



House of Representatives

File No. 927

General Assembly

January Session, 2009

(Reprint of File No. 549)

Substitute House Bill No. 6467
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 8, 2009

**AN ACT CONCERNING SMART GROWTH AND THE STATE PLAN OF
CONSERVATION AND DEVELOPMENT POLICIES PLAN.**

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

1 Section 1. (*Effective from passage*) As used in this section and section 2
2 of this act:

3 (1) "Smart growth" means economic, social and environmental
4 development that (A) promotes, through financial and other
5 incentives, economic competitiveness in the state while preserving
6 natural resources, and (B) utilizes a collaborative approach to
7 planning, decision-making and evaluation between and among all
8 levels of government and the communities and the constituents they
9 serve; and

10 (2) "Principles of smart growth" means standards and objectives that
11 support and encourage smart growth when used to guide actions and
12 decisions, including, but not limited to, standards and criteria for (A)
13 integrated planning or investment that coordinates tax, transportation,
14 housing, environmental and economic development policies at the

15 state, regional and local level, (B) the reduction of reliance on the
16 property tax by municipalities by creating efficiencies and
17 coordination of services on the regional level while reducing interlocal
18 competition for grand list growth, (C) the redevelopment of existing
19 infrastructure and resources, including, but not limited to brownfields
20 and historic places, (D) transportation choices that provide alternatives
21 to automobiles, including rail, public transit, bikeways and walking,
22 while reducing energy consumption, (E) the development or
23 preservation of housing affordable to households of varying income in
24 locations proximate to transportation or employment centers, (F)
25 concentrated, mixed-use, mixed income development proximate to
26 transit nodes and civic, employment or cultural centers, and (G) the
27 conservation and protection of natural resources by (i) preserving open
28 space, water resources, farmland, environmentally sensitive areas and
29 historic properties, and (ii) furthering energy efficiency.

30 Sec. 2. (*Effective from passage*) The Continuing Legislative Committee
31 on State Planning and Development, established pursuant to section 4-
32 60d of the general statutes, shall study the state plan of conservation
33 and development, including, but not limited to, the process for
34 adopting such state plan, the incorporation into such plan of the
35 principles of smart growth as defined in section 1 of this bill, and the
36 application of such plan and principles of smart growth to actions
37 undertaken by state agencies. In conducting such study, the committee
38 shall consult with stakeholders, including, but not limited to,
39 municipalities, regional planning organizations, state agencies and the
40 public. On or before February 1, 2010, the committee shall submit a
41 report of its findings and recommendations to the General Assembly
42 in accordance with the provisions of section 11-4a of the general
43 statutes.

44 Sec. 3. Section 16a-27 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective from passage*):

46 (a) The secretary, after consultation with all appropriate state,
47 regional and local agencies and other appropriate persons, shall, prior

48 to March 1, [2009] 2011, complete a revision of the existing plan and
49 enlarge it to include, but not be limited to, policies relating to
50 transportation, energy and air. Any revision made after May 15, 1991,
51 shall identify the major transportation proposals, including proposals
52 for mass transit, contained in the master transportation plan prepared
53 pursuant to section 13b-15. Any revision made after July 1, 1995, shall
54 take into consideration the conservation and development of
55 greenways that have been designated by municipalities and shall
56 recommend that state agencies coordinate their efforts to support the
57 development of a state-wide greenways system. The Commissioner of
58 Environmental Protection shall identify state-owned land for inclusion
59 in the plan as potential components of a state greenways system.

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

64 (c) Any revision made after March 1, 2006, shall (1) take into
65 consideration risks associated with natural hazards, including, but not
66 limited to, flooding, high winds and wildfires; (2) identify the potential
67 impacts of natural hazards on infrastructure and property; and (3)
68 make recommendations for the siting of future infrastructure and
69 property development to minimize the use of areas prone to natural
70 hazards, including, but not limited to, flooding, high winds and
71 wildfires.

72 (d) Any revision made after July 1, 2005, shall describe the progress
73 towards achievement of the goals and objectives established in the
74 previously adopted state plan of conservation and development and
75 shall identify (1) areas where it is prudent and feasible (A) to have
76 compact, transit accessible, pedestrian-oriented mixed-use
77 development patterns and land reuse, and (B) to promote such
78 development patterns and land reuse, (2) priority funding areas
79 designated under section 16a-35c, and (3) corridor management areas
80 on either side of a limited access highway or a rail line. In designating

81 corridor management areas, the secretary shall make
82 recommendations that (A) promote land use and transportation
83 options to reduce the growth of traffic congestion; (B) connect
84 infrastructure and other development decisions; (C) promote
85 development that minimizes the cost of new infrastructure facilities
86 and maximizes the use of existing infrastructure facilities; and (D)
87 increase intermunicipal and regional cooperation.

