



1000 FRIENDS of Connecticut
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PRESERVING, CONSERVING AND GROWING SMART

1000 Friends of Connecticut

Testimony on SB39 An Act Concerning Responsible Growth

Respectfully Submitted to the Planning and Development Committee

February 25, 2008

Senator Coleman, Representative Feltman, members of the committee, thank you, for the opportunity to speak with you today. For the record, my name is Heidi Green and I'm president of the statewide smart growth education and advocacy organization, 1000 Friends of Connecticut. 1000 Friends is a broad, politically and geographically diverse coalition of individuals and organizations committed to growing robust cities, walkable vibrant neighborhoods, healthy natural habitats, clean air and water, and a viable agricultural economy here in Connecticut.

I am also testifying today as an appointed member of the Governor's Responsible Growth Task Force. The Task Force was created in last year's Act Concerning Responsible Growth. Its membership consisted of gubernatorial and legislative appointees. We had a concentrated and lively set of meetings beginning in October, and submitted unanimously approved recommendations to the Governor earlier this month.

Those recommendations are the basis for SB 39 An Act Concerning Responsible Growth. We commend the Governor, and agency leadership for their thoughtfulness, their hard work and their commitment to the future of Connecticut. I have provided you with copies of the complete report and encourage the committee to adopt its recommendations.

By far the most thoughtful and important product of the Task Force's work is the definition and principles for responsible growth we strenuously negotiated then approved, unanimously. They are found in Appendix B. 1000 Friends of Connecticut recommends that Section 1 of the SB 39 be redrafted, and that Report's principles and definition be codified in the planning, regulating and funding statutes as our state's overarching framework.

Although we concede that the suggested redraft of Section 1 you'll find with this testimony, is somewhat lengthy, the definition and principles are not out of scale with some of the other declarations of findings already in statute in chapters on energy policy (sect 16a-1 and 16a-35k), the plan of conservation and development (sect 16a-24), and environmental policy (sect. 22a-1 and 1a, sect 22a-15). And they provide a conceptual framework for dealing with an important subject of public policy of landmark significance.

With strong principles, consistently applied, there will be no need for processes to override, for project or expenditure-level thresholds, or for other approval roadblocks.

There are a couple of other additional revisions we would recommend. We would increase the Regional Incentive Grant Program from \$5 to \$15 million. And we would modify the passage from the zoning enabling legislation in Section 4 to remove the phrase that cites avoiding the concentration of population as a goal and the phrase that says lessening congestion of the streets is a goal. Instead, we would support a new, smarter growth goal of increasing density in appropriate places, and more efficiently moving people and goods.

1000 Friends of Connecticut lauds the Planning and Development Committee for its strong bi-partisan commitment to growing Connecticut smart. We hope you will continue to consider us your partner in that work. I am happy to answer any questions. Thank you for your attention.

Proposed New Section 1

Senate Bill 39

"An Act Concerning Responsible Growth"

Section 1. (NEW) (Effective July 1, 2008) The General Assembly finds that the continued growth and development of our state has in recent decades permitted sprawling development patterns that threaten to change forever the character of our communities. If left unchecked, this trend will continue to fragment the landscape, impair our ability to remain economically competitive, consume precious natural resources, waste energy, pollute the air and water, increase greenhouse gases that can accelerate the pace of climate change, and overwhelm local and state infrastructure. The General Assembly further finds that a number of steps have been taken to address issues raised by growth and development, including funding transportation programs that will improve our highways, rail lines and bus systems and encourage transit-oriented growth, supporting impressive programs to protect open space, farmlands and historic sites, establishing a brownfield remediation and development program to strengthen efforts to clean up and reuse valuable properties often located in urban areas, working actively to develop energy policies for the 21st century that will decrease our reliance on fossil fuels through increased use of renewable energy sources and a focus on conservation and efficiency, and embracing sound growth principles through revisions to the State Plan of Conservation and Development that provide a mechanism to begin steering growth to appropriate areas of our state, and structuring environmental policy to conserve, improve and protect its natural resources and environment.

