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## DEVELOPMENT INCENTIVE POLICY

### SECTION 1: PURPOSE

The City of Richland Center adopts this policy to responsibly manage public resources when offering development incentives. It seeks to promote economic growth while safeguarding taxpayer interests through transparent, accountable, and necessary allocation of public funds.

### SECTION 2: DEFINITIONS

For the purpose of this Development Incentive Policy, the following definitions shall apply:

- **Development Incentive:** A form of financial or other assistance provided by the City to encourage a development project. This may include, but is not limited to, tax increment financing, grants, loans, or fee waivers.
- **Economic Development Goals:** The specific objectives and priorities of the City related to fostering economic growth, job creation, and community revitalization, as outlined in the City of Richland Center's Comprehensive Plan and other relevant documents.
- **Public Benefit:** The positive impact a development project has on the community, which may include, but is not limited to:
  - Job creation
  - Increased tax base
  - Affordable housing
  - Infrastructure improvements
  - Elimination of blight
  - Community revitalization
  - Increased access to services
- **"But For" Test:** A criterion used to determine the necessity of a development incentive, requiring demonstration that the development project would not occur to the same extent or in the same timeframe without the incentive.
- **Undue Enrichment:** A situation where a developer receives a disproportionate benefit from a development incentive, resulting in private gain that significantly outweighs the public benefit derived from the project.
- **Financial Feasibility:** The likelihood that a development project will generate sufficient revenue to cover its costs and provide a reasonable return on investment, as determined by standard financial analysis practices.
- **Public Benefit Metrics:** Quantifiable or qualitative measures used to evaluate the public benefit of a project, such as the number of jobs created, estimated tax revenue generated, or the percentage of affordable housing units provided.
- **Small-Scale Project:** A development project requiring public assistance below a threshold of \$10,000 or as determined by the Economic Development Office.

### SECTION 3: POLICY STATEMENT

The City of Richland Center may offer development incentives to support development projects that align with the City's Economic Development Goals, as detailed in the City of Richland Center's Comprehensive Plan and relevant documents. Such assistance shall only be provided when a clear public benefit is demonstrated, and it is determined that the project would not be financially feasible without public support (as demonstrated by meeting the "but for" test). The City aims to balance the need to stimulate economic growth with the obligation to protect taxpayer interests by ensuring transparency, accountability, and necessity in the allocation of public funds. The

procedures and criteria in this policy shall govern the application, evaluation, and approval of development incentive requests.

#### **SECTION 4: PROCEDURES AND REQUIREMENTS**

1. **Application Requirement.** All requests for development incentives must be submitted with completed application form, as provided by the City of Richland Center's Economic Development Office. Applicants are encouraged to schedule a pre-application consultation with the Economic Development Office to discuss project eligibility and requirements. The application must include detailed project information, financial projections, and a justification for the requested assistance, demonstrating how the project meets the criteria outlined in this policy. Application will be reviewed within 30 days of submission, with applicants notified of any additional information required within 15 days of submission.
2. **Evaluation of Need.** Each request will be evaluated to determine the project's financial feasibility without a development incentive and the minimum level of financial assistance necessary to achieve the desired public benefit. This evaluation will include an analysis of the project's projected costs, revenues, and return on investment, and public benefit metrics (e.g., number of jobs, tax revenue, affordable housing units), compared to industry benchmarks and market conditions.
3. **Independent Financial Review.** Prior to approval, all development incentive requests shall be reviewed by the City's municipal financial advisor to provide an independent assessment of the project's financial assistance need, viability, and incentive structure. The advisor's report and recommendation shall be submitted to the Common Council for consideration as part of the approval/denial process.
4. **Information Disclosure.** Applicants must agree to provide any requested financial records, projections, studies, or other documentation deemed necessary by the City of Richland Center or its financial advisor to conduct a thorough financial analysis. For small-scale projects, the Economic Development Office may accept simplified documentation, as determined on a case-by-case basis. Failure to provide requested information may result in the denial of the application.
5. **"But For" Test and Undue Enrichment.** Development incentives shall only be approved if the following criteria are met:
  - a. The project satisfies the "but for" test, meaning it can be demonstrated that the development would not occur to the same extent or in the same timeframe without a development incentive.
  - b. The development incentive does not result in undue enrichment of the developer, as determined by the financial analysis, ensuring that public funds are not disproportionately benefitting private interests over public good.

#### **SECTION 5: APPROVAL PROCESS**

The Common Council shall have the final authority to approve or deny requests for development incentives based on the application, cooperation with personnel, compliance with this policy, the financial advisor's report and recommendation, and any other factors determined by the Common Council to be in the best interest of the City. Approvals shall be documented with a clear rationale tied to the public benefit and adherence to the aforementioned requirements.

**SECTION 6: WAIVER OF REQUIREMENTS.** The Common Council reserves the right to exercise discretion in waiving any or all the requirements of this policy under exceptional circumstances. Any waiver must be consistent with the applicable state and federal laws and local ordinances. Waivers may only be granted for the following reasons:

1. **Emergency Economic Conditions:** The project is deemed critical to stabilizing or revitalizing the local economy in response to an unforeseen crisis (e.g. natural disaster, sudden economic downturn).

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2. **Unique Public Benefit:** The project offers a significant and immediate public benefit (e.g. job creation, affordable housing, or infrastructure improvement) that outweighs strict adherence to procedural requirements.
  3. **Time Sensitive Opportunity:** Strict compliance would cause the City of Richland Center to lose a time-limited development opportunity with substantial community value.
  4. **Small-Scale Projects:** The request involves a minimal amount of public assistance where the cost of a full financial review outweighs the benefit of the analysis.

Any waiver must be approved by a majority vote of the Common Council and accompanied by a written justification citing one or more of the above reasons.

**SECTION 7: ADMINISTRATION AND OVERSIGHT.** The City of Richland Center’s Economic Development Office shall administer this policy and maintain records of all applications and approvals/denials, and ensure compliance with its terms. The Economic Development Office will develop standard operating procedures for the administration of this policy, including application review, financial analysis, and incentive agreement management.

The City Administrator, or their designee, will be responsible for the ongoing monitoring of project performance and compliance with the terms of any development incentive agreements. This will include the collection and review of regular reports from developers, as specified in the incentive agreements.

Any instance of non-compliance with the terms of a development incentive agreement by a developer shall be reported to the Common Council and may result in the modification or termination of the incentive agreement, as determined by the Council and in accordance with the terms of the agreement and applicable law.

**SECTION 8: PERIODIC REVIEW.** This policy shall be reviewed by the Common Council, or its designated committee, at least once every three years to ensure its continued relevance and effectiveness in achieving the City’s economic development goals.

**SECTION 9: EFFECTIVE DATE.** This policy shall take effect on May 6, 2025 and apply to all development incentive requests submitted on or after that date.

**Appendix A:** Development Incentive Application Form

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**ADOPTED** by the Common Council of the City of Richland Center on this 6<sup>th</sup> day of May by the following votes:  
AYES \_\_\_\_\_, NOS \_\_\_\_\_.

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Todd Coppernoll, Mayor

Attest:

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Amanda Keller, Clerk