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## Appendix 8-1 BAMB Plan Area ICA Draft

The Butler Area Multi-Municipal  
Intergovernmental Cooperative Agreement  
For Implementing the Multi-Municipal Plan  
For and By the Municipalities of:  
The City of Butler, Butler Township, East Butler Borough,  
Penn Township and Summit Township

*July 1, 2010*

### SECTION I: AUTHORIZATION

The following Intergovernmental Cooperative Implementation Agreement (hereinafter ICA) is authorized by, and conforms to, Article III and Article XI of the Pennsylvania Municipalities Planning Code, Act 247, fourteenth edition of August 2000 (hereinafter MPC), and the Pennsylvania Intergovernmental Cooperation Act, 53 Pa. C.S.A. 2301 et seq., which enables governing bodies of municipalities to enter into Intergovernmental Cooperative Agreements for the purpose of implementing a multi-municipal comprehensive plan.

### SECTION II: PURPOSE

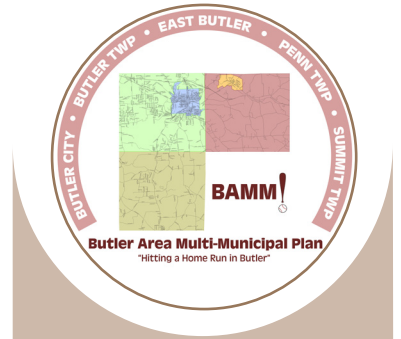
The City of Butler, Butler Township, East Butler Borough, Penn Township and Summit Township (hereinafter Participants) prepared and adopted the Butler Area Multi-Municipal Comprehensive Plan, dated July 1, 2010 (hereinafter the BAMB Plan). This Butler Area Multi-Municipal ICA (hereinafter BAMB ICA) is established to provide for the implementation of certain provisions of the Plan, and to afford the Participants the legal authorities and benefits available to multi-municipal plan participants per the MPC.

### SECTION III: POWERS AND SCOPE OF AUTHORITY

This Agreement provides authority for the Participants to cooperatively implement the Plan in accordance with the MPC and the terms of this Agreement, including specific powers and responsibilities hereinafter set forth, and to do all acts and things necessary or convenient within the scope of reasonable resources to carry out the purpose of this Agreement. However, the responsibilities herein conferred shall NOT usurp the powers, duties, and authorities of the individual Participant municipalities.

### SECTION IV: ADOPTION OF CONFORMING ORDINANCES

Within two years after the date on which the BAMB Plan is adopted by all participants, and within two years of any subsequent amendment(s) to the Plan, each Participant, with the assistance of the Butler County Planning Department and the Oversight Committee, will review, amend, and adopt, as necessary, such aspects of its zoning ordinance and subdivision and land development ordinance (SALDO) that are in conflict with BAMB Plan, so as to be generally consistent with the Plan or subsequent amendments. (Per MPC 1104.B(1).)





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### SECTION V: ESTABLISHMENT OF THE BAMM PLAN OVERSIGHT COMMITTEE

In order to pursue and promote the short-term and long-term implementation of specific goals and objectives of the BAMM Plan (see Section VI of this Agreement), to help insure that future development and other activities within the BAMM area are consistent with the BAMM Plan, and to provide the opportunity for the Participants to utilize the special tools and benefits provided by the MPC to municipalities that jointly develop a multi-municipal plan AND subsequently adopt a Intergovernmental Cooperative Agreement, the BAMM Plan Oversight Committee (hereinafter the Oversight Committee) is being created jointly by the Participants as follows:

#### A. Membership

1. The Oversight Committee shall be comprised of a total of fifteen committee members with three representatives from each of the five BAMM Area municipalities. The representatives are to be residents of the municipality and appointed by the respective municipal governing bodies, with no more than one being an elected official of the municipality.
2. After the initial appointment of members, members may be appointed to a maximum of three-year terms by each of the five municipalities. However, for the initial formation of this committee, and in order to provide for a continuity of the membership, one member shall be appointed to a one-year term, the second to a one-year or two-year term, and the third to a one-year, two-year, or three-year term, as may be decided individually by each municipality.
3. Each municipality is responsible for ensuring full representation on the committee and must fill any vacancies that occur, other than by expiration of term, in a timely fashion. Those appointed to fill such a vacancy may remain in that membership position until such time that the term of the person he or she is replacing would have originally expired.
4. After the initial appointments, each participant municipality shall annually appoint or reappoint one to three members to the committee, as necessary to have its full representation on the Oversight Committee for the coming year, to one-year, two-year, or three-year terms, at its annual reorganization meeting in January.
5. Members are eligible to succeed themselves indefinitely.
6. Membership years shall be January to December.

#### B. Officers: The positions of Chairperson, Vice-Chairperson, Secretary shall be elected by the committee members annually.