Therefore the General Assembly hereby declares that it is the policy of the State of Connecticut to support responsible growth, defined as economic, social, and environmental development that uses

land and resources in ways that enhance the long-term quality of life for Connecticut's current and future generations.

The General Assembly further declares that it is the policy of the State of Connecticut that the definition of responsible growth and the following eight "responsible growth principles" shall be used by the General Assembly to develop legislation and policy (including fiscal policy), and by all state government and state quasi-public agencies to develop responsible growth criteria in making state policy and the expenditure of state funds.

Focus on Redevelopment

- Redevelop First -- Encourage reuse and rehabilitation of existing infrastructure rather than the construction of new infrastructure in undeveloped areas.
- Revitalize Connecticut's central cities to take advantage of existing infrastructure and their locations as centers of economic and cultural importance.
- Give preference to redevelopment of brownfields, preservation, and reuse of historic structures and rehabilitation of existing housing and schools.

Be Fair

- Encourage interlocal cooperation.
- Promote equitable sharing of the benefits and burdens of development and diminish the competition for revenue that biases land use decisions.
- Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental justice.
- Make regulatory and permitting processes for development clear, transparent, cost-effective, and oriented to encourage responsible growth and regional equity.

Expand Housing Opportunities

- Support the rehabilitation and construction of housing to meet the needs of all people regardless of abilities, income levels, and household types.

- Coordinate the provision of housing with the location of jobs, transit, and services.
- Promote a range of attainable housing choices that provides housing for people who work in the area and that leads to diverse communities.

Concentrate Development

- Support development that is compact, conserves land, integrates uses, and fosters a sense of place.
- Revitalize and protect existing village centers.
- Create walkable districts in or adjacent to existing centers, making full use of existing buildings and infrastructure, and mixing commercial, civic, cultural, educational and recreational activities with open space and housing for diverse communities.

Provide Transportation Choice

- Concentrate development around transportation nodes and along major transportation corridors.
- Increase access to transportation alternatives, in all communities, including public transit (with flexible schedules), bicycling, and walking.
- Invest strategically in transportation infrastructure that decreases annual lane miles while increasing transit passenger miles traveled, and increases rail freight while decreasing road freight.

Conserve Natural Resources

- Reduce waste of water, energy, greenhouse gases, and materials, and increase our supply of renewable energy.
- Expand land conservation efforts in appropriate areas.
- Protect water resources.
- Protect and restore biodiversity, environmentally sensitive lands, natural resources, food security, wildlife habitats, and cultural and historic landscapes.
- Increase the quantity, quality, and accessibility of open space.
- Lead by example and support conservation strategies, clean power, and innovative industries.
- Construct and promote buildings and infrastructure that use land, energy, water, and materials efficiently.

Plan Regionally

- Support the development and implementation of local and regional plans that have broad public support and are consistent with statewide plans and with these principles.
- Encourage development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit.
- Consider the long-term costs and benefits to the commonwealth of the state.
- Increase Job Opportunities in Appropriate Locations
- Attract new and support the growth of existing businesses with meaningful, well-paying jobs in appropriate locations, preferably near housing, infrastructure, water, and transportation options.
- Expand access to educational and entrepreneurial opportunities.
- Strengthen sustainable production of goods and services.
- Support economic development in industry clusters consistent with statewide, regional, and local plans.

The General Assembly further declares that it is the policy of the State of Connecticut to employ the responsible growth principles when revising or updating the state plan for Conservation and Development, the state transportation plan, the state housing plan, and the state strategic plan for economic development, and any other plans relevant to responsible growth.

The General Assembly further finds and declares that responsible growth supports a vibrant and resilient economy and preserves the natural resources upon both of which that quality of life depends; that responsible growth maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks, and villages; that responsible growth requires leadership and governance of the highest caliber to prioritize public decisions in a manner that maximizes the long-term benefits to the state's residents and communities, and that responsible growth demands a collaborative approach to analysis, decision-making, and evaluation between and

among all levels of government to ensure consistency with integrated local, regional, and state-wide vision, plans, and strategies.

