



TOWN OF MILTON, VERMONT

Brian M. Palaia, Town Manager • 43 Bombardier Road, Milton, VT 05468-3205
Telephone 802-893-6655 • Fax: 802-893-1005

January 23, 2014

Senate Economic Development, Housing, and General Affairs Committee
Vermont State House
Montpelier, VT 05633

RE: Senate Bill 220 An Act Relating to amending the workers' compensation law, establishing a registry of sole contractors, increasing the funds available to the Department of Tourism and Marketing for advertising, and regulating legacy insurance transfers

Dear Senators,

Thank you for the invitation to testify regarding revisions to this bill that would address the concept of adding incentives for the creation of high wage value added jobs.

These jobs can be defined by whether they produce a payroll that can support a household and require a technical skill level and level of training, or a particular knowledge base that is unique to Vermont that will contribute directly and indirectly to the success of our community's through organic business relationships. Jobs that have this type of payroll can be from a variety of sectors but do not usually occur in the retail sector.

This concept is not new but was given recent attention based on the adoption of our County's Regional Economic Development Strategy and Regional Comprehensive Plan on the heels of the last legislative session when it seemed there was a desire to provide for an alternative way for local communities to partner with the State to stimulate economic growth. As our County Growth Center legislation committee worked through potential revisions to the Growth Center Program, it seemed like a logical legislative/programmatic home for the concept of focusing resources in what has been called "Enterprise Zones" to create value added job growth.

These zones, which we envision being created and recognized through a planning process that includes regional and state approval would provide the municipal infrastructure and physical space for non retail sectors to expand in without conflicting with the growth patterns that are associated with other growth center designations like new town centers, downtowns, and village centers. These enterprise zones could be the location of future industrial, business, or technological research parks that provide a pre-planned and built space for these uses to locate in communities that are open to growth. The State could provide partial funding for these areas to be planned, acquired, and built out - while leveraging local and federal dollars to provide the balance of funds. The State's investment could be paid back in part from the future sales of lots in these parks as businesses move in and expand.


P2. Letter to Senate Committee dated January 23, 2014

A similar program is in place and has been used by the State of Connecticut's Department of Economic & Community Development since 1966 through their Manufacturing Assistance Act. This program continues to provide capacity for growth throughout the State and has created thousands of payroll and value added jobs. Connecticut's financial investment has also leveraged millions of dollars of federal and local funding to partner with the State's investment.

A program of this nature could be very complimentary to the State's other economic incentives offered through the Agency of Commerce and the Vermont Economic Progress Council. I would be happy to work with your Committee and/or the Administration on refining legislation that takes some steps forward in advancing our economic competitiveness and opportunities for municipalities to partner with the State on like initiatives.

I am including as attachments, an earlier communication sent to the Commissioner of Economic Development concerning economic development incentive recommendations by our Regional Planning Commission, the specific recommendations of our Regional Commission's, and a fact sheet on the Connecticut program as background.

Sincerely,



Brian M. Palaia
Town Manager
Town of Milton

Attachments: 3

Cc: Lawrence Miller, Secretary of Commerce
Lisa Gosselin, Commissioner of Economic Development
Fred Kenney, Executive Director, Vermont Economic Progress Council

October 26, 2013

Lisa Gosselin, Commissioner
Department of Economic Development
Agency of Commerce and Community Development
1 National Life Drive, 6th floor
Montpelier, VT 05620

RE: Statewide Comprehensive Economic Development Strategy Input

Dear Commissioner Gosselin,

The Chittenden County Regional Planning Commission's Growth Center Designation Committee has spent the summer reviewing existing growth center legislation and has developed some recommendations that have been endorsed by the Commission. The Committee's membership drew from developers, elected and appointed municipal officials from around the County. We would like to share with you and urge you to consider as you develop the Strategy and consider legislative changes to the program.

Our recommendations are primarily aimed at making the designation programs more incentivized, thereby increasing the number of communities willing to undertake the planning process, improving the success of the designations, and thereby advancing State growth policy. There were a few ideas for improving financing opportunities for infrastructure to support growth or redevelopment within these designations after the community completes the planning process. These include municipal revenue sharing to pay back State issued debt on infrastructure improved access to revenue bonds through the Vermont Bond Bank, and expanding the usage of the Treasurer's Office loan pool.

The recommendations also incentivizing the designated areas and discouraging growth in other areas by making adjustments to the Act 250 approval process and creating regulatory incentives to encourage the type of growth planned for the designations. These includes ideas such as creating density floors after which Act 250 may not apply in some designations, putting the majority of responsibility for review and approval of a designation on the Regional Planning Commissions, creating a rural fee in lieu of Act 250 to level the playing field, and addressing an equitable "Fair Share" funding system for transportation improvements paid for by new system users.

Further, the recommendations align the grassroots concept that emerged from our recently completed Regional Comprehensive Plan and Comprehensive Economic Development Strategy of having Enterprise Zones integrated with the Growth Center Designation. We believe this alignment expands the opportunity to use Growth Centers and gives the communities and the State the opportunity to plan for value added economic development – that is development that may have a significant payroll, bring in or draw on a special knowledge base, create a new technology, or otherwise innovate. We do not view these Enterprise Zones as needing to be exclusive to industrial needs but should be inclusive of industrial needs and create shovel ready capacities for when expansion or relocation opportunities present themselves.

