



House of Representatives

File No. 822

General Assembly

January Session, 2005

(Reprint of File No. 506)

Substitute House Bill No. 6570
As Amended by House Amendment
Schedules "A" and "F"

Approved by the Legislative Commissioner
May 31, 2005

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT.

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 Section 8-23 of the general statutes is repealed and the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, 2005*):

3 (a) (1) At least once every ten years, the commission shall prepare or
4 amend and shall adopt a plan of conservation and development for the
5 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, as amended by this act, (7) physical, social, economic
44 and governmental conditions and trends, (8) the needs of the
45 municipality including, but not limited to, human resources,
46 education, health, housing, recreation, social services, public utilities,
47 public protection, transportation and circulation and cultural and
48 interpersonal communications, [and] (9) the objectives of energy-

49 efficient patterns of development, the use of solar and other renewable
50 forms of energy and energy conservation, and (10) protection and
51 preservation of agriculture.

52 (d) (1) Such plan of conservation and development shall (A) be a
53 statement of policies, goals and standards for the physical and
54 economic development of the municipality, (B) provide for a system of
55 principal thoroughfares, parkways, bridges, streets, sidewalks,
56 multipurpose trails and other public ways as appropriate, (C) be
57 designed to promote, with the greatest efficiency and economy, the
58 coordinated development of the municipality and the general welfare
59 and prosperity of its people and identify areas where it is feasible and
60 prudent (i) to have compact, transit accessible, pedestrian-oriented
61 mixed use development patterns and land reuse, and (ii) to promote
62 such development patterns land and reuse, [(C)] (D) recommend the
63 most desirable use of land within the municipality for residential,
64 recreational, commercial, industrial, conservation and other purposes
65 and include a map showing such proposed land uses, [(D)] (E)
66 recommend the most desirable density of population in the several
67 parts of the municipality, [(E)] (F) note any inconsistencies [it may
68 have with the state plan of conservation and development adopted
69 pursuant to chapter 297, (F)] with the following growth management
70 principles: (i) Redevelopment and revitalization of commercial centers
71 and areas of mixed land uses with existing or planned physical
72 infrastructure; (ii) expansion of housing opportunities and design
73 choices to accommodate a variety of household types and needs; (iii)
74 concentration of development around transportation nodes and along
75 major transportation corridors to support the viability of
76 transportation options and land reuse; (iv) conservation and
77 restoration of the natural environment, cultural and historical
78 resources and existing farmlands; (v) protection of environmental
79 assets critical to public health and safety; and (vi) integration of
80 planning across all levels of government to address issues on a local,
81 regional and state-wide basis, (G) make provision for the development
82 of housing opportunities, including opportunities for multifamily

83 dwellings, consistent with soil types, terrain and infrastructure
84 capacity, for all residents of the municipality and the planning region
85 in which the municipality is located, as designated by the Secretary of
86 the Office of Policy and Management under section 16a-4a, ~~[(G)]~~ [(H)]
87 promote housing choice and economic diversity in housing, including
88 housing for both low and moderate income households, and
89 encourage the development of housing which will meet the housing
90 needs identified in the housing plan prepared pursuant to section 8-37t
91 and in the housing component and the other components of the state
92 plan of conservation and development prepared pursuant to chapter
93 297. In preparing such plan the commission shall consider focusing
94 development and revitalization in areas with existing or planned
95 physical infrastructure.

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

103 (e) Such plan may show the commission's and any special
104 committee's recommendation for (1) conservation and preservation of
105 traprock and other ridgelines, (2) [a system of principal thoroughfares,
106 parkways, bridges, streets and other public ways, (3)] airports, parks,
107 playgrounds and other public grounds, ~~[(4)]~~ [(3)] the general location,
108 relocation and improvement of schools and other public buildings,
109 ~~[(5)]~~ [(4)] the general location and extent of public utilities and terminals,
110 whether publicly or privately owned, for water, sewerage, light,
111 power, transit and other purposes, ~~[(6)]~~ [(5)] the extent and location of
112 public housing projects, ~~[(7)]~~ [(6)] programs for the implementation of
113 the plan, including (A) a schedule, (B) a budget for public capital
114 projects, (C) a program for enactment and enforcement of zoning and
115 subdivision controls, building and housing codes and safety
116 regulations, (D) plans for implementation of affordable housing, [and]

117 (E) plans for open space acquisition and greenways protection and
118 development, and (F) plans for corridor management areas along
119 limited access highways or rail lines, designated under section 16a-27,
120 as amended by this act, (7) proposed priority funding areas, and (8)
121 any other recommendations as will, in the commission's or any special
122 committee's judgment, be beneficial to the municipality. The plan may
123 include any necessary and related maps, explanatory material,
124 photographs, charts or other pertinent data and information relative to
125 the past, present and future trends of the municipality.

126 (f) A plan of conservation and development or any part thereof or
127 amendment thereto prepared by the commission or any special
128 committee shall be reviewed, and may be amended, by the
129 commission prior to scheduling at least one public hearing on
130 adoption. [At least sixty-five days prior to the public hearing on
131 adoption, the commission shall submit a copy of such plan or part
132 thereof or amendment thereto for review and comment to the
133 legislative body. Such body may hold one or more hearings on the
134 proposed plan and shall submit any comments to the commission
135 prior to the public hearing on adoption. The failure of such body to
136 report prior to or at the public hearing shall be taken as approval of the
137 plan.] At least [sixty-five] thirty-five days prior to the public hearing
138 on adoption, the commission shall post the draft plan on the Internet
139 web site of the municipality, if any, and submit a copy of such draft
140 plan to the regional planning agency for review and comment. The
141 regional planning agency shall [report] submit an advisory report
142 along with its comments to the commission at or before the hearing.
143 [The failure of the regional planning agency to report at or before the
144 hearing shall be taken as approval of the plan. The report of the
145 regional planning agency shall be advisory.] Such comments shall
146 include a finding on the consistency of the draft plan with (1) the
147 regional plan of development, adopted under section 8-35a, as
148 amended by this act, (2) the state plan of conservation and
149 development, adopted pursuant to chapter 297, and (3) the plans of
150 conservation and development of other municipalities in the area of

