



General Assembly

January Session, 2003

Raised Bill No. 6640

LCO No. 4027

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING SMART GROWTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2003*):

3 (a) (1) At least once every ten years, the commission shall prepare
4 or amend and shall adopt a plan of conservation and development for
5 the municipality. Following adoption, the commission shall regularly
6 review and maintain such plan. The commission may adopt such
7 geographical, functional or other amendments to the plan or parts of
8 the plan, in accordance with the provisions of this section, as it deems
9 necessary. The commission may, at any time, prepare, amend and
10 adopt plans for the redevelopment and improvement of districts or
11 neighborhoods which, in its judgment, contain special problems or
12 opportunities or show a trend toward lower land values.

13 (2) If a plan is not amended decennially, the chief elected official of
14 the municipality shall submit a letter to the Secretary of the Office of
15 Policy and Management and the Commissioners of Transportation,
16 Environmental Protection and Economic and Community

17 Development that explains why such plan was not amended. Until the
18 plan is amended in accordance with this subsection, a copy of such
19 letter shall be included in each application by the municipality for
20 funding for the conservation or development of real property
21 submitted to said secretary or commissioners.

22 (b) In the preparation of such plan, the commission may appoint
23 one or more special committees to develop and make
24 recommendations for the plan. The membership of any special
25 committee may include: Residents of the municipality and
26 representatives of local boards dealing with zoning, inland wetlands,
27 conservation, recreation, education, public works, finance,
28 redevelopment, general government and other municipal functions. In
29 performing its duties under this section, the commission or any special
30 committee may accept information from any source or solicit input
31 from any organization or individual. The commission or any special
32 committee may hold public informational meetings or organize other
33 activities to inform residents about the process of preparing the plan.

34 (c) In preparing such plan, the commission or any special committee
35 shall consider the following: (1) The community development action
36 plan of the municipality, if any, (2) the need for affordable housing, (3)
37 the need for protection of existing and potential public surface and
38 ground drinking water supplies, (4) the use of cluster development
39 and other development patterns to the extent consistent with soil
40 types, terrain and infrastructure capacity within the municipality, (5)
41 the state plan of conservation and development adopted pursuant to
42 chapter 297, (6) the regional plan of development adopted pursuant to
43 section 8-35a, (7) physical, social, economic and governmental
44 conditions and trends, (8) the needs of the municipality including, but
45 not limited to, human resources, education, health, housing, recreation,
46 social services, public utilities, public protection, transportation and
47 circulation and cultural and interpersonal communications, and (9) the
48 objectives of energy-efficient patterns of development, the use of solar
49 and other renewable forms of energy and energy conservation.

50 (d) (1) Such plan of conservation and development shall (A) be a
51 statement of policies, goals and standards for the physical and
52 economic development of the municipality, (B) provide for a system of
53 principal thoroughfares, parkways, bridges, streets and other public
54 ways in the municipality, (C) be designed to promote, with the greatest
55 efficiency and economy, the coordinated development of the
56 municipality and the general welfare and prosperity of its people, [(C)]
57 (D) recommend the most desirable use of land within the municipality
58 for residential, recreational, commercial, industrial, conservation and
59 other purposes, [(D)] (E) recommend the most desirable density of
60 population in the several parts of the municipality, [(E)] (F) note any
61 inconsistencies it may have with the state plan of conservation and
62 development adopted pursuant to chapter 297, [(F)] (G) make
63 provision for the development of housing opportunities, including
64 opportunities for multifamily dwellings, consistent with soil types,
65 terrain and infrastructure capacity, for all residents of the municipality
66 and the planning region in which the municipality is located, as
67 designated by the Secretary of the Office of Policy and Management
68 under section 16a-4a, [(G)] (H) promote housing choice and economic
69 diversity in housing, including housing for both low and moderate
70 income households, and encourage the development of housing which
71 will meet the housing needs identified in the housing plan prepared
72 pursuant to section 8-37t and in the housing component and the other
73 components of the state plan of conservation and development
74 prepared pursuant to chapter 297. Such plan shall provide for
75 compact, transit accessible, pedestrian-oriented mixed use
76 development patterns and land reuse.

77 (2) For any municipality that is contiguous to Long Island Sound,
78 such plan shall be (A) consistent with the municipal coastal program
79 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
80 reasonable consideration for restoration and protection of the
81 ecosystem and habitat of Long Island Sound, and (C) designed to
82 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
83 Long Island Sound.

84 (e) Such plan may show the commission's and any special
85 committee's recommendation for (1) conservation and preservation of
86 traprock and other ridgelines, (2) [a system of principal thoroughfares,
87 parkways, bridges, streets and other public ways, (3)] airports, parks,
88 playgrounds and other public grounds, [(4)] (3) the general location,
89 relocation and improvement of public buildings, [(5)] (4) the general
90 location and extent of public utilities and terminals, whether publicly
91 or privately owned, for water, sewerage, light, power, transit and other
92 purposes, [(6)] (5) the extent and location of public housing projects,
93 [(7)] (6) programs for the implementation of the plan, including (A) a
94 schedule, (B) a budget for public capital projects, (C) a program for
95 enactment and enforcement of zoning and subdivision controls,
96 building and housing codes and safety regulations, (D) plans for
97 implementation of affordable housing, and (E) plans for open space
98 acquisition and greenways protection and development, and [(8)] (7)
99 any other recommendations as will, in the commission's or any special
100 committee's judgment, be beneficial to the municipality. The plan may
101 include any necessary and related maps, explanatory material,
102 photographs, charts or other pertinent data and information relative to
103 the past, present and future trends of the municipality.

