



Senate

General Assembly

File No. 160

January Session, 2011

Senate Bill No. 859

Senate, March 23, 2011

The Committee on Planning and Development reported through SEN. CASSANO of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.

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

1 Section 1. Subsection (m) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (m) Notwithstanding the provisions of this section, any site plan
5 approval made under this section during the period from July 1, 2006,
6 to July 1, [2009] 2011, inclusive, except an approval made under
7 subsection (j) of this section, shall expire not less than [six] nine years
8 after the date of such approval and the commission may grant one or
9 more extensions of time to complete all or part of the work in
10 connection with such site plan, provided no approval, including all
11 extensions, shall be valid for more than [eleven] fourteen years from
12 the date the site plan was approved.

13 Sec. 2. Subsection (e) of section 8-26c of the general statutes is

14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage*):

16 (e) Notwithstanding the provisions of this section, any subdivision
17 approval made under this section during the period from July 1, 2006,
18 to July 1, [2009] 2011, inclusive, shall expire not less than [six] nine
19 years after the date of such approval and the commission may grant
20 one or more extensions of time to complete all or part of the work in
21 connection with such subdivision, provided [the time for all extensions
22 under this subsection shall not exceed eleven] no subdivision
23 approval, including all extensions, shall be valid for more than
24 fourteen years from the date the subdivision was approved.

25 Sec. 3. Subsection (c) of section 8-26g of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective from*
27 *passage*):

28 (c) Notwithstanding the provisions of this section, [any approval of
29 a subdivision of land for a project of four hundred or more dwelling
30 units made during the period from July 1, 2006, to July 1, 2009,
31 inclusive, shall expire not less than eleven years after the date of such
32 approval] for any subdivision of land for a project consisting of four
33 hundred or more dwelling units and approved during the period from
34 July 1, 2006, to July 1, 2011, any person, firm or corporation making
35 such subdivision shall complete all work in connection with such
36 subdivision not later than the date fourteen years after the date of
37 approval of the plan for such subdivision. The commission's
38 endorsement of approval on the plan shall state the date on which
39 such fourteen-year period expires.

40 Sec. 4. Subsection (g) of section 22a-42a of the general statutes is
41 repealed and the following is substituted in lieu thereof (*Effective from*
42 *passage*):

43 (g) Notwithstanding the provisions of subdivision (2) of subsection
44 (d) of this section, any permit issued under this section during the
45 period from July 1, 2006, to July 1, [2009] 2011, inclusive, shall expire

46 not less than [six] nine years after the date of such approval. Any such
47 permit shall be renewed upon request of the permit holder unless the
48 agency finds that there has been a substantial change in circumstances
49 that requires a new permit application or an enforcement action has
50 been undertaken with regard to the regulated activity for which the
51 permit was issued, provided no such permit shall be valid for more
52 than [eleven] fourteen years.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3(m)
Sec. 2	<i>from passage</i>	8-26c(e)
Sec. 3	<i>from passage</i>	8-26g(c)
Sec. 4	<i>from passage</i>	22a-42a(g)

PD *Joint Favorable*

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 12 \$	FY 13 \$
Department of Environmental Protection	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Potential Revenue Loss	Minimal	Minimal

Explanation

Enactment of the bill may preclude certain applications to planning and zoning or inland wetland agencies for re-approval of activities that will not be completed within currently mandated expiration dates.

To the extent that this occurs (a) the municipality will not collect locally established application fees¹, and (b) the Department of Environmental Protection will not collect a \$58 land use application fee.²

The Out Years

¹ Pursuant to Section 8-1c CGS, any municipality may establish a schedule of reasonable fees for the processing of applications by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission.

² Pursuant to Section 22a-27j, an additional \$60 fee is paid by applicants seeking approval from planning and zoning, wetlands and coastal management agencies. \$2 of such fee is retained at the local level for administrative costs, with the remaining \$58 remitted to the DEP for deposit into the General Fund. \$873,503 was collected in FY 10.

The annualized ongoing fiscal impact identified above would continue until FY 25 (fourteen years after 7/1/11), subject to state or local fee changes.

OLR Bill Analysis**SB 859*****AN ACT EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS.*****SUMMARY:**

This bill gives developers more time to complete certain ongoing projects without seeking reapproval from a planning and zoning commission or an inland wetlands agency. It does so by extending the initial and extended deadlines that apply to subdivisions, wetlands permits, and relatively small-scale site plans approved between July 1, 2006 and July 1, 2011.

