

250-RICR-110-00-7

## TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

### CHAPTER 110 – PLANNING AND DEVELOPMENT

#### SUBCHAPTER 00 - N/A

PART 7 - Rules and Regulations for the Agricultural and Recreational Acquisition and Development, Roger Williams Park, and Roger Williams Zoo Grant Programs

#### 7.1 Purpose

The purpose of these Rules and Regulations is to establish the procedures by which the Department of Environmental Management will administer funding provided pursuant to 2014 R.I. Pub. Laws 145, Article 5, including but not limited to the 2014 Clean Water, Open Space and Healthy Communities and any similar funds that may be allocated by the General Assembly subsequent thereto.

#### 7.2 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-17.1, in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35 in order to disburse funds allocated pursuant to 2014 R.I. Pub. Laws 145, Article 5, ~~including but not limited to the "2014 Clean Water, Open Space and Healthy Communities" which authorizes the Department of Environmental Management to administer fifty-three million dollars (\$53,000,000.00) in state bond funds~~ and any similar funds that may be allocated by the General Assembly subsequent thereto.

#### ~~7.3 Applicability~~

~~— The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.~~

#### ~~7.4 Severability~~

~~— If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.~~

## 7.53 Definitions

A. For the purposes of these regulations, the following terms shall have the following meanings:

1. "Appraisal" means a report by a Certified Rhode Island Appraiser that estimates the fair market value of property.
2. "Applicant" ~~or "municipality" or "public agency" or "private organization" or "individual"~~ means an entity that~~who~~ may be eligible pursuant to these regulations to submit an application for the issuance of a funding grant.
- ~~33.~~ "DEM - Division of Planning and Development" means a division of the Rhode Island Department of Environmental Management that is authorized to administer the Open Space and Recreation Bond Authorizations.
- ~~44.~~ "Department" or "Department of Environmental Management" means the Rhode Island Department of Environmental Management which is a department of the state government as described in R.I. Gen. Laws Chapter 42-17.1.
5. "Director" means the Director of the Rhode Island Department of Environmental Management as described in R.I. Gen. Laws § 42-17.1-1.
- ~~6.~~ ~~"Distressed community" means as defined in R.I. Gen. Laws § 45-13-12.~~
- ~~567.~~ "Grantee" means an Applicant which has been issued a grant in response to the submittal of an application ~~for the issuance of a funding grant.~~
- ~~678.~~ "In-kind services" means noncash contributions provided by the grantee, other public agencies and/or private organizations or individuals. ~~In-kind contributions consist of the value of services directly benefiting and specifically identifiable to the project.~~
- ~~9.~~ ~~"Local and comprehensive plan" means the plan adopted by a municipality and approved pursuant to R.I. Gen. Laws Chapter 45-22.2.~~
- ~~408.~~ "Management plan" means a plan that specifically outlines the proposed uses and scheduled management and maintenance activities to be instituted on a parcel of land acquired or developed with recreational bond funds.
- ~~910.~~ "Matching funds" means the funds provided to a project from sources other than the grant. Matching funds may include both cash and non-cash (such as in-kind services) contributions.

