

SECOND REGULAR SESSION

HOUSE BILL NO. 2369

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROORDA (Sponsor), YAEGER, OXFORD, MEADOWS, DARROUGH, KOMO, QUINN (9), TODD, KUESSNER, BROWN (50), WALSH, HOLSMAN, SCAVUZZO, LAMPE, STORCH, SALVA, NORR, FALLERT, ROBINSON, DOUGHERTY, SKAGGS, GEORGE, CORCORAN, KRATKY, LOWE (44), WALTON, CURLS, FRAME, GRILL, WRIGHT-JONES, LeVOTA, MEINERS, TALBOY, SPRENG, HUGHES, LOW (39), CASEY, PAGE, HARRIS (110), NASHEED, SCHOEMEHL, WILDBERGER, HODGES, AULL, LIESE, BURNETT, BLAND, SHIVELY AND McCLANAHAN (Co-sponsors).

Read 1st time March 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5417L.011

AN ACT

To amend chapter 89, RSMo, by adding thereto four new sections relating to the informed growth act.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 89, RSMo, is amended by adding thereto four new sections, to be known as sections 89.500, 89.501, 89.502, and 89.503, to read as follows:

89.500. 1. Sections 89.500 to 89.503 shall be known and may be cited as the "Informed Growth Act".

2. As used in sections 89.500 to 89.503, the following terms mean:

(1) "Comprehensive economic impact area", the geographic area affected by a proposed large-scale retail development, including the municipality and abutting municipalities;

(2) "Comprehensive economic impact study", a municipal study that estimates the effects of a large-scale retail development on the local economy, downtown, and community;

(3) "Department", the department of economic development;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 (4) "Downtown", the central business district of a community that serves as the
12 center for socioeconomic interaction in the community and is characterized by a cohesive
13 core of commercial and mixed-use buildings, often interspersed with civic, religious, and
14 residential buildings and public spaces, typically arranged along a main street and
15 intersecting side streets, walkable, and served by public infrastructure;

16 (5) "Gross floor area", the aggregate of the areas of each floor of a building or
17 structure, including accessory structures, measured between the exterior faces of the
18 exterior walls or limits of the building or structure at the level of each floor;

19 (6) "Land use permit", a municipal permit or approval required by a municipal
20 land ordinance, site plan ordinance, subdivision ordinance, zoning ordinance, or building
21 permit ordinance;

22 (7) "Large-scale retail development", any retail business establishment having a
23 gross floor area of seventy-five thousand square feet or more in one or more buildings at
24 the same location, and any expansion or renovation of an existing building or buildings
25 that results in a retail business establishment's having a gross floor area of seventy-five
26 thousand square feet or more in one or more buildings except when the expansion of an
27 existing retail business establishment is less than twenty thousand square feet. Other retail
28 business establishments on the same site as the large-scale retail business establishment
29 shall not be included in this definition unless they share a common check stand,
30 management, controlling ownership, or storage areas;

31 (8) "Municipal reviewing authority", the municipal planning board, agency, or
32 office or, if none, the municipal officers;

33 (9) "Retail business establishment", a business engaged in the sale of goods to the
34 ultimate consumer for direct use or consumption;

35 (10) "Undue adverse impact", within the comprehensive economic impact area, the
36 estimated overall negative effects on the factors listed for consideration in section 89.501
37 outweigh the estimated overall positive effects on those factors, and the estimated negative
38 effects of at least two of the factors listed in section 89.501 outweigh the positive effects on
39 those factors.

89.501. 1. As part of its review of a land use permit application for a large-scale
2 retail development, a municipal reviewing authority shall require the preparation of a
3 comprehensive economic impact study. A comprehensive economic impact study shall be
4 prepared by a person, other than the applicant for a large-scale retail development, listed
5 by the department as qualified by education, training, and experience to prepare such a
6 study. The department shall provide the list of qualified preparers to a municipal
7 reviewing authority and land use permit applicant upon request. The selection of the

8 preparer shall be mutually agreed upon by the municipal reviewing authority and the
9 applicant. If no mutual agreement is reached within fifteen days, the municipal reviewing
10 authority shall select a qualified preparer.

