

APPLICATION CONCERNING TOWN OF FLAGLER DEVELOPMENT INCENTIVE PROGRAM

Town Ordinance No. 177, as set forth in the Flagler Town Code, Section 9, Chapter 2, states the Town's criteria for the Town's contribution of vacant real property for a business or businesses which the Board of Trustees, in its sole discretion, determines, would be beneficial to the citizens and the Town. The contribution of real property, while the property is available, is to be an incentive for the orderly development of the business if the Board determines that the proposed business and development meets the following factors, stated in Section 9-2-3:

- A. The size and fair market value of the improvements and business facilities that are proposed to be constructed on the donated real property. The Board shall also determine what amount of real property would reasonably be required for the business and facilities that are proposed.
- B. The number of employees that the Applicant proposes to employ at the business site, the proposed educational and / or training requirements of the employees to be employed, whether or not the employees will be those already retained by the Applicant or will be recruited from within the Town of Flagler and surrounding communities, and the projected salaries of the employees. The Applicant will to the best of his or her ability estimate the employees that will be required at the opening of the business as well as the projected number that might be needed in future years providing such supporting documentation as is available.
- C. The impact that the proposed business will have on the Town of Flagler resources and infrastructure. Particularly, the Applicant shall provide information reflecting the amount of water that may be required to operate the business, the projected discharge of waste water, the amount of water material that may be produced from the operation of the business (along with the plans for disposal of such waste material if the material is of a hazardous or toxic nature), whether or not the business would require increased law enforcement by Kit Carson County, whether the business would produce significant amounts of odor, noise, or dust pollution, and other impact upon the Town infrastructure due to the particular nature of the proposed business.

- D. The financial ability of the Applicant to not only build the improvements if granted the incentive, but to connect to the Town infrastructure, including roads, water, waste water, and other requirements as set forth in Title 9, Chapter 1. The Applicant may be required to provide proof of such financial ability as part of the agreement referred to herein.
- E. Whether the proposed business is in conformance with the Town Master or Comprehensive Plan, and if no plan is in existence as of the date of the application, whether the proposed business is of a character that is amendable to the Town of Flagler and the surrounding neighborhood.
- F. Whether or not the proposed business would be in competition with other businesses already established within the Town of Flagler, or would be complementary to business already established within the Town of Flagler. If the proposed business were determined to be in competition with existing business or businesses would the new business still be a substantial benefit to the overall economic health of the Town? Will the proposed business be purchasing materials from other Town businesses or otherwise seeking the services of other Town businesses?
- G. Any other factors found to be peculiar to the proposed business. (As discussed or requested by the Board)

This Application is required by Section 9-2-2 of the Code and Ordinance 177 to allow the Board of Trustees to gather information necessary to address the above factors, as well as other questions that the Board may have, in its determination as to whether or not the proposed business or development would be beneficial to the Town of Flagler, and if so, whether or not the conveyance of real property (and the amount thereof) is appropriate.

The Applicant is requested to submit in writing its assessment of each of the above factors and to provide any written documentation which is relevant to and which supports the Applicant's position.

The Board further requests the following documentation and information:

- 1. The name, address, and phone number of the Applicant, or its agent.
- 2. A narrative description of the proposal incorporating as many of the above stated factors as are available.

3. A site development plan drawing, if available. If not, a sketch of the improvements that are anticipated. A final plat / mylar would be anticipated as part of the final agreement if the Board determines that the business proposal is favorable to the Town. Therefore, it is requested that the site development plan be as detailed as possible at the initial stage of discussions.
4. A statement as to the proposed hours of operation, potential noise or odor impacts, parking accommodation, impacts on adjacent property, and any associated signage or lighting.
5. A statement as to intended utility use criteria, including anticipated water and waste water usage. If available, this statement should include the estimated total number of gallons of water per day required, the estimated total number of gallons per day of sewage to be treated, the estimated traffic to and from the business, and other information deemed to be relevant by the Board in its determination.
6. A statement as to the proposed zoning and a description of the proposed landscaping schemes and structure density. What is the anticipated impact on surrounding properties?
7. A statement as to the description of the proposed development schedule and the phases of development when construction will not be in one phase. (The Town may require soils, geological, and subsidence investigation reports, a drainage plan, and a street plan in the final agreement, depending upon the nature of the proposed business)
8. A statement as to the anticipated time for completion of the development.
9. A statement and documentation stating that the Applicant has the financial ability to construct the improvements, to connect the property to the Town water, waste water, and road systems, all in a reasonable amount of time and all in accordance with Town ordinances and codes, including Town development, subdivision, water, waste water, streets, and other relevant law, including ordinances that may be subsequently adopted in the best interests of the Town. To this end, the Applicant agrees to provide the following:

- a. Any letters of credit, performance bonds, or other documentation reflecting an agreement of Applicant's lender to fully fund the project.
- b. All documentation reflecting the legal status and good standing of the Applicant, if the Applicant is an entity.
- c. The last three years of income tax returns for the entity, or the individuals involved if an entity is not the Applicant.
- d. The profit and loss statements of the Applicant for the past three years, as well as any annual Business Plan and the Balance Sheets of the business for the last three years.

If after considering the application, as well as any information or documentation requested from the Applicant as part of the initial determination process, the Board determines that the proposed business is one which would be beneficial to the Town of Flagler, the Board will authorize preparation of a rough draft of an agreement and schedule one or more public hearings as deemed necessary.