- ~~1041.~~ "Municipal agency" means one or more units of municipal government whose purpose includes the preservation of open space, acquisition of recreation land or development of recreation land; said unit(s) having the operational capability and legal authority to effectuate this purpose.
- ~~1021.~~ "Native American tribes" means Indian tribes, bands, nations or other organized group which exercises governmental functions and which is recognized by the Secretary of the Interior as such.
- ~~12.~~ "Recreation acquisition" means the ~~acquisition-purchase~~ of fee simple title to land ~~suitable for recreation development that will be developed for outdoor recreation purposes~~ in accordance with a master plan ~~for the development of the acquired property.~~
13. "Recreation ~~and~~ development" means construction of basic outdoor recreation and support facilities for the improvement and restoration of ~~public~~ recreation areas to serve the general public.
14. "Recreation Resources Review Committee" or "RRRC" means an administrative body established ~~in 1972 to~~ for the purpose of evaluating and determining the relative priority of recreation grant projects and submitting funding recommendations to the Director. ~~assume the duties and functions of the former Green Acres Review Committee. The RRRC consists of no less than six (6) and no more than ten (10) representatives selected by the State Planning Council.~~
15. "~~Scorp~~SCORP" means the State Comprehensive Outdoor Recreation Plan adopted as an Element ~~152~~ of the State Guide Plan by the State Planning Council as defined by R.I. Gen. Laws § 42-11-10.
- ~~16.~~ ~~"State agency" means a unit of Rhode Island State government among whose purposes is the preservation of open space, acquisition of recreation land or development of recreation land; said unit having the operational capability and legal authority to effectuate this purpose.~~
- ~~167.~~ "State guide plan" means goals, policies and plans or plan elements for the physical, economic and social development of the state, adopted by the state planning council in accordance with R.I. Gen. Laws § 42-11-10.
- ~~18.~~ ~~"Waiver of retroactivity" means approval by the Director of costs incurred after the announcement of a grant round and prior to a grant award as eligible for reimbursement. A Waiver of Retroactivity must be requested by the applicant in writing prior to contracting for services or taking title to the property. Costs incurred prior to the approval of a project are at the applicant's risk and retroactive reimbursement is not assured. The granting of a Waiver of Retroactivity does not constitute assurance that the project will be approved.~~

- B. As used in these Rules and Regulations, all terms not defined herein shall have the meaning given them in R.I. Gen. Laws Chapter 42-35.

## **7.64 Allocation of Funding**

- A. Applicants may be granted funding pursuant to these Rules and Regulations for the following classes of projects:

1. State Projects: Eligible projects may be granted monetary assistance for purchase of farmland development rights and acquisition programs concerning the following:

a. Agricultural Acquisition - ~~Projects may be eligible for authorization in order to permit the outright~~The Department may purchase of farmland outright pursuant to the Farmland Access Program Rules and Regulations, 250-RICR-110-00-8. by the Department or purchase of development rights by the Agricultural Land Preservation Commission, established pursuant to R.I. Gen. Laws § 42-82-1, et. seq. may purchase the development rights to farmland ~~Said funds shall be expended by the Department and the Rhode Island Agricultural Land Preservation Commission for the purchase of development rights to land having high agricultural value as defined herein. Any portion of these funds utilized by the Agricultural Land Preservation Commission shall be in accordance with~~pursuant to the Rules and Regulations Governing the Procedures for the Operation of the Agricultural Lands Preservation Commission, 505-RICR-00-00-1. and the Purchase of Farmland Development Rights that were duly promulgated by the Agricultural Land Preservation Commission and became effective in October 2007.

b. State Land Acquisition - The Department may acquire land consistent with the State Guide Plan and the Department's "Land Protection Plan". The Department's Land Acquisition Committee and the State Properties Committee shall approve projects funded under this section.

2. Local Projects - Eligible projects may be granted monetary assistance in order to provide grants to municipalities on a matching basis as set forth as follows:

a. Recreation Development Grants - Eligible entities may apply for Projects may be eligible for allocation to municipalities~~funding for recreation development~~ grants-projects for up to eighty percent (80%) of the project cost up to the maximum grant award amount set by the RRRC. The Director shall announce Grant rounds. The RRRC shall set the maximum amount award for a single grant.