104 (f) A plan of conservation and development or any part thereof or
105 amendment thereto prepared by the commission or any special
106 committee shall be reviewed, and may be amended, by the
107 commission prior to scheduling at least one public hearing on
108 adoption. At least sixty-five days prior to the public hearing on
109 adoption, the commission shall submit a copy of such plan or part
110 thereof or amendment thereto for review and comment to the
111 legislative body. Such body may hold one or more hearings on the
112 proposed plan and shall submit any comments to the commission
113 prior to the public hearing on adoption. [The failure of such body to
114 report prior to or at the public hearing shall be taken as approval of the
115 plan.] At least sixty-five days prior to the public hearing on adoption,
116 the commission shall submit a copy of such plan to the regional
117 planning agency for review and comment. The regional planning

118 agency shall report its comments to the commission at or before the
119 hearing. [The failure of the regional planning agency to report at or
120 before the hearing shall be taken as approval of the plan.] The report of
121 the regional planning agency shall be advisory and shall include a
122 finding on the consistency of the plan with the regional plan of
123 development adopted under section 8-35a, as amended by this act, and
124 the state plan of conservation and development prepared pursuant to
125 chapter 297. Prior to the public hearing on adoption, the commission
126 shall file in the office of the town clerk a copy of such plan or part
127 thereof or amendment thereto but, in the case of a district commission,
128 such commission shall file such information in the offices of both the
129 district clerk and the town clerk. The commission shall cause to be
130 published in a newspaper having a general circulation in the
131 municipality, at least twice at intervals of not less than two days, the
132 first not more than fifteen days, nor less than ten days, and the last not
133 less than two days prior to the date of each such hearing, notice of the
134 time and place of any such public hearing. Such notice shall make
135 reference to the filing of such plan in the office of the town clerk, or
136 both the district clerk and the town clerk, as the case may be.

137 (g) The commission may adopt the plan or any part thereof or
138 amendment thereto by a single resolution or may, by successive
139 resolutions, adopt parts of the plan and amendments thereto. Any
140 plan, section of a plan or recommendation in the plan, not endorsed by
141 the legislative body of the municipality may be adopted by the
142 commission by a vote of not less than two-thirds of all the members of
143 the commission. Upon adoption by the commission, any plan or part
144 thereof or amendment thereto shall become effective at a time
145 established by the commission, provided notice thereof shall be
146 published in a newspaper having a general circulation in the
147 municipality prior to such effective date. Any plan or part thereof or
148 amendment thereto shall be filed in the office of the town clerk, except
149 that, if it is a district plan or amendment, it shall be filed in the offices
150 of both the district and town clerk.

151 (h) Following adoption of a new plan by the commission, the
152 legislative body of any municipality may hold one or more hearings on
153 the proposed plan and, by resolution, may endorse the plan for the
154 municipality.

155 Sec. 2. Section 8-35a of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective July 1, 2003*):

157 (a) Each regional planning agency shall make a plan of development
158 for its area of operation, showing its recommendations for the general
159 use of the area including land use, housing, principal highways and
160 freeways, bridges, airports, parks, playgrounds, recreational areas,
161 schools, public institutions, public utilities and such other matters as,
162 in the opinion of the agency, will be beneficial to the area. Any
163 regional plan so developed shall be based on studies of physical,
164 social, economic and governmental conditions and trends and shall be
165 designed to promote with the greatest efficiency and economy the
166 coordinated development of its area of operation and the general
167 welfare and prosperity of its people. Such plan may encourage energy-
168 efficient patterns of development, the use of solar and other renewable
169 forms of energy, and energy conservation. The regional plan shall
170 provide for compact, transit accessible, pedestrian-oriented mixed use
171 development patterns and land reuse. Such plan shall be designed to
172 promote abatement of the pollution of the waters and air of the region.
173 The plan of each region contiguous to Long Island Sound shall be
174 designed to reduce hypoxia, pathogens, toxic contaminants and
175 floatable debris in Long Island Sound.

176 (b) Before adopting the regional plan of development or any part
177 thereof or amendment thereto the agency shall hold at least one public
178 hearing thereon, notice of the time, place and subject of which shall be
179 given in writing to the chief executive officer and planning
180 commission, where one exists, of each member town, city or borough,
181 and to the Secretary of the Office of Policy and Management, or his
182 designee. Notice of the time, place and subject of such hearing shall be

183 published once in a newspaper having a substantial circulation in the
184 region. Such notices shall be given not more than twenty days nor less
185 than ten days before such hearing. A proposed plan shall be submitted
186 to the Secretary of the Office of Policy and Management for review and
187 comment. The report of the secretary shall be advisory and shall
188 include a finding on the consistency of the regional plan of
189 development with the state plan of conservation and development
190 adopted under chapter 297. Adoption of the plan or part thereof or
191 amendment thereto shall be made by the affirmative vote of not less
192 than a majority of the representatives on the agency. A copy of the
193 plan or of any amendments thereto, signed by the chairman of the
194 agency, shall be transmitted to the chief executive officers, the town,
195 city or borough clerks, as the case may be, and to planning
196 commissions, if any, in member towns, cities or boroughs, and to the
197 Secretary of the Office of Policy and Management, or his designee.

