



House of Representatives

File No. 961

General Assembly

January Session, 2009

(Reprint of File No. 449)

Substitute House Bill No. 6466
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 14, 2009

AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Regional planning organization" means (A) a regional council of
4 governments organized under the provisions of sections 4-124i to 4-
5 124p, inclusive, of the general statutes, (B) a regional council of elected
6 officials organized under the provisions of sections 4-124c to 4-124h,
7 inclusive, of the general statutes, or (C) a regional planning agency
8 organized under the provisions of chapter 127 of the general statutes;
9 and

10 (2) "Proposed project of regional significance" means a proposed
11 project, to be built by a private developer, that is an open air theater,
12 shopping center or other development that is planned to create more
13 than (A) five hundred thousand square feet of indoor commercial or
14 industrial space, (B) two hundred fifty residential housing units in
15 structures under four stories, or (C) one thousand parking spaces.

16 (b) Each regional planning organization shall establish a voluntary
17 process for applicants to any state or municipal agency, department or
18 commission to request a preapplication review of proposed projects of
19 regional significance. Such process shall determine the components of
20 the review which shall include a procedure to assure that all relevant
21 municipalities and regional and state agencies provide the applicant
22 with (1) preliminary comment on the project, which shall be in a form
23 determined by the agency, (2) summaries of the review process of each
24 agency, and (3) an opportunity for the applicant to discuss the project
25 with representatives of each relevant municipality or state agency at a
26 meeting convened by the regional planning organization. At least one
27 representative from each relevant municipality and each state agency,
28 department or commission shall participate in a review of a proposed
29 project of regional significance upon request of a regional planning
30 organization at a meeting convened for such purpose, provided (A) the
31 regional planning organization notifies each agency, department or
32 commission of any such meeting no later than the date three weeks
33 before the date of such meeting, and (B) no such organization shall
34 convene more than one such meeting in any quarter of a calendar year.
35 Nothing in this section shall be deemed to prevent two or more
36 regional planning organizations from convening joint meetings to
37 carry out the provisions of this section. The regional planning
38 organization shall prepare a report of the comments of the agencies
39 reviewing the proposal and provide a copy of such report to the
40 applicant and each reviewing agency.

41 (c) No results or information obtained from the preapplication
42 review established under this section shall be appealed under any
43 provision of the general statutes and no such results or information
44 shall be binding on the applicant or any authority, commission,
45 department, agency or other official having jurisdiction to review the
46 proposed project.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	New section
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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Various State Agencies	GF - Potential Cost	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	STATE MANDATE - Potential Cost	Indeterminate	Indeterminate

Explanation

The bill as amended requires regional planning organizations (RPO) to establish a voluntary process for pre-application review for projects of a regional significance. Additionally, the bill requires state and local agencies to participate in the review upon the RPO's request, which is a state mandate. It is unclear what these required reviews entail, and it is unknown whether state and local agencies will incur costs related to such reviews.

House "A" strikes the original bill and replaces it with provisions that did not change the fiscal impact on the underlying bill.

The Out Years

The annualized ongoing fiscal impact identified above is indeterminate.

OLR Bill Analysis**sHB 6466 (as amended by House "A")******AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE.*****SUMMARY:**

This bill requires each regional planning organization (RPO) to establish a voluntary process for applicants to state or local agencies, departments, or commissions to request a pre-application review of proposed projects of regional significance. There are three types of RPOs: regional councils of governments, regional councils of elected officials, and regional planning agencies. Under the bill, a project of regional significance is an open air theater, shopping center or other development to be built by a private developer that is planned to create more than (1) 500,000 square feet of indoor commercial or industrial space, (2) 250 housing units in one to three story building, or (3) 1,000 parking spaces.

The bill requires the RPO process to determine the components of the review. These components must include a procedure to assure that all relevant municipalities and regional and state agencies provide the applicant with (1) preliminary comment on the project, in a form determined by the agency; (2) summaries of the review process of each agency; and (3) an opportunity for the applicant to discuss the project with representatives of each relevant municipality or state agency at a meeting convened by the RPO. At least one representative from each relevant municipality and each state agency, department, or commission must participate in a review of the project at the RPO's request at a meeting convened for this purpose. This requirement applies if the RPO notifies each agency, department, or commission of the meeting at least three weeks in advance. An RPO cannot convene

more than one meeting for a particular project in any quarter of a calendar year. The bill does not prevent two or more RPOs from convening joint meetings to carry out the bill.

The results or information obtained from the preapplication review cannot be appealed under any provision of the statutes and are not binding on the applicant or any authority, commission, department, agency, or other official having jurisdiction to review the proposed project.

The RPO must prepare a report of the comments of the agencies reviewing the proposal and give a copy of the report to the applicant and each reviewing agency.

*House Amendment "A" (1) narrows the scope of projects subject to the bill, (2) requires agencies to participate in the review only if they receive advance notice of the meeting, (3) limits the number of reviews on a project to one per quarter, (4) eliminates provisions that exempted information provided by an applicant or agency as part of the review from the Freedom of Information Act and barred agencies from considering this information in their subsequent deliberations, (5) bars appeals based on this information, (6) specifies that this information is not binding on the applicant or the agencies, and (7) makes minor related changes.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 17 Nay 1 (03/13/2009)

Government Administration and Elections Committee

Joint Favorable
Yea 14 Nay 1 (04/14/2009)

Appropriations Committee

Joint Favorable

Yea 47 Nay 4 (04/27/2009)