~~The RRRRC will review each application according to its eligibility criteria set forth in its Open Project Selection Process of the State Comprehensive Outdoor Recreation Plan adopted as Element 152 of the State Guide Plan by the State Planning Council on January 11, 1990 as amended June 11, 1992 under R.I. Gen. Laws § 42-11-1, et. seq. and shall submit to the Director in order of priority its recommendations for grant awards. In exchange for the grant, the municipality ensures that the subject property is maintained in public use in perpetuity.~~

- b. ~~Recreation Land Acquisition Grants – Eligible entities Projects may apply for funding be eligible for allocation to municipal agencies in order to provide matching funds for the acquisition of recreation acquisition grants property for up to fifty percent (50%) of the value of the land as determined by a certified appraisal. Land acquired under this program must have an appropriate master plan for the development of the acquired property. The Director shall notify all potential applicants of the scheduled application periods by posting notice on the Department website of the ability to submit applications at least thirty (30) days prior to the deadline for the submittal of such applications. The posted notice shall also provide notice of maximum amount award for a single grant that the RRRRC has set for that particular grant period. The RRRRC will review each application according to its eligibility criteria set forth in the Open Project Selection Process of the State Comprehensive Outdoor Recreation Plan adopted as Element 152 of the State Guide Plan by the State Planning Council on January 11, 1990 as amended June 11, 1992 under R.I. Gen. Laws § 42-11-1, et. seq. and shall submit to the Director in order of priority its recommendations for grant awards. In exchange for the grant, the municipality will provide a recreation easement on the subject property ensuring public use in perpetuity.~~
3. Roger Williams Park – During the period FY 2016 through FY 2020, funding in the amount of up to three million dollars (\$3,000,000.00) shall be allocated for improvements and renovations at Roger Williams Park in Providence in a project or projects proposed by the City of Providence for the approval of the Director.
4. Roger Williams Park Zoo - During the period FY 2016 through FY 2020, funding in the amount of up to fifteen million dollars (\$15,000,000.00) shall be allocated for improvements and renovations at Roger Williams Park Zoo in Providence in a project or projects proposed by the City of Providence in cooperation with the Roger Williams Park Zoological Society for the approval of the Director.

## 7.75 Reallocation

All funds allocated under § 7.6 of this Part must be obligated ~~no later than June 30, 2021~~ 48 months after the passage of the bond referendum. All funds authorized but not obligated ~~on June 30, 2021~~ 48 months after the passage of the bond referendum shall revert to the control of the Director for reallocation in accordance with any section of the Bond Authorization.

## 7.86 Scheduling of Selection Rounds Application Process for Local Projects

- A. Eligibility - Municipal agencies, as defined in § 7.5(A)(9) of this Part, and Native American Tribes, as defined in § 7.5(A)(10) of this Part, may apply for Recreation Acquisition and Recreation Development funds.—
- B. Scheduling of Selection Rounds - tThe Director shall schedule the number, frequency and duration of local grant funding rounds consistent with the “State Capital Budget Plan” and after consultation with the RRRC. The Director shall announce grant rounds. The RRRC may set the maximum award amount for a single grant. The Director shall set a filing deadline for receipt of applications for local projects for each selection round. Applications received after the filing deadline will not be considered for funding during that round. All filing deadlines and information will be posted on the DEM website. Applications may be resubmitted during a subsequent selection round.
- C. Notice of Funding Opportunity - The Director shall post a notice on the Department website notifying potential applicants that the Department is accepting applications at least thirty (30) days prior to the deadline for the submittal of such applications. The posted notice shall provide notice of maximum amount award for a single grant that the RRRC has set for that particular grant period and shall provide a link to the application on the DEM website. Applications shall also be available on request from the Rhode Island Department of Environmental Management, Division of Planning and Development, 235 Promenade Street, Providence, Rhode Island 02908-5767.

## 7.9 ~~Applications~~

- ~~Applications shall be available on request from the Rhode Island Department of Environmental Management, Division of Planning and Development, 235 Promenade Street, Room 320, Providence, Rhode Island 02908-5767 or from the DEM website.~~

## **7.10 Filing**

- Applications must be filed within the prescribed period to be established for each local grant funding round by the Department of Environmental Management. Applications must be sent electronically to [chief.dpd@dem.ri.gov](mailto:chief.dpd@dem.ri.gov) or any other email address specified by the Department in a notice posted in the DEM website announcing the option to apply for grants pursuant to these rules.

