



General Assembly

Substitute Bill No. 5324

February Session, 2008

* HB05324APP 041408 *

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE STUDY OF
REGIONAL PLANNING ORGANIZATIONS.**

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

1 Section 1. Section 4-124i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 As used in sections 4-124i to 4-124p, inclusive:

4 [(a)] (1) "Planning region" means a planning region of the state as
5 defined or redefined by the Secretary of the Office of Policy and
6 Management, or his designee under the provisions of section 16a-4a;

7 [(b)] (2) "Regional council of elected officials" means any regional
8 council of elected officials organized under the provisions of this
9 chapter;

10 [(c)] (3) "Regional planning agency" means any regional planning
11 agency organized under the provisions of chapter 127;

12 [(d)] (4) "Chief elected official" means the highest ranking elected
13 governmental official of any town, city or borough within the state;

14 [(e)] (5) "Elected official" means any selectman, mayor, alderman, or
15 member of a common council or other similar legislative body of any

16 town or city, or warden or burgess of any borough;

17 [(f)] (6) "Council" means a regional council of governments
18 organized under the provisions of sections 4-124i to 4-124p, inclusive;

19 [(g)] (7) "Member" means any town, city or borough within a
20 planning region of the state having become a member of a regional
21 council of governments in accordance with said sections;

22 (8) "Regional planning organization" means a regional council of
23 governments organized under the provisions of sections 4-124i to 4-
24 124p, inclusive, a regional council of elected officials organized under
25 the provisions of section 4-124c to 4-124h, inclusive, or a regional
26 planning agency organized under the provisions of chapter 127.

27 Sec. 2. Subsection (b) of section 23-102 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2008*):

30 (b) The duties of the council shall be: (1) To advise and assist in the
31 coordination of state agencies, municipalities, regional planning
32 organizations, as defined in section 4-124i, as amended by this act, and
33 private citizens in voluntarily planning and implementing a system of
34 greenways; (2) to operate a greenways help center to advise state
35 agencies, municipalities, regional planning organizations, as defined in
36 section 4-124i, as amended by this act, and private citizens in the
37 technical aspects of planning, designing and implementing greenways,
38 including advice on securing state, federal and nongovernmental
39 grants; (3) to establish criteria for designation of greenways; (4) to
40 maintain an inventory of greenways in the state which shall include
41 the location of greenways transportation projects which have received
42 grants under sections 23-101, 32-6a, 32-9qq and 32-328; (5) to advise the
43 Commissioner of Economic and Community Development on the
44 distribution of grants for greenways transportation projects pursuant
45 to sections 32-6a, 32-9qq and 32-328; and (6) to advise the
46 Commissioner of Environmental Protection on the distribution of
47 grants pursuant to section 23-101.

48 Sec. 3. Subsection (d) of section 25-204 of the 2008 supplement to the
49 general statutes is repealed and the following is substituted in lieu
50 thereof (*Effective October 1, 2008*):

51 (d) Upon completion of an inventory, statement of objectives and
52 map pursuant to subsections (a), (b) and (c) of this section, the river
53 committee shall publish in a newspaper having substantial circulation
54 in the affected area at least thirty days' notice of a public hearing to be
55 held in one of the municipalities represented on the committee. Such
56 hearing shall provide an opportunity for public comment regarding
57 such documents and the committee shall also provide for the
58 submission of written comments to such committee regarding such
59 documents. After considering all comments received, the river
60 committee shall revise said documents as appropriate and submit
61 them to the commissioner and the secretary. Within ninety days of
62 receiving the revised documents, the commissioner shall provide
63 written comments to the river committee and shall furnish a copy of
64 such comments to the secretary. The secretary shall coordinate a
65 review of the revised documents by all other relevant state agencies
66 and regional planning organizations, [established pursuant to section
67 8-31a] as defined in section 4-124i, as amended by this act, and, within
68 ninety days of receiving such revised documents, shall provide written
69 comments thereon to the river committee and shall furnish a copy of
70 such comments to the commissioner. After considering all comments
71 received from the commissioner and the secretary, the river committee
72 shall adopt an inventory, statement of objectives and map and shall
73 publish, in a newspaper having substantial circulation in the affected
74 area, notice of the adoption of the inventory, statement of objectives
75 and map.

76 Sec. 4. Subsection (f) of section 25-204 of the 2008 supplement to the
77 general statutes is repealed and the following is substituted in lieu
78 thereof (*Effective October 1, 2008*):

79 (f) (1) After adoption of an inventory, statement of objectives and
80 map pursuant to subsection (d) of this section, the river committee

81 shall prepare a river corridor protection plan. The river committee
82 shall publish in a newspaper having a substantial circulation in the
83 affected area at least thirty days' notice of a public hearing to be held in
84 one of the municipalities represented on the committee. Such hearing
85 shall provide an opportunity for public comment regarding the plan
86 and the committee shall also provide for the submission of written
87 comments on the plan. The committee shall send a copy of such notice
88 to the chief elected official of each municipality located wholly or
89 partially in the subregional drainage basin in which the subject river
90 corridor is located and shall send such notice by certified mail, return
91 receipt requested, to each person who owns property adjacent to the
92 river segment which is the subject of the river corridor proposed for
93 designation under section 25-205. After considering all comments
94 received, the river committee shall revise said documents as
95 appropriate and submit them to the commissioner and the secretary.
96 Within ninety days of receiving the revised documents, the
97 commissioner shall provide written comments to the river committee
98 and shall furnish a copy of such comments to the secretary. The
99 secretary shall coordinate a review of the revised documents by all
100 other relevant state agencies and regional planning organizations,
101 [established pursuant to section 8-31a] as defined in section 4-124i, as
102 amended by this act, and within ninety days of receiving such
103 documents shall provide written comments thereon to the river
104 commission and shall furnish a copy of such comments to the
105 commissioner. After considering all comments received from the
106 commissioner and the secretary, the river committee shall revise the
107 river corridor protection plan as appropriate and shall publish in a
108 newspaper having a substantial circulation in the affected area notice
109 of the availability of the response to comments and the revised plan.

110 (2) A river corridor protection plan shall set forth a strategy for
111 achieving the protection and preservation objectives contained in the
112 statement of objectives adopted pursuant to subsection (d) of this
113 section and for reconciling existing incompatible uses with resource
114 preservation. Such plan shall make recommendations for the

115 modification of municipal plans of conservation and development and
116 zoning, subdivision, site plan and wetlands regulations as necessary to
117 allow implementation of the river corridor protection plan and to
118 assure that each member municipality similarly preserves that portion
119 of the river corridor under its jurisdiction. Such plan shall recommend
120 that applicable municipal regulations be modified to prohibit mining,
121 moving of earth and dredging, other than dredging to maintain
122 existing uses, within the river corridor. Such plan may set out
123 guidelines for disturbing vegetation within the river corridor and
124 identify areas where clear-cutting should be prohibited; may
125 recommend municipal adoption of programs to minimize pollution or
126 development of the river corridor and maximize voluntary private
127 preservation efforts; shall consider land and water uses which may be
128 compatible with river protection, including hydropower, agriculture,
129 recreation and waste discharges and may recommend appropriate
130 revisions of any state or regional plans of development or municipal
131 plans of conservation and development or open space plans. Such plan
132 shall include a time schedule for state and municipal implementation
133 of such regulatory modifications and programs.

134 (3) A river corridor protection plan shall include the results of an
135 instream flow study if the commissioner deems it necessary. An
136 instream flow study shall be conducted in accordance with the
137 commissioner's guidance and shall document water flow in the river
138 corridor for the purpose of determining whether there is sufficient
139 flow to allow withdrawals of water consistent with the resource
140 protection and preservation objectives of the river corridor protection
141 plan.

142 Sec. 5. Subsections (d) to (f), inclusive, of section 25-234 of the 2008
143 supplement to the general statutes are repealed and the following is
144 substituted in lieu thereof (*Effective October 1, 2008*):

145 (d) Upon completion of an inventory, statement of objectives and
146 map pursuant to subsections (a), (b) and (c) of this section, the river
147 commission shall publish in a newspaper having a substantial

148 circulation in the affected area notice of a public hearing to be held not
149 less than thirty days thereafter in one of the municipalities represented
150 on the commission. Such hearing shall provide an opportunity for oral
151 and written comments regarding such documents. After considering
152 all comments received, the river commission shall revise said
153 documents as appropriate and submit them to the commissioner and
154 the secretary. Within sixty days of receiving the revised documents,
155 the commissioner shall provide written comments to the river
156 commission and shall furnish a copy of such comments to the
157 secretary. The secretary shall coordinate a review of the revised
158 documents by all other relevant state agencies and regional planning
159 organizations, [established pursuant to section 8-31a] as defined in
160 section 4-124i, as amended by this act, and, within ninety days of
161 receiving such revised documents, shall provide written comments
162 thereon to the river commission and shall furnish a copy of such
163 comments to the commissioner. After considering all comments
164 received from the commissioner and the secretary, the river
165 commission shall adopt a final inventory, statement of objectives and
166 map and shall publish, in a newspaper having a substantial circulation
167 in the affected area, notice of the adoption of the final inventory,
168 statement of objectives and map.

