



House of Representatives

General Assembly

File No. 429

January Session, 2007

Substitute House Bill No. 7154

House of Representatives, April 10, 2007

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT, MAKING A MINOR CHANGE TO THE LOCAL CAPITAL IMPROVEMENT PROGRAM AND REVISING THE BOUNDARY BETWEEN DANBURY AND RIDGEFIELD.

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

1 Section 1. Section 16a-27 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The secretary, after consultation with all appropriate state,
4 regional and local agencies and other appropriate persons, shall prior
5 to March 1, 2009, complete a revision of the existing plan and enlarge it
6 to include, but not be limited to, policies relating to transportation,
7 energy and air. Any revision made after May 15, 1991, shall identify
8 the major transportation proposals, including proposals for mass
9 transit, contained in the master transportation plan prepared pursuant
10 to section 13b-15. Any revision made after July 1, 1995, shall take into
11 consideration the conservation and development of greenways that

12 have been designated by municipalities and shall recommend that
13 state agencies coordinate their efforts to support the development of a
14 state-wide greenways system. The Commissioner of Environmental
15 Protection shall identify state-owned land for inclusion in the plan as
16 potential components of a state greenways system.

17 (b) Any revision made after August 20, 2003, shall take into account
18 (1) economic and community development needs and patterns of
19 commerce, and (2) linkages of affordable housing objectives and land
20 use objectives with transportation systems.

21 (c) Any revision made after March 1, 2006, shall (1) take into
22 consideration risks associated with natural hazards, including, but not
23 limited to, flooding, high winds and wildfires; (2) identify the potential
24 impacts of natural hazards on infrastructure and property; and (3)
25 make recommendations for the siting of future infrastructure and
26 property development to minimize the use of areas prone to natural
27 hazards, including, but not limited to, flooding, high winds and
28 wildfires.

29 (d) Any revision after July 1, 2005, shall describe the progress
30 towards achievement of the goals and objectives established in the
31 previously adopted state plan of conservation and development and
32 shall identify (1) areas where it is prudent and feasible (A) to have
33 compact, transit accessible, pedestrian-oriented mixed-use
34 development patterns and land reuse, and (B) to promote such
35 development patterns and land reuse, (2) priority funding areas
36 designated under section 16a-35c, and (3) corridor management areas
37 on either side of a limited access highway or a rail line. In designating
38 corridor management areas, the secretary shall make
39 recommendations that (A) promote land use and transportation
40 options to reduce the growth of traffic congestion; (B) connect
41 infrastructure and other development decisions; (C) promote
42 development that minimizes the cost of new infrastructure facilities
43 and maximizes the use of existing infrastructure facilities; and (D)
44 increase intermunicipal and regional cooperation.

45 (e) For any revision made after the effective date of this section, the
46 text of the plan shall be consistent with the accompanying locational
47 guide map.

48 [(e)] (f) Thereafter on or before March first in each revision year the
49 secretary shall complete a revision of the plan of conservation and
50 development.

51 Sec. 2. Subsection (a) of section 7-536 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective July*
53 *1, 2007*):

54 (a) As used in sections 7-535 to 7-538, inclusive:

55 (1) "Adjusted equalized net grand list per capita" means the
56 adjusted equalized net grand list per capita determined for each town
57 pursuant to section 10-261;

58 (2) "Density" means the population of a municipality divided by the
59 number of square miles of the municipality;

60 (3) "Grant anticipation note" means a note issued in anticipation of
61 the receipt of project grants to the municipality from moneys in the
62 Local Capital Improvement Fund;

63 (4) "Local capital improvement project" means a municipal capital
64 expenditure project for any of the following purposes: (A) Road
65 construction, renovation, repair or resurfacing, (B) sidewalk and
66 pavement improvements, (C) construction, renovation, enlargement or
67 repair of sewage treatment plants and sanitary or storm, water or
68 sewer lines, including separation of lines, (D) public building
69 construction other than schools, including renovation, repair, code
70 compliance, energy conservation and fire safety projects, (E)
71 construction, renovation, enlargement or repair of dams, bridges and
72 flood control projects, (F) construction, renovation, enlargement or
73 repair of water treatment or filtration plants and water mains, (G)
74 construction, renovation or enlargement of solid waste facilities, (H)
75 improvements to public parks, (I) the preparation and revision of local

76 capital improvement plans projected for a period of not less than five
77 years and so prepared as to show the general description, need and
78 estimated cost of each individual capital improvement, (J)
79 improvements to emergency communications systems, (K) public
80 housing projects, including renovations and improvements and energy
81 conservation and the development of additional housing, (L)
82 renovations to or construction of veterans' memorial monuments, (M)
83 thermal imaging systems, (N) bulky waste and landfill projects, (O) the
84 preparation and revision of municipal plans of conservation and
85 development adopted pursuant to section 8-23, [provided such plans
86 are endorsed by the legislative body of the municipality not more than
87 one hundred eighty days after adoption by the commission,] (P)
88 acquisition of automatic external defibrillators, and (Q) floodplain
89 management and hazard mitigation activities. "Local capital
90 improvement project" means only capital expenditures and includes
91 repairs incident to reconstruction and renovation but does not include
92 ordinary repairs and maintenance of an ongoing nature and
93 "floodplain management" and "hazard mitigation" shall have the same
94 meaning as in section 25-68j;

95 (5) "Municipality" means any town, city, borough, consolidated
96 town and city or consolidated town and borough;

97 (6) "Population" means the number of people according to the most
98 recent federal decennial census, except in intervening years between
99 such censuses when it shall mean the number according to the most
100 recent estimate of the Department of Public Health; and

101 (7) "Secretary" means the Secretary of the Office of Policy and
102 Management.