The General Assembly declares that this responsible growth policy is essential to the preservation and enhancement of the health, safety and general welfare of the people of the State of Connecticut, and that its implementation therefore constitutes a significant and valid public purpose for state actions. Connecticut must build on these and other initiatives to ensure the success of our efforts to revitalize cities, preserve the unique charm of our state and build livable, economically strong communities while protecting our natural resources for the enjoyment of future generations.

**Report of the
Responsible Growth Task Force**

To

Governor M. Jodi Rell

**Hartford, Connecticut
February 4, 2008**

INTRODUCTION

The Responsible Growth Task Force was created pursuant to Section 1 of Public Act 07-239 (See Appendix A). The Task Force is comprised of the Commissioners of Agriculture, Economic and Community Development, Environmental Protection, Public Health, and Transportation; the Executive Directors of the Connecticut Housing Finance Authority, the Connecticut Development Authority, Connecticut Innovations, Inc., and the Commission on Culture and Tourism, as well as the President of the Office of Workforce Competitiveness; two current chief elected officials or town managers appointed by the Governor: one from a municipality having a population of more than 25,000 and one from a municipality having a population of less than 25,000; and six members appointed by the leadership of the General Assembly; the Secretary of the Office of Policy and Management is also a member and shall serve as the chairperson of the Task Force.

CHARGE TO THE TASK FORCE

Section 1 of Public Act 07-239 charges the Task Force to:

- A) Identify responsible growth criteria to help guide the state's future investment decisions;
- B) Study land use laws, policies and programs, including laws, policies and programs concerning the transfer of development rights; and
- C) Submit a report containing its recommendations to the Governor no later than February 15, 2008.

The Task Force terminates on the date it submits its report or February 15, 2008, whichever is earlier.

RESPONSIBLE GROWTH TASK FORCE MEMBERSHIP

Robert L. Genuario, Secretary, Office of Policy and Management

W. David LeVasseur, Undersecretary, Office of Policy and Management

The Honorable Ryan J. Bingham, Mayor, City of Torrington
Appointed by Governor M. Jodi Rell

Leo Canty, Second Vice-President, American Federation of Teachers, Connecticut
Appointed by Senate Majority Leader Martin M. Looney

William J Cibes, Chair, HOMEConnecticut
Appointed by House Majority Leader Christopher G. Donovan

J. Robert Galvin, Commissioner, Department of Public Health
Designee: Suzanne Blancafor

Heidi E. Green, President, 1000 Friends of Connecticut
Appointed by Senate President Tempore Donald E. Williams, Jr.

Mary Ann Hanley, President, Office of Workforce Competitiveness

Maureen Hart, President, Sustainable Measures
Appointed by Speaker of the House James A. Amann

The Honorable Natalie T. Ketcham, First Selectman, Town of Redding
Appointed by Governor M. Jodi Rell

Gary King, Executive Director, Connecticut Housing Finance Authority
Designee: Judith L. Walter

Peter V. Longo, Executive Director, Connecticut Innovations, Inc.
Designee: Charles Moret

Albert A. Martin, Deputy Commissioner, Department of Transportation
Designee: Richard C. Allen

Gina McCarthy, Commissioner, Department of Environmental Protection
Designee: Robert Kaliszewski

Joan McDonald, Commissioner, Department of Economic and Community Development

Joseph J. McGee, Vice President, Business Council of Fairfield County
Appointed by Senate Minority Leader John McKinney

Christine Nelson, Town Planner, Town of Old Saybrook
Appointed by House Minority Leader Lawrence F. Cafero, Jr.