151 operation of the regional planning agency. The commission may revise
152 the draft plan in accordance with the report of the regional planning
153 agency. The commission may render a decision on the plan without
154 the report of the regional planning agency. Prior to the public hearing
155 on adoption, the commission shall file in the office of the town clerk a
156 copy of such draft plan or part thereof or amendment thereto but, in
157 the case of a district commission, such commission shall file such
158 information in the offices of both the district clerk and the town clerk.
159 The commission shall cause to be published in a newspaper having a
160 general circulation in the municipality, at least twice at intervals of not
161 less than two days, the first not more than fifteen days, or less than ten
162 days, and the last not less than two days prior to the date of each such
163 hearing, notice of the time and place of any such public hearing. Such
164 notice shall make reference to the filing of such draft plan in the office
165 of the town clerk, or both the district clerk and the town clerk, as the
166 case may be. After completion of the public hearing, the commission
167 may revise the draft plan. The proposed final plan shall be submitted
168 to the legislative body for its endorsement. The legislative body shall
169 endorse or reject the entire proposed final plan or parts thereof and
170 may submit comments and recommended changes to the commission.
171 In the case of a municipality in which the legislative body is a town
172 meeting, the proposed final plan shall be submitted to the board of
173 selectmen. The board may conduct a public hearing on such plan. Not
174 more than forty-five days after receipt of the plan by the board of
175 selectmen, the entire proposed final plan or parts thereof may be
176 endorsed or rejected at a town meeting and such town meeting may
177 submit comments and recommended changes to the commission.

178 (g) The commission may adopt the plan or any part thereof or
179 amendment thereto by a single resolution or may, by successive
180 resolutions, adopt parts of the plan and amendments thereto. Any
181 plan, section of a plan or recommendation in the plan, not endorsed by
182 the legislative body of the municipality may be adopted by the
183 commission by a vote of not less than two-thirds of all the members of
184 the commission. Upon adoption by the commission, any plan or part

185 thereof or amendment thereto shall become effective at a time
186 established by the commission, provided notice thereof shall be
187 published in a newspaper having a general circulation in the
188 municipality prior to such effective date. Any plan or part thereof or
189 amendment thereto shall be posted on the Internet web site of the
190 municipality, if any, and shall be filed in the office of the town clerk,
191 except that, if it is a district plan or amendment, it shall be filed in the
192 offices of both the district and town clerks. The commission shall
193 notify the Secretary of the Office of Policy and Management of any
194 inconsistency between the plan adopted by the commission and the
195 state plan of conservation and development and the reasons therefor.

196 [(h) Following adoption of a new plan by the commission, the
197 legislative body of any municipality may hold one or more hearings on
198 the proposed plan and, by resolution, may endorse the plan for the
199 municipality.]

200 (h) Any owner or tenant, or authorized agent of such owner or
201 tenant, of real property or buildings thereon located in the
202 municipality may submit a proposal to the commission requesting a
203 change to the plan of conservation and development. Such proposal
204 shall be submitted in writing and on a form prescribed by the
205 commission. Notwithstanding the provisions of subsection (a) of
206 section 8-7d, the commission shall determine if a public hearing shall
207 be held on the proposal not less than thirty-five days after submission
208 of such proposal. The commission shall hold a public hearing on such
209 proposal if it determines that such hearing is in the public interest.
210 Except as provided in this section, any public hearing and decision
211 shall be in accordance with the periods of time permitted under section
212 8-7d. The commission shall approve, deny or modify the proposal.
213 Notwithstanding the provisions of this section, if the commission
214 determines, at any time after the proposal is received, that such
215 proposal would require changes to the plan of conservation and
216 development that would be a significant change to the policies and
217 goals of the plan of conservation and development, the commission
218 shall consider the proposal in accordance with the provisions of

219 subsection (f) of this section.

220 Sec. 2. Section 8-35a of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective July 1, 2005*):

222 (a) [Each] At least once every ten years, each regional planning
223 agency shall make a plan of development for its area of operation,
224 showing its recommendations for the general use of the area including
225 land use, housing, principal highways and freeways, bridges, airports,
226 parks, playgrounds, recreational areas, schools, public institutions,
227 public utilities, agriculture and such other matters as, in the opinion of
228 the agency, will be beneficial to the area. Any regional plan so
229 developed shall be based on studies of physical, social, economic and
230 governmental conditions and trends and shall be designed to promote
231 with the greatest efficiency and economy the coordinated development
232 of its area of operation and the general welfare and prosperity of its
233 people. Such plan may encourage energy-efficient patterns of
234 development, the use of solar and other renewable forms of energy,
235 and energy conservation. Such plan shall be designed to promote
236 abatement of the pollution of the waters and air of the region. The
237 regional plan shall identify areas where it is feasible and prudent (1) to
238 have compact, transit accessible, pedestrian-oriented mixed use
239 development patterns and land reuse, and (2) to promote such
240 development patterns and land reuse and shall note any
241 inconsistencies with the following growth management principles: (A)
242 Redevelopment and revitalization of regional centers and areas of
243 mixed land uses with existing or planned physical infrastructure; (B)
244 expansion of housing opportunities and design choices to
245 accommodate a variety of household types and needs; (C)
246 concentration of development around transportation nodes and along
247 major transportation corridors to support the viability of
248 transportation options and land reuse; (D) conservation and
249 restoration of the natural environment, cultural and historical
250 resources and traditional rural lands; (E) protection of environmental
251 assets critical to public health and safety; and (F) integration of
252 planning across all levels of government to address issues on a local,

253 regional and state-wide basis. The plan of each region contiguous to
254 Long Island Sound shall be designed to reduce hypoxia, pathogens,
255 toxic contaminants and floatable debris in Long Island Sound.