## **7.11 Recording**

- Applications will be accepted electronically any business day up to the filing deadline and shall be date and time received by the Department of Environmental Management.

## **7.12 Filing Deadline**

- The Director shall set a filing deadline for receipt of applications for each selection round. Applications received after the filing deadline will not be considered for funding during that round and will be returned to the applicant without prejudice. All filing deadlines and information will be posted on the DEM website. Applications may be resubmitted during a subsequent selection round.

## **7.713 Evaluation and Award of Local Project Applications**

- Review - The RRRC will review each application for recreation acquisition and development grants according to the Priority Rating System set forth in the Recreation Grant ~~the "Rules and Regulations" outlined in the SCORP/Open Project Selection Process outlined in the SCORP~~ and shall submit to the Director in order of priority its recommendations for grant awards.
- Awards - The Director shall review the grant award recommendations prepared by the RRRC. The Director shall have the authority to adjust such grant awards, including consideration as to whether one community may be receiving a disproportionate amount of the funds available and so that a reasonable geographic distribution of funds is achieved.
- Notice - Notice of the final determination regarding each timely application received shall be made by ~~mail and~~ email to the ~~c~~Contact ~~p~~Person identified on the application form.
- ~~Grant Agreement Terms and Conditions - The notice of award~~ DEM and each Grantee will enter into a Grant Agreement that shall will set forth all grant terms, schedules and conditions, ~~including most particularly those relating to record keeping, billing procedures and verification of expenditures.~~
- Project Period - The beginning date of a project period ~~will normally be the date of approval~~ shall be articulated in the Grant Agreement. ~~When a Waiver of~~



~~Retroactivity has been granted by the Director, the effective date of the waiver shall be used as the beginning date of the project period.~~ A term of ~~two up to three~~ (32) years shall be considered the project period for all recreational land acquisition ~~projects. A term of three (3) years shall be considered the project period for all~~and recreation development projects. The Director may extend the grant term of any grant for an additional two (2) years after review and recommendation by the program staff in the Division of Planning and Development.

- F. Discrimination - Any property acquired and or developed with funds from this bond authorization shall not discriminate against persons desiring to use said property on the basis of residence, including preferential reservation membership or annual permit system which are prohibited. With approval of the Department, project sponsors may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with this fund when such a limitation is necessary for the maintenance or preservation of the property.

## **~~7.14~~ Eligible Projects**

~~A. Recreation Acquisition Project - Recreation land acquisition shall be limited to the purchase of fee simple title to land that will be developed for outdoor recreation purposes in accordance with a master plan for development of the property.~~

~~B. Recreation Development Projects - A development project designed to provide public outdoor recreation.~~

## **7.158 Eligible Project Costs and Match**

- A. Recreation Acquisition Projects - Eligible costs for recreation acquisition projects include fifty percent (50%) of the approved appraised value of the land. Certification that all other necessary funds are available must be submitted prior to the release of grant funds. Applicants may use the value of donated property interests in land to be acquired or preserved as the local match, provided the value shown as a donation is sustained by an approved Certified Appraisal and the donation is part of the same project and the land is not currently owned by a Municipal Agency.
- B. Recreation Development Projects - Eligible costs for development projects may be up to eighty percent (80%) and ~~cover~~ include design, construction, site planning, demolition, ~~reforestation~~, landscaping and site improvements essential to the project. Certification that all other necessary funds are available must be submitted prior to the release of grant funds. Matching funds including in-kind services are not limited but adequate documentation of all in-kind match must be provided. ~~Provided that any such costs are incurred after a grant application has been approved or after the applicant has received a Waiver of Retroactivity from the Director allowing such costs to be incurred in advance of project approval. Costs incurred prior to the approval of a project are at the applicant's risk and~~