1. The (three) officer positions must be filled by individuals from three different municipalities.
2. Officers shall serve a one-year term, but may succeed themselves for a second one-year term in that same position provided that, at the end of two consecutive years, the position shall be filled by an individual representing another municipality.
3. Each officer may fill any other officer position the succeeding year without limitation.
4. Terms for officers shall be January to December.

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- C. Quorum: A quorum shall consist of at least one member from four of the five participant municipalities.
- D. Voting Rights: Although each municipality shall have three representatives on the Oversight Committee, together they shall have one vote to cast on all matters that come before the committee that require action. However, if, at any given committee meeting, there are only two representatives present from a municipality and they do not agree on an issue, their vote on that issue shall be registered as “abstain”.
- E. Voting: As the Oversight Committee is strictly an advisory board, any and all action taken by the Committee shall be by simple majority vote, except as otherwise noted in this document.
  - 1. No action may be taken, or recommendation made, when the resulting vote ends in a tie.
- F. Meetings: The Oversight Committee shall meet at least four times a year.
  - 1. Meetings shall be called by either the Chairperson or Vice-Chairperson as they deem necessary, or when requested by at least two of the Committee members from at least two different municipalities.
  - 2. Meetings will be held on a day and time determined by the Chairperson or Vice-Chairperson after polling all of the available Committee members.
  - 3. All meetings shall be open to the general public and advertised as required by law on a rotating basis by one of the participant municipalities, as agreed by the Oversight Committee, to both minimize costs and reasonably share such costs among the five Participants.
- G. Operating Rules and Procedures: The Oversight Committee shall establish other operating rules and procedures - including the pursuit and use of funding to support the activities of the Committee, keeping records of meetings and activities, and, as provided above, annually elect its officers.
- H. Annual Report: By March 1 of each year following the execution of the Agreement, the Oversight Committee shall prepare a report summarizing the activities of the Committee and each of the five municipalities for the previous year and highlighting areas of the Plan that have been or are being implemented. Copies of the Committee’s report shall be presented to each Participant municipality by at least two of the Committee members representing that municipality. A copy of the annual report shall also be provided to the Butler County Planning Department.

## SECTION VI: GOALS AND OBJECTIVES

The following selected goals and objectives from the BAMM Plan, were identified by the BAMM Plan Steering Committee as those which will need a cooperative effort from all Participants in order to be implemented in a manner consistent with the Plan. These selected goals and objectives also represent areas in the Plan that the Steering Committee believes offer the best opportunities to continue and build upon the momentum of the inter-municipality relationships and cooperative spirit that evolved throughout this planning process.



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Pursuit and promotion of the proper and timely implementation of these selected goals and objectives will be the primary focus of the BAMB Plan Oversight Committee. The BAMB Plan Steering Committee recommends that the Oversight Committee create subcommittees with responsibility areas similar to those of the BAMB Plan Working Groups, as well as task forces within the subcommittees. The Oversight Committee will also be monitoring future activities within the BAMB Area to help insure that they are consistent with the BAMB Plan, and, where appropriate, identify and promote additional implementation strategies.

However, with regard to the review and approval of Developments of Regional Significance and Impact (DRI's) as being consistent with the Plan, the Oversight Committee will only provide its findings and recommendations to the Butler County Planning Department, and will delegate the responsibility for the formal review and approval of DRI's regarding their consistency with the BAMB Plan, to the Butler County Planning Department. *(Per the MPC, a Development of Regional Significance and Impact is "Any land development that, because of its character, magnitude, or location, will have substantial impact upon the health, safety, or welfare of citizens in more than one municipality.")*

Selected goals and objectives from the BAMB Plan to be the primary focus of the Oversight Committee in its efforts to promote implementation of the entire Plan, organized by Working Group areas of focus, include:

### A. Economic Development:

1. Priority A – accomplish in 1-2 years:
  - a. Support the work of the Butler Downtown Economic Restructuring Committee to review and improve taxes and incentives in the downtown, as well as throughout the balance of the BAMB area, and help coordinate and promote support for these efforts with the Schools and the County.
  - b. Develop a Retention & Expansion (R&E) team at the CDC (Community Development Corporation of Butler County), the Chamber, and/or Butler County Planning.
  - c. Support the development of the Pullman Industrial Park/West End area, including the West End Connector & alternative uses for the former Pullman Headquarters Bldg.
  - d. Due to its potential economic impact on the entire BAMB Area, support the downtown Butler Center City development project, especially the construction of a hotel on Main Street. Coordinate efforts with RACB and Butler Downtown.
  - e. Support the CDC, Chamber of Commerce and BC3 on workforce development initiatives.
  - f. Create a "One-Stop Shop" for all new business inquiries in the BAMB Area, including those in the City, at either the CDC, Butler County Planning, or a separate agency.
  - g. Designate an ED team in each Participant municipality to be trained by CDC and to work with CDC on prospects and other ED-related issues.
  - h. Encourage and promote providing financial support for the operations of the CDC of Butler County, especially to help compensate for those services directly impacting the BAMB Area.

