

Regulations of Connecticut State Agencies

TITLE 8. Zoning, Planning, Housing, Economic and Community Development and Human Resources

Agency

Department of Economic Development

Subject

Municipal Development Projects

Inclusive Sections

§§ 8-198-1—8-198-11

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Municipal Development Projects

Sec. 8-198-1. Definitions

- (a) “Act” means Chapter 132 of the General Statutes, as amended.
- (b) “Commissioner” means the Commissioner of Economic Development.
- (c) “Department” means the Department of Economic Development.
- (d) “Environmental Assessment” means “environmental assessment” as defined in Section 22a-1a-1 of the Regulations of Connecticut State Agencies.
- (e) “Environmental Impact Evaluation” means “environmental impact evaluation” as defined in Section 22a-1a-1 of the Regulations of Connecticut State Agencies.
- (f) “Finding of No Significant Impact” means “finding of no significant impact” as defined in Section 22a-1a-1 of the Regulations of Connecticut State Agencies.
- (g) “Mini-Industrial Project” means a development project which primarily involves acquisition, rehabilitation, demolition, relocation or associated site improvements of real property in existing built-up areas.
- (h) “Project Plan” means a detailed written document concerning a proposed development project.
- (i) “Site Review” means the review process by which state agencies review the site for the proposed project and indicate state agency concerns relative to the site and whether the plan for the site may, or may not, be inimical to the planning program objectives of the specific agency. The site review shall be coordinated by the Office of Policy and Management. The Department will provide the Office of Policy and Management the information and material needed for the site review.

(Effective January 27, 1983)

Sec. 8-198-2. General eligibility requirements

- (a) The Commissioner is authorized to make grants to eligible municipalities to carry out the provisions of the Act. In order to be eligible to receive grants, the municipality must have a planning commission.
- (b) The municipality is authorized to designate by vote of its legislative body, the economic development commission or the redevelopment agency of the municipality or a non-profit development corporation as its development agency. The municipality may, with the approval of the Commissioner, designate a separate development agency for each development project it undertakes under the act.

(Effective January 27, 1983)

Sec. 8-198-3. Eligibility requirements for planning and special planning grants

Planning grants may be made to municipalities to facilitate the planning of development projects. Special planning grants may be made to municipalities to facilitate the planning of development projects that consist predominantly of industrial buildings which it is anticipated, within eighteen months, shall have more than fifty percent of the usable floor

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space unused or substantially underutilized and shall result in significant unemployment as a result of the vacating of floor space.

(Effective March 5, 1986)

Sec. 8-198-4. Application procedure for planning and special planning grants

(a) The Commissioner shall require the submission of a pre-application to enable the Department to make a preliminary evaluation of the proposed development project. The specific submission requirements for the pre-application shall be determined by the Department. In order to effectively evaluate the proposed development project, the Department may conduct on-site inspections of the project area.

(b) The applicant's pre-application submission may be provided to appropriate state agencies for a site review. Upon completion of the site review, the applicant will be notified by the Department of the results of the site review and the Department's recommendation concerning the proposed planning project.

(c) Applications for planning or special planning grants shall be made on forms prescribed by the Department and available at its office on written request. The specific submission requirements for the application shall be determined by the Department.

(d) The applicant's application submission shall be provided to appropriate state agencies for a site review unless:

- (1) the municipality entirely funds the planning of the development project;
- (2) the application is for a mini-industrial project; or
- (3) the applicant submitted a pre-application and it was reviewed by the appropriate state agencies.

Upon completion of the site review, the applicant will be notified by the Department of the results of the site review and the Department's recommendation concerning the proposed planning project.

(e) Upon approval of the application by the Department, an offer of grant funds is made by the Department, subject to authorization of funds by the State Bond Commission and execution of a Grant Assistance Agreement between the development agency and the Department.

(Effective January 27, 1983)

Sec. 8-198-5. Determination of the amount of funding for planning and special planning grants

(a) The maximum grant available to a non-distressed municipality for planning grants shall not exceed fifty percent of the estimated reasonable cost of such planning. The grant to a distressed municipality, as defined in Section 32-9p of the General Statutes, shall not exceed one hundred percent of the estimated reasonable cost of such planning, subject to a determination by the Commissioner that there is a substantial likelihood that the planned development project will be consummated. The reasonable cost of such planning is to be determined by the Commissioner. The municipal share of the planning or special planning

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grant may be paid in non cash contributions, the value of which are to be determined by the Commissioner.