256 (b) Before adopting the regional plan of development or any part
257 thereof or amendment thereto the agency shall hold at least one public
258 hearing thereon, notice of the time, place and subject of which shall be
259 given in writing to the chief executive officer and planning
260 commission, where one exists, of each member town, city or borough,
261 [, and to the Secretary of the Office of Policy and Management, or his
262 designee.] Notice of the time, place and subject of such hearing shall be
263 published once in a newspaper having a substantial circulation in the
264 region. At least sixty-five days before the public hearing the regional
265 planning agency shall post the plan on the Internet web site of the
266 agency, if any, and submit the plan to the Secretary of the Office of
267 Policy and Management for findings in the form of comments and
268 recommendations. Such findings shall include a review of the plan to
269 determine if the proposed regional plan of development is not
270 inconsistent with the state plan of conservation and development. Such
271 notices shall be given not more than twenty days nor less than ten days
272 before such hearing. The regional planning agency shall note on the
273 record any inconsistency with the state plan of conservation and
274 development and the reasons for such inconsistency. Adoption of the
275 plan or part thereof or amendment thereto shall be made by the
276 affirmative vote of not less than a majority of the representatives on
277 the agency. [A] The plan shall be posted on the Internet web site of the
278 agency, if any, and a copy of the plan or of any amendments thereto,
279 signed by the chairman of the agency, shall be transmitted to the chief
280 executive officers, the town, city or borough clerks, as the case may be,
281 and to planning commissions, if any, in member towns, cities or
282 boroughs, and to the Secretary of the Office of Policy and
283 Management, or his designee. The regional planning agency shall
284 notify the Secretary of the Office of Policy and Management of any
285 inconsistency with the state plan of conservation and development and
286 the reasons therefor.

287 (c) The regional planning agency shall revise the plan of
288 development not more than three years after the effective date of this
289 section.

290 (d) The regional planning agency shall assist municipalities within
291 its region and state agencies and may assist other public and private
292 agencies in developing and carrying out any regional plan or plans of
293 such regional planning agency. The regional planning agency may
294 provide administrative, management, technical or planning assistance
295 to municipalities within its region and other public agencies under
296 such terms as it may determine, provided, prior to entering into an
297 agreement for assistance to any municipality or other public agency,
298 the regional planning agency shall have adopted a policy governing
299 such assistance. The regional planning agency may be compensated by
300 the municipality or other public agency with which an agreement for
301 assistance has been made for all or part of the cost of such assistance.

302 Sec. 3. Section 16a-27 of the general statutes is repealed and the
303 following is substituted in lieu thereof (*Effective July 1, 2005*):

304 (a) The secretary, after consultation with all appropriate state,
305 regional and local agencies and other appropriate persons shall prior
306 to March 1, 2003, complete a revision of the existing plan and enlarge it
307 to include, but not be limited to, policies relating to transportation,
308 energy and air. Any revision made after May 15, 1991, shall identify
309 the major transportation proposals, including proposals for mass
310 transit, contained in the master transportation plan prepared pursuant
311 to section 13b-15. Any revision made after July 1, 1995, shall take into
312 consideration the conservation and development of greenways that
313 have been designated by municipalities and shall recommend that
314 state agencies coordinate their efforts to support the development of a
315 state-wide greenways system. The Commissioner of Environmental
316 Protection shall identify state-owned land for inclusion in the plan as
317 potential components of a state greenways system.

318 (b) Any revision made after August 20, 2003, shall take into account

319 (1) economic and community development needs and patterns of
320 commerce, and (2) linkages of affordable housing objectives and land
321 use objectives with transportation systems.

322 (c) Any revision made after March 1, 2006, shall (1) take into
323 consideration risks associated with natural hazards, including, but not
324 limited to, flooding, high winds and wildfires; (2) identify the potential
325 impacts of natural hazards on infrastructure and property; and (3)
326 make recommendations for the siting of future infrastructure and
327 property development to minimize the use of areas prone to natural
328 hazards, including, but not limited to, flooding, high winds and
329 wildfires.

330 (d) Any revision after July 1, 2005, shall describe the progress
331 towards achievement of the goals and objectives established in the
332 previously adopted state plan of conservation and development and
333 shall identify (1) areas where it is prudent and feasible (A) to have
334 compact, transit accessible, pedestrian-oriented mixed-use
335 development patterns and land reuse, and (B) to promote such
336 development patterns and land reuse, (2) priority funding areas
337 designated under section 5 of this act, and (3) corridor management
338 areas on either side of a limited access highway or a rail line. In
339 designating corridor management areas, the secretary shall make
340 recommendations that (A) promote land use and transportation
341 options to reduce the growth of traffic congestion; (B) connect
342 infrastructure and other development decisions; (C) promote
343 development that minimizes the cost of new infrastructure facilities
344 and maximizes the use of existing infrastructure facilities; and (D)
345 increase intermunicipal and regional cooperation.

346 ~~[(d)]~~ (e) Thereafter on or before March first in each revision year the
347 secretary shall complete a revision of the plan of conservation and
348 development.

