

Streamlining the Land Use Regulatory Process



INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL

#IEDC #IEDCAnnual

No Money – No Problem

HOW LOCAL LAND USE POLICY CAN INCENTIVIZE
AND STREAMLINE ECONOMIC DEVELOPMENT
PROJECTS

Economic Development Toolbox

State and Local Incentives

Workforce Development Programs

Redevelopment

Tax Increment Financing (TIF)

Recruitment Strategies

BRE/BEAR Meetings

Etc.

Economic Development Goals

Job creation and retention

Business expansion

Community Revitalization

Increasing the tax base

Improving quality of life

A Closer Look at Incentives

Incentives are part of the fabric of the economic development profession

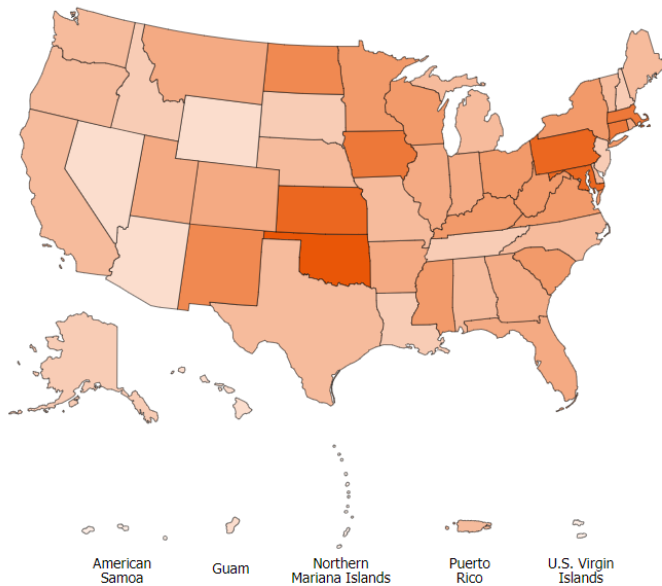
~2,080 incentive programs in the U.S.

Used in all 50 states

While widely used – not every community has same capacity for grants

Increased public and political scrutiny may lead to less utilization

Incentive Programs Currently Offered in Each State, by Number of Programs



*Darker shades represent higher numbers of incentive programs.
Click on a state for more information.*

An
Overlooked
Tool

Land Use Policy / Regulations



Job creation and retention
Business expansion
Community Revitalization
Increasing the tax base
Improving quality of life



About Permitting

- Critical mission for local governments
- Key source of complaints to elected officials
- Sets the tone for citizen-government and business-government relationships
- Better experience increases participation
- Key players
 - Elected officials
 - Town employees
 - Land use board and commission members
 - Business owners
 - Citizens



Regulatory Process Needs to Be...

- Predictable
- Clear
- Reliable
- Consistent
- Effective (Does the right thing)
- Efficient (Does things right)

One of the best business incentives is a streamlined regulatory process.



Barriers to Improving Permitting

“We’ve always done it this way”

No one responsible for entire process

Process not examined from applicant’s perspective

Greatest challenge in permitting: most approvals span multiple functions





Elements of a Poor Process

- Applicant needs to understand your organizational structure to navigate approval process
 - “That’s not us, that’s health (or engineering, or wetlands).”
- Applicant must “shop” the plans to multiple departments
 - Applicant needs multiple sign offs even before application is submitted
- Comments from departments contradict each other
 - Police want you to move a driveway to improve line of site, but there’s a tree there that the tree commission wanted
- Surprises late in the process
 - “Nobody told me I needed....”



Principles of Streamlining the Permitting Process



**#1: Review the zoning regulations
for inconsistencies or
contradictions.**

Work with Decision Makers to Determine Land Use Goals

Density: Do we want to increase or decrease density in certain locations?

Use: Do we want to rezone certain parcels for mixed-use or commercial use?

Rule revisions: Should we revise a rule rather than continuing to grant exceptions through the Zoning Board of Appeals process?

- New uses
- Special permits

Fast-tracking: Do we want to create a process for fast-track permitting?



Do existing regulations support or hinder these goals?



#2: Publish the process.