169 (e) After adoption of an inventory, statement of objectives and map,
170 pursuant to subsection (d) of this section, the river commission shall
171 prepare a report on all federal, state, regional and municipal laws,
172 plans, programs and proposed activities which may affect the river
173 corridor defined in such map. Such federal, state, regional and
174 municipal laws shall include regulations adopted pursuant to chapter
175 440, and zoning, subdivision and site plan regulations adopted
176 pursuant to section 8-3. Such federal, state, regional and municipal
177 plans shall include plans of development adopted pursuant to section
178 8-23 of the 2008 supplement to the general statutes, as amended by this
179 act, the state plan for conservation and development, water utility
180 supply plans submitted pursuant to section 25-32d, coordinated water
181 system plans submitted pursuant to section 25-33h, the master

182 transportation plan adopted pursuant to section 13b-15, plans
183 prepared by regional planning organizations, [pursuant to section 8-
184 31a] as defined in section 4-124i, as amended by this act, and plans of
185 publicly-owned wastewater treatment facilities whose discharges may
186 affect the subject river corridor. State and regional agencies shall,
187 within available resources, assist the river commission in identifying
188 such laws, plans, programs and proposed activities. The report to be
189 prepared pursuant to this section shall identify any conflicts between
190 such federal, state, regional and municipal laws, plans, programs and
191 proposed activities and the river commission's objectives for river
192 corridor management as reflected in the statement of objectives. If
193 conflicts are identified, the river commission shall notify the applicable
194 state, regional or municipal agencies and such agencies shall, within
195 available resources and in consultation with the river commission,
196 attempt to resolve such conflicts.

197 (f) (1) After adoption of an inventory, statement of objectives and
198 map pursuant to subsection (d) of this section and completion of a
199 report pursuant to subsection (e) of this section, the river commission
200 shall prepare a river corridor management plan. The river commission
201 shall publish in a newspaper having a substantial circulation in the
202 affected area notice of a public hearing to be held not less than thirty
203 days thereafter in one of the municipalities represented on the
204 commission. Such hearing shall provide an opportunity for oral and
205 written comment regarding the plan. The commission shall send a
206 copy of such notice to the chief elected official of each municipality
207 located wholly or partially in the subregional drainage basin in which
208 the subject river corridor is located and shall send such notice by
209 certified mail, return receipt requested, to each person who owns
210 property adjacent to the river segment which is the subject of the river
211 corridor. After considering all comments received, the river
212 commission shall revise said documents as appropriate and submit
213 them to the commissioner and the secretary. Within sixty days of
214 receiving the revised documents, the commissioner shall provide
215 written comments to the river commission and shall furnish a copy of

216 such comments to the secretary. The secretary shall coordinate a
217 review of the revised documents by all relevant state agencies and
218 regional planning organizations, [established pursuant to section 8-
219 31a] as defined in section 4-124i, as amended by this act. Within ninety
220 days of the date the secretary receives such revised documents, he
221 shall provide written comments thereon to the river commission and
222 to the commissioner. After considering all comments received from the
223 commissioner and the secretary, the river commission shall prepare a
224 document responding to all comments received, shall revise the river
225 corridor management plan as appropriate and shall publish in a
226 newspaper having a substantial circulation in the affected area notice
227 of the availability of the response to comments and the revised plan.

228 (2) A river corridor management plan shall set forth a strategy for
229 achieving the objectives contained in the statement of objectives
230 adopted pursuant to subsection (d) of this section for the river corridor
231 mapped pursuant to said subsection and for resolving any conflicts
232 identified in the report prepared pursuant to subsection (e) of this
233 section. Such plan shall make recommendations for the modification of
234 municipal plans of development and zoning, subdivision, site plan and
235 wetlands regulations as necessary to allow implementation of such
236 plan and to assure that each member municipality similarly manages
237 that portion of the river corridor under its jurisdiction. Such
238 recommendations may concern tourism, navigation, utility and
239 transportation rights-of-way and water-dependent recreational,
240 industrial, commercial and other uses, as well as proposals for specific
241 setbacks from the river, dimensions of new lots and buildings,
242 restrictions on cutting of vegetation, restrictions on earth-moving for
243 mining or other purposes, prohibited activities and regulation of
244 paving and other forms of impervious ground cover. Such plan may
245 also include recommendations that member municipalities enact or
246 adopt incentives for property owners to protect lands within the river
247 corridor and to develop such lands in a manner that is compatible with
248 resource protection. Such incentives may include tax credits for
249 donation to appropriate parties of open space easements or land

250 development rights and incentives for cluster development.

251 (3) The river corridor management plan shall include the results of
252 an instream flow study if the commissioner deems it necessary. An
253 instream flow study shall be conducted in accordance with the
254 commissioner's guidance and shall document water flow in the river
255 corridor for the purpose of determining whether there is sufficient
256 flow to allow withdrawals of water consistent with the resource
257 protection and enhancement objectives of the river corridor
258 management plan.

259 Sec. 6. Section 4-124h of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2008*):

261 Wherever a regional council of elected officials exists in a region
262 where there is no regional planning agency [, such] or regional council
263 of governments, the regional council of elected officials may exercise
264 all the powers of a regional planning agency [as defined in] organized
265 under chapter 127, [of the general statutes, as amended] or a regional
266 council of governments organized under the provisions of sections 4-
267 124i to 4-124p, inclusive, as amended by this act.

268 Sec. 7. Section 8-33a of the general statutes is repealed and the
269 following is substituted in lieu thereof (*Effective October 1, 2008*):

270 The regional planning agency shall annually elect from among its
271 members a chairman, a treasurer, who shall be bonded, and such other
272 officers as the agency determines. Bylaws shall be adopted by the
273 agency. Such bylaws shall include provisions for quarterly meetings
274 on regional issues with the chief elected officials of the towns, cities or
275 boroughs that are members of the regional planning agency. All
276 meetings of the agency shall be held at the call of the chairman and at
277 such other times as the agency determines. The treasurer shall receive
278 all funds and moneys of the agency and shall pay out the same only in
279 accordance with the bylaws and within limits of such receipts. The
280 agency shall keep minutes of all its meetings and official actions, which
281 minutes shall be filed in the office of the agency and shall be a public

282 record. Each regional planning agency shall file an annual report with
283 the chief executive officers, town, city or borough clerks, as the case
284 may be, and planning commissions, if any, of member towns, cities or
285 boroughs, and with the Secretary of the Office of Policy and
286 Management, or his designee.

287 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) As used in this section:

288 (1) "Planning region" means a planning region of the state as
289 defined or redefined by the Secretary of the Office of Policy and
290 Management, or the designee of the secretary, under the provisions of
291 section 16a-4a of the general statutes, as amended by this act;

292 (2) "Project of regional significance" means a project that (A) is
293 located in a municipality in a regional planning area and such project
294 impacts other municipalities in such regional planning area or that is
295 located in a municipality in a regional planning area that is contiguous
296 to a municipality in another regional planning area, and (B) meets the
297 criteria for a project of regional significance, as specified in regulations
298 adopted by the Secretary of the Office of Policy and Management
299 under subsection (c) of this section; and

300 (3) "Regional planning organization" means a regional planning
301 organization as defined in section 4-124i of the general statutes, as
302 amended by this act.

303 (b) Whenever a petition, application or request for a project of
304 regional significance is submitted to a zoning commission or planning
305 and zoning commission under chapter 124 of the general statutes, such
306 zoning commission or planning and zoning commission shall give
307 written notice of such petition, application or request, not more than
308 thirty days before such hearing, to the regional planning organization
309 operating in the region within which the municipality is located and to
310 any other regional planning organization where there is a municipality
311 contiguous to the municipality in which the project is located. The
312 regional planning organization shall study such proposal and shall
313 report its findings and recommendations thereon to the zoning

314 commission or planning and zoning commission at or before the
315 hearing. The report shall analyze the compliance of the project with the
316 regional plan of conservation and development and other issues the
317 regional planning organization deems critical to the analysis. The
318 report shall be made a part of the record of such hearing. If such report
319 of the regional organization is not submitted at or before the hearing, it
320 shall be presumed that such organization does not disapprove of the
321 proposal.

