



General Assembly

January Session, 2009

Raised Bill No. 6467

LCO No. 3433

03433_____PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING SMART GROWTH AND PLANS OF CONSERVATION AND DEVELOPMENT.

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

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 2 and
2 7 of this act and sections 16a-27 of the general statutes, as amended by
3 this act, 8-23 of the general statutes, as amended by this act and 8-35a
4 of the general statutes, as amended by this act, "smart growth" means
5 economic, social and environmental development that (1) uses land
6 and resources to enhance the long-term quality of life for current and
7 future generations in the state and promotes (A) integrated planning
8 that coordinates tax, transportation, housing, environmental and
9 economic development policies at the state and local level, (B) the
10 reduction of reliance on the property tax by municipalities by creating
11 efficiencies and coordination of services on the regional level while
12 reducing interlocal competition for grand list growth, (C) the
13 redevelopment of existing infrastructure and resources, including
14 brownfields and historic places, instead of new construction in
15 undeveloped places, (D) transportation choices that provide
16 alternatives to automobiles, including rail, bikeways and walking,

17 while reducing energy consumption, (E) affordable and available
18 housing for mixed income households in close proximity to
19 transportation and employment centers, (F) concentrated, mixed-use
20 development around transportation nodes and civic and cultural
21 centers, and (G) the conservation and protection of natural resources
22 by preserving open space, farmland and historic properties and
23 furthering energy efficiency; and (2) is accomplished by a collaborative
24 approach to planning, decision-making and evaluation between and
25 among all levels of government to promote economic competitiveness
26 in the state while preserving natural resources.

27 Sec. 2. (NEW) (*Effective October 1, 2009*) The General Assembly
28 declares that it is the policy of the state to address the high financial,
29 social and environmental cost of sprawl development through
30 effective smart growth.

31 Sec. 3. Section 16a-27 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2009*):

33 (a) The secretary, after consultation with all appropriate state,
34 regional and local agencies and other appropriate persons, shall prior
35 to March 1, 2009, complete a revision of the existing plan and enlarge it
36 to include, but not be limited to, policies relating to transportation,
37 energy and air. Any revision made after May 15, 1991, shall identify
38 the major transportation proposals, including proposals for mass
39 transit, contained in the master transportation plan prepared pursuant
40 to section 13b-15. Any revision made after July 1, 1995, shall take into
41 consideration the conservation and development of greenways that
42 have been designated by municipalities and shall recommend that
43 state agencies coordinate their efforts to support the development of a
44 state-wide greenways system. The Commissioner of Environmental
45 Protection shall identify state-owned land for inclusion in the plan as
46 potential components of a state greenways system.

47 (b) Any revision made after August 20, 2003, shall take into account

48 (1) economic and community development needs and patterns of
49 commerce, and (2) linkages of affordable housing objectives and land
50 use objectives with transportation systems.

51 (c) Any revision made after March 1, 2006, shall (1) take into
52 consideration risks associated with natural hazards, including, but not
53 limited to, flooding, high winds and wildfires; (2) identify the potential
54 impacts of natural hazards on infrastructure and property; and (3)
55 make recommendations for the siting of future infrastructure and
56 property development to minimize the use of areas prone to natural
57 hazards, including, but not limited to, flooding, high winds and
58 wildfires.

59 (d) Any revision made after July 1, 2005, shall describe the progress
60 towards achievement of the goals and objectives established in the
61 previously adopted state plan of conservation and development and
62 shall identify (1) areas where it is prudent and feasible (A) to have
63 compact, transit accessible, pedestrian-oriented mixed-use
64 development patterns and land reuse, and (B) to promote such
65 development patterns and land reuse, (2) priority funding areas
66 designated under section 16a-35c, and (3) corridor management areas
67 on either side of a limited access highway or a rail line. In designating
68 corridor management areas, the secretary shall make
69 recommendations that (A) promote land use and transportation
70 options to reduce the growth of traffic congestion; (B) connect
71 infrastructure and other development decisions; (C) promote
72 development that minimizes the cost of new infrastructure facilities
73 and maximizes the use of existing infrastructure facilities; and (D)
74 increase intermunicipal and regional cooperation.

75 (e) Any revision made after October 1, 2008, shall (1) for each policy
76 recommended (A) assign a priority; (B) estimate funding for
77 implementation and identify potential funding sources; (C) identify
78 each entity responsible for implementation; and (D) establish a
79 schedule for implementation; and (2) for each growth management

80 principle, determine three benchmarks to measure progress in
81 implementation of the principles, one of which shall be a financial
82 benchmark.