88 (e) Any revision made after October 1, 2008, shall (1) for each policy
89 recommended (A) assign a priority; (B) estimate funding for
90 implementation and identify potential funding sources; (C) identify
91 each entity responsible for implementation; and (D) establish a
92 schedule for implementation; and (2) for each growth management
93 principle, determine three benchmarks to measure progress in
94 implementation of the principles, one of which shall be a financial
95 benchmark.

96 (f) Any revision made after the effective date of this section shall be
97 consistent with each municipal plan of conservation and development
98 adopted under section 8-23, as amended by this act. If the secretary
99 determines that it is not possible for the state plan of conservation and
100 development to be consistent with each such municipal plan of
101 conservation and development, the revision shall include a statement
102 describing the reasons such plans cannot be consistent.

103 ~~[(f)]~~ (g) Thereafter on or before March first in each revision year the
104 secretary shall complete a revision of the plan of conservation and
105 development.

106 Sec. 4. Section 16a-28 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective from passage*):

108 (a) The secretary shall present a draft of the revised plan of
109 conservation and development for preliminary review to the
110 continuing legislative committee on state planning and development
111 prior to September first in [2008] 2010 and prior to September first in
112 each prerevision year thereafter.

113 (b) After December first in [1985] 2010 and after December first in
114 each prerevision year thereafter the secretary shall proceed with such
115 further revisions of the draft of the revised plan of conservation and
116 development as he deems appropriate. The secretary shall, by
117 whatever means he deems advisable, publish said plan and
118 disseminate it to the public on or before March first in revision years.
119 The secretary shall post the plan on the Internet web site of the state.

120 (c) [Within] Not later than five months [of] after publication of said
121 revised plan the secretary shall hold public hearings, in cooperation
122 with regional planning agencies, to solicit comments on said plan.

123 Sec. 5. Section 16a-29 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective from passage*):

125 The secretary shall consider the comments received at the public
126 hearings and shall make any necessary or desirable revisions to said
127 plan and within three months of completion of the public hearings
128 submit the plan to the continuing legislative committee on state
129 planning and development, for its approval, revision or disapproval,
130 in whole or in part. Notwithstanding the provisions of this section, the
131 secretary shall submit the state Conservation and Development
132 Policies Plan, [2004-2009] 2012-2017, to said committee on or before
133 December 1, [2004] 2011.

134 Sec. 6. Section 16a-32a of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective from passage*):

136 The Office of Policy and Management shall amend the state plan of
137 conservation and development adopted pursuant to this chapter to
138 include therein a goal for reducing carbon dioxide emissions within
139 this state [. Said office, in consultation with the Department of
140 Environmental Protection, shall submit a report to the General
141 Assembly on or before the thirtieth day following May 22, 1995, on or
142 before May 1, 1996, and annually thereafter, which details the net
143 amount of carbon dioxide emitted annually within this state.
144 Subsequent to the May 1, 2000, submittal, said report shall be

145 submitted every three years with the first such report due May 1, 2003]
 146 consistent with the recommendations of the Connecticut Climate
 147 Change Action Plan prepared in accordance with section 22a-200a.

148 Sec. 7. Subsection (b) of section 8-23 of the general statutes, as
 149 amended by section 3 of public act 07-239, section 4 of public act 07-5
 150 of the June special session and section 17 of public act 08-182, is
 151 repealed and the following is substituted in lieu thereof (*Effective July*
 152 *1, 2010*):

153 (b) [Until the plan is amended in accordance with this subsection
 154 the municipality] On and after the first day of July following the
 155 adoption of the state Conservation and Development Policies Plan
 156 2012-2017, in accordance with section 16a-30, a municipality that fails
 157 to comply with the requirements of subsection (a) of this section shall
 158 be ineligible for discretionary state funding unless such prohibition is
 159 expressly waived by the secretary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	16a-27
Sec. 4	<i>from passage</i>	16a-28
Sec. 5	<i>from passage</i>	16a-29
Sec. 6	<i>from passage</i>	16a-32a
Sec. 7	<i>July 1, 2010</i>	8-23(b)