322 (c) The Secretary of the Office of Policy and Management, in
323 consultation with the Interagency Steering Council established
324 pursuant to Executive Order No. 15, shall adopt regulations, in
325 accordance with the provisions of chapter 54 of the general statutes,
326 establishing criteria to define projects of regional significance. In
327 establishing such criteria, the secretary shall take into consideration
328 factors including, but not limited to, location, type and size of the
329 project.

330 Sec. 9. Subsection (a) of section 8-7d of the 2008 supplement to the
331 general statutes is repealed and the following is substituted in lieu
332 thereof (*Effective October 1, 2008*):

333 (a) In all matters wherein a formal petition, application, request or
334 appeal must be submitted to a zoning commission, planning and
335 zoning commission or zoning board of appeals under this chapter, a
336 planning commission under chapter 126 or an inland wetlands agency
337 under chapter 440 or an aquifer protection agency under chapter 446i
338 and a hearing is required or otherwise held on such petition,
339 application, request or appeal, such hearing shall commence within
340 sixty-five days after receipt of such petition, application, request or
341 appeal and shall be completed within thirty-five days after such
342 hearing commences, unless a shorter period of time is required under
343 this chapter, chapter 126, chapter 440 or chapter 446i. Notice of the
344 hearing shall be published in a newspaper having a general circulation
345 in such municipality where the land that is the subject of the hearing is
346 located at least twice, at intervals of not less than two days, the first not

347 more than fifteen days or less than ten days and the last not less than
348 two days before the date set for the hearing. In the case of an
349 application for a project of regional significance, as defined in section 8
350 of this act, notice shall be given not less than thirty days before such
351 hearing to the regional planning organization, as defined in section 4-
352 124i, as amended by this act, operating within the region that the
353 municipality is located and to any other regional planning
354 organization, as defined in section 4-124i, as amended by this act,
355 where there is a municipality contiguous to the municipality in which
356 the project is located. In addition to such notice, such commission,
357 board or agency may, by regulation, provide for additional notice.
358 Such regulations shall include provisions that the notice be mailed to
359 persons who own land that is adjacent to the land that is the subject of
360 the hearing or be provided by posting a sign on the land that is the
361 subject of the hearing, or both. For purposes of such additional notice,
362 (1) proof of mailing shall be evidenced by a certificate of mailing, and
363 (2) the person who owns land shall be the owner indicated on the
364 property tax map or on the last-completed grand list as of the date
365 such notice is mailed. All applications and maps and documents
366 relating thereto shall be open for public inspection. At such hearing,
367 any person or persons may appear and be heard and may be
368 represented by agent or by attorney. All decisions on such matters
369 shall be rendered not later than sixty-five days after completion of such
370 hearing, unless a shorter period of time is required under this chapter,
371 chapter 126, chapter 440 or chapter 446i. The petitioner or applicant
372 may consent to one or more extensions of any period specified in this
373 subsection, provided the total extension of all such periods shall not be
374 for longer than sixty-five days, or may withdraw such petition,
375 application, request or appeal.

376 Sec. 10. Section 16a-4a of the general statutes is repealed and the
377 following is substituted in lieu thereof (*Effective October 1, 2008*):

378 The Office of Policy and Management shall:

379 (1) Formulate and prepare state-wide or interregional plans for the

380 physical, social and economic development of the state. Such plans
381 may be prepared jointly or in consultation with other state, interstate,
382 federal, regional or local agencies. Such plans may include, but need
383 not be limited to, (A) demographic projections, (B) economic
384 projections, (C) land use and water considerations, (D) transportation
385 requirements, (E) environmental considerations, (F) energy capabilities
386 and requirements, (G) public facilities, (H) labor needs and skills, (I)
387 educational objectives, (J) housing needs and (K) health needs;

388 (2) Receive for review, information and recommendations, plans
389 proposed by any state agency acting alone or jointly which has among
390 its duties planning responsibilities relating to those considerations set
391 forth in subdivision (1) of this section or similar subjects;

392 (3) Coordinate regional and state planning activities and accomplish
393 such planning review activities as may be necessary;

394 (4) Designate or redesignate logical planning regions within the
395 state and promote and assist in the promotion and continuation of
396 regional planning agencies under chapter 127. Such planning regions
397 shall be redesignated in accordance with section 11 of this act;

398 (5) Provide for technical aid and the administration of financial
399 assistance to regional planning agencies established under chapter 127
400 or any regional council of elected officials in any region without a
401 regional planning agency or any regional council of governments
402 organized under sections 4-124i to 4-124p, inclusive, as amended by
403 this act, under such terms and conditions as may be agreed upon by
404 the secretary;

405 (6) Accept from any source funds, revenue or other consideration
406 available to this state for interstate, state, regional, interregional or area
407 planning activities or projects and provide for the administration of
408 such funds, revenues or other consideration;

409 (7) Make available to the public, for a reasonable fee, all reports,
410 testing results and other material developed or procured as a result of

411 activities authorized by this section, section 16a-14 of the 2008
412 supplement to the general statutes and section 16a-14b; and

413 (8) Provide technical assistance to municipalities that want to
414 aggregate electric generation services.

415 Sec. 11. (NEW) (*Effective October 1, 2008*) (a) On or before October 1,
416 2011, and at least every twenty years thereafter, the Secretary of the
417 Office of Policy and Management shall conduct an analysis of the
418 boundaries of logical planning regions designated or redesignated
419 under section 16a-4a of the general statutes, as amended by this act. As
420 part of such analysis, the secretary shall develop criteria to evaluate the
421 impact of urban centers on neighboring towns. Such criteria shall
422 include, but not be limited to, criteria to (1) evaluate trends in
423 economic development and the environment, including trends in
424 housing patterns, employment levels, commuting patterns for the most
425 common job classifications in the state, traffic patterns on major
426 roadways, and local perceptions of social and historic ties; and (2)
427 establish a minimum size for logical planning areas that takes into
428 consideration the number of municipalities, total population and the
429 total square mileage.

430 (b) Any revision to the boundaries based on the analysis completed
431 on or before October 1, 2011, shall be effective July 1, 2012. Any
432 subsequent revision shall be effective on July first after the revision.

433 Sec. 12. Section 16a-27 of the general statutes is repealed and the
434 following is substituted in lieu thereof (*Effective October 1, 2008*):

435 (a) The secretary, after consultation with all appropriate state,
436 regional and local agencies and other appropriate persons, shall prior
437 to March 1, 2009, complete a revision of the existing plan and enlarge it
438 to include, but not be limited to, policies relating to transportation,
439 energy and air. Any revision made after May 15, 1991, shall identify
440 the major transportation proposals, including proposals for mass
441 transit, contained in the master transportation plan prepared pursuant
442 to section 13b-15. Any revision made after July 1, 1995, shall take into

443 consideration the conservation and development of greenways that
444 have been designated by municipalities and shall recommend that
445 state agencies coordinate their efforts to support the development of a
446 state-wide greenways system. The Commissioner of Environmental
447 Protection shall identify state-owned land for inclusion in the plan as
448 potential components of a state greenways system.

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

453 (c) Any revision made after March 1, 2006, shall (1) take into
454 consideration risks associated with natural hazards, including, but not
455 limited to, flooding, high winds and wildfires; (2) identify the potential
456 impacts of natural hazards on infrastructure and property; and (3)
457 make recommendations for the siting of future infrastructure and
458 property development to minimize the use of areas prone to natural
459 hazards, including, but not limited to, flooding, high winds and
460 wildfires.

461 (d) Any revision made after July 1, 2005, shall describe the progress
462 towards achievement of the goals and objectives established in the
463 previously adopted state plan of conservation and development and
464 shall identify (1) areas where it is prudent and feasible (A) to have
465 compact, transit accessible, pedestrian-oriented mixed-use
466 development patterns and land reuse, and (B) to promote such
467 development patterns and land reuse, (2) priority funding areas
468 designated under section 16a-35c, and (3) corridor management areas
469 on either side of a limited access highway or a rail line. In designating
470 corridor management areas, the secretary shall make
471 recommendations that (A) promote land use and transportation
472 options to reduce the growth of traffic congestion; (B) connect
473 infrastructure and other development decisions; (C) promote
474 development that minimizes the cost of new infrastructure facilities
475 and maximizes the use of existing infrastructure facilities; and (D)

476 increase intermunicipal and regional cooperation.

