



General Assembly

February Session, 2010

Raised Bill No. 5338

LCO No. 1347

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Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING LOCAL PLANS OF CONSERVATION AND DEVELOPMENT.

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

1 Section 1. Section 8-23 of the 2010 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2010*):

4 (a) (1) At least once every ten years, the commission shall prepare or
5 amend and shall adopt a plan of conservation and development for the
6 municipality. Following adoption, the commission shall regularly
7 review and maintain such plan. The commission may adopt such
8 geographical, functional or other amendments to the plan or parts of
9 the plan, in accordance with the provisions of this section, as it deems
10 necessary. The commission may, at any time, prepare, amend and
11 adopt plans for the redevelopment and improvement of districts or
12 neighborhoods which, in its judgment, contain special problems or
13 opportunities or show a trend toward lower land values.

14 (2) If a plan is not amended decennially, the chief elected official of
15 the municipality shall submit a letter to the Secretary of the Office of

16 Policy and Management and the Commissioners of Transportation,
17 Environmental Protection and Economic and Community
18 Development that explains why such plan was not amended. A copy
19 of such letter shall be included in each application by the municipality
20 for discretionary state funding submitted to any state agency.

21 (3) Notwithstanding any provision in subdivisions (1) and (2) of
22 this subsection, no commission shall be obligated to prepare or amend
23 a plan of conservation and development for such municipality from
24 July 1, 2010, to June 30, 2012, inclusive.

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

31 (c) In the preparation of such plan, the commission may appoint one
32 or more special committees to develop and make recommendations for
33 the plan. The membership of any special committee may include:
34 Residents of the municipality and representatives of local boards
35 dealing with zoning, inland wetlands, conservation, recreation,
36 education, public works, finance, redevelopment, general government
37 and other municipal functions. In performing its duties under this
38 section, the commission or any special committee may accept
39 information from any source or solicit input from any organization or
40 individual. The commission or any special committee may hold public
41 informational meetings or organize other activities to inform residents
42 about the process of preparing the plan.

43 (d) In preparing such plan, the commission or any special
44 committee shall consider the following: (1) The community
45 development action plan of the municipality, if any, (2) the need for
46 affordable housing, (3) the need for protection of existing and potential
47 public surface and ground drinking water supplies, (4) the use of

48 cluster development and other development patterns to the extent
49 consistent with soil types, terrain and infrastructure capacity within
50 the municipality, (5) the state plan of conservation and development
51 adopted pursuant to chapter 297, (6) the regional plan of conservation
52 and development adopted pursuant to section 8-35a, (7) physical,
53 social, economic and governmental conditions and trends, (8) the
54 needs of the municipality including, but not limited to, human
55 resources, education, health, housing, recreation, social services, public
56 utilities, public protection, transportation and circulation and cultural
57 and interpersonal communications, (9) the objectives of energy-
58 efficient patterns of development, the use of solar and other renewable
59 forms of energy and energy conservation, and (10) protection and
60 preservation of agriculture.

61 (e) (1) Such plan of conservation and development shall (A) be a
62 statement of policies, goals and standards for the physical and
63 economic development of the municipality, (B) provide for a system of
64 principal thoroughfares, parkways, bridges, streets, sidewalks,
65 multipurpose trails and other public ways as appropriate, (C) be
66 designed to promote, with the greatest efficiency and economy, the
67 coordinated development of the municipality and the general welfare
68 and prosperity of its people and identify areas where it is feasible and
69 prudent (i) to have compact, transit accessible, pedestrian-oriented
70 mixed use development patterns and land reuse, and (ii) to promote
71 such development patterns and land reuse, (D) recommend the most
72 desirable use of land within the municipality for residential,
73 recreational, commercial, industrial, conservation and other purposes
74 and include a map showing such proposed land uses, (E) recommend
75 the most desirable density of population in the several parts of the
76 municipality, (F) note any inconsistencies with the following growth
77 management principles: (i) Redevelopment and revitalization of
78 commercial centers and areas of mixed land uses with existing or
79 planned physical infrastructure; (ii) expansion of housing
80 opportunities and design choices to accommodate a variety of
81 household types and needs; (iii) concentration of development around

82 transportation nodes and along major transportation corridors to
83 support the viability of transportation options and land reuse; (iv)
84 conservation and restoration of the natural environment, cultural and
85 historical resources and existing farmlands; (v) protection of
86 environmental assets critical to public health and safety; and (vi)
87 integration of planning across all levels of government to address
88 issues on a local, regional and state-wide basis, (G) make provision for
89 the development of housing opportunities, including opportunities for
90 multifamily dwellings, consistent with soil types, terrain and
91 infrastructure capacity, for all residents of the municipality and the
92 planning region in which the municipality is located, as designated by
93 the Secretary of the Office of Policy and Management under section
94 16a-4a, (H) promote housing choice and economic diversity in
95 housing, including housing for both low and moderate income
96 households, and encourage the development of housing which will
97 meet the housing needs identified in the housing plan prepared
98 pursuant to section 8-37t and in the housing component and the other
99 components of the state plan of conservation and development
100 prepared pursuant to chapter 297. In preparing such plan the
101 commission shall consider focusing development and revitalization in
102 areas with existing or planned physical infrastructure.