Marie O'Brien, President, CT Development Authority

F. Philip Prelli, Commissioner, Department of Agriculture

Karen Senich, Executive Director, Commission on Culture & Tourism

METHODOLOGY

Once all appointments had been made, the Task Force first met on October 22, 2007 at which time a meeting schedule was adopted. Over the course of its schedule of meetings, the Task Force heard presentations from Attorney Dwight Merriam, from Robinson & Cole on responsible growth and land use laws; from Stephen Soler of the Georgetown Land Development Company on state land use policies and programs from a developer's perspective; from the Green Valley Institute on the transfer of development rights; and from the coalition known as the "Face of Connecticut."

At the second task force meeting on November 26, 2007, it was agreed that the Task Force needed to meet twice each month and it was agreed to create two subcommittees to work on the first two charges set forth in subsection 1 (b) of Public Act 07-239. One subcommittee (Standards and Principles) would work on defining responsible growth and developing responsible growth principles and criteria while the other (Land Use) would study land use laws, policies and programs including the laws, policies and programs concerning the transfer of development rights.

The resulting recommendations from both subcommittees would then be adopted by the entire Task Force and become part of the report required to be submitted to the Governor by February 15, 2008.

The Task Force met on October 22, 2007, November 26, 2007, December 4, 2007, December 17, 2007, January 14, 2008 and January 28, 2008.

The Standards and Principles Subcommittee met December 5, 2007, December 17, 2007, January 7, 2008, January 15, 2008 and January 28, 2008. From the outset, it was the feeling of the entire task force that before Responsible Growth criteria could be identified, a larger framework had to be created.

Accordingly, this subcommittee developed a definition of Responsible Growth and then refined Principles to help guide future state actions

in implementing responsible growth. During this process, it became apparent that the Task Force would not be able to develop specific criteria due to the complexity of Responsible Growth and the statutory reporting deadline.

This sub-committee also looked at coordinating state actions and developed some recommendations, including the need to develop indicators of responsible growth in order to create a series of benchmarks by which state progress could be measured.

The Land Use Subcommittee met on January 7, 2008 and January 17, 2008 and developed several recommendations which have been adopted by the entire Task Force and are also included in the recommendations of the Task Force.

The Task Force realizes that it shall terminate either upon the issuance of its report and recommendation or on February 15, 2008, whichever occurs first. The majority of the members of the Task Force felt there was merit in having an ongoing advisory group with a broad based membership to advise state decision-makers on an ongoing basis, as they implement responsible growth measures.

Task Force Recommendations

- 1. That the Governor formally adopt the definition of Responsible Growth and associated principles (see Appendix B) developed by the Responsible Growth Task Force and direct all state agencies and quasi-public agencies to use them to develop Responsible Growth criteria and to use them in making decisions impacting both state policy and the expenditure of state funds.**

The Task Force recommends that the Governor adopt the definition of Responsible Growth and the accompanying principles (shown in Appendix B) and direct all state and quasi-public agencies to use them to develop criteria that will further guide them in making key decisions involving both policy and the expenditure of state funding in order to bring a higher degree of coordination to the state's actions.

Adoption of formal principles would also provide guidance to the Interagency Steering Council established by Governor Rell under Executive Order # 15, issued in October 2006. These would also be useful tools for both of the workgroups (Policy Development and Project Review) established by the Interagency Steering Council.

- 2. That the General Assembly and its various committees formally adopt the definition of Responsible Growth and the principles (see Appendix B) developed by the Responsible Growth Task Force and use them in making decisions impacting both the development of legislation and policies and the expenditure of state funds.**

The Task Force recommends that the General Assembly and its various committees should also adopt this definition of Responsible Growth and the accompanying principles (shown in Appendix B) and use them in making decisions impacting both the development of legislation and policy and the expenditure of state funds.

This would not only provide a context and a framework for the General Assembly and its committees, but would also reduce the likelihood of that body working at cross purposes with the Governor and the rest of the Executive Branch.

- 3. That an advisory group, with a broad-based membership should be created to advise decision-makers on the development of Responsible Growth policies, land use laws and programs going forward.**

The members of the Task Force found much value in having a group with a diverse membership working on Responsible Growth. They recommend that a group with similar membership be established on a permanent basis to continue to advise state decision-makers on development of Responsible Growth policies, land use laws, and programs on an ongoing basis.