477 (e) Any revision made after October 1, 2008, shall (1) for each policy
478 recommended (A) assign a priority; (B) estimate funding for
479 implementation and identify potential funding sources; (C) identify
480 each entity responsible for implementation; and (D) establish a
481 schedule for implementation; and (2) for each growth management
482 principle, determine three benchmarks to measure progress in
483 implementation of the principles, one of which shall be a financial
484 benchmark.

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

488 Sec. 13. Section 4-124s of the 2008 supplement to the general statutes
489 is repealed and the following is substituted in lieu thereof (*Effective July*
490 *1, 2008*):

491 (a) For purposes of this section, (1) "regional council of
492 governments" means any such council organized under the provisions
493 of sections 4-124i to 4-124p, inclusive, (2) "regional council of elected
494 officials" means any such council organized under the provisions of
495 sections 4-124c to 4-124h, inclusive, and (3) "regional planning agency"
496 means an agency defined in chapter 127.

497 (b) There is established a regional performance incentive program
498 that shall be administered by the Secretary of the Office of Policy and
499 Management. On or before December 1, 2007, [and annually
500 thereafter,] any regional planning agency, any regional council of
501 elected officials, any regional council of governments, or any
502 combination thereof, may submit to said secretary a proposal for joint
503 provision of a service or services that are currently provided by
504 municipalities within the region of such agency or council or
505 contiguous thereto, but not currently provided on a regional basis.
506 [The proposal shall include such service or services which may
507 increase the participating municipalities' purchasing power or provide

508 a cost savings initiative resulting in a decrease in participating
509 municipalities' expenses and lower property taxes.] On or before
510 December 31, 2008, and annually thereafter, any such entity may
511 submit a proposal to said secretary for: (1) The joint provision of any
512 service that one or more participating municipalities of such council or
513 agency currently provide but which is not provided on a regional
514 basis; (2) the joint provision of any service that is not currently
515 provided within the region of such council or agency or the region
516 contiguous thereto, by such council or agency or by any participating
517 municipalities of such council or agency; or (3) a planning study
518 regarding the joint provision of any service on a regional basis. A copy
519 of said proposal shall be sent to the legislators representing said
520 participating municipalities.

521 [(c) The proposal shall (1) describe at least one service currently
522 provided by a municipality or municipalities within the region of the
523 agency or council or contiguous thereto, but not currently provided on
524 a regional basis, (2) provide a description of how such service would
525 be delivered on a regional basis, including consideration of what entity
526 would be responsible for such service, and how the population would
527 continue to be served, (3) describe the amount and the manner in
528 which the service will achieve economies of scale and the amount and
529 manner in which each municipality will reduce its mill rate as a result
530 of the savings realized by changing the municipal service to a regional
531 service, (4) include a cost benefit analysis for the provision of such
532 service by the municipality and by the council or agency, (5) set out a
533 plan of implementation for such regional service, (6) estimate the
534 savings that will be realized by each municipality, and (7) any other
535 items requested by said secretary. Each proposal shall have attached to
536 it (A) a resolution by the legislative body of each municipality affected
537 by the proposal endorsing such proposal; and (B) certification by each
538 such municipality that there are no legal obstacles to provision of
539 services in the manner specified in the proposal including, but not
540 limited to, binding arbitration. The proposal shall be submitted on a
541 form prescribed by said secretary. Said secretary shall review all such

542 proposals, and award grants to those that the secretary determines best
543 meet the requirements of this subsection. In making such grants the
544 secretary shall give priority to proposals presented by regional
545 councils of government which include participation of at least fifty per
546 cent of the member municipalities of such council.]

547 (c) (1) An entity specified in subsection (a) of this section shall
548 submit each proposal in the form and manner said secretary prescribes
549 and shall, at a minimum, provide the following information for each
550 proposal: (A) Service description; (B) the explanation of the need for
551 such service; (C) the method of delivering such service on a regional
552 basis; (D) the organization that would be responsible for regional
553 service delivery; (E) a description of the population that would be
554 served; (F) the manner in which regional service delivery will achieve
555 economies of scale; (G) the amount by which participating
556 municipalities will reduce their mill rates as a result of savings
557 realized; (H) a cost benefit analysis for the provision of the service by
558 each participating municipality and by the entity submitting the
559 proposal; (I) a plan of implementation for delivery of the service on a
560 regional basis; (J) a resolution endorsing such proposal approved by
561 the legislative body of each participating municipality, or, in any town
562 where the legislative body is a town meeting, by the board of
563 selectmen; and (K) an explanation of the potential legal obstacles, if
564 any, to the regional provision of the service.

565 (2) The secretary shall review each proposal and shall award grants
566 for proposals the secretary determines best meet the requirements of
567 this section. In awarding such grants, the secretary shall give priority
568 to a proposal submitted by any entity specified in subsection (a) of this
569 section that includes participation of all of the member municipalities
570 of such entity, and which may increase the purchasing power of such
571 member municipalities or provide a cost savings initiative resulting in
572 a decrease in expenses of such municipalities, allowing such
573 municipalities to lower property taxes.

574 (d) [Not later than February 1, 2008, and annually thereafter, the]

575 The secretary shall submit to the Governor and the joint standing
576 committee of the General Assembly having cognizance of matters
577 relating to finance, revenue and bonding a report on the grants
578 provided pursuant to this section. Each such report shall include
579 information on the amount of each grant, and the potential of each
580 grant for leveraging other public and private investments. The
581 secretary shall submit a report for the fiscal year commencing July 1,
582 2007, not later than February 1, 2008, and shall submit a report for each
583 subsequent fiscal year not later than the first day of March in such
584 fiscal year.

585 Sec. 14. Section 8-35a of the 2008 supplement to the general statutes
586 is repealed and the following is substituted in lieu thereof (*Effective*
587 *October 1, 2008*):

588 (a) At least once every ten years, each regional planning agency
589 shall make a plan of conservation and development for its area of
590 operation, showing its recommendations for the general use of the area
591 including land use, housing, principal highways and freeways,
592 bridges, airports, parks, playgrounds, recreational areas, schools,
593 public institutions, public utilities, agriculture and such other matters
594 as, in the opinion of the agency, will be beneficial to the area. Any
595 regional plan so developed shall be based on studies of physical,
596 social, economic and governmental conditions and trends and shall be
597 designed to promote with the greatest efficiency and economy the
598 coordinated development of its area of operation and the general
599 welfare and prosperity of its people. Such plan may encourage energy-
600 efficient patterns of development, the use of solar and other renewable
601 forms of energy, and energy conservation. Such plan shall be designed
602 to promote abatement of the pollution of the waters and air of the
603 region. The regional plan shall identify areas where it is feasible and
604 prudent (1) to have compact, transit accessible, pedestrian-oriented
605 mixed use development patterns and land reuse, and (2) to promote
606 such development patterns and land reuse and shall note any
607 inconsistencies with the following growth management principles: (A)
608 Redevelopment and revitalization of regional centers and areas of

609 mixed land uses with existing or planned physical infrastructure; (B)
610 expansion of housing opportunities and design choices to
611 accommodate a variety of household types and needs; (C)
612 concentration of development around transportation nodes and along
613 major transportation corridors to support the viability of
614 transportation options and land reuse; (D) conservation and
615 restoration of the natural environment, cultural and historical
616 resources and traditional rural lands; (E) protection of environmental
617 assets critical to public health and safety; and (F) integration of
618 planning across all levels of government to address issues on a local,
619 regional and state-wide basis. The plan of each region contiguous to
620 Long Island Sound shall be designed to reduce hypoxia, pathogens,
621 toxic contaminants and floatable debris in Long Island Sound.

622 (b) Before adopting the regional plan of conservation and
623 development or any part thereof or amendment thereto the agency
624 shall hold at least one public hearing thereon, notice of the time, place
625 and subject of which shall be given in writing to the chief executive
626 officer and planning commission, where one exists, of each member
627 town, city or borough. Notice of the time, place and subject of such
628 hearing shall be published once in a newspaper having a substantial
629 circulation in the region. Such notices shall be given not more than
630 twenty days or less than ten days before such hearing. At least sixty-
631 five days before the public hearing the regional planning agency shall
632 post the plan on the Internet web site of the agency, if any, and submit
633 the plan to the Secretary of the Office of Policy and Management for
634 findings in the form of comments and recommendations. [Such
635 findings shall] By October 1, 2011, the secretary shall establish, by
636 regulations adopted in accordance with the provisions of chapter 54,
637 criteria for such findings which shall include procedures for a uniform
638 review of [the plan] regional plans of conservation and development to
639 determine if [the] a proposed regional plan of conservation and
640 development is not inconsistent with the state plan of conservation
641 and development and the state economic strategic plan. [Such notices
642 shall be given not more than twenty days nor less than ten days before

643 such hearing.] The regional planning agency shall note on the record
644 any inconsistency with the state plan of conservation and development
645 and the reasons for such inconsistency. Adoption of the plan or part
646 thereof or amendment thereto shall be made by the affirmative vote of
647 not less than a majority of the representatives on the agency. The plan
648 shall be posted on the Internet web site of the agency, if any, and a
649 copy of the plan or of any amendments thereto, signed by the
650 chairman of the agency, shall be transmitted to the chief executive
651 officers, the town, city or borough clerks, as the case may be, and to
652 planning commissions, if any, in member towns, cities or boroughs,
653 and to the Secretary of the Office of Policy and Management, or his
654 designee. The regional planning agency shall notify the Secretary of
655 the Office of Policy and Management of any inconsistency with the
656 state plan of conservation and development and the reasons therefor.