198 (c) The regional planning agency shall assist municipalities within
199 its region and state agencies and may assist other public and private
200 agencies in developing and carrying out any regional plan or plans of
201 such regional planning agency. The regional planning agency may
202 provide administrative, management, technical or planning assistance
203 to municipalities within its region and other public agencies under
204 such terms as it may determine, provided, prior to entering into an
205 agreement for assistance to any municipality or other public agency,
206 the regional planning agency shall have adopted a policy governing
207 such assistance. The regional planning agency may be compensated by
208 the municipality or other public agency with which an agreement for
209 assistance has been made for all or part of the cost of such assistance.

210 Sec. 3. Section 16a-27 of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective July 1, 2003*):

212 (a) The secretary, after consultation with all appropriate state,
213 regional and local agencies and other appropriate persons shall prior
214 to March 1, 2003, complete a revision of the existing plan and enlarge it

215 to include, but not be limited to, policies relating to transportation,
216 energy and air. Any revision made after May 15, 1991, shall identify
217 the major transportation proposals, including proposals for mass
218 transit, contained in the master transportation plan prepared pursuant
219 to section 13b-15. Any revision made after July 1, 1995, shall take into
220 consideration the conservation and development of greenways that
221 have been designated by municipalities and shall recommend that
222 state agencies coordinate their efforts to support the development of a
223 state-wide greenways system. The Commissioner of Environmental
224 Protection shall identify state-owned land for inclusion in the plan as
225 potential components of a state greenways system. Any plan adopted
226 after the effective date of this section shall provide for compact, transit
227 accessible, pedestrian-oriented mixed use development patterns and
228 land reuse and shall identify priority funding areas designated under
229 section 20 of this act.

230 (b) Thereafter on or before March first in each revision year the
231 secretary shall complete a revision of the plan of conservation and
232 development.

233 Sec. 4. Section 22a-12 of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective July 1, 2003*):

235 (a) The council shall submit annually to the Governor an
236 environmental quality report, which shall set forth: (1) The status of
237 the major environmental categories including, but not limited to, the
238 air, the water and the land environment; (2) current and foreseeable
239 trends in the quality, management and utilization of the air, the water
240 and the land environment and the effects of such trends on the social,
241 fiscal, economic and health requirements of the state; (3) the adequacy
242 of available natural resources for fulfilling human and economic
243 requirements of the state in the light of projected population pressures;
244 (4) a review of the programs and activities of the state and local
245 governments and private organizations, with particular reference to
246 their effect on the environment and on the conservation, development

247 and utilization of natural resources; (5) a program for remedying the
248 deficiencies of existing programs and activities, together with
249 recommendations for legislation, including new policies and principles
250 that provide for compact, transit accessible, pedestrian-oriented mixed
251 use development patterns and land reuse; and (6) the progress towards
252 achievement of the goals and objectives established in the state plan of
253 conservation and development, master transportation plan and the
254 state-wide environmental plan.

255 (b) The council shall have the authority to require submission by all
256 state agencies, at all stages of development, of construction plans for
257 review and comment by the council which shall include, but not be
258 limited to, all plans of the Department of Transportation which
259 anticipate the paving or building upon land not previously paved or
260 built upon, and location or expansion of noise-producing facilities such
261 as airports; and all plans of the Department of Public Works which
262 anticipate the paving or building upon land not previously paved or
263 built upon, the construction of structures occupying a substantially
264 greater air space than predecessor structures in the same location, and
265 the location or expansion of noise or pollution-producing facilities
266 such as heating plants, but which shall not include the conversion by
267 The University of Connecticut of a commercial or office structure to an
268 educational structure; provided the function of the council with
269 respect to such plans shall be advisory and consultative only. Review
270 by the council shall include an analysis of the plan to determine if it
271 provides for compact, transit accessible, pedestrian-oriented mixed use
272 development patterns and land reuse.

273 Sec. 5. (NEW) (*Effective July 1, 2003*) As used in sections 6 to 19,
274 inclusive, of this act:

275 (1) "Corridor management area" means the area within five miles of
276 either side of a highway in the federal interstate system or federal
277 primary system, a limited access highway or a rail line;

278 (2) "Corridor management municipality" means any municipality in

279 which a corridor management area is located;

280 (3) "Federal interstate system" means that portion of the National
281 System of Interstate and Defense Highways located within this state,
282 as officially designated, or as may hereafter be so designated, by the
283 Commissioner of Transportation and approved by the Secretary of
284 Commerce, pursuant to the provisions of Title 23, United States Code;

285 (4) "Federal primary system" means that portion of connected main
286 highways, as officially designated, or as may hereafter be so
287 designated, by the commissioner and approved by the Secretary of
288 Commerce, pursuant to the provisions of Title 23, United States Code;

289 (5) "Limited access highway" means a state highway so designated
290 under the provisions of section 13b-27 of the general statutes; and

291 (6) "Secretary" means the Secretary of the Office of Policy and
292 Management.

293 Sec. 6. (NEW) (*Effective July 1, 2003*) (a) Any municipality in which a
294 corridor management area is located may adopt a municipal corridor
295 program for the area within the corridor management boundary
296 established pursuant to this section to promote the integration of land
297 use, transportation and infrastructure planning and development.

