

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL
MINUTES

Thursday, February 14, 2008
William E. Powers Building
Conference Room A
One Capitol Hill, Providence, RI

I. ATTENDANCE

Members Present

Mr. Kevin Flynn	Representing Ms. Beverly Najarian, Chair, RI Department of Administration
Mr. Jared L. Rhodes, II, Secretary	Statewide Planning Program
Mr. Thomas Deller	Department of Planning & Development, City of Providence
Mr. Lee Whitaker	Representing Mr. William Sequino, Public Member
Ms. Jeanne Boyle	City of East Providence Planning Department
Mr. Christopher Long	Representing Mr. Timothy Costa, Vice Chair Governor's Policy Office
Mr. L. Vincent Murray	Town of South Kingstown Planning Department
Mr. Ralph Rizzo	Representing Mr. Peter Osborn Federal Highway Administration (Advisory Member)
Ms. Anna Prager	Public Member
Mr. B. Michael Rauh	Environmental Advocate
Mr. Peder Schaefer	Representing Ms. Rosemary Booth Gallogly, Budget Office
Mr. Robert Shawver	Representing Mr. Jerome Williams, RI Department of Transportation
Mr. John Trevor	Environmental Advocate

Members Absent

Ms. Susan Baxter	Rhode Island Housing Resources Commission
Mr. Daniel Beardsley	RI League of Cities and Towns
Ms. Janet White Raymond	Public Member
Mr. Henry Sherlock	Representing Mr. Steven Cardi, Public Member
Ms. Sharon Conard Wells	West Elmwood Housing Development Corporation

Guests

Ms. Kelly Mahoney	R.I. Senate
Ms. Ann Clarke	R.I. Airport Corporation
Ms. Meridith Holderbaum	R.I. House

Staff--Statewide Planning Program

Mr. George Johnson	Assistant Chief, Statewide Planning
Ms. Katherine Trapani	Supervising Planner, Transportation
Ms. Nancy Hess	Principal Environmental Planner, Land Use
Mr. William McKenna	Principal Accountant, Strategic Planning

II. AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:04 A.M.

2. Approval of December 13th Minutes

Mr. Rauh moved to approve the Minutes of December 13, 2007, as presented. The motion was seconded by Mr. Trevor, and carried unanimously.

3. Chief's Progress Report

Mr. Rhodes presented the Chief's Progress Report. Prior to beginning, however, he noted the sad occasion of the recent unexpected passing of the Technical Committee's long-standing Vice Chair, Col. M. Paul Sams. He noted that the Technical Committee had observed a remembrance of Col. Sams at its January meeting and had also sent condolences to Col. Sams's family. Col. Sams, he noted, will be greatly missed by all who had worked with him.

- **CEDS Criteria:** Mr. Rhodes reported relative to the CEDS process that the Technical Committee had discussed a proposal to amend the CEDS proposal scoring criteria to include points for projects which provide or result in jobs which offer health promotion or wellness program benefits or child care benefits to employees. This proposed change was originally suggested by the Technical Committee in its review of the 2007 CEDS, and was referred to the CEDS Subcommittee for input. The Subcommittee reviewed the proposed changes, but recommended that the existing criteria not be changed. This recommendation was reported to the Technical Committee, which further discussed the proposal at its January meeting, before agreeing not to take action to amend the current criteria. This was based on two factors: (1) concern that some projects could be given double points, since many health insurance plans (which also receive points under the criteria) now include wellness programs, and (2) concern that most CEDS projects are "brick and mortar" oriented, they may not be able to realistically commit (at the application stage) to offering wellness or child care benefits. Mr. Rhodes indicated that the CEDS materials will be sent out within the next few weeks, and he introduced Mr.

McKenna of the Strategic Planning Section, who will be handling the CEDS process this year.