657 (c) The regional planning agency shall revise the plan of
658 conservation and development not more than three years after July 1,
659 2005.

660 (d) The regional planning agency shall assist municipalities within
661 its region and state agencies and may assist other public and private
662 agencies in developing and carrying out any regional plan or plans of
663 such regional planning agency. The regional planning agency may
664 provide administrative, management, technical or planning assistance
665 to municipalities within its region and other public agencies under
666 such terms as it may determine, provided, prior to entering into an
667 agreement for assistance to any municipality or other public agency,
668 the regional planning agency shall have adopted a policy governing
669 such assistance. The regional planning agency may be compensated by
670 the municipality or other public agency with which an agreement for
671 assistance has been made for all or part of the cost of such assistance.

672 Sec. 15. Section 8-389 of the general statutes is repealed and the
673 following is substituted in lieu thereof (*Effective October 1, 2008*):

674 Upon the incorporation of a successfully negotiated regional fair

675 housing compact into a regional plan of conservation and
676 development by a regional planning agency pursuant to section 8-386,
677 the Commissioner of Economic and Community Development and the
678 Connecticut Housing Authority may give priority to any application
679 for financial or technical assistance made by a municipality, housing
680 authority or eligible developer as defined in subsection (u) of section 8-
681 39 in connection with any project located in a municipality which has
682 approved the regional fair housing compact pursuant to section 8-386.

683 Sec. 16. Section 25-206 of the general statutes is repealed and the
684 following is substituted in lieu thereof (*Effective October 1, 2008*):

685 (a) Within thirty days of designation of a river corridor, the river
686 committee shall file the approved map and approved river corridor
687 protection plan in the office of the town clerk of each member
688 municipality.

689 (b) Within one year of designation of a river corridor, each member
690 municipality shall amend its zoning, subdivision, site plan and
691 wetlands regulations, its municipal plan of conservation and
692 development and any other applicable laws or plans in accordance
693 with the recommendations of the approved river corridor protection
694 plan. The river committee shall assist member municipalities in
695 adopting any such amendments, and on behalf of a member
696 municipality may petition the commissioner for an extension of the
697 one-year deadline specified in this subsection for amending applicable
698 laws. Before adopting any such amendment, a member municipality
699 shall submit the proposed amendment to the commissioner, and such
700 proposed amendment shall not be adopted unless the commissioner
701 finds in writing that it is consistent with the approved river corridor
702 protection plan.

703 (c) After a member municipality has completed amending
704 applicable laws and plans pursuant to subsection (b) of this section, no
705 zoning variance or other exception to any such amended law shall be
706 granted unless the zoning board of appeals for such municipality, in

707 consultation with the river committee, finds in writing that it is
708 compatible with the approved river corridor protection plan.

709 (d) (1) Every major state plan other than the state plan for
710 conservation and development, to the extent that it affects a designated
711 river corridor, shall be consistent with the approved river corridor
712 protection plan for such corridor, and any state plan which is
713 inconsistent with such approved river corridor protection plan shall be
714 modified accordingly. Such modifications shall be made in
715 consultation with the commissioner at the next scheduled revision of
716 such plan.

717 (2) If the commissioner finds that the state plan for conservation and
718 development is inconsistent with an approved river corridor
719 protection plan for a designated river corridor, he shall apply to the
720 secretary for a revision pursuant to section 16a-32.

721 (3) Every regional plan of conservation and development adopted
722 pursuant to section 8-35a of the 2008 supplement to the general
723 statutes, as amended by this act, to the extent that it affects a
724 designated river corridor, shall be consistent with the approved river
725 corridor protection plan for such corridor and any regional plan of
726 conservation and development which is inconsistent with such
727 approved river corridor protection plan shall be modified accordingly.
728 Such modifications shall be made in consultation with the
729 commissioner.

730 (4) Every municipal plan of conservation and development adopted
731 pursuant to section 8-23 of the 2008 supplement to the general statutes,
732 as amended by this act, to the extent that it affects a designated river
733 corridor, shall be consistent with the approved river corridor
734 protection plan for such corridor and any municipal plan of
735 conservation and development which is inconsistent with such
736 approved river corridor protection plan shall be modified accordingly.
737 Such modifications shall be made in consultation with the
738 commissioner.

739 (5) The commissioner may notify any applicable federal agency of
740 the designation of a river corridor and may take any other appropriate
741 action to assure consideration of such designation in federal programs
742 or activities.

743 (e) (1) Neither the commissioner nor the Connecticut Siting Council
744 shall issue a permit or other approval for any activity within a river
745 corridor designated under section 25-205 unless the commissioner or
746 the council, as the case may be, determines that such activity would
747 not adversely affect any of the resources protected pursuant to the plan
748 for such corridor.

749 (2) A member municipality may submit written testimony to the
750 commissioner and may appear by right as a party to any hearing
751 before the commissioner concerning any permit or other license to be
752 issued by the commissioner for an activity proposed within a
753 designated river corridor and may appeal any decision of the
754 commissioner concerning such permit or other license to the superior
755 court in accordance with the provisions of section 4-183.

756 Sec. 17. Section 25-236 of the general statutes is repealed and the
757 following is substituted in lieu thereof (*Effective October 1, 2008*):

758 (a) Within thirty days of the commissioner's approval of a map and
759 river corridor management plan pursuant to section 25-235, the river
760 commission shall file such map and plan in the office of the town clerk
761 in each member municipality.

762 (b) Within one year of the commissioner's approval of a map and
763 river corridor management plan pursuant to section 25-235, each
764 member municipality shall amend its zoning, subdivision, site plan,
765 floodplain and wetlands regulations, its municipal plan of
766 development and any other applicable laws or plans in accordance
767 with the recommendations of the approved river corridor management
768 plan. The river commission shall assist member municipalities in
769 adopting any such amendments and, on behalf of a member
770 municipality, may petition the commissioner for an extension of the

771 one-year deadline specified in this subsection for amending applicable
772 laws or plans. Before adopting any such amendment, the municipality
773 shall submit the proposed amendment to the commissioner and such
774 proposed amendment shall not be adopted unless the commissioner
775 finds in writing, within ninety days, that it is consistent with the
776 approved river corridor management plan.

777 (c) (1) After a member municipality has completed amending
778 applicable laws and plans pursuant to subsection (b) of this section, no
779 zoning variance or other exception to any such amended law or plan
780 shall be granted if such variance or other exception affects a river
781 corridor with respect to which there exists an approved river corridor
782 management plan unless the applicant demonstrates that such
783 variance or other exception satisfies any applicable legal requirements
784 and the zoning board of appeals for such municipality, or the agency
785 with jurisdiction over the application at issue, in consultation with the
786 river commission, finds in writing that such variance or exception is
787 compatible with the approved river corridor management plan or the
788 zoning board of appeals or the agency with jurisdiction over the
789 application has determined that the applicant has presented sufficient
790 evidence to prove that the property's exceptional difficulty or unusual
791 hardship warrants such variance or exception.

792 (2) No portion of any applicable municipal law or plan affecting a
793 river corridor with respect to which a river corridor management plan
794 has been approved shall be revised unless such municipality has
795 allowed the river commission to comment on such proposed revision
796 and has considered any such comments.

797 (d) If the commissioner determines that any member municipality
798 has failed or is failing to comply with the requirements of subsection
799 (a) or (b) of this section or if he determines that the plan cannot
800 effectively be implemented as a result of a municipality withdrawing
801 from the commission, he and the Connecticut Siting Council shall not
802 be subject to the provisions of subsections (f) and (g) of this section.

803 (e) (1) Every major state plan, other than the state plan for
804 conservation and development, to the extent that such major state plan
805 affects any river corridor for which the commissioner has approved a
806 river corridor management plan, shall be consistent with such
807 management plan. Any major state plan, other than the state plan for
808 conservation and development, which is inconsistent with a river
809 corridor management plan shall be modified accordingly. Such
810 modifications shall be made in consultation with the commissioner at
811 the next scheduled revision of such plan.

