



House of Representatives

General Assembly

File No. 399

January Session, 2005

Substitute House Bill No. 6783

House of Representatives, April 18, 2005

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PRESERVATION AND USE OF AGRICULTURAL LANDS.

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

1 Section 1. Section 8-3 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) Such zoning commission shall provide for the manner in which
4 regulations under section 8-2 or 8-2j and the boundaries of zoning
5 districts shall be respectively established or changed. No such
6 regulation or boundary shall become effective or be established or
7 changed until after a public hearing in relation thereto, held by a
8 majority of the members of the zoning commission or a committee
9 thereof appointed for that purpose consisting of at least five members.
10 Such hearing shall be held in accordance with the provisions of section
11 8-7d. A copy of such proposed regulation or boundary shall be filed in
12 the office of the town, city or borough clerk, as the case may be, in such

13 municipality, but, in the case of a district, in the offices of both the
14 district clerk and the town clerk of the town in which such district is
15 located, for public inspection at least ten days before such hearing, and
16 may be published in full in such paper. The commission may require a
17 filing fee to be deposited with the commission to defray the cost of
18 publication of the notice required for a hearing.

19 (b) Such regulations and boundaries shall be established, changed
20 or repealed only by a majority vote of all the members of the zoning
21 commission, except as otherwise provided in this chapter. In making
22 its decision the commission shall take into consideration the plan of
23 conservation and development, prepared pursuant to section 8-23, and
24 shall state on the record its findings on consistency of the proposed
25 establishment, change or repeal of such regulations and boundaries
26 with such plan. If a protest against a proposed change is filed at or
27 before a hearing with the zoning commission, signed by the owners of
28 twenty per cent or more of the area of the lots included in such
29 proposed change or of the lots within five hundred feet in all
30 directions of the property included in the proposed change, such
31 change shall not be adopted except by a vote of two-thirds of all the
32 members of the commission.

33 (c) All petitions requesting a change in the regulations or the
34 boundaries of zoning districts shall be submitted in writing and in a
35 form prescribed by the commission and shall be considered at a public
36 hearing within the period of time permitted under section 8-7d. Any
37 person intending to file a petition requesting a regulation change or a
38 change in a zoning district boundary on land for which development
39 rights are held by the state pursuant to sections 22-26aa to 22-26jj,
40 inclusive, or for which there is a conservation restriction, as defined in
41 section 47-42a, shall provide notice, in writing, by certified mail, return
42 receipt requested, to the Commissioner of Agriculture or the holder of
43 the conservation restriction, as the case may be, of such person's intent
44 to file the petition. The notice shall be mailed by the applicant not less
45 than sixty days before the petition is filed. The commission shall act
46 upon the changes requested in such petition. Whenever such

47 commission makes any change in a regulation or boundary it shall
48 state upon its records the reason why such change is made. No such
49 commission shall be required to hear any petition or petitions relating
50 to the same changes, or substantially the same changes, more than
51 once in a period of twelve months.

52 (d) Zoning regulations or boundaries or changes therein shall
53 become effective at such time as is fixed by the zoning commission,
54 provided a copy of such regulation, boundary or change shall be filed
55 in the office of the town, city or borough clerk, as the case may be, but,
56 in the case of a district, in the office of both the district clerk and the
57 town clerk of the town in which such district is located, and notice of
58 the decision of such commission shall have been published in a
59 newspaper having a substantial circulation in the municipality before
60 such effective date. In any case in which such notice is not published
61 within the fifteen-day period after a decision has been rendered, any
62 applicant or petitioner may provide for the publication of such notice
63 within ten days thereafter.

64 (e) The zoning commission shall provide for the manner in which
65 the zoning regulations shall be enforced.