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 \$
Legislative Mgmt.	GF - Cost	Potential Minimal	None
Policy & Mgmt., Off.	GF - None	None	None
Various State Agencies	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	See Below	See Below	See Below

Explanation

The bill as amended delays the deadline for revising the state plan of conservation and development and makes a variety of other changes which has no fiscal impact on the Office of Policy and Management (OPM), the agency responsible for the plan. The bill as amended requires that any revisions OPM makes to the state plan of conservation and development be consistent with each such municipal plan of conservation and development. If the Secretary of OPM determines that this is not possible, the revision shall include a statement describing the reasons such plan can not be consistent. It is anticipated this will result in no fiscal impact to OPM.

Additionally, the bill as amended suspends withholding certain discretionary state funds from municipalities that fail to update their local plans of conservation and development. This will delay any state savings and corresponding municipal revenue loss, resulting from municipalities that fail to update their local plans.

The bill as amended requires the Continuing Legislative Committee on State Planning and Development to study how the State Plan of Conservation and Development is prepared and used to implement state policy. In conducting the study, the committee must consult with municipalities, regional planning agencies, other stakeholders, and the public. The committee must report its findings and recommendations to the legislature by February 1, 2010.

The Office of Legislative Management will incur minimal costs associated with mileage reimbursement of 55 cents per mile for legislators participating on the committee.

House "A" strikes the underlying bill and its associated fiscal impact and becomes the bill; the fiscal impact is discussed above.

The Out Years

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

OLR Bill Analysis**sHB 6467 (as amended by House "A")******AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION AND DEVELOPMENT.*****SUMMARY:**

This bill postpones, from March 1, 2009 to March 1, 2011, the deadline for revising the five-year State Plan of Conservation and Development (State Plan of C&D), which the Office of Policy and Management (OPM) prepares. In doing so, it resets the schedule for revising the plan and pushes back the deadline for recommending priority-funding areas. The bill also requires the plan's next and subsequent revisions to be consistent with the state's green house emission plan and local plans of C&D.

Current law requires municipalities to update these plans at least once every 10 years and disqualifies those that do not from discretionary state funds until they do or the OPM secretary waives this provision. The bill suspends the provision until the next time the state adopts the revised Plan of C&D, which, under the bill, is scheduled to happen on or before July 1, 2012.

Lastly, the bill requires the Continuing Legislative Committee on State Planning and Development to study how (1) OPM prepares the State Plan of C&D and incorporates specified smart growth principles in it and (2) the plan and these principles are applied to state agency actions. In studying the plan, the committee must consult with specified groups and report its findings and recommendations to the legislature by February 1, 2010.

(The smart growth principles the bill specifies are those state agencies must use when reviewing specific types of projects under

sHB 6595 (File 551)).

*House Amendment "A" deletes the requirement that (1) state, regional, and local plans of C&D incorporate the bill's smart growth principles and (2) OPM prepare model zoning regulations incorporating those principles. It adds provisions (1) postponing the deadline for the next State Plan of C&D revision, (2) requiring that plan to be consistent with local C&D plans and the state's climate change plan, (3) suspending the provision disqualifying municipalities for state discretionary funds for failing to update their C&D plans, (4) requiring the study of the State Plan of C&D's preparation and application. It makes minor changes to the definition of smart growth and the smart growth principles.

EFFECTIVE DATE: Upon passage, except for the change temporarily suspending the provision under which municipalities that do not update their local plans as the law requires become ineligible for state discretionary funds, which takes effect July 1, 2010.

STATE PLAN OF C&D

New Timeframes for Revising

The State Plan of C&D sets policies for locating large-scale, state funded capitol projects. By postponing the deadline for revising the plan, the bill resets the time period for the next plan from 2010-2015 to 2012-2017. The plan's policy guidelines aim to preserve farms, forests, and open spaces by locating large-scale, state funded development projects in places where the roads, sewers, and other supporting infrastructure already exist.

By pushing back the deadline for completing the next revision, the bill also pushes back OPM's deadline for recommending priority funding areas, places where the state can fund growth-related projects. PA 05-205 required OPM to submit its recommendations to the Continuing Committee along with the revised plan for 2010-2015. By law, the committee must submit its priority funding areas recommendations to the legislature, along with the revised plan, for

approval.

The bill also resets the statutory schedule for revising the plan. The table below compares the schedule under the current law and the bill.

