography that the State procured in 2003-2004. He introduced Mr. John Stachelhaus of RIGIS/DOA -- DoIT staff to provide an update and status on the project.

Mr. Stachelhaus provided an overview of the project. Statewide Planning is currently engaged in a project to develop new GIS Land Cover/Land Use information for the state. Planning is being assisted in this effort by GIS experts from the University of Rhode Island, the RIDEM, Mapping and Planning Services Inc., and the RIGIS Coordinator at RIDOA. A contract to develop the digital data in a GIS format was awarded to the Sanborn Mapping Company in June of 2006 and work started in July. He noted that work on an initial pilot area (Wickford) was completed in October and preliminary sample data for Block Island is now being analyzed. Past GIS Land Use data sets developed in 1988 and updated in 1995 utilized traditional hand tracing methods of specific land use areas from copies of photo-positive prints onto mylar sheets. The current project will use a new technical approach combining traditional GIS analytical methods with state of the art remote sensing tools to identify land use features on the ground from digital photography.

A new semi-automated technical approach is being used by Sanborn to develop the new land use data. The product will be based on recent 2003 and 2004 digital photography contributed to the RIGIS database by RIDOT. The methodology involves first selecting areas of impervious surfaces such as building roof tops, parking lots and paved roads using remote sensing techniques. The impervious features are then coded for their respective land uses and buffered to specific distances to produce polygon features for developed land use areas. Buffer distances are established based on the land use type, (60' for residential, 10' for commercial etc.) The next step in the process inspects the remaining areas of natural cover and with computer software differentiates between different land cover types (forests, agricultural fields and wetlands. The developed land use and natural land cover features are then combined for an overall digital data set that can be used with computer software for land use analysis in a Geographic Information System.

Limitations of the new digital land use product were pointed out including the fact that wetlands in forested areas were not being identified. This resulted from a technical restriction due to a lack of color infra red data in the source photography. This will result in inability to use the final data product for statistical analysis comparisons with prior (1988/1995) land use data.

The final products will be delivered in June of 2007 and are expected to be available for use through the RIGIS distribution system later in the summer. A bonus digital product of statewide impervious features will also be made available for such uses as storm water tracking and non-point pollution studies. In addition, the experience gained and technical methodology developed during the project should allow for decreased costs to develop similar data, and hopefully, an ability to update this important source of information more frequently in the future.

Discussion:

Mr. Rhodes asked about cost of the project, and what would have been the added cost to have the infra-red photo base information to track wetland changes. Mr. Stachelhaus replied that the Sanborn

contract is for $110,000. To produce wetlands data via the new technology would have required a new flight of color infrared aerial photography. The 2003-04 flight cost $65,000. Mr. Rhodes stressed the importance of having accurate wetlands data. Mr. Flynn stated that even with better delineations, wetlands GIS data are subject to field verification. Ms. Boyle asked about the accuracy of the new technology. Mr. Stachelhaus stated that the new photography is accurate to 15 feet, but that the interpretation technology may not yield that resolution. Ms. Hess stated that the consultant evaluation team recommended going with the new approach because it saw this as the future of the industry. Firms and individuals utilizing the traditional interpretation approach are getting out of the field, and the technological methods are increasing in sophistication. Mr. Johnson noted that land use surveys have been done periodically since the 1960s, and, although there have been efforts to keep methodologies consistent to allow trend analysis, that has proven difficult because the field does keep advancing and the way land is used keeps changing. Comparisons between the past studies have also presented some challenges, and required "footnoting" of trend analysis results. Mr. Flynn thanked Mr. Stachelhaus for the update and members for their comments.

8. Local Comprehensive Planning Process & State Review Procedures
Introduction – Overview of Current Status & Practices

Mr. Flynn stated a review of the Program was considered timely in view of the adoption of the new State Land Use Plan – Land Use 2025. The State and communities have over 15 years of experience with the Comprehensive Planning Act and the processes conducted under it. The Act has a number of very good features, and has been cited nationally by APA as a model framework for integrating state and local policies. Yet the nagging question remains – answered in part by Land Use 2025's analysis. Is the Comprehensive Planning Process, beginning with the State Guide Plan, and including all the work that goes into developing, reviewing and approving, and maintaining local plans, getting us where we need to be as a state and communities on the ground in terms of *smarter* growth and efficient land use? A lot has been learned on both sides of the process. He noted that this is an opportune time to review the process.

Mr. Michael Ahnrud, Supervising Planner of the Comprehensive Plans Section, provided a brief overview of the fundamentals of the Comprehensive Planning and Land Use Regulation Act of 1988 and the current State review process. He also provided a quick status report on where the program stands with respect to both initial Plan approvals and the submission/approval of subsequent Five-Year Updates.