83 (f) Any revisions made after the effective date of this section shall
84 incorporate smart growth, as defined in section 1 of this act.

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

88 Sec. 4. Section 8-23 of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

100 (2) If a plan is not amended decennially, the chief elected official of
101 the municipality shall submit a letter to the Secretary of the Office of
102 Policy and Management and the Commissioners of Transportation,
103 Environmental Protection and Economic and Community
104 Development that explains why such plan was not amended. Until the
105 plan is amended in accordance with this subsection, a copy of such
106 letter shall be included in each application by the municipality for
107 funding for the conservation or development of real property
108 submitted to said secretary or commissioners.

109 (b) In the preparation of such plan, the commission may appoint

110 one or more special committees to develop and make
111 recommendations for the plan. The membership of any special
112 committee may include: Residents of the municipality and
113 representatives of local boards dealing with zoning, inland wetlands,
114 conservation, recreation, education, public works, finance,
115 redevelopment, general government and other municipal functions. In
116 performing its duties under this section, the commission or any special
117 committee may accept information from any source or solicit input
118 from any organization or individual. The commission or any special
119 committee may hold public informational meetings or organize other
120 activities to inform residents about the process of preparing the plan.

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

139 (d) (1) Such plan of conservation and development shall (A)
140 incorporate provisions for smart growth that are consistent with the
141 provisions for smart growth that are incorporated in the state plan of
142 conservation and development adopted under chapter 297 after the

143 effective date of this section, (B) be a statement of policies, goals and
144 standards for the physical and economic development of the
145 municipality, [(B)] (C) provide for a system of principal thoroughfares,
146 parkways, bridges, streets, sidewalks, multipurpose trails and other
147 public ways as appropriate, [(C)] (D) be designed to promote, with the
148 greatest efficiency and economy, the coordinated development of the
149 municipality and the general welfare and prosperity of its people and
150 identify areas where it is feasible and prudent (i) to have compact,
151 transit accessible, pedestrian-oriented mixed use development patterns
152 and land reuse, and (ii) to promote such development patterns and
153 land reuse, [(D)] (E) recommend the most desirable use of land within
154 the municipality for residential, recreational, commercial, industrial,
155 conservation and other purposes and include a map showing such
156 proposed land uses, [(E)] (F) recommend the most desirable density of
157 population in the several parts of the municipality, [(F)] (G) note any
158 inconsistencies with the following growth management principles: (i)
159 Redevelopment and revitalization of commercial centers and areas of
160 mixed land uses with existing or planned physical infrastructure; (ii)
161 expansion of housing opportunities and design choices to
162 accommodate a variety of household types and needs; (iii)
163 concentration of development around transportation nodes and along
164 major transportation corridors to support the viability of
165 transportation options and land reuse; (iv) conservation and
166 restoration of the natural environment, cultural and historical
167 resources and existing farmlands; (v) protection of environmental
168 assets critical to public health and safety; and (vi) integration of
169 planning across all levels of government to address issues on a local,
170 regional and state-wide basis, [(G)] (H) make provision for the
171 development of housing opportunities, including opportunities for
172 multifamily dwellings, consistent with soil types, terrain and
173 infrastructure capacity, for all residents of the municipality and the
174 planning region in which the municipality is located, as designated by
175 the Secretary of the Office of Policy and Management under section
176 16a-4a, [(H)] and (I) promote housing choice and economic diversity in

177 housing, including housing for both low and moderate income
178 households, and encourage the development of housing which will
179 meet the housing needs identified in the housing plan prepared
180 pursuant to section 8-37t and in the housing component and the other
181 components of the state plan of conservation and development
182 prepared pursuant to chapter 297. In preparing such plan the
183 commission shall consider focusing development and revitalization in
184 areas with existing or planned physical infrastructure.

185 (2) For any municipality that is contiguous to Long Island Sound,
186 such plan shall be (A) consistent with the municipal coastal program
187 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
188 reasonable consideration for restoration and protection of the
189 ecosystem and habitat of Long Island Sound, and (C) designed to
190 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
191 Long Island Sound.

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

210 plan may include any necessary and related maps, explanatory
211 material, photographs, charts or other pertinent data and information
212 relative to the past, present and future trends of the municipality.