103 Sec. 3. (*Effective from passage*) The Commissioner of Transportation
104 shall revise the official map of the state highway system provided for
105 in section 13a-16 of the general statutes to establish the boundary
106 between the towns of Danbury and Ridgefield as follows:
107 Commencing at a stone monument set in the ground on the east side of
108 Pine Mountain Road and being seven hundred forty feet as measured

109 southerly on the centerline of Pine Mountain Road from its intersection
110 with Miry Brook Road, thence continuing four thousand seven
111 hundred seventy feet in a southeasterly direction on a bearing of south
112 58 degrees 15 minutes east to an existing iron rod set in bedrock on
113 Pine Mountain. Such boundary is described in the land records of the
114 city of Danbury on pages 89 to 92, inclusive, of volume 72.

115 Sec. 4. Subsection (b) of section 16a-32 of the general statutes is
116 repealed and the following is substituted in lieu thereof (*Effective from*
117 *passage*):

118 (b) Without initiating a revision of the plan, [and after receiving
119 written approval from the committee,] the secretary may undertake
120 interim changes in the plan upon the secretary's own initiative or upon
121 application by (1) the chief executive officer of a municipality, with the
122 approval of the legislative body of such municipality, or (2) any owner
123 of real property or any interest therein on which a change is proposed.
124 No application for an interim change from a municipality under
125 subdivision (1) of this subsection may be submitted unless (A) the
126 municipality in which the change is proposed has a plan of
127 conservation and development that has been updated in accordance
128 with section 8-23, and (B) the application includes evidence, in writing,
129 of the opinion of the planning commission of the municipality
130 regarding the interim change. The secretary shall adopt regulations in
131 accordance with chapter 54 to establish procedures for applications for
132 such interim changes by any person, political subdivision of the state
133 or state agency. Such regulations shall include, but need not be limited
134 to, provisions for interviews and consultations with local planning and
135 zoning commissions or, in those municipalities which have adopted
136 the provisions of chapter 124 but which do not have a zoning
137 commission, the persons designated to exercise zoning powers
138 pursuant to section 8-1, review of local plans of development and
139 public hearings. The secretary shall notify the chief executive officer
140 and the persons exercising planning or zoning powers in any
141 municipality which is the subject of an application for change in the
142 locational guide map and shall notify any members of the General

143 Assembly representing any area which is the subject of such an
144 application. A joint public hearing by the secretary and the committee
145 shall be held in any such municipality if requested by any chief
146 executive officer or planning or zoning official notified by the secretary
147 pursuant to this subsection. The committee shall also hold a hearing in
148 addition to any hearing required to be held in any municipality
149 concerning the locational guide map on any other proposed changes.
150 After such public hearing, the committee shall approve or disapprove
151 the application and notify the secretary of its decision not more than
152 ten days thereafter. The secretary shall make interim changes in the
153 plan to reflect the approved changes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	16a-27
Sec. 2	<i>July 1, 2007</i>	7-536(a)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16a-32(b)

PD *Joint Favorable Subst.*

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 chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Policy & Mgmt., Off.	GF - None	None	None
Department of Transportation	TF - Cost	1,000	None

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

Sections 1 and 4 of the bill permits the Office of Policy and Management to make interim changes to the state Plan of Conservation and Development and requires that any future revisions to the state plan be consistent with the plan’s locational guide, which results in no fiscal impact to the agency.

Section 2 of the bill has no fiscal impact. It makes a technical change to the statutory language for the Local Capital Improvement Plan (LoCIP) so that it parallels language relating to the adoption of plans of conservation and development by municipalities.

Section 3 results in a cost to the Department of Transportation of \$1,000 in FY 08 in order to modify maps and data file changes associated with the provisions of this bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7154*****AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT, MAKING A MINOR CHANGE TO THE LOCAL CAPITAL IMPROVEMENT PROGRAM AND REVISING THE BOUNDARY BETWEEN DANBURY AND RIDGEFIELD.*****SUMMARY:**

This bill allows the Office of Policy and Management (OPM) secretary to make interim changes to the state Plan of Conservation and Development without the prior approval of the Continuing Legislative Committee on State Planning and Development. It requires that the text of any future revision of the state plan be consistent with the plan's locational guide map. The current map has four types of development areas (regional centers, neighborhood conservation areas, growth areas, and rural community centers) and four types of conservation areas (existing preserved open space, preservation areas, conservation areas, and rural lands). The plan must next be revised in 2010.

By law, local capital improvement program (LOCIP) grants can be used for a variety of purposes. The bill eliminates a requirement that, in order to use the grants to prepare and revise local plans of conservation and development, the municipality's legislative body must have endorsed the plan within 180 days after it is adopted by the municipal planning commission.

The bill requires the transportation commissioner to revise the official state highway system map to establish the boundary between Danbury and Ridgefield as described in the Danbury city land records.

EFFECTIVE DATE: Upon passage for revisions to the state plan

and Danbury/Ridgefield boundary change, July 1, 2007 for the use of the LOCIP funds, and October 1, 2007 for the consistency of the state plan's text and map.

BACKGROUND

Continuing Legislative Committee on State Planning and Development

This committee is responsible for establishing broad goals and objectives for the state's physical and economic development, which it must transmit to the OPM secretary. It consists of 10 legislators, including the chairpersons of the Planning and Development Committee.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/21/2007)