349 Sec. 4. Section 16a-28 of the general statutes is repealed and the
350 following is substituted in lieu thereof (*Effective July 1, 2005*):

351 (a) The secretary shall present a draft of the revised plan of
352 conservation and development for preliminary review to the
353 continuing legislative committee on state planning and development
354 prior to September first in 2002 and prior to September first in each
355 prerevision year thereafter.

356 (b) After December first in 1985 and after December first in each
357 prerevision year thereafter the secretary shall proceed with such
358 further revisions of the draft of the revised plan of conservation and
359 development as he deems appropriate. The secretary shall, by
360 whatever means he deems advisable, publish said plan and
361 disseminate it to the public on or before March first in revision years.
362 The secretary shall post the plan on the Internet web site of the state.

363 (c) Within five months of publication of said revised plan the
364 secretary shall hold public hearings, in cooperation with regional
365 planning agencies, to solicit comments on said plan.

366 Sec. 5. (NEW) (*Effective July 1, 2005*) (a) As used in this section and
367 sections 6 to 9, inclusive:

368 (1) "Funding" includes any form of assurance, guarantee, grant
369 payment, credit, tax credit or other assistance, including a loan, loan
370 guarantee, or reduction in the principal obligation of or rate of interest
371 payable on a loan or a portion of a loan;

372 (2) "Growth-related project" means any project which includes (A)
373 the acquisition of real property when the acquisition costs are in excess
374 of one hundred thousand dollars, except the acquisition of open space
375 for the purposes of conservation or preservation; (B) the development
376 or improvement of real property when the development costs are in
377 excess of one hundred thousand dollars; (C) the acquisition of public
378 transportation equipment or facilities when the acquisition costs are in
379 excess of one hundred thousand dollars; or (D) the authorization of
380 each state grant, any application for which is not pending on July 1,
381 2006, for an amount in excess of one hundred thousand dollars, for the
382 acquisition or development or improvement of real property or for the

383 acquisition of public transportation equipment or facilities, except the
384 following: (i) Projects for maintenance, repair, additions or renovations
385 to existing facilities, acquisition of land for telecommunications towers
386 whose primary purpose is public safety, parks, conservation and open
387 space, and acquisition of agricultural, conservation and historic
388 easements; (ii) funding by the Department of Economic and
389 Community Development for any project financed with federal funds
390 used to purchase or rehabilitate existing single or multi-family housing
391 or projects financed with the proceeds of revenue bonds if the
392 Commissioner of Economic and Community Development determines
393 that application of this section and sections 6 and 7 of this act (I)
394 conflicts with any provision of federal or state law applicable to the
395 issuance or tax-exempt status of the bonds or any provision of any
396 trust agreement between the Department of Economic and
397 Community Development and any trustee, or (II) would otherwise
398 prohibit financing of an existing project or financing provided to cure
399 or prevent any default under existing financing; (iii) projects that the
400 Commissioner of Economic and Community Development determines
401 promote fair housing choice and racial and economic integration as
402 described in section 8-37cc of the general statutes; (iv) projects at an
403 existing facility needed to comply with state environmental or health
404 laws or regulations adopted thereunder; (v) school construction
405 projects funded by the Department of Education under chapter 173 of
406 the general statutes; (vi) libraries; (vii) municipally owned property or
407 public buildings used for government purposes; and (viii) any other
408 project, funding or other state assistance not included under
409 subparagraphs (A) to (D), inclusive, of this subdivision.

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

412 (b) The Secretary of the Office of Policy and Management, in
413 consultation with the Commissioners of Economic and Community
414 Development, Environmental Protection, Public Works, Agriculture,
415 Transportation, the chairman of the Transportation Strategy Board, the
416 regional planning agencies in the state and any other persons or

417 entities the secretary deems necessary shall develop recommendations
418 for delineation of the boundaries of priority funding areas in the state
419 and for revisions thereafter. In making such recommendations the
420 secretary shall consider areas designated as regional centers, growth
421 areas, neighborhood conservation areas and rural community centers
422 on the state plan of conservation and development, redevelopment
423 areas, distressed municipalities, as defined in section 32-9p of the
424 general statutes; targeted investment communities, as defined in
425 section 32-222 of the general statutes; public investment communities,
426 as defined in section 7-545 of the general statutes, enterprise zones,
427 designated by the Commissioner of Economic and Community
428 Development under section 32-70 of the general statutes, corridor
429 management areas identified in the state plan of conservation and
430 development and the principles of the Transportation Strategy Board
431 approved under section 13b-57h of the general statutes. The secretary
432 shall submit the recommendations to the Continuing Legislative
433 Committee on State Planning and Development established pursuant
434 to section 4-60d of the general statutes for review when the state plan
435 of conservation and development is submitted to such committee in
436 accordance with section 16a-29 of the general statutes. The committee
437 shall report its recommendations to the General Assembly at the time
438 said state plan is submitted to the General Assembly under section
439 16a-30 of the general statutes, as amended by this act. The boundaries
440 shall become effective upon approval of the General Assembly.

441 Sec. 6. (NEW) (*Effective July 1, 2005*) (a) On and after the approval of
442 the General Assembly of the boundaries of priority funding areas
443 under section 5 of this act, no state agency, department or institution
444 shall provide funding for a growth-related project unless such project
445 is located in a priority funding area.