Event and Bill Section	Current Law	Bill
Submit draft of revised plan for to Continuing Committee (§ 4 (a))	September 1, 2008	September 1, 2010
Make further revisions (§ 4 (b))	Between December 1, 2008 and March 1, 2009	Between December 1, 2010 and March 1, 2011
Publish and disseminate plan (§§ 3 & 4 (b))	No later than March 1, 2009	March 1, 2011
Conduct hearings (§ 4 (c))	Not later than five months after publication (July 1, 2009)	Not later than five months after publication (July 1, 2011)
Submit final draft to Continuing Committee (§ 5)	No later than three months after the hearings	By December 1, 2011 for the 2012-2017 plan and no later than three months after the hearing for subsequent revisions

Consistency with Local Plans of C&D

Under the bill, the OPM secretary must make the plan's next and subsequent revisions consistent with each local plan of C&D. If he cannot make the plan consistent with a local plan, the state plan must describe why this is the case.

Consistency with Climate Change Action Plan

By law, the State Plan of C&D must promote specific policy goals, including reducing carbon dioxide emissions in the state. The bill specifies that this goal must be consistent with the Connecticut Climate Change Action Plan. It also eliminates the requirement that OPM, together with the Department of Environmental Protection, report every three years on the net amount of carbon dioxide annually emitted in Connecticut.

PLANNING STUDY

Stakeholders

In studying how the state prepares and applies the State Plan of C&D, the 10-member Continuing Legislative Committee on State Planning and Development (Continuing Committee) must consult with municipalities, regional planning organizations, state agencies, the public, and other stakeholders.

Smart Growth Principles

The bill requires the Continuing Committee to determine how OPM incorporates smart growth principles in the plan and how state agencies apply those principles. It bases the principles on its definition of “smart growth.” Under the bill, smart growth is an economic, social, and environmental development that:

1. simultaneously promotes economic competitiveness and preserves natural resources and
2. allows state, regional, and municipal officials and the communities and constituents they serve to collaboratively plan, make decisions, and evaluate policies.

The development must use financial or other incentives to promote competitiveness and resource preservation.

The principles must be in the form of standards and objectives that can help policy makers act and decide in ways that support and encourage smart growth. The standards and criteria may include:

1. integrating planning in a way that coordinates state and local tax, transportation, housing, and environmental policies;
2. reducing the extent to which municipalities depend on the property tax and compete against each other for new growth by delivering services regionally;
3. redeveloping existing infrastructure and resources, including brownfields and historic places;

4. providing rail, public transit, bikeways, walking, and other transportation alternatives to automobile travel while reducing energy consumption;
5. developing or preserving of housing affordable to households with different incomes near transportation and employment centers;
6. concentrating mixed use, mixed income development near transit nodes and civic, employment, or cultural centers; and
7. conserving and protecting natural resources by preserving open space, water resources, farmland, environmentally sensitive areas, and historic property and furthering energy efficiency.

BACKGROUND

Connecticut Climate Change Action Plan

The Governor's Steering Committee on Climate Change prepared this plan and made specific recommendations for reducing green house emissions. The plan recommends (1) supporting landfill-to-gas energy projects to capture and use methane as a fuel and (2) increasing recycling and source reduction. It set a goal of reducing non-farm fertilizer use by 7.5% in 2010 and 15% in 2020. The plan also recommends:

1. setting minimum efficiency levels for appliances;
2. encouraging consumers to replace old appliances with newer, more efficient ones; and
3. identifying measures to reduce gases with high global warming potential.

Continuing Legislative Committee on State Planning and Development

By law, this 10-member committee must set broad goals and objectives for the state's physical and economic development and send

them to the OPM secretary. It must also review and approve the five-year State Plan of C&D each time the secretary changes or revises it (CGS § 4-60d).

The committee is chaired by the Senate and House chairpersons of the Planning and Development Committee. The other members are appointed by the legislative leaders. The Senate president pro tempore and the House speaker appoint two members each from their respective chambers. The Senate and House majority and minority leaders appoint one member each from their respective chambers.

Related Bills

sHB 6595 (File 551) allows state agencies to fund projects under specified programs only if they are consistent with its smart growth principles.

sHB 6467 (File 571) pushes back the deadline, from March 1, 2009 to March 1, 2011, for the next revision of the state C&D plan.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2009)

Appropriations Committee

Joint Favorable

Yea 39 Nay 13 (04/27/2009)