Consolidated Customer Information Online and in Handouts Saves Headaches Down the Road

Step one: Review the process an applicant takes from start to finish

Step two: Write down the process with all relevant staff

Step three: Translate the process into a readable easy-to-use document that can be picked up and/or downloaded





Both High-Tech and Low-Tech Options Can Help with Coordination and Save Time

The screenshot shows the ViewPoint software interface. At the top, it says "viewpoint" and "HIGH PERFORMANCE PERMIT MANAGEMENT". Below that, the heading is "Tame your permitting workflows". A large number "27397" is displayed with a "+ Add to a project" button. Underneath, it says "Building Permit - Residential Permit". A section for "Building Department Review" indicates "Your approval is required." and has buttons for "Approve", "Reject", "Skip", and "Discuss". A map is shown below. At the bottom, there is a profile for the applicant "Chuck Contractor" with contact information and a "Top Applicant" badge. The location is "84 South Main Street" and the owner is "Main Street Partners LLC".

ViewPoint is a common online permitting system in Connecticut.

The screenshot shows a town website page titled "SCHEDULED INSPECTIONS FOR OCTOBER 10, 2014". The URL is "www.ci.milford.ct.us/building-inspection/pages/scheduled-inspections-for-october-10-2014". There is a note: "Note: As a courtesy, each day's inspections will be posted on this Website approximately 9:30 a.m. If an inspection has been scheduled with the Building Inspection Division, it is the responsibility of the individual who requested the inspection to be aware of what day that inspection is to take place. This same individual should make arrangements so that the work to be inspected is accessible for said inspection, and that the approved plans and an adult be on the site beginning at 9:00 a.m. on the day scheduled. Sometimes emergencies or other unpredictable events arise that may affect the day's schedule or the amount of time required to complete an inspection, so this should be used as a guide only." Below the note is a table with three columns: "Inspector 1 starts APPROX 12:00 P.M.", "Inspector 2 starts APPROX 10:00 a.m.", and "Inspector 3 starts". The table lists several addresses and their corresponding inspector start times.

Inspector 1 starts APPROX 12:00 P.M.	Inspector 2 starts APPROX 10:00 a.m.	Inspector 3 starts
302 Woodruff Road	463 Gulf Street	
1201 Boston Post Road	36 Adams Avenue	
163 Bryant Hill Road	86 Governors Avenue	
22 Robin Lane	63 Marshall Street	
	1128 Naugatuck Avenue	
	53 Hubbell	
	167 Eastern Parkway	
	25 Whitney Avenue	

However, documents updated frequently on the town's website can be just as effective.



DIY Is Popular and Saves Time for You and Your Customers

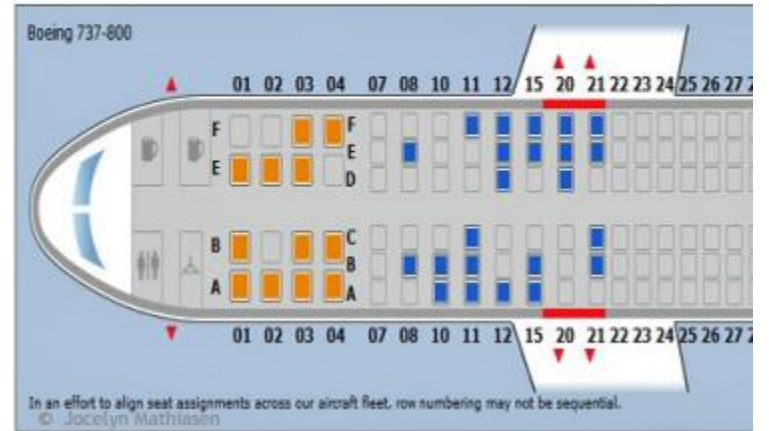


BOOK YOUR APPOINTMENT

Click to request an appointment for a timeframe that works for you

Available United First® Available Economy Plus® Available United Economy® Occupied/Unavailable

Seat changes are not confirmed until you select continue or select another flight.



