



Substitute House Bill No. 6467

Public Act No. 09-230

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:

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

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

(2) "Principles of smart growth" means standards and objectives that support and encourage smart growth when used to guide actions and decisions, including, but not limited to, standards and criteria for (A) integrated planning or investment that coordinates tax, transportation, housing, environmental and economic development policies at the state, regional and local level, (B) the reduction of reliance on the property tax by municipalities by creating efficiencies and coordination of services on the regional level while reducing interlocal

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competition for grand list growth, (C) the redevelopment of existing infrastructure and resources, including, but not limited to brownfields and historic places, (D) transportation choices that provide alternatives to automobiles, including rail, public transit, bikeways and walking, while reducing energy consumption, (E) the development or preservation of housing affordable to households of varying income in locations proximate to transportation or employment centers or locations compatible with smart growth, (F) concentrated, mixed-use, mixed income development proximate to transit nodes and civic, employment or cultural centers, and (G) the conservation and protection of natural resources by (i) preserving open space, water resources, farmland, environmentally sensitive areas and historic properties, and (ii) furthering energy efficiency.

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

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

(a) The secretary, after consultation with all appropriate state,

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

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

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

(d) Any revision made after July 1, 2005, shall describe the progress towards achievement of the goals and objectives established in the previously adopted state plan of conservation and development and shall identify (1) areas where it is prudent and feasible (A) to have compact, transit accessible, pedestrian-oriented mixed-use development patterns and land reuse, and (B) to promote such

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development patterns and land reuse, (2) priority funding areas designated under section 16a-35c, and (3) corridor management areas on either side of a limited access highway or a rail line. In designating corridor management areas, the secretary shall make recommendations that (A) promote land use and transportation options to reduce the growth of traffic congestion; (B) connect infrastructure and other development decisions; (C) promote development that minimizes the cost of new infrastructure facilities and maximizes the use of existing infrastructure facilities; and (D) increase intermunicipal and regional cooperation.

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

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

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

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

(b) After December first in [1985] 2010 and after December first in

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each prerevision year thereafter the secretary shall proceed with such further revisions of the draft of the revised plan of conservation and development as he deems appropriate. The secretary shall, by whatever means he deems advisable, publish said plan and disseminate it to the public on or before March first in revision years. The secretary shall post the plan on the Internet web site of the state.

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

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

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

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

The Office of Policy and Management shall amend the state plan of conservation and development adopted pursuant to this chapter to include therein a goal for reducing carbon dioxide emissions within this state [. Said office, in consultation with the Department of Environmental Protection, shall submit a report to the General Assembly on or before the thirtieth day following May 22, 1995, on or before May 1, 1996, and annually thereafter, which details the net

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amount of carbon dioxide emitted annually within this state. Subsequent to the May 1, 2000, submittal, said report shall be submitted every three years with the first such report due May 1, 2003] consistent with the recommendations of the Connecticut Climate Change Action Plan prepared in accordance with section 22a-200a.

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

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

Approved July 8, 2009