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- i. Expand and maintain a data base of BAMM Area properties, using as a base [www.PittsburghProspector.com](http://www.PittsburghProspector.com), and in close coordination with Butler Downtown's efforts to develop a similar data base.
  - j. Work with CDC to have the BAMM Area become a "launching spot" for companies interested in locating in Butler County.
  - k. Work with all five municipalities to improve/enhance industrial space.
  2. Priority B – accomplish in 3-5 years:
    - a. Identify, pursue funding for, plan for, and help develop new mixed-use developments as identified in the Plan and as needed infrastructure becomes available, such as along 422 East and Herman Road in Summit Township, and along SR 8 in Penn Township.
    - b. Create a "Commercial Welcome Wagon."
    - c. Develop an incubator in downtown Butler (with BC3) with possible LERTA, Enterprise Zone, and/or other incentives.
    - d. Develop and promote a profile of potential industrial use or reuse properties in East Butler to fully capitalize on existing infrastructure and facilities.
  3. Priority C – accomplish in 6+ years
    - a. Develop the area in Penn Twp. near the Succop Conservancy, The Mansion, and the Airport to include an incubator, hotel, exhibit spaces, meeting rooms, etc. (Public water is needed in this area to support this goal.)
- B. Infrastructure:
1. All priority A – 1-2 years
    - a. Support efforts to get representation on the BASA Board for all municipalities served by BASA.
    - b. Support efforts to provide water and sewer to currently unserved regions of the BAMM area, including:
      - i. Sewer and Water to Herman, along SR 356, and along Saxonburg Road in Summit Twp.
      - ii. Water along SR8 south of the City and in Penn Twp. (Nixon Area)
      - iii. Water west of SR8 in Penn Twp, especially in the Airport area. (Nixon Area)
    - c. Support multi-use trails in new developments, in existing parks, and along existing roadways where appropriate.
- C. Communications – all A priority – within two years:
1. Encourage the use of PEG-TV in all five municipalities.
    - a. Explore/recommend financing options, including franchise fees.
  2. Assure that there are web sites for all five municipalities, and that they are linked to each other.
    - b. Should also be links to:
      - ii. Butler County, the Chamber, Butler Downtown, the School District, BC3, etc.
      - iii. Major area employers.
      - iv. Local businesses.
      - v. County Tourism.
      - vi. Existing recreation providers.
      - vii. All parks and recreation facilities.

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3. Develop a common calendar of events – on web sites and printed. Include events from each Participant municipality as well as events from:
    - ii. Butler County
    - iii. Butler County Tourism & Convention Bureau
    - iv. BC3
    - v. Butler Downtown
    - vi. Butler County Airport
    - vii. Pullman Park
    - viii. Other local and regional organizations
  4. Develop a five-municipal map for residents and visitors – printed and on-line.
- D. Planning and Zoning - All A priority – within two years:
1. Identify and agree to select land uses that may only be available in one municipality, but would serve the needs of the BAMB area. (e.g. parks/ recreation facilities, heavy industry, high electric user industries, mixed use developments)
  2. Pursue and encourage more centralized planning and zoning, possibly through the County Planning Department.
  3. Work with the Blue Ribbon Task Force on the “Plan to Plan”, making sure that the BAMB area is adequately addressed and represented.
  4. Conserve open space areas that contain features of natural and/or cultural significance.
  5. Encourage efforts to coordinate Zoning Codes and Subdivision and Land Development Ordinances among the Participants.
    - a. Work with municipalities to help update Zoning Codes and SALDO’s as may be necessary to be consistent with the Plan within two years of adoption of the Plan.
    - b. At a minimum, standardize zoning district definitions,
    - c. Encourage consistency regarding adjacent zoning districts, especially at municipal borders.
    - d. Promote the addition of Mixed-Use, Traditional Neighborhood Design (TND), Conservation Subdivisions, an Historic Architectural Review Board (HARB) within the City’s Historic District, and other innovative districts to Participants’ zoning codes as appropriate.
    - e. Promote the addition of provisions for drilling to address Marcellus Shale projects that are projected to occur in the area.
    - f. Develop standard language for “Access Management Area” for the Participant municipalities to use and amend to meet their specific needs.
    - g. For all new residential and commercial developments.
      - i. Review further, and where appropriate, encourage the implementation of an ordinance in each Participant municipality that would require the mandatory dedication of park land, or a fee in lieu of dedicated land to provide for parks and recreational facilities within the municipality or BAMB Area.
      - ii. Encourage Participants to require sidewalks where appropriate.
- E. Transportation - All A priority – within two years:
1. Support the SR 228 project.
  2. Working with County Planning, pursue a SR 68 project.
    - a. Include alternatives for an improved routing of trucks from US 422 to SR 68 west bound.