The focus of the presentation was on how to make the process a more efficient and effective one for both the preparation and implementation by local governments and for the review by State agencies. Given over fifteen years of experience with the Program and the recent adoption of Land Use 2025 which specifically calls for an assessment of the Program, the time is right for the various stakeholders to take a hard, unrestricted look the Program's performance. After identifying a number of issues raised during discussions by Statewide Planning staff, the discussion was opened up to the Council's members.

Discussion:

Mr. Sequino asked how the program deals with disharmonious land uses at community boundaries. Mr. Johnson noted that the law allows for municipal cooperation, and that the review process provides for adjoining municipalities to comment. Mr. Flynn provided an example of a land use conflict between the plans of Johnston and Cranston, who share a border along a state arterial highway. Cranston wanted to keep the area residential and farming, Johnston proposed commercial in its plan. Mr. Johnson and Mr. Ahnrud noted that is one issue that is keeping the Town of Johnston's plan from gaining State approval. Mr. Flynn noted ironically that even though unapproved, Johnston had proceeded with the land use it planned. Mr. Johnson stated that that was because the General Assembly had changed the law to allow a locally-approved plan to be controlling for land management purposes before State approval. This was in response to municipal concerns that local plans were not getting through the initial State approval process fast enough. Mr. Rhodes commented that Johnston now wants to work together with Cranston on planning for this border area.

Ms. Boyle stated that she did not feel it was the State's place to "know the community" to the point of substituting its judgment for local knowledge. She felt that State involvement in preparing plans had to

be approached cautiously. Mr. Flynn responded with an example – part of the State review is to identify "internal inconsistencies" within plans. There is no way that a single state reviewer can understand a community so well that it is possible to identify and understand all the internal inconsistencies. There also has to be some room for the application of local knowledge when applying State requirements; for example, should the requirement that plans include policies for preserving farmland apply to cities like Providence?

Ms. Prager felt that the plans in many cases are too verbose. They are so detailed that they are interpreted as "super zoning ordinances". The maps included are also overly detailed, requiring amendments for small projects that, in the scheme of a general or comprehensive plan, are not significant. Mr. Johnson stated that the standards call for the Land Use Map to be a *general* depiction of the future use of land, but many communities, especially those who used GIS, developed maps that are highly detailed.

Ms. Boyle commented that the same concern could apply to the Land Use 2010 map; is this to be interpreted as a super zoning map?

Ms. Baxter suggested that Statewide Planning become more involved earlier in the plan development process. She felt that the State working proactively with the cities and towns as they develop their plans could be more productive. She asked if the Comprehensive Plans were involved with federal funds other than housing. (Other members replied that the plans are used for open space , recreation and other grant programs, both state and federal.) She felt that the local plans are very important documents that should be getting more attention.

Mr. Sequino stated that what defines project consistency needs to be spelled out. He cited examples of groups looking to find any conflicting policy to use against projects that are supported elsewhere in the plan. Mr. Flynn noted that state consistency reviews use the concept of "substantial conformance".

Mr. Flynn stated another shortcoming may be that the state does not get involved in examining zoning or other aspects of plan implementation. Ms. Boyle suggested that perhaps the state should require a "statement of plan consistency" be submitted for zoning actions. Ms. Hess noted that problems can occur when a Planning Board recommends changes that are consistent, but such recommendations are then overruled by a Town Council. Mr. Rhodes suggested that there are several levels of issues that could be focused on. He felt the group was going beyond just looking at the planning process.

Mr. Flynn stated that, in the interest of time, he would conclude the discussion by thanking members for their input, but noted that the topic would continue to be worked on by staff and that the Council would be briefed as aspects of this activity are further developed.

9. **<u>Other Business</u>**

Mr. Flynn noted that he was sure that Council members had heard the news of the impending retirement from State Service of DOT Director Jim Capaldi. He commented favorably on Director Capaldi's service to the state and his contributions to the Council's work, noting his professionalism, dedication, and passion for his work. Mr. Flynn noted that Mr. Capaldi is leaving his job better than he found it. He asked the Council's consideration of a motion honoring the departing Director of Transportation.

Mr. Sequino moved:

TO THANK DIRECTOR CAPALDI FOR HIS SERVICE TO RHODE ISLAND AND TO THE COUNCIL AND TO EXTEND THE COUNCIL'S BEST WISHES TO HIM IN HIS FUTURE ENDEAVORS.

The motion was seconded by Ms. Prager and carried unanimously

10. Adjourn

Mr. Flynn adjourned the meeting at 10:35 a.m.

Respectfully Submitted,

George W. Johnson
Secretary

GWJ:pag