(b) Eligible planning costs include:

- (1) a feasibility study;
- (2) a marketability study;
- (3) a boundary survey;
- (4) a topographical survey;
- (5) test borings;
- (6) a soil and site analysis;
- (7) other planning and engineering required to prepare the elements of a project plan;
- (8) title description and title search for all land parcels to be acquired for the project;
- (9) real estate appraisals for all land parcels, structures, furniture, equipment and other improvements to be acquired or contributed to the project;
- (10) options to purchase real property situated within the project area;
- (11) a Statement of Minority Participation;
- (12) administrative expenses;
- (13) appraisal reviews required by the Department; and
- (14) written documents as outlined in Sections 22a-1 to 22a-1h, inclusive, of the General Statutes and in the regulations adopted to implement said sections.

Interim and final audits are not eligible project costs

(c) In determining the specific amount of each planning grant or special planning grant, the Commissioner shall take into account the availability of funds in relation to the number of municipalities seeking funding as well as other criteria to best carry out the purposes of the Act.

(Effective January 27, 1983)

Sec. 8-198-6. Requirements for the adoption and approval of the project plan

(a) Upon commitment of planning or special planning grant funds, the development agency begins preparing the project plan for the development project. The required elements of the project plan are contained in Section 8-189 of the General Statutes.

(b) When the proposed project plan is completed and prior to approval by the development agency, the development agency shall send a number of copies, to be determined by the Department, to the Commissioner. The proposed project plan shall be reviewed by appropriate state agencies through a review process coordinated by the Office of Policy and Management using copies of the proposed project plan provided to the Office of Policy and Management by the Department. The appropriate state agencies shall make a determination that the proposed project plan is, or is not, inimical to the planning program objectives of the agencies. If a determination is made that the plan is inimical, the individual agency shall state its reasons for making this determination. Upon receipt of the remarks of the state agencies through the Office of Policy and Management, the Department shall transmit the remarks to the development agency. In a case of an inimical determination, the

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Department shall indicate to the development agency that the proposed project plan cannot be determined by the Department to be complete without resolution of the inimical determination.

(c) Prior to the approval of the plan by the development agency:

(1) The planning commission of the municipality, or a subgroup designated by the planning commission of the municipality, shall adopt a resolution stating that the project plan is in accord with the plan of development for the municipality.

(2) The regional planning agency, if any, or a subgroup designated by the regional planning agency, shall adopt a resolution stating that the project plan is in accord with the plan of development for the region in which the municipality is located. If the regional planning agency or the subgroup designated by the regional planning agency, fails to adopt such a resolution within thirty-five days of receipt of the project plan, it shall be presumed that the regional planning agency does not disapprove of the project plan.

(3) The development agency shall hold at least one public hearing on the project plan. A notice of the time, place and subject matter of the public hearing must be publicized in a newspaper of general circulation in the municipality. The publication of the notice of the public hearing shall not be made less than one week nor more than three weeks prior to the date set for the public hearing. One copy of the minutes of the public hearing shall be forwarded to the Department with a publisher's certificate of the notice of the hearing which appeared in the newspaper;

(d) Upon receipt of the results of the plan review from the Department and of actions required in subsection (c) of this section, the development agency shall approve the project plan by adopting a resolution that specifically approves the findings made in the project plan in accordance with Section 8-189 (k) of the General Statutes.

(e) The development agency shall then submit the approved plan to the legislative body of the municipality for its approval. The legislative body shall approve the plan through a resolution that shall specifically include the approval of the findings made in the plan in accordance with Section 8-189 (k) of the General Statutes.

(f) After approval of the project plan by the development agency and the legislative body of the municipality, the development agency shall submit the project plan, with certified copies of all resolutions, to the Commissioner requesting the Commissioner's approval of the project plan. Prior to the approval of the project plan by the Commissioner and concurrent with or prior to submittal of the project plan to the Commissioner:

(1) The Development agency shall submit evidence to the Commissioner that it has complied with Sections 22a-105 through 22a-109 of the General Statutes if the proposed development project is located within the coastal boundary and landward of the mean highwater mark in coastal areas, as defined in Sections 22a-93 and 22a-94 of the General Statutes;

(2) The Department shall undertake an environmental assessment, using the criteria set forth in the regulations adopted to implement the provisions of sections 22a-1a to 22a-1f, inclusive, of the General Statutes, to determine whether an environmental impact evaluation

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or a finding of no significant impact is needed. After such determination, the Commissioner shall request the development agency to prepare the required written documents in conformance with Sections 22a-1a to 22a-1f, inclusive, of the General Statutes and the regulations adopted to implement said sections;

(3) The development agency shall prepare a Statement of Minority Participation and submit it to the Commissioner and to the Commission on Human Rights and Opportunities. The Statement of Minority Participation shall include goals and timetables as well as other information determined by the Commissioner to ensure that minority groups, persons, women, and the handicapped will benefit from the development project.