~~retroactive reimbursement is not assured. The granting of a Waiver of Retroactivity does not constitute assurance that the project will be approved.~~

- ~~C. An applicant may request that match incurred after the announcement of a grant round, but prior to receipt of a grant award purchase order, be applied retroactively. Project costs incurred prior to the receipt of a purchase order are at the applicant's risk; grant funds shall not be available retroactively. The Director may authorize a request to apply match retroactively if such request is submitted by the applicant in writing prior to contracting for services or taking title to the property. The granting such a request does not constitute assurance that the project will be approved.~~

## **~~7.16 Eligible Applicants~~**

- ~~A. Municipal Agency - Municipal agencies, as defined in § 7.5(A)(11) of this Part, may apply for Recreation Acquisition and Recreation Development funds. The Department shall be responsible for determining eligibility status to participate in the recreation Acquisition and Recreation Development Grant Rounds. Eligibility is based upon the adoption and maintenance of an up-to-date Local Comprehensive Plan or locally adopted plan which adequately assesses the current and future recreation requirements and needs of the municipality. The plan shall include an implementation program and schedule for actions proposed to address issues and needs expressed in the plan.~~
- ~~B. Native American Tribes - Indian Tribes, bands, nations or other organized group which exercises governmental functions and which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Native Americans.~~

## **~~7.17 Local Grants/Matching Funds~~**

- ~~A. Recreation Acquisitions - Grants shall be for up to fifty percent (50%) of approved project costs. Certification that all other necessary funds are available must be submitted prior to the release of grant funds.~~
- ~~B. Recreation Development - Grants may be for up to eighty percent (80%) of approved project costs. Certification that all other necessary funds are available must be submitted prior to the release of grant funds. In-kind services that are used for match are not limited but adequate documentation of all in-kind match must be provided.~~
- ~~C. Distressed Communities Recreation Development Grants - Grants may be for up to 80% of approved project costs. Certification that all other necessary funds are available must be submitted prior to the release of grant funds. In-kind services that are used for match are can be up to 20% of the overall project costs.~~

~~D. Donations - Applicants may use the value of donated property interests in land to be acquired or preserved as the local match, provided the value shown as a donation is sustained by an approved Certified Appraisal and the donation is part of the same project and the land is not currently owned by a Municipal Agency.~~

## **7.189 Restrictive Covenants and Conversion**

A. Recreation Acquisition Projects - Property acquired with grant funds ~~must~~ shall be maintained and managed in the condition and for the purpose specified in its approved grant application in perpetuity. Each ~~recipient~~ Grantee shall execute a perpetual recreation easement, or similar document, running in favor of the State of Rhode Island over the acquired property. ~~And~~ such easement shall ~~further~~ provide that if the recipient at any time fails in its obligation to properly maintain the acquired property ~~acquired~~ in accordance with the purposes and functions for which it was acquired and in conformance with ~~the~~ an approved Management Plan, ~~if applicable,~~ the State of Rhode Island may enforce the grant conditions in equity or, at its discretion, may assume title, custody and control to protect its interest.

B. Recreation Development Projects - Property improved with grant funds shall be maintained and managed in the condition and for the purpose, or a substantially similar purpose, to that specified in its approved grant application in perpetuity. Each Grantee shall execute and record in the land evidence records a "Notice of Grant Agreement", that provides that if the recipient at any time fails in its obligation to properly maintain the acquired property in accordance with an approved Management Plan, the State of Rhode Island may enforce the grant conditions in equity or, at its discretion, may assume title, custody and control to protect its interest.