- **APA Chapter Awards:** Mr. Rhodes noted that the Technical Committee was also informed that two of its members received awards from the RI APA Chapter. Eugenia Marks of the Audubon Society was cited for Distinguished Leadership for her career-long contributions to planning and environmental stewardship; and the City of Providence and its Planning Department were given an award for an Outstanding Comprehensive Planning Project for the City's public outreach efforts in connection with its new Comprehensive Plan. Mr. Deller commented that the plan update was a major effort involving 12 *charrettes* held in various neighborhoods over a two year process. Each *charrette* cost about \$50,000 and the software allowing interactive commenting on the draft plan cost \$60,000 over three years. He noted that many of the comments received were used to improve the draft plan.
- **Transportation:** The Transportation Section is very busy with updates of the Airport System Plan, Long Range Transportation Plan, and TIP underway. The plan update effort is underway to address new requirements of SAFETEA-LU, with initial chapters being reviewed by the TAC (the TAC's meeting schedule was distributed). A solicitation of CMAQ projects for the TIP has been mailed out, with proposals due by February 27th. Staff has also provided input to DEM staff, which is working to establish new Air Quality emissions budgets. The new budgets will be on the order of 15% lower than the current budgets, but staff is requesting some leeway for TIP projects. Staff is also collaborating with RIDOT staff on a new TIP, which the Director will submit shortly. The Safe Routes to School Program is moving along, with Project Agreements being drafted, using the Woonsocket project (one of the most ambitious) as a model for other communities to follow. The Chief, Assistant Chief, and Transportation Supervisor recently attended the annual meeting of the New England Association of Regional Council's (NEARC) which brought other MPOs from throughout New England together on the subject of transportation needs and financing. A focus was on crafting a New England-wide position statement on the region's needs in order to provide input to the upcoming Congressional reauthorizations of Surface transportation legislation (AMTRAK and SAFETEA-LU).

Mr. Deller asked if mass transit would be addressed in the Long Range Transportation Plan update. Ms. Trapani stated that it would, and indicated that the TAC had held a meeting to review some of the on-going work on this subject, including the Senate and House Special Commission's report, and the Transit 2020 Task Force's report. Mr. Deller stated that mass transit gets less funding than it needs to succeed, and that a viable mass transit system is essential to the future success of the Providence metropolitan region. He noted that RIPTA is carrying more passengers than ever, 25 million, but does not have the funds it needs to expand services.

- **Land Use:** The Land Use Section is leading an assessment of the comprehensive planning process, the initial major element of which is an on-line survey. A detailed survey of some 60 questions has been developed, reviewed with the Land Use 2025 Implementation Committee, and deployed on the Program's website. Mr. Rhodes referred members to a letter from Kevin Flynn which is being sent to mailing lists of various groups involved in or affected by the comprehensive planning process. In response to a question, Mr. Rhodes indicated that the deadline for the survey had been extended to February 22nd, and may be extended beyond that. He encouraged all members to share the invitation to participate in the survey with others they believe would contribute to the assessment process. The results of the survey will be used to identify major issues which will become the focus of the second stage of the assessment process – three or four focus

group meetings to discuss the issues and concerns with selected participants and identify potential changes to the planning process. A report presenting results of the assessment, together with recommendations for administrative, regulatory, or legislative changes will be prepared for review with the Technical Committee and State Planning Council by the Summer.

The final, formatted version of Land Use: 2025 has been completed, and will be sent to the printer shortly, along with the Solid Waste Management Plan, which is also ready for printing. A printed sample book version of the final Land Use: 2025 plan was passed around for member to review, and CD-ROMs containing the final version were distributed.

- **Comprehensive Plans:** Mr. Rhodes noted that reviews of the Five Year Updates from the Towns of Westerly and Charlestown had been completed, and reviews are underway for Five Year Updates from Johnston, North Kingstown, and North Smithfield. Plans submitted recently by Providence and Narragansett have been posted to the Program's website for reviewing agencies.
- **Economic Development:** Mr. Rhodes described the reassignment of some duties for economic development planning to Strategic Planning unit staff. He noted also that the Program had arranged for a loaned staff member of the Economic Policy Council (EPC) to assist with the update of the Economic Policies and Plan element, but that this arrangement had been delayed due to personal concerns. He also noted that the Governor's budget proposes to transfer the staffing of the Economic Policy Council to the Economic Development Corporation, and it is unknown if this will affect the arrangement for EPC staff to be loaned to the Program.
- **Staffing:** Mr. Rhodes commented on staffing overall, the Program had recently gained approval to fill two vacant positions: the Supervising Planner position previously filled by Mr. Bruce Vild, and an Executive Assistant position which would provide support to the entire agency.