298 (b) The Secretary of the Office of Policy and Management shall
299 delineate the boundaries of all corridor management areas in the state.
300 Such boundaries shall be shown on maps or photographs prepared by
301 the secretary. Copies of such maps or photographs shall be filed with
302 the secretary and with the clerk of each municipality. Such maps shall
303 be promulgated not later than July 1, 2004. After designating a corridor
304 management area, the secretary shall hold a public hearing, in
305 accordance with the provisions of chapter 54 of the general statutes,
306 within the applicable municipality. The secretary may use interim
307 maps prepared on United States Geological Survey Topographic base
308 at a scale of one to twenty-four thousand or their metric equivalent.

309 The secretary may use city or town property tax maps or aerial
310 photographs, state photographs, or similar maps of property
311 delineation as they are available.

312 (c) All property lying within the corridor management area
313 boundary shall be subject to the regulatory, development and planning
314 requirements of sections 6 to 19, inclusive, of this act.

315 Sec. 7. (NEW) (*Effective July 1, 2003*) (a) The secretary shall, on a
316 continuing basis, assist corridor management municipalities in
317 carrying out their responsibilities under sections 6 to 19, inclusive, of
318 this act.

319 (b) The secretary shall respond to questions regarding the
320 requirements of sections 6 to 19, inclusive, of this act, shall respond to
321 requests by corridor management municipalities for background
322 technical information and shall meet reasonable requests by such
323 municipalities for technical staff assistance in developing and
324 implementing municipal corridor management programs and corridor
325 management site plan reviews.

326 (c) The secretary shall consult regularly with officials of corridor
327 management municipalities regarding implementation of sections 6 to
328 19, inclusive, of this act and shall periodically hold workshops with
329 municipal officials responsible for making decisions under said
330 sections 6 to 19, inclusive.

331 (d) The secretary shall prepare a model municipal corridor
332 management program which shall include, but not be limited to: (1)
333 Model municipal corridor management plans and regulations; (2)
334 suggested planning methodologies useful in revising municipal
335 corridor management plans; (3) suggested regulatory methods useful
336 in revising municipal corridor management regulations to conform to
337 and effectuate the purposes of municipal corridor management plans;
338 and (4) suggested criteria and procedures for municipal corridor
339 management site plan reviews. Such model plan, regulations and

340 methodologies shall be designed to (A) promote land use and
341 transportation options to reduce the growth of traffic congestion; (B)
342 connect infrastructure and other development decisions; (C) promote
343 balanced economic development to reduce infrastructure costs; (D)
344 increase intergovernmental cooperation; (E) promote partnerships and
345 coalitions between government and private enterprise, and (F)
346 minimize the cost of new infrastructure facilities and maximize the use
347 of existing infrastructure facilities.

348 (e) Written technical information provided by the secretary to
349 corridor management municipalities shall be in clear and readily
350 understandable language.

351 Sec. 8. (NEW) (*Effective July 1, 2003*) (a) The secretary shall provide,
352 within available appropriations, technical, coordinating and research
353 services to promote the effective administration of sections 6 to 19,
354 inclusive, of this act at state and local levels.

355 (b) The secretary shall have the overall responsibility for general
356 supervision of the implementation of sections 6 to 19, inclusive, of this
357 act and shall monitor and evaluate the activities of federal and state
358 agencies and the activities of municipalities to assure continuing,
359 effective, coordinated and consistent administration of the
360 requirements and purposes of said sections 6 to 19, inclusive.

361 (c) The secretary shall prepare and submit to the General Assembly
362 and the Governor, on or before December first of each year, a written
363 report summarizing the activities of the Office of Policy and
364 Management concerning the development and implementation of
365 sections 6 to 19, inclusive, of this act during the previous year. Such
366 report shall include, but not be limited to: (1) The office's
367 accomplishments and actions to effectuate the provisions of said
368 sections 6 to 19, inclusive; (2) recommendations for any statutory or
369 regulatory amendments necessary to achieve such purposes; (3) a
370 summary of municipal and federal programs and actions which affect
371 the corridor management; (4) recommendations for any programs or

372 plans to achieve such purposes; and (5) any aspects of the program or
373 sections 6 to 19, inclusive, of this act which are proving difficult to
374 accomplish, suggested reasons for such difficulties and proposed
375 solutions to such difficulties. The report shall be submitted to the joint
376 standing committees of the General Assembly having cognizance of
377 matters relating to planning and development, transportation and the
378 environment.

379 Sec. 9. (NEW) (*Effective July 1, 2003*) (a) The Secretary of the Office of
380 Policy and Management shall coordinate the activities of all state
381 programs and agencies in corridor management areas established
382 under sections 6 to 19, inclusive, of this act to assure that such
383 programs promote the goal of integration of land use, transportation
384 and infrastructure facilities. The coordination shall include, where
385 feasible, the use of common or combined application forms, the
386 holding of joint hearings on permit applications and the coordination
387 of the timing or sequencing of permit decisions.

388 (b) Any person seeking a grant, loan, license, permit or other
389 approval of an activity under the requirements of such programs shall
390 to the awarding authority demonstrate that such activity is consistent
391 with subsection (a) of this section and that such activity incorporates
392 all reasonable measures mitigating any adverse impacts of such actions
393 on the corridor management area and future development activities in
394 the municipality and state. The head of any state agency approving a
395 grant, loan, license, permit or other approval shall provide notice and
396 opportunity to the secretary to comment on the application prior to
397 final approval.