812 (2) If all the member municipalities of a river commission have
813 amended their applicable laws and plans pursuant to subsection (b) of
814 this section and if the commissioner finds that the state plan for
815 conservation and development is inconsistent with the subject river
816 corridor management plan, he shall apply to the secretary for a
817 revision pursuant to section 16a-32.

818 (3) Every regional plan of conservation and development adopted
819 pursuant to section 8-35a of the 2008 supplement to the general
820 statutes, as amended by this act, to the extent that it affects any river
821 corridor for which the commissioner has approved a river corridor
822 management plan, shall be consistent with such management plan.
823 Any regional plan of conservation and development which is
824 inconsistent with a river corridor management plan shall be modified
825 accordingly. Such modifications shall be made in consultation with the
826 commissioner.

827 (4) Every municipal plan of development adopted pursuant to
828 section 8-23 of the 2008 supplement to the general statutes, as amended
829 by this act, to the extent that it affects any river corridor for which the
830 commissioner has approved a river corridor management plan, shall
831 be consistent with such management plan. Any municipal plan of
832 development which is inconsistent with a river corridor management
833 plan shall be modified accordingly. Such modifications shall be made
834 in consultation with the commissioner.

835 (5) The commissioner may notify any applicable federal agency of
836 his approval of a river corridor management plan and may take any
837 other appropriate action to assure consideration of such plan in federal
838 programs or activities.

839 (f) (1) For the purpose of protecting or preserving river corridor
840 resources, the commissioner may acquire real property or any interest
841 therein within a river corridor for which he has approved a river
842 corridor management plan. Such acquisition may be by purchase at
843 fair market value, gift or devise. The commissioner may accept any gift
844 or bequest of money or other personal property to be used to acquire
845 such real property or interest therein, or to meet expenses involved in
846 maintaining such real property. Such funds shall be held by the State
847 Treasurer to be used and expended under the direction of the
848 commissioner.

849 (2) For the purpose of protecting or preserving river corridor
850 resources, and subject to any lawful restrictions on acquisition of lands
851 acquired with state funds, a municipality may acquire real property or
852 any interest therein within a river corridor for which such commission
853 has adopted a river corridor management plan. Such acquisition may
854 be by purchase at fair market value, gift or devise. Such municipality
855 may accept any gift or bequest of money or other personal property to
856 be used to acquire such real property or interest therein, or to meet
857 expenses involved in maintaining such real property.

858 (g) (1) The commissioner shall coordinate the activities, including
859 the granting of permits and other approvals, of all regulatory
860 programs under his jurisdiction to assure that the administration of
861 such programs is consistent with every approved river corridor
862 management plan. Neither the commissioner nor the Connecticut
863 Siting Council shall issue a permit or other approval for any activity
864 which may affect a river corridor for which the commissioner has
865 approved a river corridor management plan under section 25-235
866 unless the commissioner determines that such activity would not
867 adversely affect any of the resources protected under such plan.

868 (2) A member municipality may submit written testimony to the
869 commissioner and may appear by right as a party to any hearing
870 before the commissioner concerning any permit or other approval to
871 be issued by the commissioner for an activity proposed within an
872 approved river corridor, and may appeal any decision of the
873 commissioner concerning such permit or other approval to the
874 Superior Court in accordance with the provisions of section 4-183.

875 Sec. 18. Section 8-23 of the 2008 supplement to the general statutes is
876 repealed and the following is substituted in lieu thereof (*Effective*
877 *October 1, 2008*):

878 (a) (1) At least once every ten years, the commission shall prepare or
879 amend and shall adopt a plan of conservation and development for the
880 municipality. Following adoption, the commission shall regularly
881 review and maintain such plan. The commission may adopt such
882 geographical, functional or other amendments to the plan or parts of
883 the plan, in accordance with the provisions of this section, as it deems
884 necessary. The commission may, at any time, prepare, amend and
885 adopt plans for the redevelopment and improvement of districts or
886 neighborhoods which, in its judgment, contain special problems or
887 opportunities or show a trend toward lower land values.

888 (2) If a plan is not amended decennially, the chief elected official of
889 the municipality shall submit a letter to the Secretary of the Office of
890 Policy and Management and the Commissioners of Transportation,
891 Environmental Protection and Economic and Community
892 Development that explains why such plan was not amended. Until the
893 plan is amended in accordance with this subsection, a copy of such
894 letter shall be included in each application by the municipality for
895 funding for the conservation or development of real property
896 submitted to said secretary or commissioners.

897 (b) In the preparation of such plan, the commission may appoint
898 one or more special committees to develop and make
899 recommendations for the plan. The membership of any special

900 committee may include: Residents of the municipality and
901 representatives of local boards dealing with zoning, inland wetlands,
902 conservation, recreation, education, public works, finance,
903 redevelopment, general government and other municipal functions. In
904 performing its duties under this section, the commission or any special
905 committee may accept information from any source or solicit input
906 from any organization or individual. The commission or any special
907 committee may hold public informational meetings or organize other
908 activities to inform residents about the process of preparing the plan.

909 (c) In preparing such plan, the commission or any special committee
910 shall consider the following: (1) The community development action
911 plan of the municipality, if any, (2) the need for affordable housing, (3)
912 the need for protection of existing and potential public surface and
913 ground drinking water supplies, (4) the use of cluster development
914 and other development patterns to the extent consistent with soil
915 types, terrain and infrastructure capacity within the municipality, (5)
916 the state plan of conservation and development adopted pursuant to
917 chapter 297, (6) the regional plan of conservation and development
918 adopted pursuant to section 8-35a of the 2008 supplement to the
919 general statutes, as amended by this act, (7) physical, social, economic
920 and governmental conditions and trends, (8) the needs of the
921 municipality including, but not limited to, human resources,
922 education, health, housing, recreation, social services, public utilities,
923 public protection, transportation and circulation and cultural and
924 interpersonal communications, (9) the objectives of energy-efficient
925 patterns of development, the use of solar and other renewable forms of
926 energy and energy conservation, and (10) protection and preservation
927 of agriculture.

928 (d) (1) Such plan of conservation and development shall (A) be a
929 statement of policies, goals and standards for the physical and
930 economic development of the municipality, (B) provide for a system of
931 principal thoroughfares, parkways, bridges, streets, sidewalks,
932 multipurpose trails and other public ways as appropriate, (C) be
933 designed to promote, with the greatest efficiency and economy, the

934 coordinated development of the municipality and the general welfare
935 and prosperity of its people and identify areas where it is feasible and
936 prudent (i) to have compact, transit accessible, pedestrian-oriented
937 mixed use development patterns and land reuse, and (ii) to promote
938 such development patterns and land reuse, (D) recommend the most
939 desirable use of land within the municipality for residential,
940 recreational, commercial, industrial, conservation and other purposes
941 and include a map showing such proposed land uses, (E) recommend
942 the most desirable density of population in the several parts of the
943 municipality, (F) note any inconsistencies with the following growth
944 management principles: (i) Redevelopment and revitalization of
945 commercial centers and areas of mixed land uses with existing or
946 planned physical infrastructure; (ii) expansion of housing
947 opportunities and design choices to accommodate a variety of
948 household types and needs; (iii) concentration of development around
949 transportation nodes and along major transportation corridors to
950 support the viability of transportation options and land reuse; (iv)
951 conservation and restoration of the natural environment, cultural and
952 historical resources and existing farmlands; (v) protection of
953 environmental assets critical to public health and safety; and (vi)
954 integration of planning across all levels of government to address
955 issues on a local, regional and state-wide basis, (G) make provision for
956 the development of housing opportunities, including opportunities for
957 multifamily dwellings, consistent with soil types, terrain and
958 infrastructure capacity, for all residents of the municipality and the
959 planning region in which the municipality is located, as designated by
960 the Secretary of the Office of Policy and Management under section
961 16a-4a, (H) promote housing choice and economic diversity in
962 housing, including housing for both low and moderate income
963 households, and encourage the development of housing which will
964 meet the housing needs identified in the housing plan prepared
965 pursuant to section 8-37t and in the housing component and the other
966 components of the state plan of conservation and development
967 prepared pursuant to chapter 297. In preparing such plan the
968 commission shall consider focusing development and revitalization in

969 areas with existing or planned physical infrastructure.