66 (f) (1) No building permit or certificate of occupancy shall be issued
67 for a building, use or structure subject to the zoning regulations of a
68 municipality without certification in writing by the official charged
69 with the enforcement of such regulations that such building, use or
70 structure is in conformity with such regulations or is a valid
71 nonconforming use under such regulations. Such official shall inform
72 the applicant for any such certification that such applicant may
73 provide notice of such certification by either (1) publication in a
74 newspaper having substantial circulation in such municipality stating
75 that the certification has been issued, or (2) any other method provided
76 for by local ordinance. Any such notice shall contain (A) a description
77 of the building, use or structure, (B) the location of the building, use or
78 structure, (C) the identity of the applicant, and (D) a statement that an
79 aggrieved person may appeal to the zoning board of appeals in

80 accordance with the provisions of section 8-7.

81 (2) The applicant for a building permit or certificate of occupancy
82 for a building, use or structure on lands from which development
83 rights are held by the state pursuant to sections 22-26aa to 22-26jj,
84 inclusive, or from which there is a conservation restriction, as defined
85 in section 47-42a, shall notify, in writing, by certified mail, return
86 receipt requested, the Commissioner of Agriculture or the holder of
87 such restriction, as the case may be, of such application. The provisions
88 of this subdivision shall not apply to applications for interior work in
89 an existing building.

90 (g) The zoning regulations may require that a site plan be filed with
91 the commission or other municipal agency or official to aid in
92 determining the conformity of a proposed building, use or structure
93 with specific provisions of such regulations. If a site plan application
94 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
95 inclusive, the applicant shall submit an application for a permit to the
96 agency responsible for administration of the inland wetlands
97 regulations not later than the day such application is filed with the
98 zoning commission. The decision of the zoning commission shall not
99 be rendered on the site plan application until the inland wetlands
100 agency has submitted a report with its final decision. In making its
101 decision the zoning commission shall give due consideration to the
102 report of the inland wetlands agency. A site plan may be modified or
103 denied only if it fails to comply with requirements already set forth in
104 the zoning or inland wetlands regulations. Approval of a site plan
105 shall be presumed unless a decision to deny or modify it is rendered
106 within the period specified in section 8-7d. A certificate of approval of
107 any plan for which the period for approval has expired and on which
108 no action has been taken shall be sent to the applicant within fifteen
109 days of the date on which the period for approval has expired. A
110 decision to deny or modify a site plan shall set forth the reasons for
111 such denial or modification. A copy of any decision shall be sent by
112 certified mail to the person who submitted such plan within fifteen
113 days after such decision is rendered. The zoning commission may, as a

114 condition of approval of any modified site plan, require a bond in an
115 amount and with surety and conditions satisfactory to it, securing that
116 any modifications of such site plan are made or may grant an
117 extension of the time to complete work in connection with such
118 modified site plan. The commission may condition the approval of
119 such extension on a determination of the adequacy of the amount of
120 the bond or other surety furnished under this section. The commission
121 shall publish notice of the approval or denial of site plans in a
122 newspaper having a general circulation in the municipality. In any
123 case in which such notice is not published within the fifteen-day
124 period after a decision has been rendered, the person who submitted
125 such plan may provide for the publication of such notice within ten
126 days thereafter.

127 (h) Notwithstanding the provisions of the general statutes or any
128 public or special act or any local ordinance, when a change is adopted
129 in the zoning regulations or boundaries of zoning districts of any
130 town, city or borough, no improvements or proposed improvements
131 shown on a site plan for residential property which has been approved
132 prior to the effective date of such change, either pursuant to an
133 application for special exception or otherwise, by the zoning
134 commission of such town, city or borough, or other body exercising
135 the powers of such commission, and filed or recorded with the town
136 clerk, shall be required to conform to such change.

