



General Assembly

Substitute Bill No. 7090

January Session, 2007

* HB07090CE 053007 *

AN ACT CONCERNING RESPONSIBLE GROWTH.

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

1 Section 1. (*Effective from passage*) (a) There is established a
2 Responsible Growth Task Force. The task force shall consist of the
3 following members: (1) The Commissioners of Agriculture, Economic
4 and Community Development, Environmental Protection, Public
5 Health and Transportation and the chairperson of the board of
6 directors of the Connecticut Housing Finance Authority, or their
7 respective designees, and (2) six members appointed as follows: One
8 each by the speaker of the House of Representatives, the president pro
9 tempore of the Senate, the majority leader of the Senate, the majority
10 leader of the House of Representatives, the minority leader of the
11 Senate and the minority leader of the House of Representatives. The
12 Secretary of the Office of Policy and Management, or the secretary's
13 designee, shall be a member and the chairperson of the task force.

14 (b) The task force shall identify responsible growth criteria and
15 standards to guide the state's future investment decisions, and study
16 transfer of development rights laws, policies and programs.

17 (c) Not later than October 1, 2007, the task force shall submit a
18 report containing its recommendations to the Governor. The task force
19 shall terminate on the date that it submits such report or October 1,
20 2007, whichever is later.

21 Sec. 2. (NEW) (*Effective July 1, 2008*) No state agency or quasi-public
22 agency, as defined in section 1-120 of the general statutes, shall
23 provide discretionary state funding for any economic development
24 project unless the Secretary of the Office of Policy and Management
25 determines that the proposed use is consistent with responsible
26 growth development criteria adopted pursuant to the provisions of the
27 general statutes or any regulations adopted thereunder.

28 Sec. 3. Section 16a-31 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective July 1, 2007*):

30 (a) The following actions when undertaken by any state agency,
31 with state or federal funds, shall be consistent with the plan:

32 (1) The acquisition of real property when the acquisition costs are in
33 excess of one hundred thousand dollars;

34 (2) The development or improvement of real property when the
35 development costs are in excess of one hundred thousand dollars;

36 (3) The acquisition of public transportation equipment or facilities
37 when the acquisition costs are in excess of one hundred thousand
38 dollars; and

39 (4) The authorization of each state grant [, any application for which
40 is not pending on July 1, 1991,] for an amount in excess of one hundred
41 thousand dollars, for the acquisition or development or improvement
42 of real property or for the acquisition of public transportation
43 equipment or facilities.

44 (5) Any use of state bond funds, other than for school construction,
45 unless the provisions of this subdivision are waived by the State Bond
46 Commission.

47 (b) When a quasi-public agency, as defined in section 1-120,
48 authorizes any grant with state or federal funds for an amount in
49 excess of one hundred thousand dollars for the acquisition or
50 development or improvement of real property or for the acquisition of

51 public transportation equipment or facilities, such grant shall be
52 consistent with the plan.

53 [(b)] (c) A state agency or quasi-public agency shall request, and the
54 secretary shall provide, an advisory statement commenting on the
55 extent to which any of the actions specified in subsection (a) or (b) of
56 this section conforms to the plan and any agency or quasi-public
57 agency may request and the secretary shall provide such other
58 advisory reports as the state agency or quasi-public agency deems
59 advisable.

60 [(c)] (d) The secretary shall submit and the State Bond Commission
61 shall consider prior to the allocation of any bond funds for any of the
62 actions specified in subsection (a) or (b) an advisory statement
63 commenting on the extent to which such action is in conformity with
64 the plan of conservation and development.

