



# OLR RESEARCH REPORT

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## LOCAL PLANS OF CONSERVATION AND DEVELOPMENT

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You asked for a summary of the law requiring local planning commissions to develop plans of conservation and development ([CGS § 8-23](#)).

### SUMMARY

[CGS § 8-23](#) requires municipal planning commissions to prepare 10-year plans of conservation and development (plans of C&D) for their municipalities and, under certain conditions, disqualifies those that fail to update their plans from receiving discretionary state funds until they do so or the Office of Policy and Management (OPM) secretary waives this provision.

The law requires commissions to consider specified needs and concerns in preparing the plans, including (1) the municipality's need for affordable housing and protecting existing and potential water sources; (2) physical, social, economic, and governmental conditions and trends; (3) objectives for energy-efficient development patterns; and (4) the protection and preservation of agriculture.

The law establishes the plans' purposes and required components. Among other things, the plans must (1) be a statement of policies, goals, and standards for the municipality's physical and economic development; (2) recommend the most desirable use of land within the municipality for various purposes; and (3) include a map showing these proposed land uses. It establishes additional requirements for any municipality that is contiguous to Long Island Sound.

In addition, the law establishes the process planning commissions must follow to adopt or amend their plans of C&D. They must hold at least one public hearing on the proposed plan or amendments and, before the hearing, (1) submit them to the town's legislative body (or in a municipality where the legislative body is a town meeting, the board of selectmen) and the region's planning agency; (2) file a copy of the draft plan with the town clerk; and (3) post it on the town's web site, if it has one. Once the plan is adopted, the commission must publish a newspaper notice to that effect and submit a copy of the plan to the OPM secretary and notify him of any inconsistencies between the final plan and the state plan of C&D and the reasons for them.

### **PLAN'S PURPOSE AND CONTENT**

The law requires local planning commissions to prepare or amend and adopt a plan of C&D for their municipalities every 10 years and regularly review and maintain the plans. Commissions may amend the plans as necessary, including geographical, functional, or other amendments. Commissions may also prepare, amend, and adopt plans any time to redevelop or improve districts and neighborhoods facing special problems or suffering a drop in property values. Resident property-owners and tenants, or their authorized agents, may also propose changes to the plans.

### ***Requirements to Consider Specified Needs and Concerns***

In preparing the plan, the commission or any special committee (see below) must consider the:

1. municipality's community development action plan, if it has one;
2. need for affordable housing;
3. need for protection of existing and potential public surface and ground drinking water supplies;
4. use of cluster development and other development patterns to the extent consistent with soil types, terrain, and infrastructure capacity within the municipality;
5. state and regional plans of C&D;
6. physical, social, economic, and governmental conditions and trends;

7. needs of the municipality, including human resources, education, health, housing, recreation, social services, public utilities, public protection, transportation and circulation, and cultural and interpersonal communications;
8. objectives of energy-efficient development patterns, use of solar and other renewable forms of energy, and energy conservation; and
9. protection and preservation of agriculture.

The law also requires the commission to consider focusing development and revitalization in areas with existing or planned physical infrastructure.

### ***Plan's Purposes***

Each plan must:

1. be a statement of policies, goals, and standards for the municipality's physical and economic development;
2. provide for a system of thoroughfares, parkways, bridges, streets, sidewalks, and other public ways as appropriate;
3. be designed to efficiently and economically promote the municipality's coordinated development and the general welfare and prosperity of its people;
4. identify areas where it is feasible and prudent to have mixed-use development patterns and land reuse that is compact, accessible to transit, and pedestrian-oriented and promote such patterns and reuse;
5. recommend the most desirable use of land within the municipality for residential, recreational, commercial, industrial, conservation, agricultural, and other purposes;
6. include a map showing the proposed land uses;
7. recommend the most desirable population density in several parts of the municipality;

8. identify any inconsistencies with the six growth management principles included in the state plan of C&D;
9. provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain, and infrastructure capacity, for residents of the municipality and the planning region in which it is located;
10. promote housing choice and economic diversity in housing, including housing for both low and moderate income households; and
11. encourage the development of housing that will meet the housing needs identified in the (a) state's consolidated plan for housing and community development and (b) housing component and the other components of the state plan of C&D.

In addition to these requirements, for any municipality that is contiguous to Long Island Sound, the plan must also be (1) consistent the state's Coastal Management Program; (2) made with reasonable consideration for restoring and protecting the Sound's ecosystem and habitat; and (3) designed to reduce hypoxia, pathogens, toxic contaminants, and floatable debris in the Sound.