213 (f) (1) A plan of conservation and development or any part thereof
214 or amendment thereto prepared by the commission or any special
215 committee shall be reviewed, and may be amended, by the
216 commission prior to scheduling at least one public hearing on
217 adoption.

218 (2) At least sixty-five days prior to the public hearing on adoption,
219 the commission shall submit a copy of such plan or part thereof or
220 amendment thereto for review and comment to the legislative body or,
221 in the case of a municipality for which the legislative body of the
222 municipality is a town meeting or representative town meeting, to the
223 board of selectmen. The legislative body or board of selectmen, as the
224 case may be, may hold one or more public hearings on the plan and
225 shall endorse or reject such entire plan or part thereof or amendment
226 and may submit comments and recommended changes to the
227 commission. The commission may render a decision on the plan
228 without the report of such body or board.

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

232 (4) At least sixty-five days prior to the public hearing on adoption,
233 the commission shall submit a copy of such plan or part thereof or
234 amendment thereto to the regional planning agency for review and
235 comment. The regional planning agency shall submit an advisory
236 report along with its comments to the commission at or before the
237 hearing. Such comments shall include a finding on the consistency of
238 the plan with (A) the regional plan of conservation and development,
239 adopted under section 8-35a, as amended by this act, (B) the state plan
240 of conservation and development, adopted pursuant to chapter 297,

241 and (C) the plans of conservation and development of other
242 municipalities in the area of operation of the regional planning agency.
243 The commission may render a decision on the plan without the report
244 of the regional planning agency.

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

250 (6) The commission shall cause to be published in a newspaper
251 having a general circulation in the municipality, at least twice at
252 intervals of not less than two days, the first not more than fifteen days,
253 or less than ten days, and the last not less than two days prior to the
254 date of each such hearing, notice of the time and place of any such
255 public hearing. Such notice shall make reference to the filing of such
256 draft plan in the office of the town clerk, or both the district clerk and
257 the town clerk, as the case may be.

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

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

268 (3) Upon adoption by the commission, any plan or part thereof or
269 amendment thereto shall become effective at a time established by the
270 commission, provided notice thereof shall be published in a
271 newspaper having a general circulation in the municipality prior to

272 such effective date.

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

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

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

293 Sec. 5. Section 8-23 of the general statutes, as amended by section 3
294 of public act 07-239, section 4 of public act 07-5 of the June special
295 session, section 17 of public act 08-182 and section 4 of this act, is
296 repealed and the following is substituted in lieu thereof (*Effective*
297 *October 1, 2010*):

298 (a) (1) At least once every ten years, the commission shall prepare or
299 amend and shall adopt a plan of conservation and development for the
300 municipality. Following adoption, the commission shall regularly
301 review and maintain such plan. The commission may adopt such
302 geographical, functional or other amendments to the plan or parts of

303 the plan, in accordance with the provisions of this section, as it deems
304 necessary. The commission may, at any time, prepare, amend and
305 adopt plans for the redevelopment and improvement of districts or
306 neighborhoods which, in its judgment, contain special problems or
307 opportunities or show a trend toward lower land values.

308 (2) If a plan is not amended decennially, the chief elected official of
309 the municipality shall submit a letter to the Secretary of the Office of
310 Policy and Management and the Commissioners of Transportation,
311 Environmental Protection and Economic and Community
312 Development that explains why such plan was not amended. A copy
313 of such letter shall be included in each application by the municipality
314 for discretionary state funding submitted to any state agency.

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

318 (c) In the preparation of such plan, the commission may appoint one
319 or more special committees to develop and make recommendations for
320 the plan. The membership of any special committee may include:
321 Residents of the municipality and representatives of local boards
322 dealing with zoning, inland wetlands, conservation, recreation,
323 education, public works, finance, redevelopment, general government
324 and other municipal functions. In performing its duties under this
325 section, the commission or any special committee may accept
326 information from any source or solicit input from any organization or
327 individual. The commission or any special committee may hold public
328 informational meetings or organize other activities to inform residents
329 about the process of preparing the plan.