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

977 (e) Such plan may show the commission's and any special
978 committee's recommendation for (1) conservation and preservation of
979 traprock and other ridgelines, (2) airports, parks, playgrounds and
980 other public grounds, (3) the general location, relocation and
981 improvement of schools and other public buildings, (4) the general
982 location and extent of public utilities and terminals, whether publicly
983 or privately owned, for water, sewerage, light, power, transit and other
984 purposes, (5) the extent and location of public housing projects, (6)
985 programs for the implementation of the plan, including (A) a schedule,
986 (B) a budget for public capital projects, (C) a program for enactment
987 and enforcement of zoning and subdivision controls, building and
988 housing codes and safety regulations, (D) plans for implementation of
989 affordable housing, (E) plans for open space acquisition and
990 greenways protection and development, and (F) plans for corridor
991 management areas along limited access highways or rail lines,
992 designated under section 16a-27, (7) proposed priority funding areas,
993 and (8) any other recommendations as will, in the commission's or any
994 special committee's judgment, be beneficial to the municipality. The
995 plan may include any necessary and related maps, explanatory
996 material, photographs, charts or other pertinent data and information
997 relative to the past, present and future trends of the municipality.

998 (f) (1) A plan of conservation and development or any part thereof
999 or amendment thereto prepared by the commission or any special
1000 committee shall be reviewed, and may be amended, by the
1001 commission prior to scheduling at least one public hearing on

1002 adoption.

1003 (2) At least sixty-five days prior to the public hearing on adoption,
1004 the commission shall submit a copy of such plan or part thereof or
1005 amendment thereto for review and comment to the legislative body or,
1006 in the case of a municipality for which the legislative body of the
1007 municipality is a town meeting or representative town meeting, to the
1008 board of selectmen. The legislative body or board of selectmen, as the
1009 case may be, may hold one or more public hearings on the plan and
1010 shall endorse or reject such entire plan or part thereof or amendment
1011 and may submit comments and recommended changes to the
1012 commission. The commission may render a decision on the plan
1013 without the report of such body or board.

1014 (3) At least thirty-five days prior to the public hearing on adoption,
1015 the commission shall post the plan on the Internet web site of the
1016 municipality, if any.

1017 (4) At least sixty-five days prior to the public hearing on adoption,
1018 the commission shall submit a copy of such plan or part thereof or
1019 amendment thereto to the regional planning agency for review and
1020 comment. The regional planning agency shall submit an advisory
1021 report along with its comments to the commission at or before the
1022 hearing. Such comments shall include a finding on the consistency of
1023 the plan with (A) the regional plan of conservation and development,
1024 adopted under section 8-35a of the 2008 supplement to the general
1025 statutes, as amended by this act, (B) the state plan of conservation and
1026 development, adopted pursuant to chapter 297, and (C) the plans of
1027 conservation and development of other municipalities in the area of
1028 operation of the regional planning agency. The commission may
1029 render a decision on the plan without the report of the regional
1030 planning agency.

1031 (5) At least thirty-five days prior to the public hearing on adoption,
1032 the commission shall file in the office of the town clerk a copy of such
1033 plan or part thereof or amendment thereto but, in the case of a district

1034 commission, such commission shall file such information in the offices
1035 of both the district clerk and the town clerk.

1036 (6) The commission shall cause to be published in a newspaper
1037 having a general circulation in the municipality, at least twice at
1038 intervals of not less than two days, the first not more than fifteen days,
1039 or less than ten days, and the last not less than two days prior to the
1040 date of each such hearing, notice of the time and place of any such
1041 public hearing. Such notice shall make reference to the filing of such
1042 draft plan in the office of the town clerk, or both the district clerk and
1043 the town clerk, as the case may be.

1044 (g) (1) After completion of the public hearing, the commission may
1045 revise the plan and may adopt the plan or any part thereof or
1046 amendment thereto by a single resolution or may, by successive
1047 resolutions, adopt parts of the plan and amendments thereto.

1048 (2) Any plan, section of a plan or recommendation in the plan that is
1049 not endorsed in the report of the legislative body or, in the case of a
1050 municipality for which the legislative body is a town meeting or
1051 representative town meeting, by the board of selectmen, of the
1052 municipality may only be adopted by the commission by a vote of not
1053 less than two-thirds of all the members of the commission.

1054 (3) Upon adoption by the commission, any plan or part thereof or
1055 amendment thereto shall become effective at a time established by the
1056 commission, provided notice thereof shall be published in a
1057 newspaper having a general circulation in the municipality prior to
1058 such effective date.

1059 (4) Not more than thirty days after adoption, any plan or part
1060 thereof or amendment thereto shall be posted on the Internet web site
1061 of the municipality, if any, and shall be filed in the office of the town
1062 clerk, except that, if it is a district plan or amendment, it shall be filed
1063 in the offices of both the district and town clerks.

1064 (5) Not more than sixty days after adoption of the plan, the

1065 commission shall submit a copy of the plan to the Secretary of the
1066 Office of Policy and Management and shall include with such copy a
1067 description of any inconsistency between the plan adopted by the
1068 commission and the state plan of conservation and development and
1069 the reasons therefor.

1070 (h) Any owner or tenant, or authorized agent of such owner or
1071 tenant, of real property or buildings thereon located in the
1072 municipality may submit a proposal to the commission requesting a
1073 change to the plan of conservation and development. Such proposal
1074 shall be submitted in writing and on a form prescribed by the
1075 commission. Notwithstanding the provisions of subsection (a) of
1076 section 8-7d of the 2008 supplement to the general statutes, as
1077 amended by this act, the commission shall review and may approve,
1078 modify and approve or reject the proposal in accordance with the
1079 provisions of subsection (f) of this section.

1080 Sec. 19. Section 8-23 of the 2008 supplement to the general statutes,
1081 as amended by section 3 of public act 07-239 and section 4 of public act
1082 07-5 of the June special session, is repealed and the following is
1083 substituted in lieu thereof (*Effective July 1, 2010*):

1084 (a) (1) At least once every ten years, the commission shall prepare or
1085 amend and shall adopt a plan of conservation and development for the
1086 municipality. Following adoption, the commission shall regularly
1087 review and maintain such plan. The commission may adopt such
1088 geographical, functional or other amendments to the plan or parts of
1089 the plan, in accordance with the provisions of this section, as it deems
1090 necessary. The commission may, at any time, prepare, amend and
1091 adopt plans for the redevelopment and improvement of districts or
1092 neighborhoods which, in its judgment, contain special problems or
1093 opportunities or show a trend toward lower land values.

1094 (2) If a plan is not amended decennially, the chief elected official of
1095 the municipality shall submit a letter to the Secretary of the Office of
1096 Policy and Management and the Commissioners of Transportation,

1097 Environmental Protection and Economic and Community
1098 Development that explains why such plan was not amended. A copy
1099 of such letter shall be included in each application by the municipality
1100 for discretionary state funding submitted to any state agency.

1101 (b) Until the plan is amended in accordance with this subsection the
1102 municipality shall be ineligible for discretionary state funding unless
1103 such prohibition is expressly waived by the secretary.

1104 (c) In the preparation of such plan, the commission may appoint one
1105 or more special committees to develop and make recommendations for
1106 the plan. The membership of any special committee may include:
1107 Residents of the municipality and representatives of local boards
1108 dealing with zoning, inland wetlands, conservation, recreation,
1109 education, public works, finance, redevelopment, general government
1110 and other municipal functions. In performing its duties under this
1111 section, the commission or any special committee may accept
1112 information from any source or solicit input from any organization or
1113 individual. The commission or any special committee may hold public
1114 informational meetings or organize other activities to inform residents
1115 about the process of preparing the plan.

1116 (d) In preparing such plan, the commission or any special
1117 committee shall consider the following: (1) The community
1118 development action plan of the municipality, if any, (2) the need for
1119 affordable housing, (3) the need for protection of existing and potential
1120 public surface and ground drinking water supplies, (4) the use of
1121 cluster development and other development patterns to the extent
1122 consistent with soil types, terrain and infrastructure capacity within
1123 the municipality, (5) the state plan of conservation and development
1124 adopted pursuant to chapter 297, (6) the regional plan of conservation
1125 and development adopted pursuant to section 8-35a of the 2008
1126 supplement to the general statutes, as amended by this act, (7)
1127 physical, social, economic and governmental conditions and trends, (8)
1128 the needs of the municipality including, but not limited to, human
1129 resources, education, health, housing, recreation, social services, public

1130 utilities, public protection, transportation and circulation and cultural
1131 and interpersonal communications, (9) the objectives of energy-
1132 efficient patterns of development, the use of solar and other renewable
1133 forms of energy and energy conservation, and (10) protection and
1134 preservation of agriculture.