### ***Optional Components***

The law allows commissions and special committees to include recommendations on:

1. ways to conserve and preserve traprock and other ridgelines;
2. airports, parks, playgrounds, and other public grounds;
3. the general location, relocation, and improvement of schools and other public buildings;
4. the general location and extent of public utilities and public or private terminals for water, sewerage, light, power, transit, and other purposes;
5. the extent and location of public housing projects;

6. proposed priority funding areas (i.e., areas designated in the state plan of C&D within which certain state agency capital projects and grant authorizations must be undertaken); and
7. any other elements the commission or special committee judges to be beneficial to the municipality.

In addition, commissions and special committees may recommend specific programs to implement the plan, including:

1. a schedule;
2. a budget for public capital projects;
3. a program to enact and enforce zoning and subdivision controls, building and housing codes, and safety regulations;
4. plans to implement affordable housing;
5. plans to acquire open space and protect and develop greenways; and
6. plans for designated corridor management areas along limited access highways or rail lines.

The plan may also include any necessary and related maps, explanatory material, photographs, charts, or other pertinent data and information relative to the municipality's past, present, and future trends.

## **ADOPTION AND AMENDMENT PROCESS**

### ***Special Committees***

The law allows local planning commissions to appoint special committees to develop recommendations for their plans. The committees may include residents and members of zoning commissions, inland wetland agencies, conservation commissions, recreation commissions, school boards, finance boards, and redevelopment commissions. They can also include members of boards dealing with public works or other municipal functions. The committees must consider the same factors the commission considers when it prepares the plan.

The committees may accept information from any source or request advice from any person or organization. They may hold informational meetings and inform residents about the planning process.

### ***Review and Comments Before Public Hearing***

Commissions must submit proposed plans and amendments to the town's legislative body or board of selectmen and the region's planning agency at least 65 days before the public hearing the commission must hold on adopting the proposed plan or amendments. Before the commission's hearing, the legislative body or board may (1) hold its own hearings on the proposed plan or amendments, (2) endorse or reject the draft, and (3) submit its comments and recommendations. The law allows the commission to make a decision on the plan without the legislative body or board's report.

The regional planning agency (RPA) must submit an advisory report along with its comments at or before the commission's hearing. The report must include its findings regarding the local plan's consistency with the state plan of C&D, the regional plan of development, and the local plans of C&D of other municipalities in the RPA's area.

The law allows the commission to make a decision on the plan without either of these reports.

### ***Posting and Filing the Report***

At least 35 days before the hearing, the commission must (1) file a copy of the draft plan with the town clerk (and the district clerk in the case of a district commission) and (2) post it on the town's Internet web site, if it has one. The commission must also do so within 30 days after the plan's adoption.

### ***Public Hearing***

The commission must publish notice of the time and place of the hearing at least twice in a local newspaper. The first notice must run between 10 and 15 days before the hearing and the second at least two days before the hearing. The notices must run at least two days apart and refer to the draft plans filed with the town.

### ***Revising and Adopting the Plan***

After completing the hearing, the commission may revise the plan and approve all or parts of the draft by a single resolution or successive resolutions. The commission must approve the plan or any section or recommendation in it by a two-thirds vote if the legislative body or board of selectmen did not endorse it.

Once the plan is adopted, the commission must indicate its effective date and publish a newspaper notice to that effect. Within 60 days after the plan's adoption, the commission must submit a copy of the plan to the OPM secretary and notify him of any inconsistencies between the final plan and the state Plan of C&D and the reasons for them.

### **DISQUALIFICATION PROVISION**

If a plan is not amended every 10 years, the chief elected official of the municipality must submit a letter to the OPM secretary and the transportation, environmental protection, and economic and community development commissioners that explains why the plan was not amended. The municipality must include a copy of this letter in each application for discretionary funding it submits to any state agency.

Additionally, beginning on and after July 1 following the legislature's adoption of the 2013-2018 State plan of C&D, any municipality that fails to update its plan is disqualified from receiving discretionary state funds until an update is completed or the OPM secretary waives this provision. The law relieves municipal planning commissions from the obligation to prepare or amend a municipal plan between July 1, 2010 and June 30, 2013 and specifies that any municipality that chooses to delay amending its plan during this period is subject to the disqualification provision starting July 1, 2014.

RP:ts