65 [(d)] (e) Notwithstanding subsection [(b)] (c) of this section, The
66 University of Connecticut shall request, and the secretary shall
67 provide, an advisory statement commenting on the extent the projects
68 included in the third phase of UConn 2000, as defined in subdivision
69 (25) of section 10a-109c, conform to the plan and the university may
70 request and the secretary shall provide such other advisory reports as
71 the university deems advisable. Notwithstanding subsection [(c)] (d) of
72 this section, the secretary shall submit and the State Bond Commission
73 shall consider prior to the approval of the master resolution or
74 indenture for securities for the third phase of UConn 2000, pursuant to
75 subsection (c) of section 10a-109g, the advisory statement prepared
76 under this subsection.

77 [(e)] (f) Whenever a state agency is required by state or federal law
78 to prepare a plan, it shall consider the state plan of conservation and
79 development in the preparation of such plan. A draft of such plan shall
80 be submitted to the secretary who shall provide for the preparer of the
81 plan an advisory report commenting on the extent to which the
82 proposed plan conforms to the state plan of conservation and

83 development.

84 Sec. 4. Section 8-23 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective July 1, 2008*):

86 (a) (1) At least once every ten years, the commission shall prepare or
87 amend and shall adopt a plan of conservation and development for the
88 municipality. Following adoption, the commission shall regularly
89 review and maintain such plan. The commission may adopt such
90 geographical, functional or other amendments to the plan or parts of
91 the plan, in accordance with the provisions of this section, as it deems
92 necessary. The commission may, at any time, prepare, amend and
93 adopt plans for the redevelopment and improvement of districts or
94 neighborhoods which, in its judgment, contain special problems or
95 opportunities or show a trend toward lower land values.

96 (2) If a plan is not amended decennially, the chief elected official of
97 the municipality shall submit a letter to the Secretary of the Office of
98 Policy and Management and the Commissioners of Transportation,
99 Environmental Protection and Economic and Community
100 Development that explains why such plan was not amended. A copy
101 of such letter shall be included in each application by the municipality
102 for discretionary funding submitted to any state agency.

103 (b) Until the plan is amended in accordance with this subsection, [a
104 copy of such letter shall be included in each application by the
105 municipality for funding for the conservation or development of real
106 property submitted to said secretary or commissioners] the
107 municipality shall be ineligible for discretionary state funding unless
108 such prohibition is expressly waived by the secretary.

109 [(b)] (c) In the preparation of such plan, the commission may
110 appoint one or more special committees to develop and make
111 recommendations for the plan. The membership of any special
112 committee may include: Residents of the municipality and
113 representatives of local boards dealing with zoning, inland wetlands,
114 conservation, recreation, education, public works, finance,

115 redevelopment, general government and other municipal functions. In
116 performing its duties under this section, the commission or any special
117 committee may accept information from any source or solicit input
118 from any organization or individual. The commission or any special
119 committee may hold public informational meetings or organize other
120 activities to inform residents about the process of preparing the plan.

121 [(c)] (d) In preparing such plan, the commission or any special
122 committee shall consider the following: (1) The community
123 development action plan of the municipality, if any, (2) the need for
124 affordable housing, (3) the need for protection of existing and potential
125 public surface and ground drinking water supplies, (4) the use of
126 cluster development and other development patterns to the extent
127 consistent with soil types, terrain and infrastructure capacity within
128 the municipality, (5) the state plan of conservation and development
129 adopted pursuant to chapter 297, (6) the regional plan of development
130 adopted pursuant to section 8-35a, (7) physical, social, economic and
131 governmental conditions and trends, (8) the needs of the municipality
132 including, but not limited to, human resources, education, health,
133 housing, recreation, social services, public utilities, public protection,
134 transportation and circulation and cultural and interpersonal
135 communications, (9) the objectives of energy-efficient patterns of
136 development, the use of solar and other renewable forms of energy
137 and energy conservation, and (10) protection and preservation of
138 agriculture.