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3. Support enhancement of Transit and Park & Ride services.
  4. Consider establishing a Transportation Impact Fee to raise funds for needed transportation projects.
  5. Aggressively pursue and promote the West End connector project, including forming a subcommittee of stakeholders.
  6. Pursue an SR 8 improvement project south of the City.
  7. Pursue and promote the identification of potential improvements for Bonniebrook Road.
    - a. Encourage Butler County Planning to request that PennDOT undertake a traffic calming study on this road, which has already become a main arterial.
  8. Support creation of Access Management Areas on key corridors as identified in the Plan.
  9. Support the installation of a traffic light at the intersection of Greenwood Drive and US 422.
- F. Housing - Both A priority – within two years:
6. Pursue and encourage efforts to attract new residents from the Cranberry area, Pittsburgh, and other larger metropolitan areas.
  7. Regionally, promote the fact that housing is relatively inexpensive in the BAMM area.
- G. Quality of Life/Safety/Heritage Tourism
7. Priority A - accomplish in 1-2 years:
    - g. Promote (County-wide, not just the BAMM area) the use of FireHouse software program sharing among fire departments that contains County mapping of building footprints.
    - h. Support and help promote (through newsletters, signage, web sites, calendars of events, etc.) activities and events in conjunction with the Butler County Tourism Bureau (BCTB), especially those in the BAMM area such as:
      - vii. Tourist Groups from France
      - viii. Pyrotechnics Guild International Event (Coopers Lake 2013)
      - ix. The first Jeep Heritage Festival (2011)
      - x. Disc Golf Convention (2012 at Moraine)
      - xi. Can/Am Police/Fire Games (every two years – at Moraine and BC3)
      - xii. More National Club Baseball Series at Pullman Park
      - xiii. PSAC Baseball Championships at Pullman Park
      - xiv. Bowling Tournament & Convention (2011/2012)
      - xv. A potential Butler County Manufacturers Tour.
    - i. Identify local tourist destinations.
    - j. Support local efforts to renovate the Penn Theater.
    - k. Promote the greater Butler area as a regional recreation destination.
    - l. Promote the Farmers Market at Chestnut and West Diamond Street in the City.
  1. Priority B - accomplish in 3-5 years:
    - a. Install a coordinated signage and wayfinding system throughout the BAMM Area in conjunction with Butler Downtown's efforts through its Design Committee's Signage Task Force.

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3. Priority B&C - accomplish in 3+ years:
  - c. Support BCTB's efforts to improve access to and promotion of the BAMM area as a destination for tourists and activities for visitors, such as:
    - iii. Coordination of bike trails, bike routes, and shuttle services, including the efforts of the Butler-Freeport Trail Council, Butler Downtown's Bicycle and Pedestrian Task Force, and the Butler Transit Authority.
    - iv. Promote utilization of the Butler County Airport for visitors, golfers, etc.
    - v. Promote golf packages featuring the BAMM area courses and local hospitality facilities.
    - vi. Promote the BAMM area attractions to visitors of Moraine State Park.
- H. Parks and Recreation – All A priority – within two years:
  8. Support the Butler-Freeport Trail Council's efforts in the development and promotion of a comprehensive network of safe bicycle and pedestrian access routes in the greater Butler area, and in conjunction with the efforts of Butler Downtown's Bicycle and Pedestrian Task Force.
  9. Pursue and promote the development of a unified and cohesive method to publicize existing recreational facilities, recreation programs, and general recreational opportunities in the greater Butler area.
  10. Promote the development of partnerships among BAMM municipalities, local organizations, recreation providers, and schools to foster a culture of open communication and collaboration.
  11. Pursue and promote the development of a plan to ensure the long-term financial sustainability for the operation, maintenance, and development of parks, recreation facilities and programs.
  12. Pursue and promote the hiring of a multi-municipal parks and recreation director for the greater Butler area, possibly within the Butler County Parks Department, to support the development, implementation, coordination, and promotion of all recreation programs in the greater Butler area.

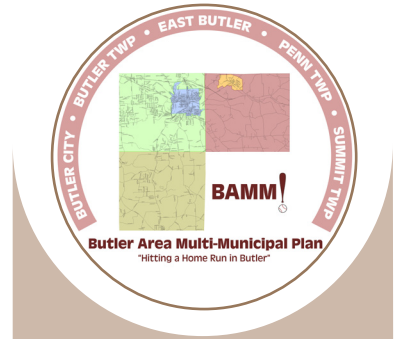
### SECTION VII: IMPLEMENTATION ROLES AND RESPONSIBILITIES

The Participants shall generally have the responsibility for implementation of the Plan as outlined in the recommendations contained in the Plan. In doing so, the Participants are expected to make sincere efforts to do so within their reasonable capabilities, schedules, budgets and resources. The Oversight Committee shall advise the Participants of implementing actions recommended in the Plan and their priority and timing, and generally encourage implementation and regular inter-municipal communication and coordination regarding the implementation of the Plan.