446 (b) Notwithstanding the provisions of subsection (a) of this section,
447 the head of a state department, agency or institution, with the approval
448 of the Secretary of the Office of Policy and Management, may provide
449 funding for a growth-related project that is not located in a priority
450 funding area upon determination that such project is consistent with

451 the plan of conservation and development, adopted under section 8-23
452 of the general statutes, as amended by this act, of the municipality in
453 which such project is located and that such project (1) enhances other
454 activities targeted by state agencies, departments and institutions to a
455 municipality within the priority funding area, (2) is located in a
456 distressed municipality, as defined in section 32-9 of the general
457 statutes, targeted investment community, as defined in section 32-222
458 of the general statutes, or public investment community, as defined in
459 section 7-545 of the general statutes, (3) supports existing
460 neighborhoods or communities, (4) promotes the use of mass transit,
461 (5) provides for compact, transit accessible, pedestrian-oriented mixed
462 use development patterns and land reuse and promotes such
463 development patterns and land reuse, (6) creates an extreme inequity,
464 hardship or disadvantage that clearly outweighs the benefits of
465 locating the project in a priority funding area if such project were not
466 funded, (7) has no reasonable alternative for the project in a priority
467 funding area in another location, (8) must be located away from other
468 developments due to its operation or physical characteristics, or (9) is
469 for the reuse or redevelopment of an existing site.

470 (c) Not more than one year after the designation of priority funding
471 areas, and annually thereafter, each department, agency or institution
472 shall prepare a report that describes grants made under subsection (b)
473 of this section and the reasons therefor.

474 Sec. 7. (*Effective July 1, 2005*) On and after the approval of the
475 General Assembly of the boundaries of priority funding areas
476 pursuant to section 5 of this act, each state agency, department or
477 institution shall cooperate with municipalities to ensure that programs
478 and activities in rural areas sustain village character.

479 Sec. 8. (NEW) (*Effective July 1, 2005*) On and after the approval of the
480 General Assembly of the boundaries of priority funding areas under
481 section 5 of this act, each state agency and department shall review
482 regulations adopted in accordance with the provisions of chapter 54 of
483 the general statutes and modify such regulations to carry out the

484 purpose of coordinated management of growth-related projects in
485 priority funding areas.

486 Sec. 9. (NEW) (*Effective July 1, 2005*) The Office of Policy and
487 Management, within available appropriations, shall coordinate review
488 of federal projects in relation to their location in priority funding areas
489 to encourage location in urban areas pursuant to the provisions of
490 Federal Executive Order 12072-Federal Space Management.

491 Sec. 10. Section 22a-430 of the general statutes is amended by adding
492 subsection (k) as follows (*Effective July 1, 2005*):

493 (NEW) (k) The commissioner shall not deny a permit under this
494 section if the basis for such denial is a determination by the
495 commissioner that the proposed activity for which application has
496 been made is inconsistent with the state plan of conservation and
497 development adopted under section 16a-30, as amended by this act.

498 Sec. 11. Section 16a-30 of the general statutes is repealed and the
499 following is substituted in lieu thereof (*Effective from passage*):

500 (a) The continuing legislative committee on state planning and
501 development shall [within thirty-five days of] not later than forty-five
502 days after the convening of the next regularly scheduled session of the
503 General Assembly [and after] conduct a public hearing on the plan.
504 Not later than forty-five days after completion of such public hearing,
505 the committee shall submit the plan with its recommendation for
506 approval or disapproval to the General Assembly. The plan shall
507 become effective when adopted by the General Assembly as the plan
508 of conservation and development for the state.

509 (b) In the event that the General Assembly disapproves the plan in
510 whole or in part the plan shall be deemed to be rejected and shall be
511 returned to the committee for appropriate action.

512 (c) Any project included in the first or second phase of UConn 2000,
513 as defined in subdivision (25) of section 10a-109c, shall constitute part

514 of the state plan of conservation and development approved by the
515 General Assembly.

516 Sec. 12. (*Effective from passage*) Notwithstanding the provisions of
517 section 16a-30 of the general statutes, as amended by this act, requiring
518 the Continuing Legislative Committee on State Planning and
519 Development to conduct a public hearing on and submit the state
520 conservation and development plan, along with its recommendations,
521 to the General Assembly not later than thirty-five days after the
522 convening of the General Assembly, the actions of the Continuing
523 Legislative Committee on State Planning and Development related to
524 the Conservation and Development Policies Plan for Connecticut 2004-
525 2009, submitted to said committee on November 22, 2004, in
526 conducting a public hearing on February 7, 2005, and submitting the
527 Conservation and Development Policies Plan for Connecticut 2005-
528 2010, with recommendations, to the General Assembly on April 8,
529 2005, which actions were otherwise valid except that such hearing and
530 submission were later than thirty-five days after the convening of the
531 General Assembly in 2005, are hereby validated.

532 Sec. 13. Subsection (a) of section 16a-27 of the general statutes is
533 repealed and the following is substituted in lieu thereof (*Effective from*
534 *passage*):

535 (a) The secretary, after consultation with all appropriate state,
536 regional and local agencies and other appropriate persons, shall prior
537 to March 1, [2003] 2009, complete a revision of the existing plan and
538 enlarge it to include, but not be limited to, policies relating to
539 transportation, energy and air. Any revision made after May 15, 1991,
540 shall identify the major transportation proposals, including proposals
541 for mass transit, contained in the master transportation plan prepared
542 pursuant to section 13b-15. Any revision made after July 1, 1995, shall
543 take into consideration the conservation and development of
544 greenways that have been designated by municipalities and shall
545 recommend that state agencies coordinate their efforts to support the
546 development of a state-wide greenways system. The Commissioner of

547 Environmental Protection shall identify state-owned land for inclusion
548 in the plan as potential components of a state greenways system.

549 Sec. 14. Subsection (a) of section 16a-28 of the general statutes is
550 repealed and the following is substituted in lieu thereof (*Effective from*
551 *passage*):

552 (a) The secretary shall present a draft of the revised plan of
553 conservation and development for preliminary review to the
554 continuing legislative committee on state planning and development
555 prior to September first in [2002] 2008 and prior to September first in
556 each prerevision year thereafter.