Finally, while not specific to our work on Growth Centers, (although we recognize the severe need for financing infrastructure to support economic development within our recommendations)if the State is going to be successful economically, then the State will need to have alternatives to Tax Increment Financing Districts (TIF). The present ban on any new Districts and the anti TIF climate speaks volumes about the anti economic development policy the State seems to have. The Vermont League of City and Town's approved policy for 2014 supports the exploration and implementation of alternative economic development programs. There are two primary ways that States fund the infrastructure to support economic development:

1) through grant programs that pay the infrastructure; 2) with Tax Increment Financing Districts. Vermont currently has neither type of program. If Vermont is going to continue to be success without Tax Increment Financing Districts, then you need a program that will provide substantial funding for infrastructure.

Thank you for considering our input, we trust that you will consider it as you go forward and help develop an economic development strategy and programs that include the unique needs of Chittenden County.

Best regards,

A handwritten signature in blue ink that reads "Charles L. Baker". The signature is written in a cursive, flowing style.

Charles Baker
Executive Director

Cc: Regina Mahony, Senior Planner

CCRPC ad hoc Growth Center Committee
Recommendations
Draft – 9/30/2013

BACKGROUND

The Commissioner of Housing and Community Development has been asked by the legislature to provide recommendations regarding improving the state designation processes including a look at industrial parks and rural areas.

ECOS Plan perspectives:

- Before 1970 less than 20% of new development occurred in rural areas. (Figure 41)
- Between 1970 and 2005, new development in rural areas almost doubled to more than 35%.

Strategy 3.2.2 - Strive for 80% of new development in areas planned for growth, which amounts to 15% of our land area.

Action 5. State/Local Permitting Coordination & Improvement

- a. Support changes to the local and state permitting process to make the two more coordinated and effective. Participate in the Agency of Commerce and Community Development's (ACCD) process to improve the State's designation programs designed to encourage development in appropriately planned places and discourage development outside of those areas. This program could be improved with regulatory and/or fiscal incentives. These could include expedited permitting processes for projects in areas that are: a) designated for growth; and, b) where a community has a robust plan, regulations and staff capacity; and reduction of redundancies such as delegation of permitting for certain local and state reviews (such as exemption from Act 250). In conjunction with delegation it may be appropriate to develop more stringent standards and thresholds for development review in rural areas.
- b. Collaborate with stakeholders to ensure local and state regulations, bylaws and plans encourage transparency, predictability and timely review of sustainable and environmentally sound development applications.
- c. Develop a transportation assessment process and fair share mitigation assessment that supports existing and planned land use densities and patterns in Center, Metro, Suburban, Village, and Enterprise Planning Areas to allow for more congestion and greater mode choice than allowed by current standards. The CCRPC will collaborate with the Vermont Agency of Transportation (VTTrans), the Natural Resources Board, and other state and local stakeholders to develop a process that evaluates the transportation impact from a multi-modal perspective rather than just a traffic flow standpoint. Further, the District Commissions must adhere to a consistent formula and assessment process in consultation with the Agency of Transportation.

RECOMMENDATIONS

General – The following reflect statements of principles and ideas and not specific legislative proposals including all of the details necessary for statutory change.

Permitting Process, in general - The state permit process should encourage development in appropriately planned places and discourage development outside of those areas. This could include expedited processes for projects in areas designated for growth and where a community has a robust plan, regulations and staff; for example improve the process and reduce redundancies (consider delegation in appropriate situations) for certain local and state reviews and Act 250. If this recommendation would result in a more efficient and timely process in designated growth areas, it may be appropriate to develop more stringent standards and thresholds for development review in rural areas.

Tiered Designations – The designation review and approval process and associated incentives should build upon each other. In order: Village Centers, New Town Centers, Downtowns (all with associated neighborhood planning areas), Enterprise Zones, Growth Centers.

Approval Process –

1. Building upon the work done in last year’s neighborhood planning area; proposed designations should be clearly identified in the municipal and regional plans.
2. Appropriate zoning should be in place to support the development of designation and protection of critical natural resources.
3. Infrastructure should be in place or planned with appropriate capacity for projected development.
4. RPCs should assist, review, and make recommendations to the State for approval regarding the subjects below. The Downtown Board should review to confirm.
 - a. For all designations:
 - i. Consistency with adopted municipal and regional plans and planning processes.
 - ii. Zoning to implement the designation.
 - iii. Infrastructure (transportation, wastewater, water, storm water, etc.) plans to implement the designation.
 - iv. Community facilities (municipal buildings, parks, libraries, public safety facilities, etc.)
 - b. For growth centers/enterprise zone:
 - i. Mapping, projections, and build-out analyses.
 - ii. The proposed designation’s impact on the village, downtown, or new town centers associated with, or potentially impacted by, the growth center.
 - iii. Evaluate agriculture within growth center and provisions for urban agriculture in municipal plan and zoning.
 - iv. The efforts of the applying municipality and/or adjacent municipalities to further the goal of retaining a more rural character in the areas surrounding the growth center.
 - c. For Enterprise Zone

- i. With RDC, confirm that the site is needed for high wage, value-added employment.
 - ii. Eliminate conditional uses by municipalities in this zone.
- 5. VTrans, ANR, Ag, and ACCD should make recommendations to Downtown Board. Early municipal and RPC consultation with these agencies should be encouraged.
- 6. Remove the restriction regarding no more than 150% of residential development and 100% of commercial and industrial growth. This presumes a degree of certainty regarding projections that is not realistic. (The state and municipalities should be working together to encourage more growth in these locations, not limiting it.)