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

110 (f) Such plan may show the commission's and any special
111 committee's recommendation for (1) conservation and preservation of
112 traprock and other ridgelines, (2) airports, parks, playgrounds and
113 other public grounds, (3) the general location, relocation and
114 improvement of schools and other public buildings, (4) the general

115 location and extent of public utilities and terminals, whether publicly
116 or privately owned, for water, sewerage, light, power, transit and other
117 purposes, (5) the extent and location of public housing projects, (6)
118 programs for the implementation of the plan, including (A) a schedule,
119 (B) a budget for public capital projects, (C) a program for enactment
120 and enforcement of zoning and subdivision controls, building and
121 housing codes and safety regulations, (D) plans for implementation of
122 affordable housing, (E) plans for open space acquisition and
123 greenways protection and development, and (F) plans for corridor
124 management areas along limited access highways or rail lines,
125 designated under section 16a-27, (7) proposed priority funding areas,
126 and (8) any other recommendations as will, in the commission's or any
127 special committee's judgment, be beneficial to the municipality. The
128 plan may include any necessary and related maps, explanatory
129 material, photographs, charts or other pertinent data and information
130 relative to the past, present and future trends of the municipality.

131 (g) (1) A plan of conservation and development or any part thereof
132 or amendment thereto prepared by the commission or any special
133 committee shall be reviewed, and may be amended, by the
134 commission prior to scheduling at least one public hearing on
135 adoption.

136 (2) At least sixty-five days prior to the public hearing on adoption,
137 the commission shall submit a copy of such plan or part thereof or
138 amendment thereto for review and comment to the legislative body or,
139 in the case of a municipality for which the legislative body of the
140 municipality is a town meeting or representative town meeting, to the
141 board of selectmen. The legislative body or board of selectmen, as the
142 case may be, may hold one or more public hearings on the plan and
143 shall endorse or reject such entire plan or part thereof or amendment
144 and may submit comments and recommended changes to the
145 commission. The commission may render a decision on the plan
146 without the report of such body or board.

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

150 (4) At least sixty-five days prior to the public hearing on adoption,
151 the commission shall submit a copy of such plan or part thereof or
152 amendment thereto to the regional planning agency for review and
153 comment. The regional planning agency shall submit an advisory
154 report along with its comments to the commission at or before the
155 hearing. Such comments shall include a finding on the consistency of
156 the plan with (A) the regional plan of conservation and development,
157 adopted under section 8-35a, (B) the state plan of conservation and
158 development, adopted pursuant to chapter 297, and (C) the plans of
159 conservation and development of other municipalities in the area of
160 operation of the regional planning agency. The commission may
161 render a decision on the plan without the report of the regional
162 planning agency.

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

168 (6) The commission shall cause to be published in a newspaper
169 having a general circulation in the municipality, at least twice at
170 intervals of not less than two days, the first not more than fifteen days,
171 or less than ten days, and the last not less than two days prior to the
172 date of each such hearing, notice of the time and place of any such
173 public hearing. Such notice shall make reference to the filing of such
174 draft plan in the office of the town clerk, or both the district clerk and
175 the town clerk, as the case may be.

176 (h) (1) After completion of the public hearing, the commission may
177 revise the plan and may adopt the plan or any part thereof or
178 amendment thereto by a single resolution or may, by successive

179 resolutions, adopt parts of the plan and amendments thereto.

180 (2) Any plan, section of a plan or recommendation in the plan that is
181 not endorsed in the report of the legislative body or, in the case of a
182 municipality for which the legislative body is a town meeting or
183 representative town meeting, by the board of selectmen, of the
184 municipality may only be adopted by the commission by a vote of not
185 less than two-thirds of all the members of the commission.

186 (3) Upon adoption by the commission, any plan or part thereof or
187 amendment thereto shall become effective at a time established by the
188 commission, provided notice thereof shall be published in a
189 newspaper having a general circulation in the municipality prior to
190 such effective date.

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

196 (5) Not more than sixty days after adoption of the plan, the
197 commission shall submit a copy of the plan to the Secretary of the
198 Office of Policy and Management and shall include with such copy a
199 description of any inconsistency between the plan adopted by the
200 commission and the state plan of conservation and development and
201 the reasons therefor.

202 (i) Any owner or tenant, or authorized agent of such owner or
203 tenant, of real property or buildings thereon located in the
204 municipality may submit a proposal to the commission requesting a
205 change to the plan of conservation and development. Such proposal
206 shall be submitted in writing and on a form prescribed by the
207 commission. Notwithstanding the provisions of subsection (a) of
208 section 8-7d, the commission shall review and may approve, modify
209 and approve or reject the proposal in accordance with the provisions of

210 subsection (g) of this section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | July 1, 2010 | 8-23 |

Statement of Purpose:

To grant municipalities a two-year reprieve from a statutory obligation to update local plans of conservation and development.

[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.]