557 Sec. 15. Section 22a-366 of the general statutes is repealed and the
558 following is substituted in lieu thereof (*Effective July 1, 2005*):

559 In recognition that the waters of Connecticut are a precious, finite
560 and invaluable resource upon which there is an ever increasing
561 demand for present, new and competing uses; and in further
562 recognition that an adequate supply of water for domestic,
563 agricultural, industrial and recreational use and for fish and wildlife is
564 essential to the health, safety and welfare of the people of Connecticut,
565 it is found and declared that diversion of the waters of the state shall
566 be permitted only when such diversion is found to be necessary, is
567 compatible with long-range water resource planning, proper
568 management and use of the water resources of Connecticut and is
569 consistent with Connecticut's policy of protecting its citizens against
570 harmful interstate diversions [and with the state plan of conservation
571 and development adopted pursuant to part I of chapter 297;] and that
572 therefore the necessity and public interest for sections 22a-365 to 22a-
573 378, inclusive, and the protection of the water resources of the state is
574 declared a matter of legislative determination.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	8-23

Sec. 2	<i>July 1, 2005</i>	8-35a
Sec. 3	<i>July 1, 2005</i>	16a-27
Sec. 4	<i>July 1, 2005</i>	16a-28
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2005</i>	New section
Sec. 7	<i>July 1, 2005</i>	New section
Sec. 8	<i>July 1, 2005</i>	New section
Sec. 9	<i>July 1, 2005</i>	New section
Sec. 10	<i>July 1, 2005</i>	22a-430
Sec. 11	<i>from passage</i>	16a-30
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	16a-27(a)
Sec. 14	<i>from passage</i>	16a-28(a)
Sec. 15	<i>July 1, 2005</i>	22a-366

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	Future Years
Policy & Mgmt., Off.	GF - Cost	Potential Minimal
Department of Agriculture; Department of Economic & Community Development; Department of Environmental Protection	GF	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill adds certain factors that the Office of Policy and Management (OPM) must consider when it revises the State's Conservation and Development Plan, and to make the draft and adopted plan available on its website, which results in no additional fiscal impact on the agency. Beginning in 2010 the bill requires OPM to consult with various parties and recommend geographic areas to be designated Priority Funding Areas. OPM may incur future costs to designate these priority funding areas. The bill requires OPM, within available appropriations, to encourage federal agencies to locate in urban Priority Funding Areas.

Any consultations or collaborations required by the Departments of Economic and Community Development (DECD), Environmental Protection (DEP), or Agriculture in developing recommendations for setting of the boundaries of priority funding can be handled within the routine duties of the agencies.

Requiring the review and modification of regulations to carry out the purpose of coordinated management of growth related projects in priority funding areas would increase costs to the DEP. Depending upon the complexity of the impacted regulations and the number impacted, costs could exceed \$100,000. It is also anticipated that DECD would incur minimal costs, approximately \$5,000 for this process.

Municipal

The bill requires local and regional planning agencies (RPAs) to consider additional factors when revising their plans of conservation and development, which must be revised by July 1, 2008. Additionally, the bill requires regional planning agencies to determine whether it is prudent and feasible to have mixed use development patterns and determine whether the plan is consistent with the state plan of conservation and development. This is not anticipated to result in a fiscal impact to municipalities. The bill requires municipalities that have a website to post the plan on its website at least 65 days prior to the hearing, which results in no fiscal impact.

Implementation of the priority funding areas could divert grant funds from one municipality to another. The exact impact is not known.

House "A" makes a variety of changes, which results in no fiscal impact.

House "F" adds provisions on water diversions, which results in no fiscal impact.

OLR Bill Analysis

sHB 6570 (as amended by House "A" and "F")*

AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT**SUMMARY:**

This bill makes many changes in the requirements and processes for preparing state, regional, and local land-use plans. It requires the State Plan of Conservation and Development (Plan of C&D) to identify areas suitable for mixed-use developments and target development funding. It requires regional planning agencies (RPAs) to revise their existing plans of development by July 1, 2008 and at least once every 10 years. It modifies the process for adopting these plans and requires them to (1) identify any inconsistencies with six growth management principles, which are included in the current draft state Plan of C&D and (2) note on the record any inconsistencies with that plan and the reasons for them. It expands the contents of local plans of C&D, requires them to address the same six principles, modifies the process for adopting the plans, and establishes a process under which anyone may request plan changes.

The bill establishes a process for the Office of Policy and Management (OPM) to designate priority funding areas, subject to legislative approval. It generally restricts state funding for growth-related projects to such areas and establishes new criteria for targeting state funding for such projects.

The bill requires the OPM secretary, within available funds, to coordinate the review of federal projects in relation to their location in priority funding areas to encourage the siting of these projects in urban areas in accordance with a federal executive order.

The bill validates the adoption of the 2004-2009 Plan of C&D, notwithstanding the the failure of the Continuing Legislative Committee on State Planning and Development to hold a hearing and submit the plan to the legislature by the statutory deadline.

The bill bars the environmental protection commissioner from denying a water quality permit based on the proposal's inconsistency with the plan.

Under current law, the continuing committee must, within 35 days of the start of the regular session when the plan is presented to the legislature for its approval, hold a hearing and submit its recommendations to the legislature. The bill gives the committee 45 days from the start of the session to hold its hearing, and 45 days from completing the hearing to recommend approval or disapproval.

The bill makes several changes to reflect the fact that the submission date for the current plan was extended by one year.

The bill removes provision in the legislative findings of the Water Diversion Policy Act that states that diversions shall only be permitted when consistent with the plan.