139 [(d)] (e) (1) Such plan of conservation and development shall (A) be
140 a statement of policies, goals and standards for the physical and
141 economic development of the municipality, (B) provide for a system of
142 principal thoroughfares, parkways, bridges, streets, sidewalks,
143 multipurpose trails and other public ways as appropriate, (C) be
144 designed to promote, with the greatest efficiency and economy, the
145 coordinated development of the municipality and the general welfare
146 and prosperity of its people and identify areas where it is feasible and
147 prudent (i) to have compact, transit accessible, pedestrian-oriented
148 mixed use development patterns and land reuse, and (ii) to promote

149 such development patterns and land reuse, (D) recommend the most
150 desirable use of land within the municipality for residential,
151 recreational, commercial, industrial, conservation and other purposes
152 and include a map showing such proposed land uses, (E) recommend
153 the most desirable density of population in the several parts of the
154 municipality, (F) note any inconsistencies with the following growth
155 management principles: (i) Redevelopment and revitalization of
156 commercial centers and areas of mixed land uses with existing or
157 planned physical infrastructure; (ii) expansion of housing
158 opportunities and design choices to accommodate a variety of
159 household types and needs; (iii) concentration of development around
160 transportation nodes and along major transportation corridors to
161 support the viability of transportation options and land reuse; (iv)
162 conservation and restoration of the natural environment, cultural and
163 historical resources and existing farmlands; (v) protection of
164 environmental assets critical to public health and safety; and (vi)
165 integration of planning across all levels of government to address
166 issues on a local, regional and state-wide basis, (G) make provision for
167 the development of housing opportunities, including opportunities for
168 multifamily dwellings, consistent with soil types, terrain and
169 infrastructure capacity, for all residents of the municipality and the
170 planning region in which the municipality is located, as designated by
171 the Secretary of the Office of Policy and Management under section
172 16a-4a, (H) promote housing choice and economic diversity in
173 housing, including housing for both low and moderate income
174 households, and encourage the development of housing which will
175 meet the housing needs identified in the housing plan prepared
176 pursuant to section 8-37t and in the housing component and the other
177 components of the state plan of conservation and development
178 prepared pursuant to chapter 297. In preparing such plan the
179 commission shall consider focusing development and revitalization in
180 areas with existing or planned physical infrastructure.

181 (2) For any municipality that is contiguous to Long Island Sound,
182 such plan shall be (A) consistent with the municipal coastal program

183 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
184 reasonable consideration for restoration and protection of the
185 ecosystem and habitat of Long Island Sound, and (C) designed to
186 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
187 Long Island Sound.

188 ~~[(e)]~~ (f) Such plan may show the commission's and any special
189 committee's recommendation for (1) conservation and preservation of
190 traprock and other ridgelines, (2) airports, parks, playgrounds and
191 other public grounds, (3) the general location, relocation and
192 improvement of schools and other public buildings, (4) the general
193 location and extent of public utilities and terminals, whether publicly
194 or privately owned, for water, sewerage, light, power, transit and other
195 purposes, (5) the extent and location of public housing projects, (6)
196 programs for the implementation of the plan, including (A) a schedule,
197 (B) a budget for public capital projects, (C) a program for enactment
198 and enforcement of zoning and subdivision controls, building and
199 housing codes and safety regulations, (D) plans for implementation of
200 affordable housing, (E) plans for open space acquisition and
201 greenways protection and development, and (F) plans for corridor
202 management areas along limited access highways or rail lines,
203 designated under section 16a-27, (7) proposed priority funding areas,
204 and (8) any other recommendations as will, in the commission's or any
205 special committee's judgment, be beneficial to the municipality. The
206 plan may include any necessary and related maps, explanatory
207 material, photographs, charts or other pertinent data and information
208 relative to the past, present and future trends of the municipality.

209 ~~[(f)]~~ (g) (1) A plan of conservation and development or any part
210 thereof or amendment thereto prepared by the commission or any
211 special committee shall be reviewed, and may be amended, by the
212 commission prior to scheduling at least one public hearing on
213 adoption.