137 (i) In the case of any site plan approved on or after October 1, 1984,
138 except as provided in subsection (j) of this section, all work in
139 connection with such site plan shall be completed within five years
140 after the approval of the plan. The certificate of approval of such site
141 plan shall state the date on which such five-year period expires. Failure
142 to complete all work within such five-year period shall result in
143 automatic expiration of the approval of such site plan, except in the
144 case of any site plan approved on or after October 1, 1989, the zoning
145 commission or other municipal agency or official approving such site
146 plan may grant one or more extensions of the time to complete all or
147 part of the work in connection with the site plan provided the total

148 extension or extensions shall not exceed ten years from the date such
149 site plan is approved. "Work" for purposes of this subsection means all
150 physical improvements required by the approved plan.

151 (j) In the case of any site plan for a project consisting of four
152 hundred or more dwelling units approved on or after June 19, 1987, all
153 work in connection with such site plan shall be completed within ten
154 years after the approval of the plan. In the case of any commercial,
155 industrial or retail project having an area equal to or greater than four
156 hundred thousand square feet approved on or after October 1, 1988,
157 the zoning commission or other municipal agency or official approving
158 such site plan shall set a date for the completion of all work in
159 connection with such site plan, which date shall be not less than five
160 nor more than ten years from the date of approval of such site plan,
161 provided such commission, agency or official approving such plan and
162 setting a date for completion which is less than ten years from the date
163 of approval may extend the date of completion for an additional
164 period or periods, not to exceed ten years in the aggregate from the
165 date of the original approval of such site plan. The certificate of
166 approval of such site plan shall state the date on which such work shall
167 be completed. Failure to complete all work within such period shall
168 result in automatic expiration of the approval of such site plan. "Work"
169 for purposes of this subsection means all physical improvements
170 required by the approved plan.

171 (k) A separate zoning district may be established for shorefront land
172 areas utilized for water-dependent uses, as defined in section 22a-93,
173 existing on October 1, 1987. Such district may be composed of a single
174 parcel of land, provided the owner consents to such establishment. The
175 provisions of this section shall not be construed to limit the authority
176 of a zoning commission to establish and apply land use districts for the
177 promotion and protection of water-dependent uses pursuant to section
178 8-2 and sections 22a-101 to 22a-104, inclusive. The provisions of this
179 subsection shall apply to all zoning commissions or other final zoning
180 authority of each municipality whether or not such municipality has
181 adopted the provisions of this chapter or the charter of such

182 municipality or special act establishing zoning in the municipality
183 contains similar provisions.

184 (l) Notwithstanding the provisions of this section to the contrary,
185 any site plan approval made under this section on or before October 1,
186 1989, except an approval made under subsection (j) of this section,
187 shall expire not more than seven years from the date of such approval
188 and the commission may grant one or more extensions of time to
189 complete all or part of the work in connection with such site plan,
190 provided the time for all extensions under this subsection shall not
191 exceed ten years from the date the site plan was approved.

192 Sec. 2. Section 22-6e of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2005*):

194 (a) The commissioner may develop a program to encourage the use
195 of vacant public land owned by the state for gardening or agricultural
196 purposes. In order to carry out said program, the commissioner shall:
197 (1) In cooperation with other state agencies, compile a list of all vacant
198 public land owned by the state, that in the opinion of such agencies
199 and the commissioner may be feasibly used for gardening or
200 agriculture, and (2) establish a procedure for application to the
201 department on a form to be furnished by the commissioner for a
202 permit to use available vacant public land for gardening or agricultural
203 purposes. The commissioner shall adopt regulations pursuant to
204 chapter 54 to carry out the provisions of this section, including but not
205 limited to requirements for agreements to use vacant public land for
206 gardening or agricultural purposes, establishment of a fee for such
207 permit, except that no fee shall be charged for gardening permits, and
208 requirements for the use of such land for agricultural purposes based
209 on competitive open bidding. Permits shall be for a period prescribed
210 by the commissioner but shall not exceed [seven] ten years from the
211 date of issuance. After such period permit holders may apply for a
212 new permit or renewal of the permit. Applicants shall submit a plan
213 for such use and shall agree to maintain the land in a condition
214 consistent with such land use plan, and shall agree to abide by

215 regulations adopted by the department pursuant to chapter 54. Failure
216 to carry out the conditions of agreement shall result in the forfeiture of
217 the garden or agriculture permit. Any applicant who is granted the use
218 of vacant public land for gardening or agricultural purposes shall
219 indemnify and save harmless the state and all of its officers, agents and
220 employees against suits and claims of liability of each name and nature
221 arising out of, or in consequence of the use of vacant public land.