398 Sec. 10. (NEW) (*Effective July 1, 2003*) A corridor management
399 municipality may submit written testimony to the head of any state
400 corridor management agency and may appear by right as a party to
401 any hearing before the head of any state agency concerning any permit
402 or license to be issued by the agency for an activity occurring within
403 the corridor management area of the municipality or occurring within

404 the boundary of any adjacent municipality and within five hundred
405 feet of the boundary of such municipality and may appeal any decision
406 of the agency concerning such permit or license.

407 Sec. 11. (NEW) (*Effective July 1, 2003*) (a) All major state plans which
408 affect the corridor management area and existing state plans which
409 affect the corridor management area shall, on or before July 1, 2005, be
410 revised, if necessary, to insure consistency with sections 6 to 19,
411 inclusive, of this act. Agencies responsible for revising state plans shall
412 consult with the secretary in making such revisions.

413 (b) Each state department, institution or agency responsible for the
414 primary recommendation or initiation of actions or decisions within
415 the corridor management boundary shall insure that such actions are
416 consistent with the provisions of sections 6 to 19, inclusive, of this act
417 and incorporate all reasonable measures mitigating any adverse
418 impacts of such actions on corridor management and future
419 development activities. The secretary shall consider the consistency of
420 such proposed actions with said sections 6 to 19, inclusive, in
421 determining whether or not an environmental impact evaluation
422 prepared pursuant to section 22a-1b of the general statutes satisfies the
423 requirements of sections 22a-1a to 22a-1h, inclusive, of the general
424 statutes and regulations adopted pursuant thereto. The secretary shall
425 amend such regulations, if necessary, to ensure consistency with the
426 goal.

427 Sec. 12. (NEW) (*Effective July 1, 2003*) (a) A municipal corridor
428 management program shall include, but is not limited to: (1) Revisions
429 to the municipal plan of conservation and development under section
430 8-23 of the general statutes, as amended by this act, or under any
431 special act, insofar as it affects the area within the corridor
432 management boundary, such revisions to include an identification and
433 written description of the municipality's major corridor management
434 issues and problems, both immediate and long-term, and to include a
435 description of the municipal boards, commissions and officials

436 responsible for implementing and enforcing the program, a description
437 of enforcement procedures and a description of continuing methods of
438 involving the public in the implementation of the municipal corridor
439 management program; (2) revisions to the municipal zoning
440 regulations under section 8-2 of the general statutes or under special
441 act and revisions to the relevant regulations and ordinances, as
442 determined by the municipality, if the municipality has adopted such
443 regulations or ordinances, and insofar as such regulations or
444 ordinances affect the area within the corridor management boundary.

445 (b) A municipal corridor management program may include
446 revisions to relevant municipal plans or programs, as determined by
447 the municipality, provided such revisions are consistent with the
448 municipal plan of conservation and development revised in
449 accordance with subsection (b) of this section.

450 (c) Revisions to the municipal plan of development in accordance
451 with subsection (a) of this section may include a description of any
452 development projects, acquisition plans, open space tax abatement
453 programs, and other projects and nonregulatory measures which the
454 municipality intends to undertake in order to promote wise
455 management of corridor management areas.

456 Sec. 13. (NEW) (*Effective July 1, 2003*) (a) In adopting any proposed
457 municipal plan of conservation and development, zoning regulations
458 or changes thereto or other municipal corridor management
459 regulations the following criteria shall also be considered: (1) The
460 character and distribution of the natural resources within the corridor
461 management boundary, the capacity of and limitations on such
462 resources to support development, and the types and methods of
463 development compatible with the wise use, protection and
464 enhancement of such resources; (2) the nature and pattern of existing
465 development; and (3) the need and availability for public services.

466 (b) The municipal planning commission may revise its municipal
467 plan of conservation and development by making such changes as:

468 Modifications of land use categories, changes in the density and
469 intensity of land use, alteration in plan policies, modifications in
470 growth strategies, changes in acquisition priorities, and alterations in
471 public infrastructure, highway and other capital improvement projects.

472 Sec. 14. (NEW) (*Effective July 1, 2003*) In revising zoning regulations
473 and other municipal corridor management regulations and ordinances
474 the municipal agency with jurisdiction over such regulations or
475 ordinances shall consider the criteria in section 8-2 of the general
476 statutes and the other sections of the general statutes or any special act
477 authorizing such regulations. Such regulations shall conform to and
478 effectuate the policies and strategies of municipal corridor
479 management areas in municipal plans of conservation and
480 development revised under section 12 of this act.

481 Sec. 15. (NEW) (*Effective October 1, 2003*) If a municipality has
482 adopted a municipal corridor management program in accordance
483 with sections 6 to 19, inclusive, of this act, such program shall be
484 implemented by those municipal bodies exercising legal authority for
485 the regulatory decisions listed in subsection (b) of section 16 of this act.

486 Sec. 16. (NEW) (*Effective July 1, 2003*) (a) Corridor management
487 municipalities shall undertake corridor management site plan reviews
488 in accordance with the requirements of sections 6 to 19, inclusive, of
489 this act.

490 (b) The following site plans, plans and applications for activities or
491 projects to be located fully or partially within the corridor
492 management boundary shall be defined as "corridor management site
493 plans" and shall be subject to the requirements of this chapter: (1) Site
494 plans submitted to a zoning commission in accordance with section 17
495 of this act; (2) plans submitted to a planning commission for
496 subdivision or resubdivision in accordance with section 8-25 of the
497 general statutes or with any special act; (3) applications for a special
498 exception or special permit submitted to a planning commission,
499 zoning commission or zoning board of appeals in accordance with

500 section 8-2 of the general statutes or with any special act; (4)
501 applications for a variance submitted to a zoning board of appeals in
502 accordance with subdivision (3) of section 8-6 of the general statutes or
503 with any special act; and (5) a referral of a proposed municipal project
504 to a planning commission in accordance with section 8-24 of the
505 general statutes or with any special act.