Regulatory incentives – Incentives should build as a municipality attains each higher designation. Specific additional recommendations are:

- 1. Provided the project is above a minimum density (eg. at least 4 du/ac net density in residential districts, or 2 or more stories), remove the Act 250 jurisdiction in Growth Centers, Enterprise Zone, Downtowns, Villages. This would apply to municipalities with zoning that meets criteria and included in subsequent designation approvals.
- 2. If Act 250 is not engaged, municipal DRB approval should be contingent upon final approvals from state regarding storm water and transportation, unless delegated to the community.
- 3. Prime Agricultural soils mitigation should not be required in areas for targeted for development in the designated area (recognizing that some areas in designations are set aside for open space, natural resources, and urban agriculture).
- 4. To address cumulative rural impacts, reduce thresholds for Act 250 to five lots. Perhaps allow a higher number, but only if clustered on small lots. Also consider tightening the cumulative road rule.
- 5. A rural fee in lieu of Act 250 should be considered to begin leveling the playing field. (perhaps: a State fee for new homes outside designations (maybe price or size based)) This could be tied to the “Fair Share” for transportation fee and revenues used for transportation/infrastructure improvements in growth centers
- 6. For project specific access permits, revise VTrans LOS standards in designated areas with other available modes.

Infrastructure Financing incentives -

- 1. Target Infrastructure Planning Funds – Increase ANR funding and give priority to municipalities planning for water, wastewater, storm water, and other infrastructure to support designation/efficient land use/compact development.
- 2. *Increase funding of MPG grants if intended for infrastructure planning.*
- 3. Target, promote and install water/wastewater systems in villages/downtowns/growth centers and enterprise zones.

4. Consider expanding the opportunity for TIF districts, and even some more creative methods that would not include education funds.
5. Simplify local options taxes process to support infrastructure. Allow all municipalities to be eligible. In designations increase the percent for municipalities beyond 70%? (reduce the 30% to the state and processing fee).
6. Expand the capacity of the bond bank to issue revenue bonds (not just general obligation) in revenue bond districts. Reduce interest rate for projects in designations from the bond bank. Like VEDA, provide 1 % loans to be paid back with additional property taxes in the designated area until the loan is paid off. Risk gets paid with an additional year of the property tax revenue.
7. Strengthen and encourage more business improvement/special assessment districts. Relate these districts business tax deductions.
8. Expand the State Treasurer's municipal equipment loan fund for more eligible purchases related to municipal infrastructure.

Enterprise Zone incentives -

1. Define Enterprise Zone as provided in the adopted regional plan. Provide additional incentives for high wage, value-added employment.
2. Create a VEDA managed RLF for the creation or improvement of industrial parks.
3. Provide site planning assistance in amounts up to 50% of the total cost.
4. Provide financing up to 50% of site acquisition and infrastructure development costs. The State can either fund projects using grants, loans (to be recovered from initial lot sales) or a combination of both.

Suggested Revision to Goals Section of Statute

An acknowledgement of the importance of enterprise zones in growth center/planning and funding legislation must be included via language and purpose statements just as natural resources and agricultural uses are currently recognized. Suggested language to add to Growth Center bill: (Refer to Senate Bill 17 for language as well)

It is acknowledged that there are areas that may not be appropriate for, or compatible with existing uses within the downtown, village center, new town center or growth centers. Therefore, in order to enhance the quality of the aforementioned centers and to create a place for inconsistent uses to locate without sprawling into the countryside, enterprise zones shall be recognized and include lands that may not be contiguous to the above described areas, but have clearly defined boundaries that are zoned or permitted for industrial or business use as of January, 2010 and that have been approved by one or more municipalities in their municipal plans to accommodate a share of the industrial and business growth anticipated by the municipality or municipalities over a 20-year period. These zones shall to the fullest extent possible, function as a single integrated area and provide functional connections to the designated growth centers located within a community. These functional connections mean areas connected by existing or planned public or private infrastructure.

Category: Development Manager's Client Service Manual
IRE DIV. - Infrastructure & Real Estate

Title: Industrial Parks Program Process

FACT SHEET

Industrial Parks Program

Goal

To promote economic and community development through real estate investment and comprehensive development strategies, with major focus on large-scale capital projects and Industrial sites development where public/private partnership is needed to stimulate development.

Purpose

The purpose of the Industrial Parks Program is to create new sites for industrial employers and improve existing manufacturing facilities through the planning, development, and construction of industrial parks. The program is currently conducted under the Manufacturing Assistance Act (1990), but has been in existence since 1967. Through this program, the State of Connecticut works cooperatively with municipalities and developers to create economic resources development throughout the State.

Authorizing Statutes

Sections 32-220 through 32-234 of the Connecticut General Statutes (CGS), Economic Development and Manufacturing Assistance Act of 1990, Chapter 588/

Sections 8-186 through 8-200 of the CGS, Municipal Development Projects, Chapter 132

Types of Industrial Parks

State sponsored industrial parks have been successful in attracting major businesses into the host communities. The industrial parks can be an effective part of a successful economic development strategy for a municipality and its region. There are two types of projects:

- 1) landscaped industrial parks, and
- 2) urban industrial parks involving the reuse of land and existing buildings in the state's urban centers. The following activities are carried by the State under this program.