222 (b) Any permit issued pursuant to subsection (a) may be terminated
223 by the commissioner, without cause, upon written notice to the
224 permittee.

225 (c) A sponsor who has a gardening permit may assess a fee to
226 individual gardeners for the sole purpose of reimbursing such sponsor
227 for costs incurred in land preparation.

228 (d) Any payments by the permit holder pursuant to an agreement
229 for the use of state land for agricultural purposes shall be credited in
230 equal shares to the General Fund account of the agency whose land is
231 being used for such purposes and to the Department of Agriculture for
232 the purpose of administering the program.

233 Sec. 3. Section 22-26cc of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective October 1, 2005*):

235 (a) There is established within the Department of Agriculture a
236 program to solicit, from owners of agricultural land, offers to sell the
237 development rights to such land and to inform the public of the
238 purposes, goals and provisions of this chapter. The commissioner, with
239 the approval of the State Properties Review Board, shall have the
240 power to acquire or accept as a gift, on behalf of the state, the
241 development rights of any agricultural land, if offered by the owner.
242 Notice of the offer shall be filed in the land records wherein the
243 agricultural land is situated. If ownership of any land for which
244 development rights have been offered is transferred, the offer shall be
245 effective until the subsequent owner revokes the offer in writing. The
246 state conservation and development plan established pursuant to

247 section 16a-24 shall be applied as an advisory document to the
248 acquisition of development rights of any agricultural lands. The factors
249 to be considered by the commissioner in deciding whether or not to
250 acquire such rights shall include, but not be limited to, the following:
251 (1) The probability that the land will be sold for nonagricultural
252 purposes; (2) the current productivity of such land and the likelihood
253 of continued productivity; (3) the suitability of the land as to soil
254 classification and other criteria for agricultural use; (4) the degree to
255 which such acquisition would contribute to the preservation of the
256 agricultural potential of the state; (5) any encumbrances on such land;
257 [] (6) the cost of acquiring such rights; and (7) the degree to which
258 such acquisition would mitigate damage due to flood hazards.
259 Ownership by a nonprofit organization authorized to hold land for
260 conservation and preservation purposes of land which prior to such
261 ownership qualified for the program established pursuant to this
262 section shall not be deemed to diminish the probability that the land
263 will be sold for nonagricultural purposes. After a preliminary
264 evaluation of such factors by the Commissioner of Agriculture, he shall
265 obtain and review one or more fee appraisals of the property selected
266 in order to determine the value of the development rights of such
267 property. The commissioner shall notify the Department of
268 Transportation, the Department of Economic and Community
269 Development, the Department of Environmental Protection and the
270 Office of Policy and Management that such property is being
271 appraised. Any appraisal of the value of such land obtained by the
272 owner and performed in a manner approved by the commissioner
273 shall be considered by the commissioner in making such
274 determination. The value of development rights for all purposes of this
275 section shall be the difference between the value of the property for its
276 highest and best use and its value for agricultural purposes as
277 determined by the commissioner. The use or presence of pollutants or
278 chemicals in the soil shall not be deemed to diminish the agricultural
279 value of the land or to prohibit the commissioner from acquiring the
280 development rights to such land. The commissioner may purchase
281 development rights for a lesser amount provided he complies with all

282 factors for acquisition specified in this subsection and in any
283 implementing regulations. In determining the value of the property for
284 its highest and best use, consideration shall be given but not limited to
285 sales of comparable properties in the general area, use of which was
286 unrestricted at the time of sale.