In an effort to align seat assignments across our aircraft fleet, row numbering may not be sequential.
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During the Review Process Allow Applicants to Check Review Status

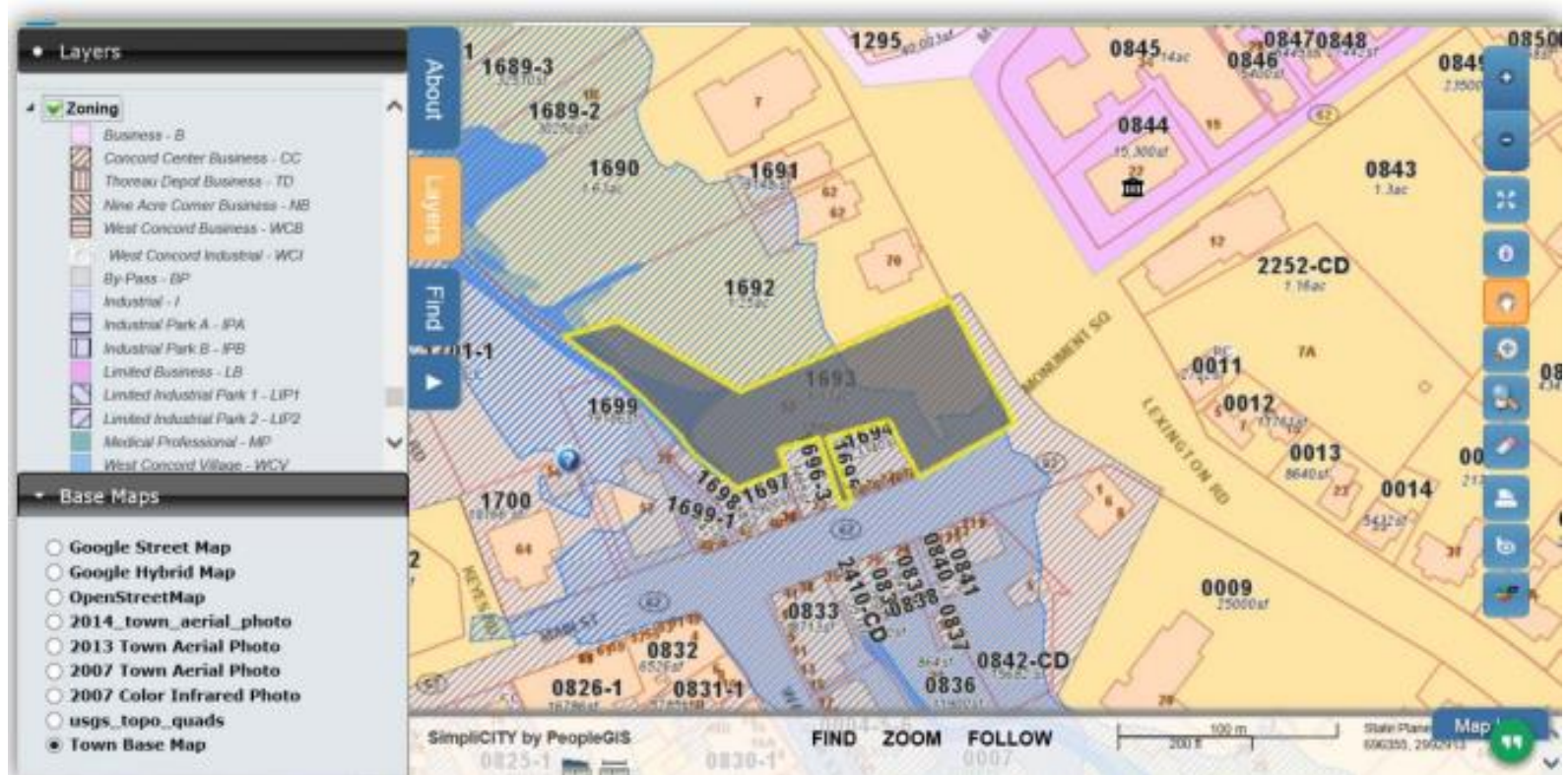
Building Permit Status

Review Notes

Note: If a Sewer Use and Drainage (SUDP) permit is required, the SUDP must be shown to the Building Department in order to have the Wastewater status updated on this page. Review status and submittal requirements for the SUDP (separate permit and submittal) can be found on our development services site.