The Oversight Committee shall also advise the Participants of specific opportunities to take advantage of the special tools and benefits provided by the MPC as a result of having adopted a multi-municipal plan and entered into this Intergovernmental Cooperative Agreement, including:

- A. Priority consideration in State funding and permit decisions.
- B. Legal protection from exclusion challenges where zoned uses are reasonably accommodated in the multi-municipal area, without each municipality zoning for all uses.

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- C. Legal strength in designating areas for growth and areas to remain rural.
- D. Opportunities for tax revenue sharing.
- E. Opportunities to transfer development rights from one municipality to another.
- F. Opportunities to create specific plans which prescribe more detailed design for non-residential areas.
- G. Shared review of developments of regional significance and impact (DRI's).

## SECTION VIII: AMENDMENT AND REVIEW OF THE PLAN

The Bamm Plan may be amended by consent of all Participants indicated by adopting action of each of the Participants' governing bodies.

Adoption of amendments shall follow the procedures and requirements of the MPC. Additionally, a proposed amendment shall be submitted to the Oversight Committee at least 30 days prior to the earliest public hearing on a proposed amendment scheduled by one or more of the Participants. The Oversight Committee, at its option, may provide comments on proposed amendments.

The Plan shall be reviewed at least every ten years in accord with procedures and requirements of the MPC. Such review shall consider redefinition of growth areas, future growth areas, and rural resource areas in accord with the MPC. When such review occurs, review and comment shall be solicited from the Oversight Committee.

## SECTION IX: DISPUTE RESOLUTION

Any disputes among the Participants, or between one or more Participants and the Oversight Committee, over the execution of the Agreement, including but not limited to matters such as consistency review and roles and responsibilities in Plan implementation, may be resolved as follows:

- A. The disputing parties shall first discuss and negotiate in good faith in attempt to resolve the dispute amicably and informally.
- B. If the dispute cannot be resolved via the preceding means, the disputing parties shall attempt to resolve the dispute in an amicable manner by mediation utilizing a recognized mediation agent, including Butler County, as prescribed in MPC Section 1104(d), as the parties may agree. Unless otherwise agreed, any costs of mediation shall be shared equally by the disputing parties.
- C. The Participants agree to make best efforts to resolve disputes as they arise.

## SECTION X: EXECUTION, EFFECTIVE DATE, AND TERM

- A. To enter into the Agreement, the governing body of each Participant must adopt an ordinance approving the Agreement.
- B. The Agreement will become effective on the first day of the month immediately following adoption by all Participants of an ordinance approving this agreement.
- C. The Agreement will remain in effect until terminated by action indicating same by the governing bodies of at least a majority of the Participants. Upon termination or dissolution, any acquired assets, after all expenses and liabilities are paid in full, shall be divided among the Participants in the same proportion as the Participants shared the expenses related to the Agreement prior to termination or dissolution.



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- D. A Participant may voluntarily withdraw from participation in the Agreement upon 90 days advance written notice to each of the other Participants. The withdrawal of a Participant shall not terminate the Agreement among the remaining Participants. A Participant that withdraws will be responsible for its share of expenses and obligations incurred during, arising from, or related to, its term of participation in the Agreement.

### SECTION XI: AMENDMENT OF AGREEMENT

This Agreement may be amended by formal approval action of the governing bodies of at least a majority of the Participants, provided the amendment is not inconsistent with the Plan.

### SECTION XII: ENFORCEMENT

This Agreement may be enforced against any Participant by any other Participant in accordance with Section 2315 of the Intergovernmental Cooperation Act, 53 Pa C.S.A.

IN WITNESS WHEREOF, the Participants, intending to be legally bound hereby, have caused this Intergovernmental Cooperative Agreement to be subscribed, as of the date set forth by the duly authorized signature of each Participant.