287 (b) Upon the acquisition by the commissioner of the development
288 rights of agricultural land, said commissioner shall cause to be filed in
289 the appropriate land records and in the office of the Secretary of the
290 State a notice of such acquisition which shall set forth a description of
291 the agricultural land as will be sufficient to give any prospective
292 purchaser of such agricultural land or creditor of the owner thereof
293 notice of such restriction. Upon the filing as aforesaid of the notice, the
294 owner of such agricultural land shall not be permitted to exercise
295 development rights with respect to such land, and such development
296 rights shall be considered and deemed dedicated to the state in
297 perpetuity except as hereinafter provided. If restricted land is to be
298 sold, the former owner shall notify, in writing, the commissioner of
299 such impending sale not more than ninety days before transfer of title
300 to the land and shall provide him with the name and address of the
301 new owner.

302 (c) The commissioner shall have no power to release such land from
303 its agricultural restriction, except as set forth in this subsection. The
304 commissioner, in consultation with the Commissioner of
305 Environmental Protection and such advisory groups as the
306 Commissioner of Agriculture may appoint, may approve (1) a petition
307 by the owner of the restricted agricultural land to remove such
308 restriction provided such petition is approved by resolution of the
309 legislative body of the town, or (2) a petition by the legislative body of
310 the town in which such land is situated to remove such restriction
311 provided such petition is approved in writing by said owner. Upon
312 approval of such a petition by the commissioner, the legislative body
313 of the town shall submit to the qualified voters of such town the
314 question of removing the agricultural restriction from such land or a
315 part thereof, at a referendum held at a regular election or a special

316 election warned and called for that purpose. In the event a majority of
317 those voting at such referendum are in favor of such removal, the
318 restriction shall be removed from the agricultural land upon filing of
319 the certified results of such referendum in the land records and the
320 office of the Secretary of the State, and the commissioner shall convey
321 the development rights to such owner provided such owner shall pay
322 the commissioner an amount equal to the value of such rights. Such
323 petition shall set forth the facts and circumstances upon which the
324 commissioner shall consider approval, and said commissioner shall
325 deny such approval unless he determines that the public interest is
326 such that there is an overriding necessity to relinquish control of the
327 development rights. The commissioner shall hold at least one public
328 hearing prior to the initiation of any proceedings hereunder. The
329 expenses, if any, of the hearing and the referendum shall be borne by
330 the petitioner. In the event that the state sells any development rights
331 under the procedure provided in this subsection, it shall receive the
332 value of such rights.

333 (d) Whenever the commissioner acquires the development rights of
334 any agricultural land and the purchase price of such development
335 rights is ten thousand dollars or more, said commissioner and the
336 owner of such land may enter into a written agreement which
337 provides for the payment of the purchase price in two or three annual
338 installments, but no interest shall be paid on any unpaid balance of
339 such purchase price.

340 (e) Whenever the commissioner acquires the development rights to
341 any agricultural land, and any municipality in which all or part of the
342 land is situated paid a part of the purchase price from a fund
343 established pursuant to section 7-131q, such municipality and the state
344 may jointly own the development rights, provided joint ownership by
345 such municipality shall be limited to land within its boundaries. The
346 land may be released from its agricultural restriction in accordance
347 with the provisions of subsection (c) of this section. The commissioner
348 shall adopt regulations in accordance with the provisions of chapter 54
349 establishing procedures for the joint acquisition of development rights

350 to agricultural land.

351 (f) The acquisition of the development rights to any agricultural
352 land by the commissioner shall not be deemed to be ownership of such
353 land and the state shall not be liable for pollution or contamination of
354 such land and no person may bring a civil action against the state for
355 damages resulting from pollution or contamination of such
356 agricultural land.