Review Type	Status	Status Date	Reviewed By	Number
Access Control Review				0
Address Assignment Review				0
Architectural Review	Approved	03/25/2015	Anderson, Vincent	2
DEH Review	Approved	03/25/2015	Nance, Kerwin	2
Denver Water Review				0
Electrical Review	Approved	03/31/2015	Carlson, David	2
Erosion Control Review				0
Excavation Review				0
Fire Review	Approved	03/13/2015	Caro, Antonio	1

Maps Online Allow Customers to Do Their Own Research





FAQ Examples

- Is the proposed use allowed in the zoning district?
- Does the current structure conform to existing zoning requirements?
- What kind of lighting will be allowed?
- Does the project involve a change of use?
- Will the project result in an increase in demand on municipal water and sewer systems?
- Are there any existing restrictions on the land in the land records?
- Is the project in a Historic District?
- Is the project in or near a wetland or within a wetland resource area?
- Is the project in a flood zone?



#3: Review the Board monthly schedule to potentially cut down on meetings that applicants must attend.



Strategically Stagger Meetings to Decrease Time for Applicants to Complete Process

- Tweak meeting schedule based on the order that an applicant needs to take to get through the entire regulatory process
- Meetings must happen regularly and on separate evenings or PREFERABLY on the same evening at staggered times for key developments
- Land use boards and commissions must be willing to attend special meetings as needed

30-60 days is the target timeframe from idea to approval.



#4: Encourage constant communication between the Boards and Commissions.



Encourage Representatives from Land Use Boards and Commissions to Meet Regularly

- Share relevant information about the experience in certain commissions
- Have a liaison from each commission attend meetings of other commissions and then update the rest of the group
- EDC role on the front-end of the land use regulatory process



#5: Require the applicant to meet
with relevant staff first.



Hold the Hand of the Applicant at the Outset of an Application

- First step should be a meeting with a relevant staff member (e.g. town planner) who can walk them through the process in detail and explain do's and don't's for a successful application
- Cut down on frivolous applications that the staff know will not be accepted by P&Z
- Increase an application's chance of success

At Preapplication Meeting, Be Sure to Identify:

- What permits/approvals/licenses will (probably) be required
- Permits from other entities (state, utilities, etc.)
- In what order
- Anticipated costs (water/sewer connection fee)
- Potential issues/pitfalls (need to hire 3rd party engineer, conduct traffic study)
- Potentially required meetings and schedule
- Distribute process document

Summarize individualized meeting findings in writing.

Accept Only Applications That Are Complete and Ready to Review (within Reason)



Make sure that the application is complete before the applicant pays the application review fee. Frequent communication is key.



#6: Develop an Administrative Review Team (ART) process for staff and applicants.

1. Your community should have a development review committee with representatives from each department / division / agency





Steps for a Successful ART Meeting

- One person manages agenda, including invitations
- Comments to project manager in advance of the project
- Reviewers must attend or indicate in writing that they have no comments on submitted documents
- All reviewers participate in a discussion of comments to ensure that the city/town is speaking with one voice
- Project manager consolidates comments into a single response



#7: Ensure that Town staff are properly trained.

Emphasize High-Quality Customer Service in Hiring, Training, and Performance Management

- The goal is that anyone who asks about the town's land use regulatory process always receives a consistent answer
- Have staff in higher level decision-making positions that can interact effectively with applicants with complicated circumstances or complaints
- A good working relationship with staff and commissions is a key factor in developers investing in a town for a second project
 - Often takes precedence over cheaper fees and incentives
 - Town will benefit from the good reputation