214 (2) At least sixty-five days prior to the public hearing on adoption,
215 the commission shall submit a copy of such plan or part thereof or

216 amendment thereto for review and comment to the legislative body or,
217 in the case of a municipality for which the legislative body of the
218 municipality is a town meeting or representative town meeting, to the
219 board of selectmen. The legislative body or board of selectmen, as the
220 case may be, may hold one or more public hearings on the plan and
221 shall endorse or reject such entire plan or part thereof or amendment
222 and may submit comments and recommended changes to the
223 commission. The commission may render a decision on the plan
224 without the report of such body or board.

225 (3) At least thirty-five days prior to the public hearing on adoption,
226 the commission shall post the plan on the Internet web site of the
227 municipality, if any.

228 (4) At least sixty-five days prior to the public hearing on adoption,
229 the commission shall submit a copy of such plan or part thereof or
230 amendment thereto to the regional planning agency for review and
231 comment. The regional planning agency shall submit an advisory
232 report along with its comments to the commission at or before the
233 hearing. Such comments shall include a finding on the consistency of
234 the plan with (A) the regional plan of development, adopted under
235 section 8-35a, (B) the state plan of conservation and development,
236 adopted pursuant to chapter 297, and (C) the plans of conservation
237 and development of other municipalities in the area of operation of the
238 regional planning agency. The commission may render a decision on
239 the plan without the report of the regional planning agency.

240 (5) At least thirty-five days prior to the public hearing on adoption,
241 the commission shall file in the office of the town clerk a copy of such
242 plan or part thereof or amendment thereto but, in the case of a district
243 commission, such commission shall file such information in the offices
244 of both the district clerk and the town clerk.

245 (6) The commission shall cause to be published in a newspaper
246 having a general circulation in the municipality, at least twice at
247 intervals of not less than two days, the first not more than fifteen days,

248 or less than ten days, and the last not less than two days prior to the
249 date of each such hearing, notice of the time and place of any such
250 public hearing. Such notice shall make reference to the filing of such
251 draft plan in the office of the town clerk, or both the district clerk and
252 the town clerk, as the case may be.

253 [(g)] (h) (1) After completion of the public hearing, the commission
254 may revise the plan and may adopt the plan or any part thereof or
255 amendment thereto by a single resolution or may, by successive
256 resolutions, adopt parts of the plan and amendments thereto.

257 (2) Any plan, section of a plan or recommendation in the plan that is
258 not endorsed in the report of the legislative body or, in the case of a
259 municipality for which the legislative body is a town meeting or
260 representative town meeting, by the board of selectmen, of the
261 municipality may only be adopted by the commission by a vote of not
262 less than two-thirds of all the members of the commission.

263 (3) Upon adoption by the commission, any plan or part thereof or
264 amendment thereto shall become effective at a time established by the
265 commission, provided notice thereof shall be published in a
266 newspaper having a general circulation in the municipality prior to
267 such effective date.

268 (4) Not more than thirty days after adoption, any plan or part
269 thereof or amendment thereto shall be posted on the Internet web site
270 of the municipality, if any, and shall be filed in the office of the town
271 clerk, except that, if it is a district plan or amendment, it shall be filed
272 in the offices of both the district and town clerks.

273 (5) Not more than sixty days after adoption of the plan, the
274 commission shall submit a copy of the plan to the Secretary of the
275 Office of Policy and Management and shall include with such copy a
276 description of any inconsistency between the plan adopted by the
277 commission and the state plan of conservation and development and
278 the reasons therefor.

279 [(h)] (i) Any owner or tenant, or authorized agent of such owner or
280 tenant, of real property or buildings thereon located in the
281 municipality may submit a proposal to the commission requesting a
282 change to the plan of conservation and development. Such proposal
283 shall be submitted in writing and on a form prescribed by the
284 commission. Notwithstanding the provisions of subsection (a) of
285 section 8-7d, the commission shall review and may approve, modify
286 and approve or reject the proposal in accordance with the provisions of
287 subsection [(f)] (g) of this section.