## **7.120 Recreation Grant Priority Rating System**

### **A. Recreation Acquisition Projects**

	<u>Criteria Name</u>	<u>Criteria Description</u>	<u>Maximum Points</u>	<u>Points Awarded</u>
<u>1</u>	<u>Relationship to Need</u>	<u>Points will be awarded based on the need and/or demand for parks or other recreational land in the area.</u>	<u>10</u>	
<u>2</u>	<u>Acres to be Acquired</u>	<u>One point per acre acquired, up to a maximum of 20</u>	<u>20</u>	

<u>3</u>	<u>State Planning Consistency</u>	<u>The project satisfies priority needs documented in the State Comprehensive Outdoor Recreation Plan (SCORP) and any other State Guide Plan elements identified as applicable by the RRRC. Points will be awarded based on the number and/or importance of recommended actions supported by the proposal.</u>	<u>10</u>	
<u>4</u>	<u>Relationship to Community Planning</u>	<u>The project advances elements of a larger community planning process.</u>	<u>5</u>	
<u>5</u>	<u>Applicant Priority</u>	<u>The applicant's highest priority application will receive 5 points, 2<sup>nd</sup> highest will receive 3 points, and 3<sup>rd</sup> highest will receive 1 point. All other applications will receive 0 points.</u>	<u>5</u>	
<u>6</u>	<u>Historic &amp; Cultural Preservation</u>	<u>Acquisition of the site will preserve significant historical, cultural, or scenic resources.</u>	<u>10</u>	
<u>7</u>	<u>Habitat Preservation</u>	<u>Acquisition of the site will preserve areas of wildlife habitat.</u>	<u>10</u>	
<u>8</u>	<u>Brownfield Redevelopment</u>	<u>Acquisition of the site will provide for the redevelopment of a brownfield as defined by DEM Remediation Regulations.</u>	<u>5</u>	
<u>9</u>	<u>Connectivity</u>	<u>Acquisition of the site will provide for a connection between two existing recreational resources or from a population center to a recreational resource.</u>	<u>5</u>	

<u>1</u> <u>0</u>	<u>Equity, Service, and Accessibility</u>	<p><u>The project will expand the recreational opportunities available to disadvantaged segments of the population.</u></p> <p><u>The project is located within or provides enhanced service to neighborhoods in which low income and/or minority residents are over-represented</u></p> <p><u>The project is located in a densely populated neighborhood or a neighborhood identified for revitalization by State or community programs.</u></p> <p><u>The project is served by public transportation (within ¼ mile of a bus stop) or is proximate to a bikeway.</u></p>	<p><u>15 total possible points</u></p> <p><u>A. 5</u></p> <p><u>B. 5</u></p> <p><u>C. 5</u></p>	<p>—</p> <p>—</p> <p>—</p>
<u>1</u> <u>1</u>	<u>Climate Change Resiliency</u>	<u>Acquisition of the site will enhance an area's resiliency to climate change through elements such as a coastal buffer, flood storage, future marsh migration, etc.</u>	<u>5</u>	
<b><u>TOTAL POINTS</u></b>			<u>100</u>	

## B. Recreation Development Projects

<u>Criteria Name</u>	<u>Criteria Description</u>
<u>Relationship to Need</u>	<u>Points will be awarded based on the need and/or demand for the proposed recreational activity in the area.</u>
<u>State Planning Consistency</u>	<u>The project satisfies priority needs documented in the State Comprehensive Outdoor Recreation Plan (SCORP) and any other State Guide Plan elements identified as applicable by the RRRC. Points will be awarded based on the number and/or importance of recommended actions supported by the proposal.</u>
<u>Relationship to Community Planning</u>	<u>The project advances elements of a larger community planning process.</u>