330 (d) In preparing such plan, the commission or any special
331 committee shall consider the following: (1) The community
332 development action plan of the municipality, if any, (2) the need for
333 affordable housing, (3) the need for protection of existing and potential

334 public surface and ground drinking water supplies, (4) the use of
335 cluster development and other development patterns to the extent
336 consistent with soil types, terrain and infrastructure capacity within
337 the municipality, (5) the state plan of conservation and development
338 adopted pursuant to chapter 297, (6) the regional plan of conservation
339 and development adopted pursuant to section 8-35a, (7) physical,
340 social, economic and governmental conditions and trends, (8) the
341 needs of the municipality including, but not limited to, human
342 resources, education, health, housing, recreation, social services, public
343 utilities, public protection, transportation and circulation and cultural
344 and interpersonal communications, (9) the objectives of energy-
345 efficient patterns of development, the use of solar and other renewable
346 forms of energy and energy conservation, and (10) protection and
347 preservation of agriculture.

348 (e) (1) Such plan of conservation and development shall (A)
349 incorporate provisions for smart growth that are consistent with the
350 provisions for smart growth that are incorporated in the state plan of
351 conservation and development adopted under chapter 297 on and after
352 October 1, 2009, after the effective date of this section, (B) be a
353 statement of policies, goals and standards for the physical and
354 economic development of the municipality, [(B)] (C) provide for a
355 system of principal thoroughfares, parkways, bridges, streets,
356 sidewalks, multipurpose trails and other public ways as appropriate,
357 [(C)] (D) be designed to promote, with the greatest efficiency and
358 economy, the coordinated development of the municipality and the
359 general welfare and prosperity of its people and identify areas where it
360 is feasible and prudent (i) to have compact, transit accessible,
361 pedestrian-oriented mixed use development patterns and land reuse,
362 and (ii) to promote such development patterns and land reuse, [(D)]
363 (E) recommend the most desirable use of land within the municipality
364 for residential, recreational, commercial, industrial, conservation and
365 other purposes and include a map showing such proposed land uses,
366 [(E)] (F) recommend the most desirable density of population in the

367 several parts of the municipality, [(F)] (G) note any inconsistencies
368 with the following growth management principles: (i) Redevelopment
369 and revitalization of commercial centers and areas of mixed land uses
370 with existing or planned physical infrastructure; (ii) expansion of
371 housing opportunities and design choices to accommodate a variety of
372 household types and needs; (iii) concentration of development around
373 transportation nodes and along major transportation corridors to
374 support the viability of transportation options and land reuse; (iv)
375 conservation and restoration of the natural environment, cultural and
376 historical resources and existing farmlands; (v) protection of
377 environmental assets critical to public health and safety; and (vi)
378 integration of planning across all levels of government to address
379 issues on a local, regional and state-wide basis, [(G)] (H) make
380 provision for the development of housing opportunities, including
381 opportunities for multifamily dwellings, consistent with soil types,
382 terrain and infrastructure capacity, for all residents of the municipality
383 and the planning region in which the municipality is located, as
384 designated by the Secretary of the Office of Policy and Management
385 under section 16a-4a, [(H)] and (I) promote housing choice and
386 economic diversity in housing, including housing for both low and
387 moderate income households, and encourage the development of
388 housing which will meet the housing needs identified in the housing
389 plan prepared pursuant to section 8-37t and in the housing component
390 and the other components of the state plan of conservation and
391 development prepared pursuant to chapter 297. In preparing such plan
392 the commission shall consider focusing development and
393 revitalization in areas with existing or planned physical infrastructure.

394 (2) For any municipality that is contiguous to Long Island Sound,
395 such plan shall be (A) consistent with the municipal coastal program
396 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with
397 reasonable consideration for restoration and protection of the
398 ecosystem and habitat of Long Island Sound, and (C) designed to
399 reduce hypoxia, pathogens, toxic contaminants and floatable debris in

400 Long Island Sound.

401 (f) Such plan may show the commission's and any special
402 committee's recommendation for (1) conservation and preservation of
403 traprock and other ridgelines, (2) airports, parks, playgrounds and
404 other public grounds, (3) the general location, relocation and
405 improvement of schools and other public buildings, (4) the general
406 location and extent of public utilities and terminals, whether publicly
407 or privately owned, for water, sewerage, light, power, transit and other
408 purposes, (5) the extent and location of public housing projects, (6)
409 programs for the implementation of the plan, including (A) a schedule,
410 (B) a budget for public capital projects, (C) a program for enactment
411 and enforcement of zoning and subdivision controls, building and
412 housing codes and safety regulations, (D) plans for implementation of
413 affordable housing, (E) plans for open space acquisition and
414 greenways protection and development, and (F) plans for corridor
415 management areas along limited access highways or rail lines,
416 designated under section 16a-27, as amended by this act, (7) proposed
417 priority funding areas, and (8) any other recommendations as will, in
418 the commission's or any special committee's judgment, be beneficial to
419 the municipality. The plan may include any necessary and related
420 maps, explanatory material, photographs, charts or other pertinent
421 data and information relative to the past, present and future trends of
422 the municipality.