357 (g) The commissioner may issue a letter of intent requesting the
358 assistance of a nonprofit organization, as defined in [subsection (c)(3)
359 of Section 501 of the United States Internal Revenue Code] Section
360 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent
361 corresponding internal revenue code of the United States, as from time
362 to time amended, in acquiring the development rights to certain
363 agricultural land. If such organization acquires such rights it may sell
364 them to the commissioner based on a purchase agreement. Such
365 agreement may include reimbursement for reasonable expenses
366 incurred in the acquisition of the rights as well as payment for the
367 rights. The commissioner may enter into joint ownership agreements
368 to acquire the development rights to any qualified agricultural land
369 with any nonprofit organization, as defined in Section 501(c)(3) of the
370 Internal Revenue Code of 1986, or any subsequent corresponding
371 internal revenue code of the United States, as from time to time
372 amended, provided the mission of such nonprofit organization is the
373 permanent protection of agricultural land for the purposes of
374 continued agricultural use.

375 (h) In addition to development rights, the commissioner may
376 acquire or accept as a gift the rights of the owner to construct any
377 residences or any farm structures on agricultural land.

378 (i) The Commissioner of Agriculture, pursuant to any cooperative
379 agreement with the United States Department of Agriculture for the
380 disbursement of funds under federal law, may require that any
381 property to which rights are acquired under this section with such
382 funds shall be managed in accordance with a conservation plan which

383 utilizes the standards and specifications of the Natural Resources
 384 Conservation Service field office technical guide and is approved by
 385 such service. Any instrument by which the commissioner acquires
 386 such rights and for which any such funds are used may provide for a
 387 contingent right in the United States of America in the event that the
 388 state of Connecticut fails to enforce any of the terms of its rights
 389 acquired under this section which failure shall be determined by the
 390 United States Secretary of Agriculture. Such contingent right shall
 391 entitle the secretary to enforce any rights acquired by the state under
 392 this section by any authority provided under law. Such instrument
 393 may provide that such rights shall become vested in the United States
 394 of America in the event that the state of Connecticut attempts to
 395 terminate, transfer or otherwise divest itself of any such rights without
 396 the prior consent of the United States Secretary of Agriculture and
 397 payment of consideration to the United States and may further provide
 398 that title to such rights may be held by the United States of America at
 399 any time at the request of the United States Secretary of Agriculture. In
 400 connection with such an agreement, the commissioner may hold the
 401 United States harmless from any action based on negligence in the
 402 procurement or management of any rights acquired under this section
 403 and may assure that proper title evidence is secured, that the title is
 404 insured to the amount of the federal cost paid for the interest of the
 405 United States of America and that, in the event of a failure of title, as
 406 determined by a court of competent jurisdiction, and payment of
 407 insurance to the state, the state will reimburse the United States for the
 408 amount of the federal cost paid.

409 (j) The commissioner, when acquiring the development rights of any
 410 agricultural lands on behalf of the state, may incorporate deed
 411 requirements in accordance with the provisions of the federal Farm
 412 and Ranch Lands Protection Program, 7 CFR 1491.1, et seq..

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2005	8-3
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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	FY 06 \$	FY 07 \$
Department of Agriculture	GF - Cost/Revenue Gain	Minimal	Minimal
General Fund Revenue	GF- Revenue Loss	Minimal	Minimal
Treasurer, Debt Service	GF-Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The additional administrative workload incurred by the Department of Agriculture (DOAG) due to the notification requirements in the bill, will minimally increase the agency workload. DOAG anticipates approximately 15-20 notifications per year that could entail meetings with landowners.

Extending the agricultural land lease permits from seven to ten years will minimally reduce the administrative workload of the DOAG. The bill would increase the revenue to the DOAG by an estimated \$8,500 by allowing the agency to receive half of these agricultural lease payments. This will reduce the General Fund revenue by the same amount.