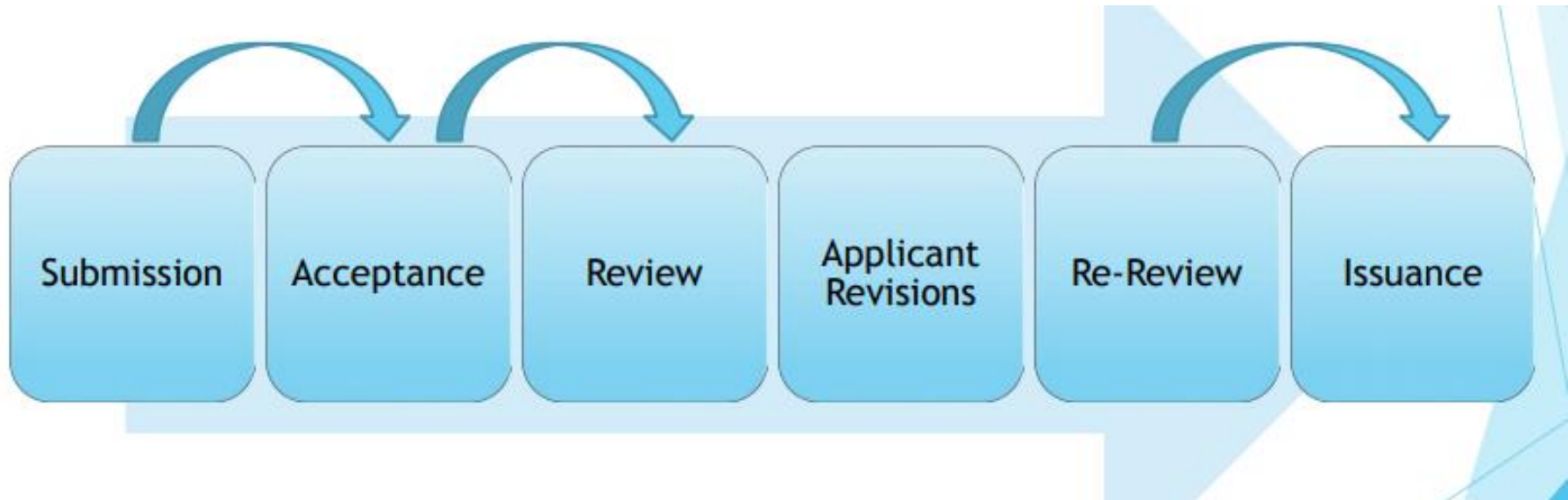
#8: Emphasize ongoing communication among applicants, staff, and Board and Commission members.



The Ongoing Maintenance of These Practices Is Critical

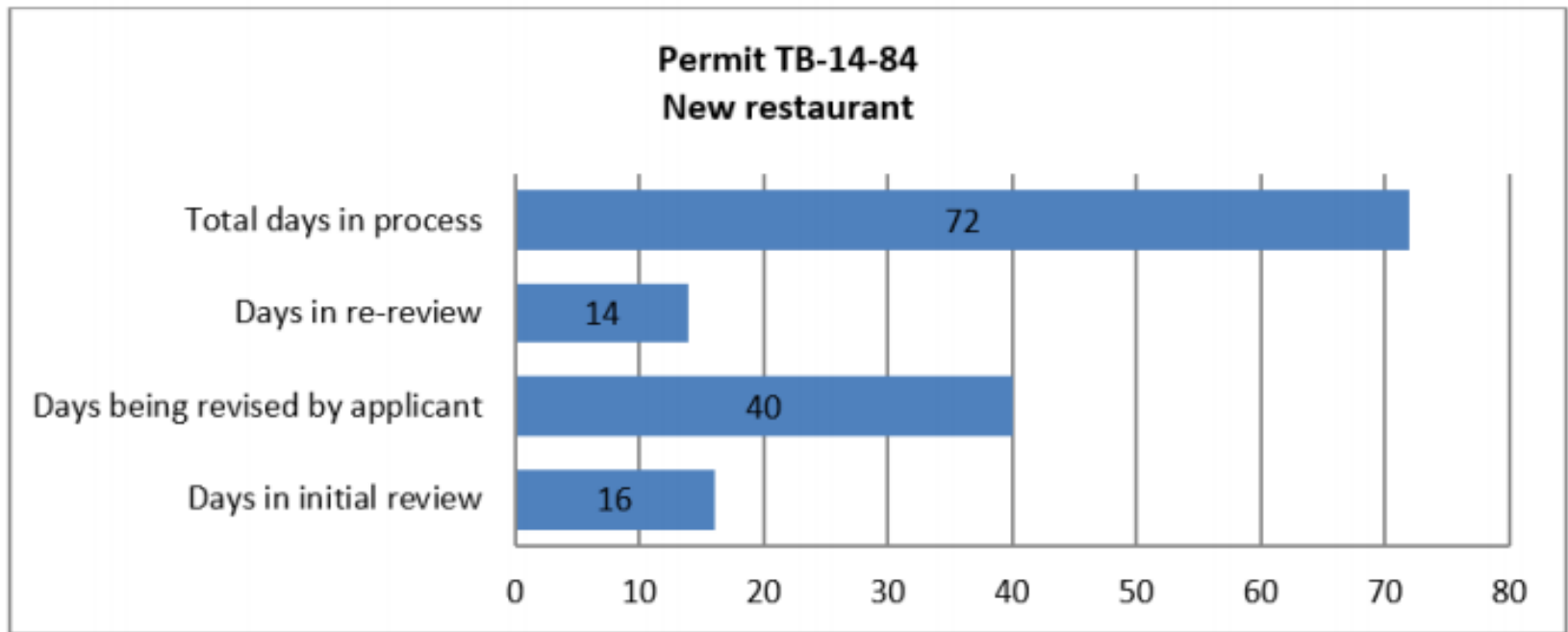
- No applicant ever said “there was too much communication and customer services during this process; therefore, I won’t develop here again”.
- Report on what your jurisdiction controls
 - Creates benchmarks
 - Proof as to why a developer should choose your town