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THE CITY OF BUTLER

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

BUTLER TOWNSHIP

Date: \_\_\_\_\_

By: \_\_\_\_\_  
President of Board of Commissioners

Attest: \_\_\_\_\_  
Township Secretary

EAST BUTLER BOROUGH

Date: \_\_\_\_\_

By: \_\_\_\_\_  
President of Borough Council

Attest: \_\_\_\_\_  
Borough Secretary

PENN TOWNSHIP

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman of Board of Supervisors

Attest: \_\_\_\_\_  
Township Secretary

SUMMIT TOWNSHIP

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman of Board of Supervisors

Attest: \_\_\_\_\_  
Township Secretary

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## Appendix 8-2 Summary of States' Legislation re: Developments of Regional Impact (DRI)

State DRI Legislation Summary

DRI Thresholds	Reviewing/Decision-making Agency(ies)	Notification/Participation Requirements	Review Criteria	Exemptions
<p><b>FLORIDA</b>                      Title XXVIII, Chapter 380, section 380.06 Developments of Regional Impact; Florida Administrative Code 28-24                      NOTE: this statute is exceedingly complex, more so than any other State program.</p> <p>The Act directs that guidelines establish thresholds that consider:</p> <ul style="list-style-type: none"> <li>Environmental problems</li> <li>Traffic</li> <li>Residents/Employees</li> <li>Size of Site</li> <li>Likely additional development</li> <li>Demand for energy</li> <li>Unique qualities</li> </ul> <p>Guidelines set forth <b>different thresholds for 14 categories of development</b> (e.g., Retail and Service)</p> <p><b>Residential thresholds</b> (# of dwelling units) are established each year <b>based on County population.</b></p> <p>Dev &lt; 100% of threshold ≠ DRI                      Dev &gt; 120% of threshold = DRI                      If &gt; 100% &amp; &lt; 120%, there is a rebuttable presumption = DRI</p>	<p>Application submitted to local govt, w/ copies to the regional &amp; state planning agencies.</p> <p><b>Regional Planning Agency reviews &amp; prepares report for local govt on the regional impact of proposed development on:</b></p> <ul style="list-style-type: none"> <li>State or regional resources</li> <li>Adjacent jurisdictions</li> <li>Ability to find adequate housing</li> </ul> <p><b>Local government makes the decision to approve or deny.</b></p>	<p><b>Local government schedules public hearing.</b></p> <p>Notice is given to <b>state and regional planning agencies, as well as state &amp; regional permitting agencies.</b></p>	<p>If the development is in an "Area of Critical State Concern," the local govt may only approve if it complies with all land development regs.</p> <p>If not in an "Area of Critical State Concern," the local govt shall consider <b>consistency w/:</b></p> <ul style="list-style-type: none"> <li>local comp plan &amp; land use regs</li> <li>Regional Planning Commission report &amp; recommendations</li> <li>State comprehensive plan</li> </ul>	<p>There are <b>more than 20</b> listed exemptions including hospitals, power plants, sports facilities, military facilities, etc.</p>

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<p><b>GEORGIA</b>  <b>Title 50, Chapter 8, Section 50-8-7.1(b)(3); Rules of Georgia Dept of Community Affairs Chapter 110-12-3.</b></p>	<p><b>Reviewing/Decision-making Agency(ies)</b></p>	<p><b>Notification/Participation Requirements</b></p>	<p><b>Review Criteria</b></p>	<p><b>Exemptions</b></p>
<p><b>DRI Thresholds</b></p> <p><b>Thresholds for 19 development types</b> are set forth in a table. These thresholds differ <b>depending on the area</b> where the development is proposed:</p> <ul style="list-style-type: none"> <li>• <b>Metropolitan Region:</b> counties with population of 50,000 +</li> <li>• <b>Non-Metropolitan Region:</b> all other counties</li> </ul> <p>Numerical thresholds are higher in <b>Metropolitan Regions</b> than in Non-Metropolitan Regions.</p>	<p><b>Local govt must submit any</b> development project that meets or exceeds thresholds to the <b>Regional Development Center</b></p> <p>RDC determines whether DRI Review is needed.</p> <p><b>RDC conducts review and prepares a written analysis, and issues either a Positive or Negative Public Finding</b></p> <p><b>Local govt makes the decision</b> to approve or deny. May not act before completion of RDC's DRI Review Process.</p>	<p>Local govt provides initial notification of DRI to RDC and State.</p> <p><b>RDC must notify and may schedule a pre-application review with local govt, applicant, state and other "affected parties."</b> <b>Affected parties</b> defined as:</p> <ul style="list-style-type: none"> <li>• Local govts that may be impacted by a DRI</li> <li>• Local, state or federal agencies that may have a concern</li> <li>• Any RDC that may be concerned</li> </ul> <p><b>RDC may attempt to resolve conflicts or send them to mediation.</b></p>	<p>RDC evaluates the following aspects of the proposed development:</p> <ul style="list-style-type: none"> <li>• <b>Impacts on neighboring jurisdictions</b></li> <li>• Impacts on the <b>natural environment</b></li> <li>• Impacts on the <b>economy</b> (jobs, income, taxes, costs of facilities &amp; services)</li> <li>• Impacts on <b>public transportation, water supply ,sewer, solid waste</b></li> <li>• Impacts on availability of adequate <b>housing</b></li> <li>• <b>Consistency with state or regional development objectives.</b></li> </ul>	<p>None listed.</p>