EFFECTIVE DATE: Upon passage

PROJECT APPROVAL EXPIRATION

By law, when a planning and zoning commission or an inland wetlands agency approves a project, it must set an expiration date. A developer must complete the project before that date or resubmit it to the commission or agency for approval. The expiration date must fall within the timeframes the law specifies. The timeframes vary depending on the municipality and the nature of the project. Generally, these are between five and 10 years from approval for subdivision, wetlands permit, and relatively small-scale site plan projects. But longer initial and extended deadlines apply to projects approved between July 1, 2006 and July 2009.

The bill (1) further extends the deadlines for projects approved between July 1, 2006 and July 1, 2009 and (2) extends the deadlines for projects approved between July 1, 2009 and July 1, 2011.

Table 1 below illustrates the changes for projects approved after July 1, 2009 and by July 1, 2011. Table 2 describes the changes for projects

approved between July 1, 2006 and July 1, 2009.

Table 1: Deadlines and Extensions under Current Law and the Bill for Projects Approved after July 1, 2009 and by July 1, 2011

DEADLINES		
Land Use Approval	Current Law (CGS §)	Bill (§)
Site plans other than (1) residential site plans for projects with more than 400 units and (2) business site plans for projects with at least 400,000 square feet	Within five years of approval (CGS § 8-3 (i))	Not less than nine years after approval (§ 1)
Subdivisions plans for 400 or more dwelling units	Within 10 years of approval (CGS § 8-26g (a))	14 years after approval (§ 3)
Other subdivisions	Within five years of approval (CGS § 8-26c (a))	Not less than nine years after approval (§ 2)
Wetlands permits for site plans and subdivisions	Up to five years after approval (CGS § 22a-42a (d)(2))	Permits expire not less than nine years after approval (§ 4)
Other wetlands	Between two and five years after approval (CGS § 22a-42a (d)(2))	
EXTENSIONS		
Land Use Approval	Current Law	Bill (§)
Site plans other than (1) residential site plans for projects with more than 400 units and (2) business site plans for projects with at least 400,000 square feet	Up to 10 years from approval (CGS § 8-3 (i))	Up to 14 years from approval (§ 1)
Subdivision plans for 400 or more dwelling units	No extensions (CGS § 8-26g)	No change (§ 3)
Other subdivisions	Up to 10 years from approval (CGS § 8-26c (b))	Up to 14 years from approval (§ 2)
Wetlands permits for site plans and subdivisions	Up to 10 years from approval (CGS § 22a-42a (d)(2))	Up to 14 years from approval (§ 4)
Other wetlands permits		

Table 2: Deadlines and Extensions for Projects Approved between July 1, 2006 and July 1, 2009 under Current Law and the Bill

DEADLINES		
Land Use Approval	Current Law	Under the bill (§)
Site plans other than (1) residential site plans for projects with more than 400 units and (2) business site plans for projects with at least 400,000 square feet	Not less than six years after approval (CGS § 8-3(m))	Not less than nine years after approval (§ 1)
Subdivisions plans for 400 or more dwelling units	11 years after approval (CGS § 8-26g (c))	14 years after approval (§ 3)

Other subdivisions	Not less than six years after approval (CGS § 8-26c (e))	Not less than nine years after approval (§ 2)
Wetlands permits for site plans and subdivisions	Not less than six years after approval (CGS § 22a-42a (g))	Not less than nine years after approval (§ 4)
Other wetlands	Not less than six years after approval (CGS § 22a-42a (g))	
EXTENSIONS		
Land Use Approval	Current Law	The Bill
Site plans other than (1) residential site plans for projects with more than 400 units and (2) business site plans for projects with at least 400,000 square feet	Up to 11 years from approval (CGS § 8-3 (m))	Up to 14 years from approval (§ 1)
Subdivision plans for 400 or more dwelling units	No extensions (CGS § 8-26g)	No change (§ 3)
Other subdivisions	Up to 11 years from approval (CGS § 8-26c (e))	Up to 14 years from approval (§ 2)
Wetlands permits for site plans and subdivisions	Up to 11 years from approval (CGS § 22a-42a (g))	Up to 14 years from approval (§ 4)
Other wetlands permits		

Under existing law and the bill, projects approved after July 1, 2011, would again be subject to the five-to-10-year deadlines.

BACKGROUND

Related Bill

The Planning and Development Committee reported SB 869, An Act Concerning Inland Wetlands Permits, favorably to the floor on March 7. That bill limits the minimum timeframe an inland and wetland agency may require by prohibiting it from requiring a regulated activity to be conducted in less than three years (maintaining the five-year maximum).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/07/2011)