Recognize that Your Jurisdiction Only Controls Certain Parts of the Process





For Application to Issuance Time-Lines, Break Down by Key Elements





#9: Clarify and provide touchpoints along the way for the applicant, reminding them of the process, the requirements, the schedule, the deliverables, and the costs.

Key Aspects

- Preapplication meeting
- Publish online
 - Regulations and maps
 - Checklist
- ART meeting
- Frequent communication





Special Thanks



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Case Study

West Hollywood, California

- Commercial Parking Reduction

Quick-hitter:

State of Utah – Fintech Regulatory
Sandbox

WeHo

- Founded in 1984
- 37,000 people / 1.9 square miles
- Fully built out – land locked
- Heart of Los Angeles proper
- Sunset Strip, Santa Monica Blvd, Melrose Ave, Beverly Blvd
- 3F's: Food, Fitness and Fashion + Hotels
- Highly desirable / major demand

What's the Problem?

PARKING, PARKING, PARKING

Might not be what you're thinking

- 26% of residents don't own a vehicle
- 11% work from home
- 6% take transit; 6% walk or bike
- One of the highest ride share utilization in the country
- Proliferation of GrubHub, Uber Eats, Postmates, etc.
- Smart business prospects and brokers

Outdated parking regulations left nowhere (almost) for businesses to locate or expand

What's the Problem?

Suburban-scale Requirements

- Health/Fitness Facilities: 10 spaces / 1,000 sqft
- Nightclubs/Bars: 15 spaces / 1,000 sqft
- Restaurants: 9 spaces / 1,000 sqft
- Hotels: 1 space / guest room

Actual Utilization

- Health/Fitness Facilities: 3 spaces / 1,000 sqft
- Nightclubs/Bars: 5 spaces / 1,000 sqft
- Restaurants: 3.5 spaces / 1,000 sqft
- Hotels: 0.5 space / guest room

Bad for Business

Turning away new businesses in an economic boom

Limiting expansion of existing businesses

Loss of potential jobs and capital

“Not business friendly” narrative

Not serving the community

Phantom off-site parking leases

The Solution

Data-driven, right-sized approach

Remove barriers to business location
and expansion

Streamline review and permitting
process

Protect residents and neighborhoods

The Result

Immediate economic activity in target industry

- Remove barrier of entry for small, local businesses
- Allow businesses with resources to expand
- New jobs and capital
- Support for existing businesses
- City retained all taxes (i.e. no money back in incentives)
- Minimal public scrutiny
- Benefits multiple businesses

Lessons Learned

Clearly identify your target industries

Use BRE/BEAR to identify barriers to existing businesses

Listen to concerns of prospects

Customize solutions to meet your community

DATA, DATA, DATA

Utah Regulatory Sandbox

Launched by Dept. of Commerce in
July, 2019

Test innovative financial products or
services on a limited basis without
otherwise being licensed under State
law

Any FinTech product or service is
eligible for the Sandbox

Two year duration, with six-month
extension

Utah Regulatory Sandbox

Designed to attract innovative products and services to Utah's financial services sector

Key differentiation from high-regulatory states

Provides an opportunity to bootstrap a business

Focus on the product – not compliance



CASE STUDY

New Milford, CT

Thank you!

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