*House Amendment "A" (1) validates the adoption of the current plan, (2) gives the continuing committee additional time to hold a hearing on the plan and make its recommendation to the legislature, (3) limits the scope of the provision barring the environmental protection commissioner from denying permits due to inconsistency with the plan, (4) exempts libraries and property used for governmental purposes from the restrictions on providing funding outside of preferred funding areas, and (5) involves the Transportation Strategy Board in delineating these areas.

*House Amendment "F" adds the provision on water diversions.

EFFECTIVE DATE: July 1, 2005, except for the validating provision and the provisions reflecting the one-year extension and change in deadlines for the continuing committee which are effective upon passage.

STATE PLAN OF C&D

The law requires OPM to prepare the state Plan of C&D for legislative approval every five years. The bill requires that future plans describe the progress made in achieving the goals and objectives of the last plan. Future plans must also identify:

1. areas where it is prudent and feasible to have mixed-use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse;
2. priority funding areas (described below); and
3. corridor management areas on either side of a limited-access highway or a rail line.

In designating corridor management areas, the OPM secretary must make recommendations that:

1. promote land-use and transportation options to reduce the growth of traffic congestion,
2. connect infrastructure and other development decisions,
3. promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing facilities, and
4. increase intermunicipal and regional cooperation.

The bill requires that the secretary post the draft and adopted plans on the state website.

REGIONAL PLANS OF DEVELOPMENT

The law requires each RPA to adopt a plan of development but sets no timeframe for doing so. The bill requires that they do so at least once every 10 years. It also requires RPAs to revise their existing plans by July 1, 2008. The bill requires the plan to identify areas where it is prudent and feasible to have mixed-use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse. It also requires the plan to identify any inconsistencies with the following growth management principles:

1. redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure;

2. expand housing opportunities and design choices to accommodate a variety of household types and needs;
3. concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse;
4. conserve and restore the natural environment, cultural and historical resources, and traditional rural lands;
5. protect environmental assets critical to public health and safety; and
6. integrate planning across all levels of government to address issues on a local, regional, and statewide basis.

The bill also requires that the plan include the RPAs' recommendations for the use of land for agriculture.

By law, the RPA must hold a public hearing on its draft plan. The bill requires that the RPA post the plan on its website (if there is one) at least 65 days before the hearing. It requires the RPA to submit the draft plan to OPM for findings in the form of comments and recommendations, rather than giving OPM notice of the public hearing. The findings have to include a review of whether the draft is consistent with the state Plan of C&D. The RPA must note on the record any inconsistencies and the reasons for them. The RPA must notify the OPM secretary of the inconsistencies in the adopted plan and the reasons for them.

The RPA must post the adopted plan on its website, if it has one.

LOCAL PLANS OF C&D

Contents

By law, a local planning commission must prepare or amend a Plan of C&D for its municipality every 10 years. The bill requires the plans to (1) identify where it is feasible and prudent to have mixed-use development patterns and land reuse that are compact, transit accessible, pedestrian-oriented and (2) promote such patterns and reuse. The bill requires the commission to consider focusing

development and revitalization in areas with existing or planned infrastructure in preparing the plan.

The bill requires the plans, in addition to their existing components, to provide for a system of thoroughfares, parkways, bridges, streets, sidewalks, and other public ways as appropriate, rather than just including the commission's recommendations for these facilities. It requires the commission, in developing the plan, to consider the protection and preservation of agriculture in addition to other factors it must consider. It allows the plan to include the commission's recommendations for corridor management areas and proposed priority funding areas (described below).

By law, the plan must include the commission's recommendations for how the land in the municipality should be used. The bill requires that the plan include a map with such proposed uses. It also specifically allows the plan to include the commission's recommendations regarding the location, relocation, and improvement of schools (a provision that already applies to public buildings).

Under current law, the local commission must note any inconsistencies with the state Plan of C&D. The bill instead requires the commission to note any inconsistencies with the six growth management principles listed above.

Adoption Process

By law, the local commission must hold a hearing on the plan. The bill requires that the commission submit the plan to the RPA 35, rather than 65, days before the hearing on adopting the plan. It also requires the commission to post the draft plan on the municipality's website (if there is one) by that deadline. The bill requires the RPA's advisory report back to the commission to include findings regarding the local plan's consistency with the state Plan of C&D, the regional plan of development, and the local plans of C&D of other municipalities in the RPA's area. The commission may revise the draft plan in accordance with the RPA's report, but may make a decision on the plan without the report.

The bill explicitly allows the commission to revise its plan in accordance with the RPA's report.

The bill changes the points where the legislative body receives and endorses the plan. Under current law:

1. the commission must submit the plan to the municipality's legislative body for its review at least 65 days before the public hearing,
2. the legislative body may hold a hearing on the plan at this stage and submit its comments to the commission before the commission hearing on the plan's adoption,
3. the legislative body tacitly approves the plan if it fails to report before by the hearing date, and
4. the legislative body may hold a hearing on the adopted plan and then adopt a resolution endorsing it.

Instead, the bill allows the commission to revise its draft plan after its public hearing and requires that the proposed final plan be submitted to the legislative body for its endorsement. The legislative body must endorse or reject the plan or parts of it. It may submit comments and recommended changes to the commission.

In towns where the town meeting is the legislative body, the proposed final plan goes to the board of selectmen, which may hold a hearing on it. The town meeting may endorse or reject the plan or parts of it within 45 days of receiving it and submit comments and recommendations on it.

By law, even if the legislative body does not endorse all or part of the plan, the commission can still adopt it by a vote of at least two-thirds of its members.

Under the bill, once the plan is adopted, it must be posted on the municipality's website (if there is one). The commission must notify the OPM secretary of any inconsistencies between the final plan and the state Plan of C&D and the reasons for them.

