



General Assembly

Substitute Bill No. 199

February Session, 2010

* SB00199PD 032310 *

AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.

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

1 Section 1. (*Effective from passage*) (a) As used in this section, (1)
2 "cross-acceptance" means a process by which planning policies of
3 different levels of government are compared and differences between
4 such policies are reconciled with the purpose of attaining compatibility
5 between local, regional and state plans; and (2) "plan" means a plan of
6 conservation and development.

7 (b) The Office of Policy and Management shall develop a new
8 process for the adoption, amendment, revision and implementation of
9 the state plan based on cross-acceptance. In developing this process,
10 the Office of Policy and Management shall consider as a guideline the
11 2004 Cross-Acceptance Manual approved by the New Jersey State
12 Planning Commission on February 18, 2004, as amended from time to
13 time. Such process shall incorporate (1) public outreach and the
14 solicitation of public opinion on a preliminary state plan; (2) the
15 comparison of a preliminary state plan with regional and local plans;
16 (3) the negotiation of the preliminary state plan with the purpose of
17 obtaining consistency between local, regional and state plans; (4) the
18 production of a written statement specifying areas of agreement and
19 disagreement and areas requiring modification by parties to the

20 negotiation; and (5) the drafting and reviewing of a final state plan. On
21 or before January 5, 2011, the Office of Policy and Management shall
22 submit a draft of such process to the continuing legislative committee
23 on state planning and development established pursuant to section 4-
24 60d of the general statutes.

25 Sec. 2. Section 16a-27 of the 2010 supplement to the general statutes
26 is repealed and the following is substituted in lieu thereof (*Effective*
27 *from passage*):

28 (a) The secretary, after consultation with all appropriate state,
29 regional and local agencies and other appropriate persons, shall, prior
30 to March 1, [2011] 2012, complete a revision of the existing plan and
31 enlarge it to include, but not be limited to, policies relating to
32 transportation, energy and air. Any revision made after May 15, 1991,
33 shall identify the major transportation proposals, including proposals
34 for mass transit, contained in the master transportation plan prepared
35 pursuant to section 13b-15. Any revision made after July 1, 1995, shall
36 take into consideration the conservation and development of
37 greenways that have been designated by municipalities and shall
38 recommend that state agencies coordinate their efforts to support the
39 development of a state-wide greenways system. The Commissioner of
40 Environmental Protection shall identify state-owned land for inclusion
41 in the plan as potential components of a state greenways system.

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

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

52 hazards, including, but not limited to, flooding, high winds and
53 wildfires.

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

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

78 (f) Any revision made after October 1, 2009, shall take into
79 consideration the protection and preservation of Connecticut Heritage
80 Areas.

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

84 Sec. 3. Section 16a-28 of the 2010 supplement to the general statutes
85 is repealed and the following is substituted in lieu thereof (*Effective*
86 *from passage*):

87 (a) The secretary shall present a draft of the revised plan of
88 conservation and development for preliminary review to the
89 continuing legislative committee on state planning and development
90 prior to September first in [2010] 2011 and prior to September first in
91 each prerevision year thereafter.

92 (b) After December first in [2010] 2011 and after December first in
93 each prerevision year thereafter the secretary shall proceed with such
94 further revisions of the draft of the revised plan of conservation and
95 development as he deems appropriate. The secretary shall, by
96 whatever means he deems advisable, publish said plan and
97 disseminate it to the public on or before March first in revision years.
98 The secretary shall post the plan on the Internet web site of the state.

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

102 Sec. 4. Section 16a-29 of the 2010 supplement to the general statutes
103 is repealed and the following is substituted in lieu thereof (*Effective*
104 *from passage*):

105 The secretary shall consider the comments received at the public
106 hearings and shall make any necessary or desirable revisions to said
107 plan and within three months of completion of the public hearings
108 submit the plan to the continuing legislative committee on state
109 planning and development, for its approval, revision or disapproval,
110 in whole or in part. Notwithstanding the provisions of this section, the
111 secretary shall submit the state Conservation and Development
112 Policies Plan, [2012-2017] 2013-2018, to said committee on or before
113 December 1, [2011] 2012.

114 Sec. 5. Section 8-23 of the 2010 supplement to the general statutes, as

115 amended by section 3 of public act 07-239, section 4 of public act 07-5
116 of the June special session, section 17 of public act 08-182 and section 7
117 of public act 09-230, is repealed and the following is substituted in lieu
118 thereof (*Effective July 1, 2010*):

119 (a) (1) At least once every ten years, the commission shall prepare or
120 amend and shall adopt a plan of conservation and development for the
121 municipality. Following adoption, the commission shall regularly
122 review and maintain such plan. The commission may adopt such
123 geographical, functional or other amendments to the plan or parts of
124 the plan, in accordance with the provisions of this section, as it deems
125 necessary. The commission may, at any time, prepare, amend and
126 adopt plans for the redevelopment and improvement of districts or
127 neighborhoods which, in its judgment, contain special problems or
128 opportunities or show a trend toward lower land values.