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<b>MAINE</b> <b>Title 38, Chapter 38, Protection and Improvement of Waters; Section 481 et seq.</b> <b>NOTE: DRI Review limited to environmental impacts.</b>				
<b>DRI Thresholds</b>	<b>Reviewing/Decision-making Agency(ies)</b>	<b>Notification/ Participation Requirements</b>	<b>Review Criteria</b>	<b>Exemptions</b>
Any federal, state, municipal, quasi-municipal, educational, charitable, residential, commercial or industrial development that involves: <ul style="list-style-type: none"> <li>• A land or water area &gt; 20 acres</li> <li>• Mining or certain types of oil or gas exploration</li> <li>• Structures: Buildings, parking lots, roads, paved areas, wharves or areas stripped &amp; graded that cause project to occupy a ground area &gt; 3 acres</li> <li>• Subdivisions of 20 acres or more into 5 or more lots (if SF residential only, then 30 acres or more into 15 or more lots)</li> <li>• Oil terminal facility</li> </ul>	Department of Environmental Protection reviews and approves.  Department may grant municipality authority for: <ul style="list-style-type: none"> <li>• Subdivisions &lt; 100 acres</li> <li>• Structures &lt; 7 acres</li> </ul> If it meets four conditions: <ul style="list-style-type: none"> <li>• A municipal planning board</li> <li>• Adopted site plan review ordinance</li> <li>• Adopted subdivision regulations AND</li> <li>• Comp plan and land use ordinances consistent w/ State environmental requirements.</li> </ul> Department must review if: <ul style="list-style-type: none"> <li>• Local muni requests</li> <li>• Project is located in &gt; one muni</li> <li>• Meets other conditions</li> </ul>	Notification of development by developer to the Department.  Department may approve, disapprove or schedule a hearing (does not specify a public hearing).  For munis with authority:  Must notify the Department Department decides whether or not it will exercise authority	Department evaluates the development under the following criteria: <ul style="list-style-type: none"> <li>• Financial capacity</li> <li>• No adverse effect of the environment (scenic character, air, water, etc.)</li> <li>• Suitable soil types</li> <li>• Adequate stormwater management and erosion and sedimentation control</li> <li>• No discharges to groundwater</li> <li>• Adequate infrastructure (water, sewer, solid waste disposal)</li> <li>• No increase to risk of flooding</li> </ul>	Numerous, such as: <ul style="list-style-type: none"> <li>• Subdivisions that meet certain conservation goals</li> <li>• Development within designated growth areas</li> </ul>

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MASSACHUSETTS (CAPE COD COMMISSION) Cape Cod Commission Act, Chapter 716 of the Acts of 1989;			
DRI Thresholds	Reviewing/Decision-making Agency(ies)	Notification/ Participation Requirements	Review Criteria
<p><b>Mandatory:</b></p> <ul style="list-style-type: none"> <li>• Subdivision of 30 acres or more</li> <li>• Residential development of 30 or more lots or dwelling units</li> <li>• 10 or more business, office or industrial lots</li> <li>• Commercial development or change in use &gt; 10,000 sf</li> <li>• Transportation facilities</li> <li>• Demolition or major changes to historic structures</li> <li>• Bridge, ramp or road construction providing access to water bodies &amp; wetlands</li> <li>• Outdoor commercial space &gt; 40,000 sf</li> <li>• Communication tower &gt;35 ft</li> <li>• Site disturbance &gt;2 acres w/out local permit</li> <li>• Mixed use &gt; 20,000 sf</li> </ul> <p><b>Discretionary:</b></p> <ul style="list-style-type: none"> <li>• By request of local muni</li> </ul>	<p>When a development triggers one of the mandatory thresholds, the local muni must submit the project to the Cape Cod Commission for review.</p> <p>Commission renders decision to approve, approve w/ conditions or disapprove..</p>	<p>Commission holds public hearing. It notifies each owner and all abutters of property</p>	<p>DRI can be approved or approved with conditions if:</p> <ul style="list-style-type: none"> <li>• Probable benefit is &gt; probable detriment</li> <li>• Consistent with regional policy plan and local comp plan</li> <li>• Consistent w/ municipal development by-laws or inconsistency can be justified</li> <li>• Consistent with Commission regulations if in an "Area of Critical Planning Concern."</li> </ul>
			<p>Exemptions</p> <p>Only where applicant can show hardship or that project does not have regional impacts.</p>