Requested Amendments

The bill allows any property owner or tenant in the municipality, or his agent, to submit a proposal to change the plan to the commission. The

proposal must be in writing and on a form prescribed by the commission. The commission must decide whether to hold a hearing on the proposal within 35 days of receiving it. It must hold a hearing if it determines that it is in the public interest.

The commission must approve, deny, or modify the proposal by the deadline that already applies to other petitions (usually 65 days after the hearing ends). If the commission determines at any time that the proposal would be a significant change to the policies and goals of the local plan, it must consider the proposal in the same way it considers plan revisions, as discussed above.

PRIORITY FUNDING AREAS

Designation

Under the bill, the OPM secretary must develop recommendations for setting and revising boundaries for priority funding areas. He must consult with RPAs, the chairman of the Transportation Strategy Board; the economic and community development, environmental protection, public works, agriculture, and transportation commissioners; and other persons or entities the secretary considers necessary in doing this.

In making his recommendations, the secretary must consider:

1. regional centers, growth areas, neighborhood conservation areas, and rural community centers as designated in the state Plan of C&D;
2. redevelopment areas, distressed municipalities, targeted investment communities, public investment communities, and enterprise zones;
3. corridor management areas identified in the state Plan of C&D; and
4. the principles of the Transportation Strategy Board.

The secretary must submit his recommendations to the Continuing Legislative Committee on State Planning and Development for its review in conjunction with its review of the state Plan of C&D. (The

last version of the plan was approved in March 2005; the next approval will take place in 2010.) The boundaries of the priority funding areas become effective upon the approval of the legislature.

Once the areas are designated, each state agency and department must review its regulations and modify them to carry out coordinated management of growth-related projects in priority funding areas. Each agency, department, and institution must cooperate with municipalities to ensure that programs and activities in rural areas sustain village character.

State Funding for Growth-Related Projects

Once the boundaries are established, state agencies, departments, and institutions generally cannot provide funding for growth-related projects outside of the priority funding areas. Funding includes any form of assurance, guarantee, grant, credit, tax credit, loan, loan guarantee, or reduction in the principal or interest rate on all or part of a loan.

Growth-related projects are those that include:

1. acquisition of real property, other than open space for conservation or preservation purposes, with an acquisition cost over \$100,000;
2. development or improvement of real property where the development costs exceed \$100,000; and
3. acquisition of public transportation facilities or equipment costing more than \$100,000.

Growth-related projects also include the authorization of state grants of more than \$100,000, if the grant application is not pending on July 1, 2006, to (1) acquire, develop, or improve real property or (2) acquire public transportation equipment or facilities.

Any project, funding, or other state assistance, other than described above, is not subject to the financing restrictions. In addition, grant programs are not subject to the restrictions if the grant is for:

1. school construction projects funded by the Department of

- Education;
2. libraries;
 3. municipally owned property or public buildings used for governmental purposes;
 4. maintaining, repairing, adding to, or renovating existing facilities;
 5. acquiring land for telecommunications towers whose primary purpose is public safety;
 6. parks, conservation, and open space;
 7. acquiring agricultural, conservation, and historic easements;
 8. housing that the economic and community development commissioner determines will promote fair housing choice and racial and economic integration; and
 9. projects at an existing facility needed to comply with state environmental or health standards.

In addition, grant funding by the Department of Economic and Community Development (DECD) is not considered a growth-related project under certain circumstances. To be exempt, the grant must be used for a project (1) financed with federal funds to purchase or rehabilitate existing single or multifamily housing or (2) financed by revenue bonds. In addition, the DECD commissioner must determine that applying these provisions would (1) conflict with state or federal law regarding the issuance or tax-exempt status of bonds or a provision of a trust agreement between DECD and trustees or (2) prohibit financing of an existing project or financing provided to cure or prevent a default under existing financing.

Funding Projects Outside of Priority Funding Areas

State funding of growth-related projects is allowed outside of priority funding areas if the head of the funding agency, with OPM approval, determines that it is consistent with the local Plan of C&D and that the project:

1. enhances other activities targeted by state agencies, departments, or institutions to a municipality within a priority funding area;
2. is located in a distressed municipality, targeted investment community, or public investment community;
3. supports existing neighborhoods or communities;
4. promotes the use of mass transit;
5. provides for mixed-use development patterns and land reuse that is compact, transit accessible, and pedestrian-oriented, and promotes such patterns and land reuse;
6. has no reasonable alternate site in a priority funding area;
7. must be located away from other developments due to its operational or physical characteristics; or
8. is for the reuse or redevelopment of an existing site.

The bill also allows for funding if the extreme inequity, hardship, or disadvantage of not funding the projects clearly outweigh the benefits of locating the project within such areas.

Within one year after the areas are designated and annually thereafter, every department, agency, and institution must prepare a report that describes grants for growth-related projects made under these provisions.

BACKGROUND

Legislative History

The House referred the original bill (File 91) to the Environment Committee on April 5. On April 11, the committee reported a substitute that added a provision that any inconsistencies between a local plan of C&D and the six growth management principles, or the regional or state plans of C&D not be cause for denying a state environmental permit. The House then referred the bill to the

Legislative Management, Appropriations, and Transportation committees on April 28, May 10, and May 25, respectively. The committees reported the bill favorably on May 6, 16, and 26, respectively.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 11 Nay 4

Environment Committee

Joint Favorable Substitute
Yea 22 Nay 2

Joint Committee on Legislative Management

Joint Favorable Report
Yea 17 Nay 0

Appropriations Committee

Joint Favorable Report
Yea 37 Nay 6

Transportation Committee

Joint Favorable Report
Yea 25 Nay 4