506 (c) In addition to the requirements specified by municipal
507 regulation, a corridor management site plan shall include a plan
508 showing (1) the location and condition of natural resources on and
509 contiguous to the site; (2) a description of the entire project with
510 appropriate plans, indicating project location, design, timing and
511 methods of construction; (3) an assessment of the capability of the
512 resources to accommodate the proposed use; (4) an assessment of the
513 suitability of the project for the proposed site; (5) an evaluation of the
514 potential beneficial and adverse impacts of the project; and (6) a
515 description of proposed methods to mitigate adverse effects on
516 corridor management resources.

517 (d) Municipalities, acting through the agencies responsible for the
518 review of the corridor management site plans defined in subsection (b)
519 of this section, may require a filing fee to defray the reasonable cost of
520 reviewing and acting upon an application.

521 (e) The board or commission reviewing the corridor management
522 site plan shall, in addition to the discretion granted in any other
523 sections of the general statutes or in any special act, approve, modify,
524 condition or deny the activity proposed in a corridor management site
525 plan on the basis of the criteria listed in subsection (b) of section 17 of
526 this act to ensure that the potential adverse impacts of the proposed
527 activity on both corridor management area and future development
528 activities are acceptable.

529 (f) Notwithstanding the provisions of any other section of the
530 general statutes, the review of any corridor management site plan
531 pursuant to sections 6 to 19, inclusive, of this act shall not be deemed

532 complete and valid unless the board or commission having jurisdiction
533 over such plan has rendered a final decision thereon. If such board or
534 commission fails to render a decision within the time period provided
535 by the general statutes or any special act for such a decision, the
536 corridor management site plan shall be deemed rejected.

537 Sec. 17. (NEW) (*Effective July 1, 2003*) (a) In addition to determining
538 that the activity proposed in a corridor management site plan satisfies
539 other lawful criteria and conditions, a municipal board or commission
540 reviewing a corridor management site plan shall determine whether or
541 not (1) the potential adverse impacts of the proposed activity on both
542 resources and future development activities in the corridor
543 management area are acceptable, and (2) the proposal provides for
544 compact, transit accessible pedestrian-oriented mixed use
545 development patterns and land reuse.

546 (b) In determining the acceptability of potential adverse impacts of
547 the proposed activity described in the corridor management site plan
548 on both resources and future development opportunities, a municipal
549 board or commission shall: (1) Consider the characteristics of the site,
550 including the location and condition of any natural resources; (2)
551 consider the potential effects, both beneficial and adverse, of the
552 proposed activity on resources and future development opportunities;
553 and (3) be consistent with the goal of integration of land use
554 transportation and infrastructure facilities and shall identify conflicts
555 between the proposed activity and such goal. In determining the
556 acceptability of potential impact on smart growth, the board or
557 commission shall consider if the plan provides for compact, transit
558 accessible, pedestrian-oriented mixed use development patterns and
559 land reuse.

560 (c) Any person submitting a corridor management site plan shall
561 demonstrate that the adverse impacts of the proposed activity are
562 acceptable and shall demonstrate that such activity integrates land use,
563 transportation and infrastructure facilities.

564 (d) A municipal board or commission approving, modifying,
565 conditioning or denying a corridor management site plan on the basis
566 of the criteria listed in subsection (b) of this section shall state in
567 writing the findings and reasons for its action.

568 (e) In approving any activity proposed in a corridor management
569 site plan, the municipal board or commission shall make a written
570 finding that the proposed activity with any conditions or modifications
571 imposed by the board: (1) Is consistent with the goal of integration of
572 land use transportation and infrastructure facilities; (2) incorporates as
573 conditions or modifications all reasonable measures which would
574 mitigate the adverse impacts of the proposed activity on both
575 resources and future development activities in the corridor
576 management area.

577 Sec. 18. (NEW) (*Effective July 1, 2003*) (a) A corridor management site
578 plan shall be filed with the municipal zoning commission to aid in
579 determining the conformity of a proposed building, use or structure,
580 fully or partially within the corridor management boundary, with the
581 specific provisions of the zoning regulations of the municipality and
582 the provisions of sections 6 to 19, inclusive, of this act. A corridor
583 management site plan required under this section may be modified or
584 denied if it fails to comply with the requirements already set forth in
585 the zoning regulations of the municipality and, in addition, the
586 corridor management site plan may be modified, conditioned or
587 denied in accordance with the procedures and criteria listed in said
588 sections 6 to 19, inclusive. Review of a corridor management site plan
589 under the requirements of this section shall supersede any review
590 required by the municipality under subsection (g) of section 8-3 of the
591 general statutes and shall be in addition to any applicable zoning
592 regulations of any special district exercising zoning authority under
593 any special act.

594 (b) The zoning commission may by regulation exempt any uses
595 from the corridor management site plan review requirements of

596 sections 6 to 19, inclusive, of this act.

597 (c) The zoning commission may, at its discretion, hold a hearing on
598 a corridor management site plan required by this section.