Phases of Industrial Parks

Planning

- Review of feasibility and marketability of the program
- Coordination of planning, environmental and regulatory reviews
- Review and approval of the Municipal Development Project (“Project Plan”)
- Development of performance standards to insure project integrity and to maximize economics impact of the project

Implementation *(Upon successful completion of the planning phase)*

- Site acquisition
- Construction of roads & Infrastructure
- Marketing sale of Industrial property or lease of floor space
- Monitoring of project to meet performance standards

INDUSTRIAL PARKS PROGRAM

Program Process Guide

Authorizing Statutes

Sections 32-220 through 32-234 of the Connecticut General Statutes (CGS), Economic Development and Manufacturing Assistance Act of 1990, Chapter 588/ Sections 8-186 through 8-200 of the CGS, Municipal Development Projects, Chapter 132. Project development occurs in two major phases: planning and development. A flow chart of project planning and development phases is attached hereto.

PLANNING PHASE

Pre-Planning

Program process begins when the Department invites an application for planning assistance following a preliminary review of the project proposal by the staff. The function of the Pre-application is to obtain general information on the proposed project and the municipality's ability to administer the project. The information requested in this step is usually readily available from municipal records and previously prepared studies (where available).

Upon receipt and review of the Pre-Application information, the program staff will circulate a preliminary state agency review package (known as **Stage I review**). The purpose of this review is to solicit preliminary comments from state agencies regarding the consistency of project with the agencies priorities and objectives. Typical review time is 30 – 45 days.

If there are no unresolvable (inimical) state agency concerns with the project, the Department typically invites an application for a Planning Grant. The Planning Application demonstrates that the municipality:

- 1) has the ability to administer the project
- 2) has the necessary planning and development commissions
- 3) fully supports the project, and
- 4) has the financial authorization by the legislative body to conduct the project.

With the completed application, the Department of Economic and Community Development can apply to the State Bond Commission for planning funds. After Bond Commission approval, the Commissioner of Economic and Community Development executes an Assistance Agreement with the Applicant.

Planning

The Planning Phase assesses the feasibility of project development with the participation of state funding. This determination is made through the preparation of a Connecticut Environmental Policy Act (CEPA) study (if required), a marketability study (if required), and the Municipal Development Project Plan (“**Project Plan**”).

The need to prepare a document addressing CEPA issues is dictated by the Department’s Environmental Classification Document (ECD). An Engineering firm is hired directly by the DECD to prepare the CEPA document. The CEPA document evaluates the environmental impacts likely to be realized through the development of the project, and recommends action to mitigate the effects of such impacts (direct and indirect impacts on the area’s natural and socio-economic environment). The CEPA document is circulated for 30-days, 45-days or 60-days

(depending on the type of CEPA document and scale of the proposed project) for public and state agencies review. A public hearing is conducted, if necessary. Following public review, and resolution of all CEPA issues, the Commissioner of DECD then requests from the Secretary of the Office of Policy and Management (OPM) to declare the document in accord with the CEPA.

A marketability study (if required) is prepared concurrently with the CEPA documentation. This study analyzes the economic environment of the region in which the proposed project is located. The report assesses the costs and benefits of the project, and presents an estimate of the gross building area and jobs anticipated at the project completion, as well as a recommendation based on the reports findings.

The CEPA document (if required) and the marketability study are the first elements of the Municipal Development Project Plan, commonly known as the Project Plan or MDP. The Project Plan (the "Plan") is the master plan of development for the project and addresses all aspects of a project: physical development, project administration, land use controls, project financing, parcel disposition, etc.

The completed Plan is circulated to state agencies in the final state agency review (known as **Stage II review**). Like the preliminary review conducted during the pre-planning phase, a non-inimical finding on project development is required from responding state agencies, and a declaration that the Plan is in accord with State policies and objectives.

Following local adoption of the Plan, the municipality submits the Plan to the Commissioner for approval. If approved, the Commissioner invites an application from the town for development funding, and the entire project is then submitted for Bond Commission approval. After Bond Commission approval, a new Assistance Agreement for the development project is executed between the State and Municipality.

DEVELOPMENT PHASE

The Development phase is the implementation (acquisition, construction, etc.) of the Project Development Plan. A consulting engineer's services are typically retained by the municipality to design the physical improvements for the Project, prepare plans and specifications for competitive bid, and to perform the construction inspection.

Following the completion of the construction phase and acceptance of the improvements by the municipality, the industrial park is then marketed to private sector companies, conforming to the permitted uses of the Plan. The DECD Commissioner must statutorily approve all dispositions (sales or leases) of real property made available through the project.

The project is ready for closeout when all industrial space is sold and/or leased, or when the budget period terminates (typically 10 years) without an extension. Frequently, the municipality is contractually obligated to enforce land use controls of the plan for a period of up to 30 years following its adoption.

Local Administration of Projects

The statutory requirements for a municipality to participate in a Municipal Development Project include the existence of a planning commission and the designation of a municipal economic development commission, redevelopment agency, or a non-profit development corporation to act on its behalf to carry out a project. These agencies are designated by the local legislative body as the implementing agency for an Industrial Park Project.