129 (2) If a plan is not amended decennially, the chief elected official of
130 the municipality shall submit a letter to the Secretary of the Office of
131 Policy and Management and the Commissioners of Transportation,
132 Environmental Protection and Economic and Community
133 Development that explains why such plan was not amended. A copy
134 of such letter shall be included in each application by the municipality
135 for discretionary state funding submitted to any state agency.

136 (3) Notwithstanding any provision of subdivisions (1) and (2) of this
137 subsection, no commission shall be obligated to prepare or amend a
138 plan of conservation and development for such municipality from July
139 1, 2010, to June 30, 2013, inclusive.

140 (b) On and after the first day of July following the adoption of the
141 state Conservation and Development Policies Plan [2012-2017] 2013-
142 2018, in accordance with section 16a-30, a municipality that fails to
143 comply with the requirements of subdivisions (1) and (2) of subsection
144 (a) of this section shall be ineligible for discretionary state funding
145 unless such prohibition is expressly waived by the secretary, except
146 that any municipality that does not prepare or amend a plan of

147 conservation and development pursuant to subdivision (3) of
148 subsection (a) of this section shall continue to be eligible for
149 discretionary state funding unless such municipality fails to comply
150 with the requirements of said subdivisions (1) and (2) on or after July
151 1, 2014.

152 (c) In the preparation of such plan, the commission may appoint one
153 or more special committees to develop and make recommendations for
154 the plan. The membership of any special committee may include:
155 Residents of the municipality and representatives of local boards
156 dealing with zoning, inland wetlands, conservation, recreation,
157 education, public works, finance, redevelopment, general government
158 and other municipal functions. In performing its duties under this
159 section, the commission or any special committee may accept
160 information from any source or solicit input from any organization or
161 individual. The commission or any special committee may hold public
162 informational meetings or organize other activities to inform residents
163 about the process of preparing the plan.

164 (d) In preparing such plan, the commission or any special
165 committee shall consider the following: (1) The community
166 development action plan of the municipality, if any, (2) the need for
167 affordable housing, (3) the need for protection of existing and potential
168 public surface and ground drinking water supplies, (4) the use of
169 cluster development and other development patterns to the extent
170 consistent with soil types, terrain and infrastructure capacity within
171 the municipality, (5) the state plan of conservation and development
172 adopted pursuant to chapter 297, (6) the regional plan of conservation
173 and development adopted pursuant to section 8-35a, (7) physical,
174 social, economic and governmental conditions and trends, (8) the
175 needs of the municipality including, but not limited to, human
176 resources, education, health, housing, recreation, social services, public
177 utilities, public protection, transportation and circulation and cultural
178 and interpersonal communications, (9) the objectives of energy-
179 efficient patterns of development, the use of solar and other renewable

180 forms of energy and energy conservation, and (10) protection and
181 preservation of agriculture.

182 (e) (1) Such plan of conservation and development shall (A) be a
183 statement of policies, goals and standards for the physical and
184 economic development of the municipality, (B) provide for a system of
185 principal thoroughfares, parkways, bridges, streets, sidewalks,
186 multipurpose trails and other public ways as appropriate, (C) be
187 designed to promote, with the greatest efficiency and economy, the
188 coordinated development of the municipality and the general welfare
189 and prosperity of its people and identify areas where it is feasible and
190 prudent (i) to have compact, transit accessible, pedestrian-oriented
191 mixed use development patterns and land reuse, and (ii) to promote
192 such development patterns and land reuse, (D) recommend the most
193 desirable use of land within the municipality for residential,
194 recreational, commercial, industrial, conservation and other purposes
195 and include a map showing such proposed land uses, (E) recommend
196 the most desirable density of population in the several parts of the
197 municipality, (F) note any inconsistencies with the following growth
198 management principles: (i) Redevelopment and revitalization of
199 commercial centers and areas of mixed land uses with existing or
200 planned physical infrastructure; (ii) expansion of housing
201 opportunities and design choices to accommodate a variety of
202 household types and needs; (iii) concentration of development around
203 transportation nodes and along major transportation corridors to
204 support the viability of transportation options and land reuse; (iv)
205 conservation and restoration of the natural environment, cultural and
206 historical resources and existing farmlands; (v) protection of
207 environmental assets critical to public health and safety; and (vi)
208 integration of planning across all levels of government to address
209 issues on a local, regional and state-wide basis, (G) make provision for
210 the development of housing opportunities, including opportunities for
211 multifamily dwellings, consistent with soil types, terrain and
212 infrastructure capacity, for all residents of the municipality and the
213 planning region in which the municipality is located, as designated by

214 the Secretary of the Office of Policy and Management under section
215 16a-4a, (H) promote housing choice and economic diversity in
216 housing, including housing for both low and moderate income
217 households, and encourage the development of housing which will
218 meet the housing needs identified in the housing plan prepared
219 pursuant to section 8-37t and in the housing component and the other
220 components of the state plan of conservation and development
221 prepared pursuant to chapter 297. In preparing such plan the
222 commission shall consider focusing development and revitalization in
223 areas with existing or planned physical infrastructure.