288 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) As used in this section:

289 (1) "Host community" means the municipality or municipalities in
290 which a project having a significant regional impact will be located;

291 (2) "Significant regional impact" means a significant and measurable
292 impact on the environment, economy, housing, public facilities or
293 transportation system in one or more municipalities other than the
294 host community.

295 (b) On and after the effective date of this section, each public agency
296 considering undertaking a project which has, or is likely to have, a
297 significant regional impact, as defined in subsection (a) of this section,
298 shall, at least sixty days before approving such project, submit such
299 project to each regional planning organization in the area of the host
300 community and any municipality adjoining such host community. The
301 regional planning agency shall submit its comments, if any, to the
302 public agency not more than thirty days after receiving such
303 submission. The report of said regional planning organization shall be
304 advisory only.

305 Sec. 6. Section 8-3b of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective October 1, 2007*):

307 When the zoning commission of any municipality proposes to
308 establish or change a zone or any regulation affecting the use of a zone
309 and (1) any portion of which is within five hundred feet of the

310 boundary of another municipality located within the area of operation
311 of a regional planning agency, or (2) the proposed zone change
312 involves more than ten acres of development and would increase the
313 permitted density by more than fifty per cent, the zoning commission
314 shall give written notice of its proposal to the regional planning agency
315 or agencies of the region in which it and the other municipality are
316 located. Such notice shall be made by certified mail, return receipt
317 requested not later than thirty days before the public hearing to be
318 held in relation thereto. The regional planning agency shall study such
319 proposal and shall report its findings and recommendations thereon to
320 the zoning commission at or before the hearing, and such report shall
321 be made a part of the record of such hearing. The report of any
322 regional planning agency of any region that is contiguous to Long
323 Island Sound shall include findings and recommendations on the
324 environmental impact of the proposal on the ecosystem and habitat of
325 Long Island Sound. If such report of the regional planning agency is
326 not submitted at or before the hearing, it shall be presumed that such
327 agency does not disapprove of the proposal. A regional planning
328 agency receiving such a notice may transmit such notice to the
329 Secretary of the Office of Policy and Management or his designee for
330 comment. The planning agency may designate its executive committee
331 to act for it under this section or may establish a subcommittee for the
332 purpose. The report of said planning agency shall be purely advisory.

333 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) As used in this section,
334 "proposed development that has a significant regional impact" means a
335 proposed development that: (1) Involves development of more than
336 fifty thousand square feet; (2) involves development of more than one
337 hundred housing units; or (3) requires more than one hundred fifty
338 parking spaces.

339 (b) When the zoning commission, planning commission or planning
340 and zoning commission of any municipality receives an application for
341 a proposed development that has a significant regional impact, such
342 commission shall give written notice of the proposal to the regional
343 planning agency of the region in which the municipality is located.

344 Such notice shall be made by certified mail, return receipt requested
 345 not later than thirty days before the public hearing to be held in
 346 relation thereto. The regional planning agency shall study the proposal
 347 and report its findings and recommendations thereon to the
 348 commission at or before the hearing, and such report shall be made a
 349 part of the record of such hearing. The report of said planning agency
 350 shall be purely advisory. If such report of the regional planning agency
 351 is not submitted at or before the hearing, it shall be presumed that such
 352 agency does not disapprove of the proposal. The planning agency may
 353 designate its executive committee to act for it under this section or may
 354 establish a subcommittee for the purpose.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | New section |
| Sec. 2 | <i>July 1, 2008</i> | New section |
| Sec. 3 | <i>July 1, 2007</i> | 16a-31 |
| Sec. 4 | <i>July 1, 2008</i> | 8-23 |
| Sec. 5 | <i>October 1, 2007</i> | New section |
| Sec. 6 | <i>October 1, 2007</i> | 8-3b |
| Sec. 7 | <i>October 1, 2007</i> | New section |

PD *Joint Favorable Subst.*

APP *Joint Favorable*

GAE *Joint Favorable*

CE *Joint Favorable*