The designated implementing agency (agency) has the responsibility of administering the daily functions of the project. The municipality acts through this agency in its administration of project activities.

Planning Phase

The implementing agency is responsible for the local coordination of the Project Development Plan adoption process. The CEPA and Project Plan documents are made available in both the municipal clerk's office and the agency's office during these times. Additionally, the agency coordinates any public hearing necessary to present the Project Plan document.

As a final step in the planning phase the agency acting for the municipality submits the adopted Project Development Plan and the Application for Development funding to this Department for approval.

Development Phase

During the Development Phase the implementing agency responsible for the administration of project activities including marketing, physical improvements (with assistance from the Department), and financial administration.

Grants and Financial Assistance

State participation in industrial park development under the Economic Development and Manufacturing Assistance Act is described as follows:

- a) Planning assistance in amounts up to 50% of the total project cost. Municipalities identified as Targeted Investment Communities are eligible for up to 90% of the planning costs being assumed by the State.
- b) Assistance for Development Projects is now calculated using the Total or Gross Project Costs for the maximum state participation. The maximum state share is determined as 50% of Gross Project Costs. Targeted Investment Communities and projects jointly undertaken by two or more municipalities, the State can participate respectively in up to 90% and 75% of the total cost.

Under the statutory authority, the Department can either fund projects using grants, loans or a combination of both.

APPLICATION GUIDELINES
(including "Project Plan" Elements and adoption process)

INDUSTRIAL AND BUSINESS DEVELOPMENT PROJECTS
(Sections 32-220 through 32-234 OF THE CONNECTICUT GENERAL STATUTES, CHAPTER
588)

AND
MUNICIPAL DEVELOPMENT PROJECTS
(Sections 8-186 through 8-200 OF THE CONNECTICUT GENERAL STATUTES, Chapter 132)

1. Please provide two copies of the following information listed below in the **Project Proposal**. Upon review of this information by the Department and various state agencies, the development/implementing agency, (applicant) shall be notified by the Department of its evaluation of the proposed planning project and whether to submit an application;

- a. A brief summary of the project proposal including purpose and need for public action. Please include the following information;
- a) a project location map delineating project area,
 - b) existing sewer, water and other utilities serving the site,
 - c) existing roadway access,
 - d) a topographic floodplain and wetland mapping,
 - e) zoning/plan of development mapping.

In addition, Building Projects should include:

- 1) Existing size of building and usable floor space;
 - 2) Age, structural condition and adaptive re-use potential;
 - 3) Historic significance;
 - 4) Approximate market values of building and land.
- b. Information regarding industrial/commercial buildings and associated floor areas and vacant industrial/commercial land and associated acreage available to the market within the municipality. Please indicate suitability of the land and buildings to the existing market conditions;

(letter of interest)

2. **The Application**

The Application submission should include three complete copies of all narrative, maps, executed forms and resolutions specified below. Signatures must be in the original and resolutions must include the municipal or agency's seal.

- a. Standard DECD financial assistance application form;
- b. DECD-2, Project Financing Plan and Budget;
- c. DECD-5, Certified copy of resolution of the legislative body of the municipality authorizing the filing of an application by the implementing agency;
- d. DECD-6, Certified copy of resolution of the implementing agency authorizing filing of an application (DECD-5 resolution must be approved prior to DECD-6 resolution);
- e. DECD-7, Job Description (budget positions listed in the cash and in-kind columns of the Project Financial Plan and Budget);

- f. Letters from the municipal planning commission and regional planning agency specifically indicating whether proposed land uses for project development are in conformance with their respective adopted plans of development;
- g. Certified copy of the ordinance which created the municipality's planning commission and evidence of existence of planning commission (letter from municipality's legal counsel);
- h. Certified copy of the ordinance which created the development agency (economic development commission, redevelopment agency) or a copy of the Certificate of Incorporation of the private development corporation.
In both instances, please include a copy of the by-laws. In the case of a private development corporation, please include the latest copy of the audited annual report and the latest biennial report filed with the Office of the Secretary of State;
- i. Certified copy of a conflict of interest ordinance or regulations approved by the municipality and development agency;
- j. Certification of Compliance with CHRO regulations in accord with Sec. 4a-60 (a)-(e) of the State Statutes. See CHRO Regulations Guide Form DC-3a.
- k. Information and three maps delineating parcels and structures within the project area, names of property owners, present zoning of each parcel and the necessity and probability of zone changes which may be required;
- l. Statements from each of the utility companies which would provide service within the project are indicating their present and future abilities to furnish water, sewerage, electricity, gas and telephone services to occupants located within the project area;
- m. Map and report explaining any utility rights-of-way for power transmission lines, gas lines, drainage easements, water or sewerage lines, water rights, air rights or other encumbrances affecting land development within the project area.