<u>Applicant Priority</u>	<u>The applicant's highest priority application will receive 5 points, 2<sup>nd</sup> highest will receive 3 points, and 3<sup>rd</sup> highest will receive 1 point. All other applications will receive 0 points.</u>
<u>Multi-community or Regional Needs</u>	<u>The project demonstrates how it will address multi-community or regional needs.</u>
<u>Economic Revitalization</u>	<u>The project will improve the economy of an area. Examples include projects that spur local business activity, tourism, job creation, town center redevelopment, etc.</u>
<u>Historic &amp; Cultural Preservation</u>	<u>Projects that protect and restore historic and cultural resources, educate the public about the importance of these resources via interpretive signage, etc.</u>
<u>Habitat Creation &amp; Restoration</u>	<u>Projects that create and/or substantially restore areas of wildlife habitat.</u>
<u>Brownfield Redevelopment</u>	<u>The project involves the redevelopment of a brownfield as defined by DEM Remediation Regulations.</u>
<u>Connectivity</u>	<u>The project creates a connection between two existing recreational resources or from a population center to a recreational resource.</u>

<u>11</u>	<u>Equity, Service, and Accessibility</u>	<u>The project will expand the recreational opportunities available to disadvantaged segments of the population.</u>  <u>The project is located within or provides enhanced service to neighborhoods in which low income and/or minority residents are over-represented.</u>  <u>The project is located in a densely populated neighborhood or a neighborhood identified for revitalization by State or community programs.</u>  <u>The project is served by public transportation (within ¼ mile of a bus stop) or is proximate to a bikeway.</u>	<u>15 total possible points</u>  <u>A. 5</u>  <u>B. 5</u>  <u>C. 5</u>	      
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<u>12</u>	<u>Maintenance</u>	<u>The applicant has documented that the facility proposed for renovation has been maintained consistent with industry standards.</u>	<u>0 to -5</u>	
<u>13</u>	<u>Expanded Usage</u>	<u>The project adds to the number of recreational amenities or hours of usage (e.g. additional fields are added to a facility or lights are added so it can be used at night).</u>	<u>7</u>	
<u>14</u>	<u>Multiple Uses</u>	<u>The project appropriately integrates a variety of recreational opportunities providing activities for a mix of age groups and degrees of physical abilities.</u>	<u>5</u>	
<u>15</u>	<u>Improved User Comfort or Safety</u>	<u>The project provides for the addition of bathrooms , fencing to separate recreational activities, benches, shade trees, shelters over picnic tables, etc.</u>	<u>5</u>	
<u>16</u>	<u>Opportunities for physically or mentally challenged individuals</u>	<u>The project provides activity or amenity features that expand the recreational opportunities for physically or mentally challenged individuals (such features to be in excess of normally mandated barrier-free accessibility standards).</u>	<u>5</u>	
<u>17</u>	<u>Green Building and Site Design</u>	<u>The project incorporates green building design/LEED/SITES features (water or energy conservation, recycled materials, renewable energy, etc.)</u>	<u>3</u>	
<u>18</u>	<u>Climate Change and Resiliency</u>	<u>The project incorporates innovative ways to account for impacts associated with climate chance such as site/landscape construction to provide adaptations for sea level rise, shade, storm buffers, stormwater infiltration, etc.</u>	<u>3</u>	
<u>19</u>	<u>Exceptional Features</u>	<u>The project has special features not noted elsewhere in the application. For example, promotes arts, supports healthy aging, special programming, includes acquisition of land, etc.</u>	<u>3</u>	
<b><u>TOTAL POINTS</u></b>			<b><u>100</u></b>	



### **7.19 Conversion**

~~Any property acquired or developed for recreation purposes shall not be wholly or partly converted to a use other than the purpose specified in its approved grant application without the approval of the Director. The Director shall seek recommendations from the RRRC on all conversions, including the proposed substitute property. The Director has the authority to disapprove conversion requests and/or to reject proposed property substitutions.~~

### **7.20 Recreation Acquisition and Development Grants Management/Maintenance Agreement**

~~Each applicant must submit with the application a signed Management Plan stating the applicant's intent and ability to manage and maintain the improved/acquired recreation facility. The city/town council where said project is proposed to be located must approve the project and Management Plan by resolution guaranteeing future maintenance and management of the facility and/or property for recreational purposes.~~

### **7.21 Severability**

~~If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.~~