599 (d) The zoning commission shall set forth the reasons for any
600 decision to deny, modify or condition a corridor management site plan
601 submitted under this section. A copy of any decision shall be sent by
602 certified mail to the person who submitted such plan within fifteen
603 days after such decision is rendered. The commission shall publish
604 notice of the approval or denial of a corridor management site plan, in
605 a newspaper having a general circulation in the municipality, not more
606 than fifteen days after such decision is rendered.

607 (e) The corridor management site plan review required under this
608 section shall be subject to the same statutory requirements as
609 subsections (a) and (b) of section 8-7d of the general statutes for the
610 purposes of determining the time limitations on the zoning
611 commission in reaching a final decision.

612 Sec. 19. (NEW) (*Effective July 1, 2003*) The secretary, or a designee of
613 the secretary, may submit written testimony to any municipal board or
614 commission and may appear by right as a party to any hearing before
615 such municipal board or commission concerning any proposed
616 municipal plan of conservation and development or zoning
617 regulations or changes thereto affecting the area within the corridor
618 management boundary or the review of a corridor management site
619 plan or a municipal approval, permit or license for a building, use or
620 structure affecting the area within the corridor management boundary
621 and said secretary may appeal, or appear as a party to any appeal of, a
622 municipal decision concerning such matters whether or not the
623 secretary has appeared as a party before the municipal board or
624 commission. If the decision of such board or commission is upheld by
625 a court of competent jurisdiction, the state shall reimburse the
626 municipality within three months for all costs incurred in defending
627 the decision.

628 Sec. 20. (NEW) (*Effective July 1, 2003*) (a) As used in this section:

629 (1) "Funding" includes any form of assurance, guarantee, grant
630 payment, payment in lieu of taxes, credit, tax credit or other assistance,
631 including a loan, loan guarantee, or reduction in the principal
632 obligation of or rate of interest payable on a loan or a portion of a loan;

633 (2) "Growth-related project" means any project which includes (A)
634 the acquisition of real property when the acquisition costs are in excess
635 of one hundred thousand dollars; (B) the development or
636 improvement of real property when the development costs are in
637 excess of one hundred thousand dollars; (C) the acquisition of public
638 transportation equipment or facilities when the acquisition costs are in
639 excess of one hundred thousand dollars; and (D) the authorization of
640 each state grant, any application for which is not pending on July 1,
641 2004, for an amount in excess of one hundred thousand dollars, for the
642 acquisition or development or improvement of real property or for the
643 acquisition of public transportation equipment or facilities; and

644 (3) "Priority funding area" means the area of the state designated
645 under subsection (b) of this section.

646 (b) On or before January 1, 2004, and biennially thereafter, the
647 Secretary of the Office of Policy and Management, in consultation with
648 the Commissioners of Economic and Community Development,
649 Environmental Protection, Administrative Services and Transportation
650 shall develop recommendations for delineation of the boundaries of
651 priority funding areas in the state. In making such recommendations
652 the secretary shall consider inclusion of corridor management plans
653 established under sections 6 to 19, inclusive, of this act. The secretary
654 shall submit the recommendations to the Continuing Legislative
655 Committee on State Planning and Development established pursuant
656 to section 4-60d of the general statutes for review. The committee shall
657 report its recommendations to the General Assembly on or before
658 February fifteenth and biennially thereafter. The boundaries shall
659 become effective upon approval of the General Assembly.

660 Sec. 21. (NEW) (*Effective July 1, 2003*) (a) On and after the approval
661 of the General Assembly of the boundaries of priority funding areas
662 under section 20 of this act, each state agency, department or
663 institution shall not provide funding for a growth-related project
664 unless such project is located within a priority funding area. In
665 providing funding for any growth-related project the state agency,
666 department or institution shall determine if the project (1) will enhance
667 or support other activities targeted by state agencies to a municipality
668 within the priority funding area; (2) is located in a distressed
669 municipality, targeted investment community or public investment
670 community; (3) supports existing neighborhoods or communities; (4)
671 promotes the use of mass transit; (5) is consistent with the municipal
672 plan of conservation and development of the municipality adopted
673 under section 8-23 of the general statutes, as amended by this act, and
674 the regional plan of development adopted under section 8-35a of the
675 general statutes, as amended by this act; and (6) provides for compact,
676 transit accessible, pedestrian-oriented mixed use development patterns
677 and land reuse.

678 (b) The state may provide funding for a growth-related project that
679 is not located in a priority funding area if the head of the department,
680 agency or institution providing the funding determines that (1) failure
681 to fund the project creates an extreme inequity, hardship or
682 disadvantage that clearly outweighs the benefits of locating the project
683 in a priority funding area, (2) there is no reasonable alternative for the
684 project in a priority funding area in another location, and (3) the
685 project must be located away from other developments due to its
686 operation or physical characteristics. Funding shall not be available for
687 economic development but shall only be available to comply with state
688 environmental and health standards. Not more than one year after the
689 designation of priority funding areas, and annually thereafter, each
690 department, agency or institution shall submit a report to the
691 continuing committee on state planning and development that
692 describes grants made under this subsection and the reasons therefor.