3. Project Plan Elements (the "Plan")

The Plan shall be organized as follows:

- a) Executive summary including purpose and need for the project and description of the proposed activities;
- b) If required, environmental condition report (phase one, two and/or three environmental site assessments) for the properties proposed for action under the municipal development plan;
- c) Connecticut Environmental Policy Act (CEPA) documentation if required by the Department pursuant to Section 22a-1 through 22a-1h of the Connecticut General Statutes. The CEPA document, either an Environmental Impact Evaluation (EIE) or a Finding of No Significant Impact (FONSI) may be reference by the municipal development plan rather than attached thereto.
- d) A marketability study report if required by the Commissioner of the Department of Economic Development;

- e) A class A-2 boundary survey map and a legal description of the project boundary and of all parcels to be acquired as part of the project area. A class D survey for large project boundaries where all parcels of land within the boundary will not be acquired. In these cases, class A-2 surveys will be required for properties to be acquired;
- f) A topographic map (minimum contour interval is two feet);
- g) A map and description of the present conditions and uses of land within the project area;
- h) A map and description of types and locations of the existing streets, sidewalks, water and sewerage systems, drainage systems and other utilities situated within the project area. Deficiencies in the existing infrastructure should be noted;
- i) A map and description by type and location of land uses proposed for the project area. (Include complete land use controls which will be expanded into land covenants filed on the land records before commencing land disposition and applicable to all development within the project area);
- j) A map and description of types and locations of the proposed streets, sidewalks, water and sewerage systems, drainage systems and other improvements planned for the project area. Cost estimates will be provided;
- k) A map and description of existing and proposed zoning classifications; subdivision status of the project area and the areas adjacent to project. Note changes of proposed land use and zoning classifications;
- l) Test borings and soil analysis report. (Average of one boring for every four or five acres. Urban projects may require fewer test borings. Location of holes to be approved by the Department);
- m) An acquisition map specifying parcels to be acquired, contributed by municipality and those not to be acquired;
- n) A map showing proposed industrial park disposition with all parcels, areas, easements and buffer areas defined including a tabular summary of parcelization for disposal;
- o) Two appraisals of each parcel to be acquired, one appraisal of each parcel to be contributed by the municipality and one re-use appraisal of land to be disposed of within the project area;
- p) One title search of each parcel to be acquired and one copy of the deed of each parcel to be contributed by the municipality;
- q) A financing plan summary with estimates of all income and expenditures necessary to carry out the project through total disposition in the development stage. (Please refer to Department's publication regarding eligible project costs). Please submit separately three copies of the completed form DECD-2 (Project Financing Plan and Budget);
- r) A detailed administrative plan for the implementing agency summarizing its responsibilities and conduct during the development phases; acquisition, development, relocation and real estate management/disposition;
- s) A Relocation Plan prepared in conformance with Sections 8-266 through 8-282 of the Connecticut General Statutes, as amended, and as specified in guidelines prepared by the

Connecticut Department of Economic and Community Development. Such Relocation Plan must provide development agency administrative assistance and benefits and allowances to assist families, businesses, farms and individuals affected by acquisition of properties within the project area.

- t) Statement of the number of jobs anticipated to be created and the number and types of existing housing units available to employees filling such jobs within the municipality and contiguous municipalities. (See Guide Form DC-3b.);
- u) Findings specified in Section 32-224(b)(12) of the Connecticut General Statutes;
- v) Provisions of project plan to remain in effect for thirty (30) years after the Plan approval by the legislative body;
- w) Statement of Minority Participation to be prepared in accord with CHRO Regulations.

4. Adoption of Project Plan

Procedures for the adoption of the project plan are set forth in Section 32-224(c) of the Connecticut General Statutes, as amended. (Please refer to the published procedural steps of the Department, which spell out the steps to be undertaken.)

- a. Project plan submitted to the municipal planning commission. A resolution (**Form DC-26B**) must be approved by the municipal planning commission stating that the project plan is in accord with the Plan of Development for the municipality.
- b. At the same time as specified in 4(a), the project plan is, also, submitted to the regional planning agency. A resolution should be approved by the regional planning agency finding that the plan is in accord with the plan of development for such region, or if the agency fails to act on the plan within thirty-five (35) days of its receipt, the development agency may go forth with the approval process. (**Form DC-26C**);
- c. The development agency shall then hold a mandatory public hearing on the project plan and thereafter, (upon favorable review by state agencies), adopt a resolution (**Form DC-26**) approving the plan and findings (resolution should recite findings);
- d. Thereafter, the legislative body shall pass a resolution (**Form DC-26A**) to approve the plan and specify the findings;
- e. Copies of the plan, number as requested by the Department, are then submitted to the Commissioner of the Department of Economic Development together with a certified public hearing transcript and publisher's certificate of the notice of public hearing, which appeared in the newspaper.

Upon approval of the project plan by the Commissioner, the municipality is eligible to submit a Development Grant Application for financial assistance to the Department of Economic Development.

Request for project plan and application grant approval may be done concurrently.

LIST OF PROJECT PLAN MAPS *(please provide color maps)*

- 1) Project location map
- 2) (Class A-2) Boundary Survey Map of the Project Boundary and Parcels to be Acquired
- 3) Existing Topography
- 4) Proposed Soils Analysis Map showing borings and test pits to be taken. (1 boring for every 4 or 5 acres within Project Area or location approved by the Department.) Include copies of available surficial geology and soils mapping.
- 5) Acquisition Map (Include parcel no., name of owner and acreage)
- 6) Existing Land Use
- 7) Existing Zoning (may be combined with the existing land use map if appropriate)
- 8) Proposed Streets and Grading
- 9) Storm Drainage System (Existing and Proposed Storm Drainage System)*
- 10) Water Supply System (Existing and Proposed Sanitary Sewer System)*
- 11) Water Supply System (Existing and Proposed Water Supply System)*
- 12) Gas System (Existing and Proposed Gas System)*
- 13) Electric and Telephone System (Existing)*
- 14) Disposition Map
- 15) Proposed Land Use
- 16) Proposed Zoning (may be combined with the existing land use map if appropriate)
- 17) Site Development Map showing lot subdivision with acreage [Size (8"x 11") or (11" x 16")]

* Utility maps may be combined providing that clarity of the presentation is not diminished.