- 4. That the Interagency Steering Council created under Executive Order #15 serve as the coordinating body for the development of Responsible Growth policies as well as for continuously improving the review and permitting processes of projects that advance Responsible Growth.**

There was not sufficient time to evaluate the formal project review and permitting processes for projects that influence Responsible Growth. The Task Force believes that the Interagency Steering Council would be a good vehicle to review such projects initially while other criteria and processes are being developed.

It was also agreed by the Task Force that the Interagency Steering Council would be the logical body to coordinate the actions of the several state and quasi-public agencies

- 5. That a measures matrix be developed by December 31, 2009, to measure the progress of the state's Responsible Growth.**

The matrix and benchmarks are needed because 'responsible growth' is not the result of state agency decisions alone; rather it is the result of the collective actions of myriad decision-makers in the state including businesses, communities, and local and regional organizations. The key indicators would show state leaders (political, business, and nonprofit) and the general public the extent to which the collective decision-making in the state is successfully moving Connecticut towards responsible growth.

- 6. That model municipal zoning regulations be crafted around the Responsible Growth principles developed by this Task Force.**

The Task Force recommends that model municipal zoning regulations be developed based upon the Responsible Growth principles so that municipalities can voluntarily utilize them to develop their own local land use regulations that encourage and facilitate responsible growth.

These regulations would include such Responsible Growth tools as village districts, cluster housing, conservation subdivisions, Transit Oriented Development, incentive housing zones, etc.

7. That the state should support regional coordination of consistency in planning between all levels of government and promote unified development codes at the local level.

The Task Force recommends that processes be developed to better implement existing statutes requiring coordination of municipal plans with regional plans and the State Plan of Conservation and Development. The Task Force believes that further promotion of the requirement for consistency between municipal plans of conservation and development and municipal land use regulations would best be achieved through local creation of a unified development code.

The Task Force also believes that processes be developed to better coordinate municipal plans with regional plans of development and the State Plan of Conservation and Development.

8. That the state should develop means to review, coordinate and, if consistent with Responsible growth principles, encourage Projects of Regional Significance.

The Task Force recommends that the term “projects of regional significance” should be defined uniformly throughout the General Statutes, so that common thresholds are used to designate such projects. Additionally, a process should be developed through which regional planning organizations can comment on the design and permitting of projects of regional significance.

Encourage projects of regional significance that meet Responsible Growth principles through the prudent use of state funding and via a streamlined permitting process.

9. That State statutes should be amended to authorize municipalities to use Community Benefit Agreements for projects that are consistent with Responsible Growth principles.

The Task Force recommends that state statutes be amended to authorize municipalities to utilize Community Benefit Agreements for projects that are consistent with Responsible Growth principles. These agreements would be between the developer and the municipality and could address such things as: off-site developments or improvements; impact fees; Tax Increment Financing (TIF); and Transfer of Development Rights (TDR) or Transfer of Development Credits (TDC), as well as other items of local concern.

Appendix A

Substitute House Bill No. 7090

Public Act No. 07-239

AN ACT CONCERNING RESPONSIBLE GROWTH.

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

Section 1. (*Effective from passage*) There is established a Responsible Growth Task Force. The task force shall be comprised of the following members: (1) The Commissioners of Agriculture, Economic and Community Development, Environmental Protection, Public Health and Transportation and the executive directors of the Connecticut Housing Finance Authority, Connecticut Development Authority, Connecticut Innovations, Inc. and Commission on Culture and Tourism and the president of the Office of Workforce Competitiveness, or their respective designees, (2) one member appointed by the Governor who is a current or former chief elected official or city or town manager from a municipality with a population in excess of twenty-five thousand on the date of appointment, (3) one member appointed by the Governor who is a current or former chief elected official or city or town manager from a municipality with a population of less than twenty-five thousand on the date of appointment, and (4) six members appointed as follows: One each by the speaker of the House of Representatives, the president pro tempore of the Senate, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives. The Secretary of the Office of Policy and Management, or the secretary's designee, shall be a member and the chairperson of the task force.