(Effective January 27, 1983)

Sec. 8-198-7. Modification of the project plan

The development agency may modify a project plan at anytime, provided that:

(a) If the modification is minor, the development agency shall approve the modified project plan by adopting a resolution that specifically approves the findings made in the modified project plan in accordance with section 8-189 (k) of the General Statutes;

(b) If the modification is substantial and it is made before the Commissioner approves the project plan, the development shall hold a public hearing on the modified project plan and shall approve the modified project plan by adopting a resolution. The legislative body of the municipality shall approve the modified project plan by adopting a resolution. The resolutions adopted by the development agency and the legislative body of the municipality shall specifically approve the findings made in the modified project plan in accordance with section 8-189 (k) of the General Statutes;

(c) If the modification is substantial and it is made after the Commissioner approves the project plan, the modified project plan shall be adopted in the same manner as the project plan;

(d) If the project plan is modified after the sale or lease of real property in the development project area, the modification must be consented to by the lessees or purchasers of such real property or their successors in interest affected by the proposed modification.

(Effective January 27, 1983)

Sec. 8-198-8. Eligibility requirements for development and special development grants

Any municipality which has completed a project plan or a redevelopment plan in accordance with Section 8-189 and 8-191 of the General Statutes and with these regulations, which has been approved by the Commissioner, is eligible to apply for a development or special development grant.

(Effective January 27, 1983)

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Sec. 8-198-9. Application procedure for development and special development grants

Applications for development and special development grants shall be made on forms prescribed by the Department and available at its office on written request. Other specific submission requirements will be determined by the Department. Upon approval of the application by the Department, an offer of grant funds is made by the Department, subject to authorization of funds by the State Bond Commission and the execution of a Grant Assistance Agreement between the development agency and the Department.

(Effective January 27, 1983)

Sec. 8-198-10. Determination of the amount of funding for developmental grants

(a) The amount of funds available to a municipality for development grants is based on a percentage of the net project cost. The net project cost is the total project cost less the estimated income from the project. Eligible project costs include:

- (1) real estate acquisition and disposition financing for a period;
- (2) site clearance;
- (3) site development;
- (4) planning and engineering;
- (5) administration of the project;
- (6) interest costs for temporary and definitive financing for a period not to exceed five years on a principal amount not to exceed the required matching local share; and
- (7) relocation.

The purchase of vehicles and interim and final audits are not eligible costs. Interim audits are required every two years through the duration of the development project.

- (b) The project income includes monies or the value of goods and services received from:
- (1) the sale or lease of land;
 - (2) the temporary use of land, residences or businesses prior to their dispositions;
 - (3) the sale or lease of sand, gravel, or other earthen materials;
 - (4) the sale or lease of buildings, machinery, equipment or other materials of value, occupying land areas within the project area;
 - (5) other state grants;
 - (6) federal capital grants approved for a non-distressed municipality; and
 - (7) Interest income realized from the investment of project monies.

(c) The maximum development grant available to a non-distressed municipality shall not exceed fifty percent of the net project cost. The maximum development grant available to a distressed municipality, as defined in Section 32-9p of the General Statutes, shall not exceed sixty-five percent of the net project cost. Federal capital grants approved for the distressed municipality shall, to the extent permitted by federal law, be used to pay the distressed municipality's share of the net project cost. If the federal capital grant exceeds the distressed municipality's share of the net project cost, such excess shall be applied to reduce the development grant available to the distressed municipality. When two towns

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jointly initiate a development project, the maximum development grant shall not exceed seventy-five percent of the net project cost.

(d) In determining the amount of specific development grants, the Commissioner shall take into account the availability of grant funds, the municipality's need for a development project, and the likelihood that a particular project will advance the purposes of the Act.

(Effective November 22, 1985)

Sec. 8-198-11. Determination of the amount of funding for special development grants

(a) The maximum amount of funds available to a municipality for special development grants within an existing development project, is up to one hundred percent of the total cost of such special development activity. Eligible activities for special development grants within an existing development project include:

- (1) site improvements;
- (2) utility facilities;
- (3) water facilities;
- (4) road facilities;
- (5) sewerage facilities;
- (6) related engineering services; and
- (7) relocation expenses to assist business and industrial firms to locate and construct buildings within development projects.

(b) The amount of funds available to a municipality for special development grants outside boundaries of an existing development project, shall not exceed one hundred percent of the total cost of such special development activity, subject to the requirement that such grant shall not exceed ten percent of the estimated physical development costs within the development project as last approved by the Commissioner. Eligible activities for special development grants shall include the planning, installation, construction, reconstruction and acquisition of rights of way for utilities, sewerage and water lines and systems, and necessary appurtenances up to the boundaries of the development project.

(Effective January 27, 1983)