Economic and Community Development
Connecticut General Statutes
Section 8-186 through 8-200, Chapter 132
Section 32-220 through 32-234, Chapter 588/

**Procedural Steps in Adoption of
Project Plan for Development**

1. The **planning commission** of the municipality must determine by a resolution passed at a duly convened commission meeting that the project plan is in accord with the plan of development for the municipality. It is recommended that the resolution include a reference to the fact that the plan was submitted for consideration by the development agency on a given date, that the planning commission, thereafter, reviewed the plan and the commission, having considered the plan, determines that this project plan is in accord with the plan of development for the municipality (**Form DECD-26B**).
2. The development plan is submitted to the **regional planning agency** for a determination of consistency with their planning objectives. Such determination must specifically state that the development plan is in accord with the plan of development for such region in which the municipality is located. If the regional planning agency fails to make a determination concerning the Project Plan within thirty-five days after the plan has been received by the regional planning agency, step 3 may then be undertaken (**Form DECD -26C**).
3. Thereafter, the **development agency** shall hold at least one public hearing on the Project Plan prior to adoption of the plan. This hearing must be duly publicized by notice of the time, place and subject of the public hearing in a newspaper of general circulation in the municipality, such publication is to be made not less than one week or more than three weeks prior to the date set for the hearing.
4. The **development agency** shall then pass a resolution approving the Project Plan and, specifically, approving the findings made in the Plan (Section 8-189(l)). The resolution should refer to the hearing and state that the action approving the Plan is taken after considering the facts presented at the public hearing (**Form DECD -26**).
5. Thereafter, the development agency shall submit the plan to the **legislative body** for the municipality, which shall then approve the Plan. When the legislative body approves the Plan, its resolution shall specifically include approval of the findings made in the Plan (Section 8-189(l)) (**Form DECD -26A**).
6. The development agency then submits the Project Plan to the Commissioner of the Department of Economic and Community Development for approval.

DECD - 26

Rev. 05/07

**STATE OF CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
505 Hudson Street
Hartford, Connecticut 06106**

**GUIDE FORM FOR
THE DEVELOPMENT OR THE IMPLEMENTING AGENCY APPROVAL**

CERTIFIED RESOLUTION by the Development Agency or the Implementing Agency approving the Project Plan and making Certain Findings

WHEREAS, it is desirable and in the public interest that the

_____ of the _____
(name of development or implementing agency) (town, city, borough)

of _____ prepare a Project Plan for a
(name of municipality)

Municipal development project for purposes of contributing to the economic welfare of the municipality and the state pursuant to the provisions of Chapter 132 and Chapter 588/ of the Connecticut General Statutes as amended; and

WHEREAS, _____ the
_____ prepared
(name of development or implementing agency)

a Project Plan for the project known as the

_____ ; and
(name of project)

WHEREAS, the Project Plan was referred to the
municipal _____
(planning or planning and
zoning)

commission of the _____ of _____ and the
regional planning (town, city, borough) (name of municipality)

agency known as the _____ ; and
(name of regional planning agency)

WHEREAS, thereafter,
the _____
(name of development or implementing agency)

held a public hearing on the _____
project plan

(name of project)

this _____ day of _____ 20____, pursuant to the provisions of municipal
(number) (month)

law, state statutes, Chapter 132 and Chapter 588I of the Connecticut General Statutes, as amended; and

NOW THEREFORE, THE _____ HEREBY
(name of development or implementing agency)

RESOLVES:

(1) That the Project Plan for the proposed _____

_____ Municipal Development Project is hereby
approved;
(name of project)

(2) That the land and buildings within the project area will be used principally for industrial and business uses; that the land and buildings within the boundaries of the Project Area will be used primarily for manufacturing or other economic base business purposes or business support services; that the plan of development is in accordance with the plan of development for the municipality, if any, adopted by its planning commission and the plan of development of the Regional Planning Agency, if any, for the region within which the municipality is located; that the plan is not inimical to any statewide planning objectives of the state or state agencies as coordinated by the Secretary of the Office of Policy and Management; and that the project will contribute to the economic welfare of the municipality and the State of Connecticut; and that to carry out and administer the project, public action under Chapters 132 and 588I of the Connecticut General Statutes as amended is required;

(3) That the _____ is hereby authorized
(name of official)

to submit the Project Plan to the _____

_____ of
the _____ (name of legislative body)
(town, city, borough)

of _____ which shall consider approval of such plan;
(name of municipality)

(4) That, thereafter, the _____ is
hereby
(name of official)

authorized to submit the Project Plan to the Connecticut Department of Economic and Community Development for approval.