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

231 (f) Such plan may show the commission's and any special
232 committee's recommendation for (1) conservation and preservation of
233 traprock and other ridgelines, (2) airports, parks, playgrounds and
234 other public grounds, (3) the general location, relocation and
235 improvement of schools and other public buildings, (4) the general
236 location and extent of public utilities and terminals, whether publicly
237 or privately owned, for water, sewerage, light, power, transit and other
238 purposes, (5) the extent and location of public housing projects, (6)
239 programs for the implementation of the plan, including (A) a schedule,
240 (B) a budget for public capital projects, (C) a program for enactment
241 and enforcement of zoning and subdivision controls, building and
242 housing codes and safety regulations, (D) plans for implementation of
243 affordable housing, (E) plans for open space acquisition and
244 greenways protection and development, and (F) plans for corridor
245 management areas along limited access highways or rail lines,
246 designated under section 16a-27, as amended by this act, (7) proposed

247 priority funding areas, and (8) any other recommendations as will, in
248 the commission's or any special committee's judgment, be beneficial to
249 the municipality. The plan may include any necessary and related
250 maps, explanatory material, photographs, charts or other pertinent
251 data and information relative to the past, present and future trends of
252 the municipality.

253 (g) (1) A plan of conservation and development or any part thereof
254 or amendment thereto prepared by the commission or any special
255 committee shall be reviewed, and may be amended, by the
256 commission prior to scheduling at least one public hearing on
257 adoption.

258 (2) At least sixty-five days prior to the public hearing on adoption,
259 the commission shall submit a copy of such plan or part thereof or
260 amendment thereto for review and comment to the legislative body or,
261 in the case of a municipality for which the legislative body of the
262 municipality is a town meeting or representative town meeting, to the
263 board of selectmen. The legislative body or board of selectmen, as the
264 case may be, may hold one or more public hearings on the plan and
265 shall endorse or reject such entire plan or part thereof or amendment
266 and may submit comments and recommended changes to the
267 commission. The commission may render a decision on the plan
268 without the report of such body or board.

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

272 (4) At least sixty-five days prior to the public hearing on adoption,
273 the commission shall submit a copy of such plan or part thereof or
274 amendment thereto to the regional planning agency for review and
275 comment. The regional planning agency shall submit an advisory
276 report along with its comments to the commission at or before the
277 hearing. Such comments shall include a finding on the consistency of
278 the plan with (A) the regional plan of conservation and development,

279 adopted under section 8-35a, (B) the state plan of conservation and
280 development, adopted pursuant to chapter 297, and (C) the plans of
281 conservation and development of other municipalities in the area of
282 operation of the regional planning agency. The commission may
283 render a decision on the plan without the report of the regional
284 planning agency.

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

290 (6) The commission shall cause to be published in a newspaper
291 having a general circulation in the municipality, at least twice at
292 intervals of not less than two days, the first not more than fifteen days,
293 or less than ten days, and the last not less than two days prior to the
294 date of each such hearing, notice of the time and place of any such
295 public hearing. Such notice shall make reference to the filing of such
296 draft plan in the office of the town clerk, or both the district clerk and
297 the town clerk, as the case may be.

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

302 (2) Any plan, section of a plan or recommendation in the plan that is
303 not endorsed in the report of the legislative body or, in the case of a
304 municipality for which the legislative body is a town meeting or
305 representative town meeting, by the board of selectmen, of the
306 municipality may only be adopted by the commission by a vote of not
307 less than two-thirds of all the members of the commission.

308 (3) Upon adoption by the commission, any plan or part thereof or
309 amendment thereto shall become effective at a time established by the

310 commission, provided notice thereof shall be published in a
311 newspaper having a general circulation in the municipality prior to
312 such effective date.

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

318 (5) Not more than sixty days after adoption of the plan, the
319 commission shall submit a copy of the plan to the Secretary of the
320 Office of Policy and Management and shall include with such copy a
321 description of any inconsistency between the plan adopted by the
322 commission and the state plan of conservation and development and
323 the reasons therefor.

324 (i) Any owner or tenant, or authorized agent of such owner or
325 tenant, of real property or buildings thereon located in the
326 municipality may submit a proposal to the commission requesting a
327 change to the plan of conservation and development. Such proposal
328 shall be submitted in writing and on a form prescribed by the
329 commission. Notwithstanding the provisions of subsection (a) of
330 section 8-7d, the commission shall review and may approve, modify
331 and approve or reject the proposal in accordance with the provisions of
332 subsection (g) of this section.

333 Sec. 6. (NEW) (*Effective October 1, 2010*) When considering any grant
334 application submitted in connection with a proposed development,
335 rehabilitation or other construction project, a state agency shall
336 consider whether such proposal complies with some or all of the
337 principles of smart growth provided in section 1 of public act 09-230.

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>	16a-27
Sec. 3	<i>from passage</i>	16a-28
Sec. 4	<i>from passage</i>	16a-29
Sec. 5	<i>July 1, 2010</i>	8-23
Sec. 6	<i>October 1, 2010</i>	New section

PD *Joint Favorable Subst.*