11 2. The applicant for the permit shall pay a fee of forty thousand dollars to the
12 department, and the development application shall not be considered complete for
13 processing until the department confirms that the fee has been paid. All fees paid under
14 this subsection shall be deposited into the "Comprehensive Economic Impact Study Fund",
15 which is hereby created in the state treasury. The state treasurer shall be custodian of the
16 fund. In accordance with sections 30.170 and 30.180, RSMo, the state treasurer may
17 approve disbursements. Upon appropriation, money in the fund shall be used solely for
18 the administration of sections 89.500 to 89.503. Notwithstanding the provisions of section
19 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the
20 biennium shall not revert to the credit of the general revenue fund. The state treasurer
21 shall invest moneys in the fund in the same manner as other funds are invested. Any
22 interest and moneys earned on such investments shall be credited to the fund.

23 3. The department shall disburse to the municipality from the fund an amount
24 equal to the municipality's projected costs of the comprehensive economic impact study
25 contract, notice of the public hearing, and related municipal staff support. The
26 municipality's contract for the study shall be defined and priced to ensure that the forty
27 thousand dollar fee will be sufficient to cover both the costs of the study and the costs listed
28 in this subsection. The department may charge against the fee an amount sufficient to
29 cover its costs to record, administer, and disburse the fee, but such fee shall not exceed one
30 thousand dollars. Any unexpended funds from the forty thousand dollar fee shall be
31 returned to the applicant.

32 4. The comprehensive economic impact study shall be completed within four
33 months of the filing of the application and shall be made available to the municipal
34 reviewing authority, the applicant, and the public. The comprehensive economic impact
35 study, using existing studies and data and through the collection and analysis of new data,
36 shall identify and estimate the economic effects of the large-scale retail development on the
37 following:

- 38 (1) Existing retail operations;
39 (2) Supply and demand for retail space;
40 (3) Number and location of existing retail establishments where there is overlap of
41 goods and services offered;
42 (4) Employment, including projected net job creation and loss;
43 (5) Retail wages and benefits;

- 44 (6) Captured share of existing retail sales;
45 (7) Sales revenue retained and reinvested in the comprehensive economic impact
46 area;
47 (8) Municipal revenues generated;
48 (9) Municipal capital, service, and maintenance costs caused by the development's
49 construction and operation, including costs of roads and police, fire, rescue, and sewer
50 services;
51 (10) The amount of public subsidies, including tax increment financing; and
52 (11) Public water utility, sewage disposal, and solid waste disposal capacity.

89.502. 1. The municipal reviewing authority shall provide the public with an
2 adequate opportunity to be heard before the approval of a permit for a large-scale retail
3 development. Notice of the public hearing on the land use permit application shall state
4 that the comprehensive economic impact study will be presented at the hearing and that
5 the municipal reviewing authority will take testimony on the comprehensive impact of the
6 proposed large-scale retail development. The notice shall also include the name of any
7 potential retailer, a map of the development location, and a map of the comprehensive
8 economic impact area. The municipality shall also provide notice by regular mail to
9 municipal officers of abutting municipalities and to all property owners within one
10 thousand feet of the proposed development. If the applicant for a large-scale retail
11 development is not the potential retailer, the applicant shall disclose in its application and
12 at the public hearing the name of the potential retailer, including its commonly used retail
13 name.

14 2. The municipal reviewing authority shall evaluate the impacts of the proposed
15 large-scale retail development based on the comprehensive economic impact study, other
16 materials submitted to the municipal reviewing authority by any person, including the
17 applicant, state agencies, nonprofit organizations, and members of the public, and
18 testimony received during the public hearing to issue a finding of undue adverse impact
19 or no undue adverse impact. The municipal reviewing authority may issue a land use
20 permit for a large-scale retail development only if it determines that there is likely to be no
21 undue adverse impact.

89.503. 1. Nothing in sections 89.500 to 89.503 shall be construed to prohibit a
2 municipality from adopting an order or ordinance to authorize additional studies and
3 criteria regarding the effects of a proposed large-scale retail development.

4 2. The requirements of sections 89.500 to 89.503 are in addition to all other
5 required federal, state, and local land use permit processes that pertain to a proposed
6 large-scale retail development.

7 **3. The provisions of sections 89.500 to 89.503 granting persons, municipalities, the**
8 **state, and other entities the opportunity to provide input on a municipal land use permit**
9 **or approval shall not be construed to authorize persons or entities who would not have an**
10 **interest in or otherwise have standing, absent the provisions of sections 89.500 to 89.503,**
11 **to appeal a municipal action on the permit or approval.**

12 **4. The provisions of sections 89.500 to 89.503 shall not apply to a municipality that**
13 **has adopted economic and community impact review criteria that apply to large-scale**
14 **retail development land use permit applications and that require a study of the**
15 **comprehensive economic and community impacts of the proposed large-scale retail**
16 **development for consideration, among other evidence, in applying the review criteria to**
17 **the application.**

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