Mr. Flynn commented that obtaining the approval of the Special Hiring Committee to fill these positions was difficult, and that the Division was pleased to get it. He noted that the Executive Assistant position is a replacement for two prior positions within the Division, so the overall net savings resulting undoubtedly helped the argument.

He also commented, relative to Comprehensive Plan reviews, that the Division may soon be issuing its first denial of a local Comprehensive Plan Amendment on the basis of a conflict with Land Use: 2025. The amendment is from the Town of North Kingstown and would support the re-zoning of the area along Routes 2 and 102 for commercial use. Staff review indicates that, based on information available in the Amendment, it appears this could stimulate strip commercial development outside the Urban Services Area designated in Land Use: 2025, presenting a policy conflict.

Ms. Boyle asked if the Amendment had the support of the local Planning Board. Mr. Flynn replied that the support may have been "lukewarm" at the planning level.

Ms. Boyle asked, if the Amendment is denied State approval, if there is an appeals process. Mr. Flynn responded that, while established in law, the Appeals Board which would hear such cases, cannot be established in fact, due to the inherent conflict of having state planning staff both staff it and present the state's side of the case. This needs to be re-examined in the law, he suggested.

There were no other questions on the Chief's Progress Report.

4. Draft Airport System Plan

Ms. Trapani presented a staff update, noting that no action was being requested on this item. She described the chronology of the draft plan's review with the Council. The Technical Committee recommended the draft to the Council in October. The Council received a detailed briefing on and discussed the draft in November. At that meeting, the Council requested revisions to several policies and strategies dealing with the role and development of T.F. Green. The draft was revised and posted for Council action on the December agenda, but in the meantime, the City of Warwick's planning staff requested some language revisions relative to including a nautical mile service range in Green's role designation in the plan. In order to evaluate this request, the staff requested deferral of Council action on the draft at the December meeting. During January, the staff was informed that the City of Warwick would like to provide comments on the draft, and the Mayor of Warwick requested in writing that action be deferred to allow the City time to provide input. The City provided draft comments in late January totaling 102 pages. Since receipt of the City's comments, staff has been reviewing them, meeting 1 to 2 hours per day. The comments appear to fall into three general categories: (1) Editorial changes, which staff is looking to accommodate, or provide compromise language on. (2) Comments on the projections and forecasts and industry trends used in the draft plan. Projections for Green in the System Plan were extracted from the 2005 Purpose and Need document done for the TF Green EIS, and it is true that these may not reflect changes in population, fuel costs, or the economy that have occurred since then. However, revising the forecasts would not necessarily affect the major policy change recommended in the draft plan that Green's role be defined as a *long-range* commercial service airport. These comments may be more pertinently addressed via the EIS process, rather than at the System Plan level. (3) Comments falling into a general topic of land use compatibility for areas surrounding TF Green. On these, we feel that Statewide Planning may be in a position to offer suggestions or mechanisms to help resolve, at least some of the issues identified. This will take a little time, and we will likely have to get input from both the City and RIAC. Ms. Trapani stated that the staff will endeavor to resolve as many issues as possible prior to the draft going forward to a public hearing, and she indicated that RIAC had also agreed to deferral of action on the draft plan to allow time to assess the City's comments, and address as many as possible. She concluded by recognizing Ms. Clarke, RIAC's newly-appointed Director of Planning, Engineering, and Environment. Ms. Clarke stated she agreed with the staff assessment that it would be desirable to delay the plan for a bit in order to see if the City's concerns could be addressed. Particularly in the land use area, she felt that RIAC initiatives may be able to provide some compromise in terms of a process for releasing land for compatible redevelopment. She reiterated that RIAC was committed to working with the staff in order to keep the process moving along as quickly as possible.

Mr. Schafer asked if the comments from Warwick were official. Mr. Flynn stated that they were from the City's Planning Department, not the Mayor's Office, but are being treated as official comments. Mr. Rhodes clarified that the comments were transmitted as "draft comments".