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MINNESOTA (TWIN CITIES METROPOLITAN COUNCIL) Minnesota Statutes Chapter 473, Section 473-173 NOTE: Could not locate the Rules that govern the Metropolitan Council.			
DRI Thresholds	Reviewing/Decision-making Agency(ies)	Notification/Participation Requirements	Review Criteria
<p>Metropolitan Council shall establish rules for determining "Metropolitan Significance" based on the following factors:</p> <ul style="list-style-type: none"> <li>• <b>Impact on economic development</b></li> <li>• <b>Relationship to regional policy, goals, standards, programs, etc.</b></li> <li>• <b>Impact on policy plan adopted by the Council</b></li> <li>• <b>Local land use authority</b> under the Municipal Planning Act.</li> </ul>	<p>Metropolitan Council MUST review:</p> <ul style="list-style-type: none"> <li>• <b>proposed development of metropolitan significance.</b></li> <li>• Any proposed development <b>upon request of an affected local govt</b></li> </ul> <p><b>Council renders the decision.</b></p>	<p>Council holds a public hearing.</p>	<p>Unknown.</p>
			<p>Unknown</p>

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NEW HAMPSHIRE New Hampshire Statutes, Chapter 36, Section 36:54			
DRI Thresholds	Reviewing/Decision-making Agency(ies)	Notification/Participation Requirements	Review Criteria
<p>Development reasonably expected to impact a neighboring muni because of factors such as, but not limited to:</p> <ul style="list-style-type: none"> <li>• <b>Relative size or number of dwelling units</b> compared to existing stock</li> <li>• <b>Proximity to borders of neighboring muni</b></li> <li>• <b>Transportation networks</b></li> <li>• <b>Anticipated emissions</b> (light, smoke, noise, odors or particles)</li> <li>• <b>Proximity to aquifers or surface waters</b> which transcend muni boundaries</li> <li>• <b>Shared facilities</b> like schools or waste disposal facilities</li> </ul>	<p><b>Local govt makes DRI determination.</b></p> <p><b>Local govt makes decision.</b></p>	<p>There are nine regional planning commissions in the State.</p> <p><b>Local govt must notify its regional planning commission and all abutting munis of the DRI determination and submit copies of the development plan to the regional planning commission.</b></p> <p>Local govt must notify regional planning commission and all affected munis of their <b>right to testify at the public hearing.</b></p>	<p>Not specified.</p>
			<p>Not specified.</p>

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VERMONT Title 10, Chapter 151 State Land Use and Development Plans (aka Act 250)				
DRI Thresholds	Reviewing/ Decision-making Agency(ies)	Notification/ Participation Requirements	Review Criteria	Exemptions
<ul style="list-style-type: none"> <li>Commercial or industrial development on &gt; 10 acres</li> <li>Commercial or industrial development on &gt; 1 acre, if no zoning or subdivision bylaws</li> <li>Construction of 10 or more housing units</li> <li>Subdivision of land into 10 or more lots</li> <li>Road construction providing access to 5 or more lots (or 2 or more lots if road + 800 feet or more)</li> <li>Any construction above 2,500 feet in elevation</li> <li>Substantial change or expansion of a pre-1970 development</li> <li>Government project of 10 or more acres</li> <li>Communication structure of 20 feet or more in height</li> <li>Exploration, extraction or processing of fissionable source materials</li> <li>Drilling of an oil or gas well.</li> </ul>	<p>The State is divided into <b>Nine District Environmental Commissions</b>.</p> <p>Developers submit plans directly to the District Commission.</p> <p><b>District Commission reviews and renders decision</b> to approve or deny.</p>	<p><b>District Commission holds a public hearing.</b></p> <p><b>Required participants:</b></p> <ul style="list-style-type: none"> <li>Applicant</li> <li>Municipality &amp; it Planning Commission</li> <li>Regional Planning Commission</li> <li>Affected State agencies</li> </ul> <p><b>Discretionary participants:</b></p> <ul style="list-style-type: none"> <li>Adjoining property owners</li> <li>Other persons or groups who qualify under Enviro Board Rules (?)</li> </ul>	<ul style="list-style-type: none"> <li>Will not result in undue water or air pollution</li> <li>Has sufficient water to meet needs</li> <li>Will not burden existing water supply</li> <li>Will not cause unreasonable erosion</li> <li>Will not cause unreasonable traffic</li> <li>Will not burden educational or other govt services</li> <li>Will not damage scenic beauty or historic sites</li> <li>Will not destroy or imperil habitat or endangered species</li> <li>Will not result in undue reduction of prime ag or productive forest soils</li> <li>Will not prevent mining</li> <li>Will use energy efficiently</li> <li>If proposing private utilities, conforms to local capital plans</li> <li>Imposes costs that do not outweigh revenues</li> <li>Will not overly burden public utilities</li> <li>Will not jeopardize or interfere with public investments (highways, etc.)</li> <li>Conforms to local &amp; regional plans</li> </ul>	<p>Farming and forestry, unless above 2,500 feet.</p>