CERTIFICATE

I hereby certify that this resolution was duly adopted at a meeting of

the _____ held
(name of development or implementing agency)

_____ 20____, that (date) it is on record, and that it has not been modified nor
rescinded whatsoever.

SEAL

Secretary

Date

DECD - 26A

Rev. 05/07

**STATE OF CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
505 Hudson Street
Hartford, Connecticut 06106
GUIDE FORM FOR**

LEGISLATIVE BODY APPROVAL

CERTIFIED RESOLUTION by the Legislative body approving the Project Plan and making Certain Findings

WHEREAS, it is desirable and in the public interest that the

_____ of the _____
(name of development or implementing agency) (town, city, borough)

of _____ prepare a Project Plan for a
(name of municipality)

Municipal development project for purposes of contributing to the economic welfare of the municipality and the state pursuant to the provisions of Chapter 132 and Chapter 588I of the Connecticut General Statutes as amended; and

WHEREAS, the

_____ prepared
(name of development or implementing agency)

a Project Plan for the project known as the _____; and
(name of project)

WHEREAS, the Project Plan was referred to the municipal _____

_____ (planning or planning and zoning) commission of the _____ of _____ and the regional planning (town, city, borough) (name of municipality) agency known as the _____; and
(name of regional planning agency)

WHEREAS, thereafter,

the _____
(name of development or implementing agency)

held a public hearing on the _____ project plan
(name of project)

on the _____ day of _____, 20____, pursuant to the provisions of municipal
(number) (month)

law, state statutes, Chapter 132 and Chapter 588/ of the Connecticut General Statutes, as amended; and thereafter, approved said plan;

NOW THEREFORE, THE

HEREBY

(name of legislative body)

RESOLVES:

- (1) That the Project Plan for the proposed _____
(name of project)

_____ Municipal Development Project is hereby approved;

- (2) That the land and buildings within the project area will be used principally for industrial and business uses; that the land and buildings within the boundaries of the Project Area will be used primarily for manufacturing or other economic base business purposes or business support services; that the plan of development is in accordance with the plan of development for the municipality, if any, adopted by its planning commission and the plan of development of the Regional Planning Agency, if any, for the region within which the municipality is located; that the plan is not inimical to any statewide planning objectives of the state or state agencies as coordinated by the Secretary of the Office of Policy and Management; and that the project will contribute to the economic welfare of the municipality and the State of Connecticut; and that to carry out and administer the project, public action under Chapters 132 and 588/ of the Connecticut General Statutes as amended is required;

- (3) That the _____ is hereby authorized
(name of official)

to submit the resolution of approval of the Project Plan to the _____

_____ of the
(name of development agency)

_____ of

(town, city, borough)

(name of municipality)

and submit said plan to the Commissioner of the Connecticut Department of Economic and Community Development for approval.

DECD - 26B

Rev. 05/07

STATE OF CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
505 Hudson Street
Hartford, Connecticut 06106

GUIDE FORM FOR
MUNICIPAL AND/OR ZONING COMMISSION APPROVAL

Certified Resolution of the Municipal Planning Commission (or Municipal Planning and Zoning Commission) finding that the Project Plan is in accord with the plan of development for the municipality.

WHEREAS, the project plan for the proposed

(name of project)

was prepared by the

(name of municipality and development or implementing agency)

pursuant to the provisions of Chapter 132 of the Connecticut General Statutes or Chapter 588/ of the Connecticut General Statutes;

WHEREAS, the provisions of Chapter 132 and Chapter 588/ require that the project plan be referred to the planning commission of the municipality for a determination whether such plan is in accord with the plan of development for the municipality;

NOW THEREFORE, the

(name of municipal planning and/or zoning commission)

hereby resolves:

That the Project Plan for the proposed

(name of project)

is in accord with the plan of development for such municipality;

CERTIFICATE

I hereby certify that this resolution was duly adopted at a meeting of

the _____ held

(name of municipal planning and/or zoning commission)

_____ 20____, that it is on record,

(date)

and that it has not been modified nor rescinded whatsoever.

SEAL

Secretary

Date

DECD - 26C

**STATE OF CONNECTICUT
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
505 Hudson Street**

Hartford, Connecticut 06106

**GUIDE FORM FOR
REGIONAL PLANNING AGENCY APPROVAL**

Certified Resolution of the Regional Planning Agency finding that the Project Plan is in accord with the plan of development for such region.

WHEREAS, the project plan for the proposed _____

(name of project)

_____ was prepared by the

(name of municipality and development or implementing agency)

pursuant to the provisions of Chapter 132, Section 8-186 through 8-200b of the Connecticut General Statutes and Chapter 588I of the Connecticut General Statutes;

WHEREAS, the provisions of Chapter 132 and Chapter 588I require that the project plan or development plan be referred to the regional planning agency, if any, for the region within which such municipality is located for a determination whether such a plan is in accord with the plan of development for such region or if the regional planning agency fails to make a finding concerning said plan within thirty-five days of its receipt, it shall be presumed that such regional planning agency does not disapprove of such plan;

NOW THEREFORE, the

(name of regional planning agency)

hereby resolves:

That the Project Plan for the proposed

(name of project)

is in accord with the plan of development for such region;

CERTIFICATE

I hereby certify that this resolution was duly adopted at a meeting of the _____ held

(name of regional planning agency)

_____, 20____, that it is on record,

(date)

and that it has not been modified nor rescinded whatsoever.

SEAL

Secretary

Original 8/02 - Rev. 12/18 for page breaks

Date