There were no other questions or comments from members.

5. State Planning Council Rules of Procedure – Proposed Amendment

Mr. Flynn introduced this item by explaining that the proposal was to deal with data-driven changes to adopted State Guide Plan elements by creating an administrative procedure for approval without a public hearing and Council action. He asked Ms. Nancy Hess of the staff to describe the proposal.

Ms. Hess described the proposal to revise the existing process by providing a means for the Chief to administratively approve technical corrections to adopted State Guide Plan elements. Technical corrections would be defined as changes that improve the currency or accuracy of data or mapping, are based on new information and do not affect the goals, policies, or recommendations of an adopted element. Rule 3 and Rule 12 would be amended. New definitions for “Administrative Adjustment” and “Technical Correction” would be added in Rule 3. Rule 12 would be altered to add a section authorizing the Council’s Secretary (Chief) to approve Administrative Adjustments to adopted State Guide Plan elements under certain conditions.

Ms. Hess outlined the current and proposed procedures for considering changes to Guide Plan elements using a flow chart showing both processes. The current process involves review of a draft amendment with the Technical Committee and/or a special committee, review by the Council, docketing for, and conduct of a public hearing on the proposal, and action by the Council on the proposal following one or more hearing(s). The proposed amendment to the rules would allow a simpler process, but only for changes meeting the definition of a technical correction, and several other criteria. If these criteria were met, public notice via newspaper of the proposal would be given, and the Council and affected cities and towns would also be notified by mail. A 30-day comment period would be conducted, but no hearing would be held. If any comment was received, the proposal would be denied and returned to the proponent, who could then request that it be considered as an amendment via the traditional process. If no comments were received, the Chief would be authorized to approve the proposal as made, or with modifications.

Ms. Hess concluded her presentation by noting that the action requested is to accept the proposed Rule changes for purposes of conducting a public hearing.

Mr. Deller asked why a proposal that drew comment could not then automatically be treated as an amendment via the normal process. Ms. Hess stated that the proposal would be returned to the proponent who would be free to re-submit it for consideration as an amendment.

Mr. Deller felt that there could be cases when favorable comments are received. Why, he wondered, would comments favoring a proposal need to trigger its rejection?

Mr. Johnson stated that the proposed Rule change was designed to recognize comments requesting a public hearing, since this is a requirement of the Administrative Procedures Act.

Mr. Rauh suggested changing the wording “written comments” to “written objections”.

Mr. Rhodes stated that the staff wanted the proposal to err on the side of caution, so that any comment requesting a hearing would trigger a denial, and then leave it up to the applicant as to whether or not to resubmit the proposed change as an amendment.

Ms. Boyle felt that most of these requests would come from staff or other state agencies. In cases where municipalities bring erroneous data to the attention of the Program, it still may be staff that actually proposes the change.

Ms. Hess indicated that the background for developing this proposed rule change was two situations where municipalities brought outdated mapping data to the Program’s attention, and requested a change in the Guide Plan.

Mr. Murray stated that he hoped that the notice of proposals would provide sufficient findings of fact to allow municipalities and others to understand what the rationale for the proposed change would be.

Approved 4-10-08

Mr. Rhodes stated that this could be assured by included wording in Section 12.01.11.(d) requiring an explanation of the proposed amendment be included in the notice provided.

Mr. Shawver stated that it appeared to him that the proposed process was needed and offered some advantages for expediting administrative decisions. **He moved to accept the draft Amendment to the Council's Rules for the purpose of conducting a public hearing. This motion was seconded by Mr. Rauh, and carried unanimously.**

Mr. Rhodes indicated that the proposal will be docketed and advertised for a hearing.

6. Other Business

Mr. Schafer suggested the addition of captions under the pictures in the Land Use: 2025 document before it is printed. Mr. Flynn responded that this was likely not feasible at this stage, but the addition of a photo-index page may be possible.

7. Adjourn

There being no other business before the Council, the meeting adjourned at 10:02 AM.

Respectfully submitted,

Jared L. Rhodes, II
Secretary