(b) The task force shall identify responsible growth criteria to help guide the state's future investment decisions, study land use laws, policies and programs, including laws, policies and programs concerning the transfer of development rights.

(c) Not later than February 15, 2008, the task force shall submit a report containing its recommendations to the Governor. The task force shall terminate on the date that it submits such report or February 15, 2008, whichever is earlier.

Appendix B

Responsible Growth

Responsible growth is economic, social, and environmental development that uses land and resources in ways that enhance the long-term quality of life for Connecticut's current and future generations. Responsible growth supports a vibrant and resilient economy and preserves the natural resources upon both of which that quality of life depends. Responsible growth maximizes previous investments in existing infrastructure while preserving distinctive landscapes, historic structures, landmarks, and villages.

Responsible growth requires leadership and governance of the highest caliber to prioritize public decisions in a manner that maximizes the long-term benefits to the state's residents and communities. It demands a collaborative approach to analysis, decision-making, and evaluation between and among all levels of government to ensure consistency with integrated local, regional, and state-wide vision, plans, and strategies.

- **Focus on Redevelopment**

- Redevelop First -- Encourage reuse and rehabilitation of existing infrastructure rather than the construction of new infrastructure in undeveloped areas.
- Revitalize Connecticut's central cities to take advantage of existing infrastructure and their locations as centers of economic and cultural importance.
- Give preference to redevelopment of brownfields, preservation, and reuse of historic structures and rehabilitation of existing housing and schools.

- **Be Fair**

- Encourage interlocal cooperation.
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- Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental justice.
- Make regulatory and permitting processes for development clear, transparent, cost-effective, and oriented to encourage responsible growth and regional equity.

- **Expand Housing Opportunities**
 - Support the rehabilitation and construction of housing to meet the needs of all people regardless of abilities, income levels, and household types.
 - Coordinate the provision of housing with the location of jobs, transit, and services.
 - Promote a range of attainable housing choices that provides housing for people who work in the area and that leads to diverse communities.
- **Concentrate Development**
 - Support development that is compact, conserves land, integrates uses, and fosters a sense of place.
 - Revitalize and protect existing village centers.
 - Create walkable districts in or adjacent to existing centers, making full use of existing buildings and infrastructure, and mixing commercial, civic, cultural, educational and recreational activities with open space and housing for diverse communities.
- **Provide Transportation Choice**
 - Concentrate development around transportation nodes and along major transportation corridors.
 - Increase access to transportation alternatives, in all communities, including public transit (with flexible schedules), bicycling, and walking.
 - Invest strategically in transportation infrastructure that decreases annual lane miles while increasing transit passenger miles traveled, and increases rail freight while decreasing road freight.
- **Conserve Natural Resources**
 - Reduce waste of water, energy, greenhouse gases, and materials, and increase our supply of renewable energy.
 - Expand land conservation efforts in appropriate areas.
 - Protect water resources.
 - Protect and restore biodiversity, environmentally sensitive lands, natural resources, food security, wildlife habitats, and cultural and historic landscapes.
 - Increase the quantity, quality, and accessibility of open space.

- Lead by example and support conservation strategies, clean power, and innovative industries.
- Construct and promote buildings and infrastructure that use land, energy, water, and materials efficiently.
- **Plan Regionally**
 - Support the development and implementation of local and regional plans that have broad public support and are consistent with statewide plans and with these principles.
 - Encourage development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit.
 - Consider the long-term costs and benefits to the commonweal of the state.
- **Increase Job Opportunities in Appropriate Locations**
 - Attract new and support the growth of existing businesses with meaningful, well-paying jobs in appropriate locations, preferably near housing, infrastructure, water, and transportation options.
 - Expand access to educational and entrepreneurial opportunities.
 - Strengthen sustainable production of goods and services.
 - Support economic development in industry clusters consistent with statewide, regional, and local plans.