693 Sec. 22. (NEW) (*Effective from passage*) On and after the approval of
694 the General Assembly of the boundaries of priority funding areas
695 pursuant to section 20 of this act, each state agency, department or
696 institution shall:

697 (1) Give priority to growth-related projects in the following areas:
698 Central business districts; redevelopment areas; distressed
699 municipalities, as defined in section 32-9p of the general statutes;
700 targeted investment communities, as defined in section 32-222 of the
701 general statutes; public investment communities, as defined in section
702 7-545 of the general statutes; enterprise zones, designated by the
703 Commissioner of Economic and Community Development under
704 section 32-70 of the general statutes, and corridor management areas,
705 as defined in section 5 of this act;

706 (2) Review, evaluate and coordinate programs, services and
707 activities in priority funding areas to enhance and provide for
708 compact, transit accessible, pedestrian-oriented mixed use
709 development patterns and land reuse;

710 (3) Cooperate with municipalities to ensure that programs and
711 activities in rural areas sustain village character; and

712 (4) Encourage the location of workshops, conference and other
713 meetings in priority funding areas and support available businesses
714 such areas in planning such activities.

715 Sec. 23. (NEW) (*Effective July 1, 2003*) On and after the approval of
716 the General Assembly of the boundaries of priority funding areas
717 under section 20 of this act, each state agency and department shall
718 review regulations adopted in accordance with the provisions of
719 chapter 54 of the general statutes and, if necessary, modify such
720 regulations to carry out the purpose of coordinated management of
721 growth-related projects in priority funding areas.

722 Sec. 24. (NEW) (*Effective July 1, 2003*) The Office of Policy and

723 Management shall coordinate review of federal projects in relation to
724 their location in priority funding areas to encourage location in urban
725 areas pursuant to the provisions of Federal Executive Order 12072-
726 Federal Space Management.

727 Sec. 25. (NEW) (*Effective July 1, 2003*) The Secretary of the Office of
728 Policy and Management, within available appropriations, shall
729 establish a technical assistance program to encourage and coordinate
730 build out analysis by municipalities. Such program shall include the
731 development of informational materials that describe initial mapping
732 and source material requirements, geographic information system
733 methodology and local review procedures.

734 Sec. 26. Section 29-256 of the general statutes is repealed and the
735 following is substituted in lieu thereof (*Effective October 1, 2003*):

736 (a) In order to make the State Building Code and the State Fire
737 Safety Code more responsive to present economic conditions, to
738 promote reduction in the cost of construction of homes and other
739 buildings, thereby creating more jobs in the construction industry and
740 promoting home ownership, as well as to enable the citizens of the
741 state to realize the benefits of the latest technology in energy
742 conservation in the design and construction of homes and other
743 buildings, the State Building Inspector and Codes and Standards
744 Committee, in conjunction with the Commissioner of Public Safety,
745 shall thoroughly review and revise the State Building Code and the
746 State Fire Safety Code, with an emphasis on performance rather than
747 design specifications. In the course of such review, the State Building
748 Inspector and the Codes and Standards Committee shall develop
749 [separate Building Code standards for the rehabilitation of buildings] a
750 rehabilitation subcode. The provisions of such subcode shall include,
751 but not be limited to, the identification and standardization of
752 economically feasible rehabilitation standards and modifications that
753 ensure the public health, safety and welfare, and protect the
754 environment. Such separate standards shall be included in any

755 revision of the State Building Code. Such separate standards shall be
756 included in any revision of the State Building Code.

757 (b) Not later than January 1, 2004, the commissioner shall adopt
758 regulations, in accordance with the provisions of chapter 54, to
759 implement the provisions of this section.

760 Sec. 27. (NEW) (*Effective July 1, 2003*) (a) Each local or regional
761 school district submitting an application in accordance with the
762 provisions of section 10-283 of the general statutes shall provide
763 sufficient documentation to enable the Commissioner of Education to
764 determine the density of each census block group located in the local
765 or regional school district, based on the most recent United States
766 census.

767 (b) Notwithstanding the provisions of section 10-285a of the general
768 statutes, the percentage for school building projects determined
769 pursuant to said section 10-285a shall be increased in accordance with
770 the provisions of this section: (1) For a project located in a census block
771 group that is at least one standard deviation above the average mean
772 density of census block groups in the district, such percentage shall be
773 increased by four per cent; (2) for a project located in a census block
774 group that is more than one-half standard deviation above the average
775 mean density of census block groups in the district but less than one
776 standard deviation above the average mean density of census block
777 groups in the district, such percentage shall be increased by two per
778 cent; (3) for a project located in a census block group that is below the
779 average mean density of census block groups in the district by one-half
780 standard deviation but less than one standard deviation below such
781 average mean density, such percentage shall be decreased by two per
782 cent; and (4) for a project located in a census block group that is more
783 than one standard deviation below the average mean density of census
784 block groups in the district, such percentage shall be decreased by four
785 per cent.

786 Sec. 28. (NEW) (*Effective July 1, 2003*) Any municipality, by

787 ordinance adopted by its legislative body, may establish a program of
788 phased housing growth that limits the number of residential building
789 permits that may be issued in the municipality in a calendar year to
790 not more than the average number of residential building permits
791 issued for the preceding three calendar years.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>
Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>
Sec. 14	<i>July 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>July 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>
Sec. 18	<i>July 1, 2003</i>
Sec. 19	<i>July 1, 2003</i>
Sec. 20	<i>July 1, 2003</i>
Sec. 21	<i>July 1, 2003</i>
Sec. 22	<i>from passage</i>
Sec. 23	<i>July 1, 2003</i>
Sec. 24	<i>July 1, 2003</i>
Sec. 25	<i>July 1, 2003</i>
Sec. 26	<i>October 1, 2003</i>
Sec. 27	<i>July 1, 2003</i>
Sec. 28	<i>July 1, 2003</i>

Statement of Purpose:

To establish a state-wide smart growth policy.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]