423 (g) (1) A plan of conservation and development or any part thereof
424 or amendment thereto prepared by the commission or any special
425 committee shall be reviewed, and may be amended, by the
426 commission prior to scheduling at least one public hearing on
427 adoption.

428 (2) At least sixty-five days prior to the public hearing on adoption,
429 the commission shall submit a copy of such plan or part thereof or
430 amendment thereto for review and comment to the legislative body or,
431 in the case of a municipality for which the legislative body of the

432 municipality is a town meeting or representative town meeting, to the
433 board of selectmen. The legislative body or board of selectmen, as the
434 case may be, may hold one or more public hearings on the plan and
435 shall endorse or reject such entire plan or part thereof or amendment
436 and may submit comments and recommended changes to the
437 commission. The commission may render a decision on the plan
438 without the report of such body or board.

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

442 (4) At least sixty-five days prior to the public hearing on adoption,
443 the commission shall submit a copy of such plan or part thereof or
444 amendment thereto to the regional planning agency for review and
445 comment. The regional planning agency shall submit an advisory
446 report along with its comments to the commission at or before the
447 hearing. Such comments shall include a finding on the consistency of
448 the plan with (A) the regional plan of conservation and development,
449 adopted under section 8-35a, as amended by this act, (B) the state plan
450 of conservation and development, adopted pursuant to chapter 297,
451 and (C) the plans of conservation and development of other
452 municipalities in the area of operation of the regional planning agency.
453 The commission may render a decision on the plan without the report
454 of the regional planning agency.

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

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

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

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

472 (2) Any plan, section of a plan or recommendation in the plan that is
473 not endorsed in the report of the legislative body or, in the case of a
474 municipality for which the legislative body is a town meeting or
475 representative town meeting, by the board of selectmen, of the
476 municipality may only be adopted by the commission by a vote of not
477 less than two-thirds of all the members of the commission.

478 (3) Upon adoption by the commission, any plan or part thereof or
479 amendment thereto shall become effective at a time established by the
480 commission, provided notice thereof shall be published in a
481 newspaper having a general circulation in the municipality prior to
482 such effective date.

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

488 (5) Not more than sixty days after adoption of the plan, the
489 commission shall submit a copy of the plan to the Secretary of the
490 Office of Policy and Management and shall include with such copy a
491 description of any inconsistency between the plan adopted by the
492 commission and the state plan of conservation and development and
493 the reasons therefor.

494 (i) Any owner or tenant, or authorized agent of such owner or
495 tenant, of real property or buildings thereon located in the
496 municipality may submit a proposal to the commission requesting a
497 change to the plan of conservation and development. Such proposal
498 shall be submitted in writing and on a form prescribed by the
499 commission. Notwithstanding the provisions of subsection (a) of
500 section 8-7d, the commission shall review and may approve, modify
501 and approve or reject the proposal in accordance with the provisions of
502 subsection (g) of this section.

503 Sec. 6. Section 8-35a of the general statutes is repealed and the
504 following is substituted in lieu thereof (*Effective October 1, 2009*):

505 (a) At least once every ten years, each regional planning agency
506 shall make a plan of conservation and development for its area of
507 operation [, showing its] that shall incorporate provisions for smart
508 growth that are consistent with the provisions for smart growth that
509 are incorporated in the state plan of conservation and development
510 adopted under chapter 297 after the effective date of this section. The
511 plan shall also make recommendations for the general use of the area
512 including land use, housing, principal highways and freeways,
513 bridges, airports, parks, playgrounds, recreational areas, schools,
514 public institutions, public utilities, agriculture and such other matters
515 as, in the opinion of the agency, will be beneficial to the area. Any
516 regional plan so developed shall be based on studies of physical,
517 social, economic and governmental conditions and trends and shall be
518 designed to promote with the greatest efficiency and economy the
519 coordinated development of its area of operation and the general
520 welfare and prosperity of its people. Such plan may encourage energy-
521 efficient patterns of development, the use of solar and other renewable
522 forms of energy, and energy conservation. Such plan shall be designed
523 to promote abatement of the pollution of the waters and air of the
524 region. The regional plan shall identify areas where it is feasible and
525 prudent (1) to have compact, transit accessible, pedestrian-oriented
526 mixed use development patterns and land reuse, and (2) to promote