Allowing the Commissioner of DOAG to enter into joint agreements with non-profit organizations to acquire development rights to agricultural lands under the Farmland Preservation Program could both reduce costs to DOAG (due to cost sharing) and expand eligibility and therefore the use of the General Obligation (GO) funds available for the program. The unallocated balance as of 4/1/05 for GO bonds authorized for the Farmland Preservation Program is \$3.1 million. Any expansion of the program, which would result in the use of additional authorized bond funds, would increase debt service costs in

future years.

OLR Bill Analysis

sHB 6783

AN ACT CONCERNING THE PRESERVATION AND USE OF AGRICULTURAL LANDS**SUMMARY:**

This bill requires anyone who intends to petition for a zoning or regulation change or applies for a building permit or certificate of occupancy to notify the agriculture commissioner or party holding a conservation restriction, if (1) the state owns the development rights to the land or (2) a conservation restriction limits its use or condition to farming, or open space or forest land.

It extends, from seven to 10 years, the validity of the permit allowing people to farm or plant a garden on vacant state land. The commissioner issues the permit. The bill requires him to split the permit fees with the state agency responsible for the land.

The bill allows the commissioner to enter into joint ownership agreements with federally designated nonprofit organizations to acquire the development rights to qualified agricultural land. He may do this if the nonprofit's mission is the permanent protection of agricultural land for continued agricultural use. By law, the commissioner may issue a letter of intent requesting the assistance of a federally designated nonprofit organization to purchase development rights. The nonprofit may sell the agriculture department the development rights for the land it acquired.

The bill allows the commissioner to incorporate deed requirements in accordance with the federal Farm and Ranch Lands Protection Program when he acquires the development rights of any agricultural lands (7 CFR 1491.1, *et seq.*).

It also makes technical changes.

EFFECTIVE DATE: October 1, 2005

NOTIFICATION OF INTENTION TO CHANGE THE USE OF RESTRICTED LAND

Zone Change

The bill requires anyone petitioning a zoning commission for a change of zoning regulations or of a zoning district boundary to provide written notice to the agriculture commissioner or the holder of the conservation restriction, as the case may be, of his intention to file the petition. The petitioner must do this if the petition affects land that the state holds under its farmland preservation program or on which there is a conservation restriction. He must send the notice by certified mail, return receipt requested, at least 60 days before filing the petition.

Building Permits and Certificates of Occupancy

The bill also requires the applicant for a building permit or certificate of occupancy for a building, use, or structure on such land to notify the agriculture commissioner or the restriction holder of the application. The applicant must send the notice by certified mail, return receipt requested. Applicants do not have to notify the agriculture commissioner or holder for interior work in an existing building.

USE OF VACANT STATE LAND

By law, the agriculture commissioner may encourage people to use vacant state land for agriculture and gardening purposes. He must work with the state agencies responsible for the vacant land to determine the portions suitable for such purposes. He may issue permits to people allowing them to use the land for these purposes. The permits are valid for up to seven years. The permit fee revenue for agricultural use is credited to the General Fund account of the agency responsible for the land. (Gardening permits are free.)

The bill extends the validity of the permits to 10 years and splits the revenue equally between the agency whose land is being used and the Agriculture Department for the cost of administering the program.

BACKGROUND***State Program for the Preservation of Agricultural Land***

The program authorizes the agriculture department to purchase the development rights of existing farms. When the state makes this purchase, it gets a permanent easement that prohibits

nonagricultural development of the land, while allowing the owner to operate and manage the farm business. The program's goal is to conserve selected agricultural lands, pastures, woods, drainage areas, and open space areas for the benefit of the state and future generations.

Related Bill

SB 872 creates the Connecticut Farmland Preservation Fund as a separate, nonlapsing account in the General Fund. The fund consists of any money (1) from the real estate conveyance tax that exceeds the amount adopted as an estimate for that tax in the state budget and (2) required to be deposited in it by law. The agriculture department must use the funds to implement the state program for the preservation of agricultural land.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference
Yea 26 Nay 0

Planning and Development Committee

Joint Favorable Substitute
Yea 18 Nay 0