1135 (e) (1) Such plan of conservation and development shall (A) be a
1136 statement of policies, goals and standards for the physical and
1137 economic development of the municipality, (B) provide for a system of
1138 principal thoroughfares, parkways, bridges, streets, sidewalks,
1139 multipurpose trails and other public ways as appropriate, (C) be
1140 designed to promote, with the greatest efficiency and economy, the
1141 coordinated development of the municipality and the general welfare
1142 and prosperity of its people and identify areas where it is feasible and
1143 prudent (i) to have compact, transit accessible, pedestrian-oriented
1144 mixed use development patterns and land reuse, and (ii) to promote
1145 such development patterns and land reuse, (D) recommend the most
1146 desirable use of land within the municipality for residential,
1147 recreational, commercial, industrial, conservation and other purposes
1148 and include a map showing such proposed land uses, (E) recommend
1149 the most desirable density of population in the several parts of the
1150 municipality, (F) note any inconsistencies with the following growth
1151 management principles: (i) Redevelopment and revitalization of
1152 commercial centers and areas of mixed land uses with existing or
1153 planned physical infrastructure; (ii) expansion of housing
1154 opportunities and design choices to accommodate a variety of
1155 household types and needs; (iii) concentration of development around
1156 transportation nodes and along major transportation corridors to
1157 support the viability of transportation options and land reuse; (iv)
1158 conservation and restoration of the natural environment, cultural and
1159 historical resources and existing farmlands; (v) protection of
1160 environmental assets critical to public health and safety; and (vi)
1161 integration of planning across all levels of government to address
1162 issues on a local, regional and state-wide basis, (G) make provision for
1163 the development of housing opportunities, including opportunities for

1164 multifamily dwellings, consistent with soil types, terrain and
1165 infrastructure capacity, for all residents of the municipality and the
1166 planning region in which the municipality is located, as designated by
1167 the Secretary of the Office of Policy and Management under section
1168 16a-4a, (H) promote housing choice and economic diversity in
1169 housing, including housing for both low and moderate income
1170 households, and encourage the development of housing which will
1171 meet the housing needs identified in the housing plan prepared
1172 pursuant to section 8-37t and in the housing component and the other
1173 components of the state plan of conservation and development
1174 prepared pursuant to chapter 297. In preparing such plan the
1175 commission shall consider focusing development and revitalization in
1176 areas with existing or planned physical infrastructure.

1177 (2) For any municipality that is contiguous to Long Island Sound,
1178 such plan shall be (A) consistent with the municipal coastal program
1179 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
1180 reasonable consideration for restoration and protection of the
1181 ecosystem and habitat of Long Island Sound, and (C) designed to
1182 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
1183 Long Island Sound.

1184 (f) Such plan may show the commission's and any special
1185 committee's recommendation for (1) conservation and preservation of
1186 traprock and other ridgelines, (2) airports, parks, playgrounds and
1187 other public grounds, (3) the general location, relocation and
1188 improvement of schools and other public buildings, (4) the general
1189 location and extent of public utilities and terminals, whether publicly
1190 or privately owned, for water, sewerage, light, power, transit and other
1191 purposes, (5) the extent and location of public housing projects, (6)
1192 programs for the implementation of the plan, including (A) a schedule,
1193 (B) a budget for public capital projects, (C) a program for enactment
1194 and enforcement of zoning and subdivision controls, building and
1195 housing codes and safety regulations, (D) plans for implementation of
1196 affordable housing, (E) plans for open space acquisition and
1197 greenways protection and development, and (F) plans for corridor

1198 management areas along limited access highways or rail lines,
1199 designated under section 16a-27, (7) proposed priority funding areas,
1200 and (8) any other recommendations as will, in the commission's or any
1201 special committee's judgment, be beneficial to the municipality. The
1202 plan may include any necessary and related maps, explanatory
1203 material, photographs, charts or other pertinent data and information
1204 relative to the past, present and future trends of the municipality.

1205 (g) (1) A plan of conservation and development or any part thereof
1206 or amendment thereto prepared by the commission or any special
1207 committee shall be reviewed, and may be amended, by the
1208 commission prior to scheduling at least one public hearing on
1209 adoption.

1210 (2) At least sixty-five days prior to the public hearing on adoption,
1211 the commission shall submit a copy of such plan or part thereof or
1212 amendment thereto for review and comment to the legislative body or,
1213 in the case of a municipality for which the legislative body of the
1214 municipality is a town meeting or representative town meeting, to the
1215 board of selectmen. The legislative body or board of selectmen, as the
1216 case may be, may hold one or more public hearings on the plan and
1217 shall endorse or reject such entire plan or part thereof or amendment
1218 and may submit comments and recommended changes to the
1219 commission. The commission may render a decision on the plan
1220 without the report of such body or board.

1221 (3) At least thirty-five days prior to the public hearing on adoption,
1222 the commission shall post the plan on the Internet web site of the
1223 municipality, if any.

1224 (4) At least sixty-five days prior to the public hearing on adoption,
1225 the commission shall submit a copy of such plan or part thereof or
1226 amendment thereto to the regional planning agency for review and
1227 comment. The regional planning agency shall submit an advisory
1228 report along with its comments to the commission at or before the
1229 hearing. Such comments shall include a finding on the consistency of

1230 the plan with (A) the regional plan of conservation and development,
1231 adopted under section 8-35a of the 2008 supplement to the general
1232 statutes, as amended by this act, (B) the state plan of conservation and
1233 development, adopted pursuant to chapter 297, and (C) the plans of
1234 conservation and development of other municipalities in the area of
1235 operation of the regional planning agency. The commission may
1236 render a decision on the plan without the report of the regional
1237 planning agency.

1238 (5) At least thirty-five days prior to the public hearing on adoption,
1239 the commission shall file in the office of the town clerk a copy of such
1240 plan or part thereof or amendment thereto but, in the case of a district
1241 commission, such commission shall file such information in the offices
1242 of both the district clerk and the town clerk.

1243 (6) The commission shall cause to be published in a newspaper
1244 having a general circulation in the municipality, at least twice at
1245 intervals of not less than two days, the first not more than fifteen days,
1246 or less than ten days, and the last not less than two days prior to the
1247 date of each such hearing, notice of the time and place of any such
1248 public hearing. Such notice shall make reference to the filing of such
1249 draft plan in the office of the town clerk, or both the district clerk and
1250 the town clerk, as the case may be.

1251 (h) (1) After completion of the public hearing, the commission may
1252 revise the plan and may adopt the plan or any part thereof or
1253 amendment thereto by a single resolution or may, by successive
1254 resolutions, adopt parts of the plan and amendments thereto.

1255 (2) Any plan, section of a plan or recommendation in the plan that is
1256 not endorsed in the report of the legislative body or, in the case of a
1257 municipality for which the legislative body is a town meeting or
1258 representative town meeting, by the board of selectmen, of the
1259 municipality may only be adopted by the commission by a vote of not
1260 less than two-thirds of all the members of the commission.

1261 (3) Upon adoption by the commission, any plan or part thereof or

1262 amendment thereto shall become effective at a time established by the
 1263 commission, provided notice thereof shall be published in a
 1264 newspaper having a general circulation in the municipality prior to
 1265 such effective date.

1266 (4) Not more than thirty days after adoption, any plan or part
 1267 thereof or amendment thereto shall be posted on the Internet web site
 1268 of the municipality, if any, and shall be filed in the office of the town
 1269 clerk, except that, if it is a district plan or amendment, it shall be filed
 1270 in the offices of both the district and town clerks.

1271 (5) Not more than sixty days after adoption of the plan, the
 1272 commission shall submit a copy of the plan to the Secretary of the
 1273 Office of Policy and Management and shall include with such copy a
 1274 description of any inconsistency between the plan adopted by the
 1275 commission and the state plan of conservation and development and
 1276 the reasons therefor.

1277 (i) Any owner or tenant, or authorized agent of such owner or
 1278 tenant, of real property or buildings thereon located in the
 1279 municipality may submit a proposal to the commission requesting a
 1280 change to the plan of conservation and development. Such proposal
 1281 shall be submitted in writing and on a form prescribed by the
 1282 commission. Notwithstanding the provisions of subsection (a) of
 1283 section 8-7d of the 2008 supplement to the general statutes, as
 1284 amended by this act, the commission shall review and may approve,
 1285 modify and approve or reject the proposal in accordance with the
 1286 provisions of subsection (g) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	4-124i
Sec. 2	<i>October 1, 2008</i>	23-102(b)
Sec. 3	<i>October 1, 2008</i>	25-204(d)
Sec. 4	<i>October 1, 2008</i>	25-204(f)
Sec. 5	<i>October 1, 2008</i>	25-234(d) to (f)