527 such development patterns and land reuse and shall note any
528 inconsistencies with the following growth management principles: (A)
529 Redevelopment and revitalization of regional centers and areas of
530 mixed land uses with existing or planned physical infrastructure; (B)
531 expansion of housing opportunities and design choices to
532 accommodate a variety of household types and needs; (C)
533 concentration of development around transportation nodes and along
534 major transportation corridors to support the viability of
535 transportation options and land reuse; (D) conservation and
536 restoration of the natural environment, cultural and historical
537 resources and traditional rural lands; (E) protection of environmental
538 assets critical to public health and safety; and (F) integration of
539 planning across all levels of government to address issues on a local,
540 regional and state-wide basis. The plan of each region contiguous to
541 Long Island Sound shall be designed to reduce hypoxia, pathogens,
542 toxic contaminants and floatable debris in Long Island Sound.

543 (b) Before adopting the regional plan of conservation and
544 development or any part thereof or amendment thereto the agency
545 shall hold at least one public hearing thereon, notice of the time, place
546 and subject of which shall be given in writing to the chief executive
547 officer and planning commission, where one exists, of each member
548 town, city or borough. Notice of the time, place and subject of such
549 hearing shall be published once in a newspaper having a substantial
550 circulation in the region. Such notices shall be given not more than
551 twenty days or less than ten days before such hearing. At least sixty-
552 five days before the public hearing the regional planning agency shall
553 post the plan on the Internet web site of the agency, if any, and submit
554 the plan to the Secretary of the Office of Policy and Management for
555 findings in the form of comments and recommendations. By October 1,
556 2011, the secretary shall establish, by regulations adopted in
557 accordance with the provisions of chapter 54, criteria for such findings
558 which shall include procedures for a uniform review of regional plans
559 of conservation and development to determine if a proposed regional

560 plan of conservation and development is not inconsistent with the
561 state plan of conservation and development and the state economic
562 strategic plan. The regional planning agency shall note on the record
563 any inconsistency with the state plan of conservation and development
564 and the reasons for such inconsistency. Adoption of the plan or part
565 thereof or amendment thereto shall be made by the affirmative vote of
566 not less than a majority of the representatives on the agency. The plan
567 shall be posted on the Internet web site of the agency, if any, and a
568 copy of the plan or of any amendments thereto, signed by the
569 chairman of the agency, shall be transmitted to the chief executive
570 officers, the town, city or borough clerks, as the case may be, and to
571 planning commissions, if any, in member towns, cities or boroughs,
572 and to the Secretary of the Office of Policy and Management, or his
573 designee. The regional planning agency shall notify the Secretary of
574 the Office of Policy and Management of any inconsistency with the
575 state plan of conservation and development and the reasons therefor.

576 (c) The regional planning agency shall revise the plan of
577 conservation and development not more than three years after July 1,
578 2005.

579 (d) The regional planning agency shall assist municipalities within
580 its region and state agencies and may assist other public and private
581 agencies in developing and carrying out any regional plan or plans of
582 such regional planning agency. The regional planning agency may
583 provide administrative, management, technical or planning assistance
584 to municipalities within its region and other public agencies under
585 such terms as it may determine, provided, prior to entering into an
586 agreement for assistance to any municipality or other public agency,
587 the regional planning agency shall have adopted a policy governing
588 such assistance. The regional planning agency may be compensated by
589 the municipality or other public agency with which an agreement for
590 assistance has been made for all or part of the cost of such assistance.

591 Sec. 7. (NEW) (*Effective October 1, 2009*) On or before July 1, 2010, the

592 Office of Policy and Management shall develop model zoning
593 regulations to be used by zoning commissions that provide for smart
594 growth, as defined in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	16a-27
Sec. 4	<i>October 1, 2009</i>	8-23
Sec. 5	<i>October 1, 2010</i>	8-23
Sec. 6	<i>October 1, 2009</i>	8-35a
Sec. 7	<i>October 1, 2009</i>	New section

Statement of Purpose:

To define smart growth and require smart growth provisions of state, local and regional plans of conservation and development be consistent.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]