



Senate

General Assembly

File No. 661

January Session, 2015

Senate Bill No. 1045

Senate, April 15, 2015

The Committee on Planning and Development reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MUNICIPAL 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 Section 8-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

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

13 (2) If a plan is not amended decennially, the chief elected official of

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

20 [(3) Notwithstanding any provision of subdivisions (1) and (2) of
21 this subsection, no commission shall be obligated to prepare or amend
22 a plan of conservation and development for such municipality from
23 July 1, 2010, to June 30, 2014, inclusive.]

24 (b) On and after [the first day of July following the adoption of the
25 state Conservation and Development Policies Plan 2013-2018, in
26 accordance with section 16a-30] July 1, 2015, a municipality that fails to
27 comply with the requirements of subdivisions (1) and (2) of subsection
28 (a) of this section shall be ineligible for discretionary state funding
29 unless such prohibition is expressly waived by the secretary. [, except
30 that any municipality that does not prepare or amend a plan of
31 conservation and development pursuant to subdivision (3) of
32 subsection (a) of this section shall continue to be eligible for
33 discretionary state funding unless such municipality fails to comply
34 with the requirements of said subdivisions (1) and (2) on or after July
35 1, 2015.]

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

47 about the process of preparing the plan.

48 (d) In preparing such plan, the commission or any special
49 committee shall consider the following: (1) The community
50 development action plan of the municipality, if any, (2) the need for
51 affordable housing, (3) the need for protection of existing and potential
52 public surface and ground drinking water supplies, (4) the use of
53 cluster development and other development patterns to the extent
54 consistent with soil types, terrain and infrastructure capacity within
55 the municipality, (5) the state plan of conservation and development
56 adopted pursuant to chapter 297, (6) the regional plan of conservation
57 and development adopted pursuant to section 8-35a, (7) physical,
58 social, economic and governmental conditions and trends, (8) the
59 needs of the municipality including, but not limited to, human
60 resources, education, health, housing, recreation, social services, public
61 utilities, public protection, transportation and circulation and cultural
62 and interpersonal communications, (9) the objectives of energy-
63 efficient patterns of development, the use of solar and other renewable
64 forms of energy and energy conservation, (10) protection and
65 preservation of agriculture, and (11) sea level change scenarios
66 published by the National Oceanic and Atmospheric Administration in
67 Technical Report OAR CPO-1.

68 (e) (1) Such plan of conservation and development shall (A) be a
69 statement of policies, goals and standards for the physical and
70 economic development of the municipality, (B) provide for a system of
71 principal thoroughfares, parkways, bridges, streets, sidewalks,
72 multipurpose trails and other public ways as appropriate, (C) be
73 designed to promote, with the greatest efficiency and economy, the
74 coordinated development of the municipality and the general welfare
75 and prosperity of its people and identify areas where it is feasible and
76 prudent (i) to have compact, transit accessible, pedestrian-oriented
77 mixed use development patterns and land reuse, and (ii) to promote
78 such development patterns and land reuse, (D) recommend the most
79 desirable use of land within the municipality for residential,
80 recreational, commercial, industrial, conservation, agricultural and

81 other purposes and include a map showing such proposed land uses,
82 (E) recommend the most desirable density of population in the several
83 parts of the municipality, (F) note any inconsistencies with the
84 following growth management principles: (i) Redevelopment and
85 revitalization of commercial centers and areas of mixed land uses with
86 existing or planned physical infrastructure; (ii) expansion of housing
87 opportunities and design choices to accommodate a variety of
88 household types and needs; (iii) concentration of development around
89 transportation nodes and along major transportation corridors to
90 support the viability of transportation options and land reuse; (iv)
91 conservation and restoration of the natural environment, cultural and
92 historical resources and existing farmlands; (v) protection of
93 environmental assets critical to public health and safety; and (vi)
94 integration of planning across all levels of government to address
95 issues on a local, regional and state-wide basis, (G) make provision for
96 the development of housing opportunities, including opportunities for
97 multifamily dwellings, consistent with soil types, terrain and
98 infrastructure capacity, for all residents of the municipality and the
99 planning region in which the municipality is located, as designated by
100 the Secretary of the Office of Policy and Management under section
101 16a-4a, (H) promote housing choice and economic diversity in
102 housing, including housing for both low and moderate income
103 households, and encourage the development of housing which will
104 meet the housing needs identified in the state's consolidated plan for
105 housing and community development prepared pursuant to section 8-
106 37t and in the housing component and the other components of the
107 state plan of conservation and development prepared pursuant to
108 chapter 297, and (I) consider allowing older adults and persons with a
109 disability the ability to live in their homes and communities whenever
110 possible. Such plan may: (i) Permit home sharing in single-family
111 zones between up to four adult persons of any age with a disability or
112 who are sixty years of age or older, whether or not related, who receive
113 supportive services in the home; (ii) allow accessory apartments for
114 persons with a disability or persons sixty years of age or older, or their
115 caregivers, in all residential zones, subject to municipal zoning

116 regulations concerning design and long-term use of the principal
117 property after it is no longer in use by such persons; and (iii) expand
118 the definition of "family" in single-family zones to allow for accessory
119 apartments for persons sixty years of age or older, persons with a
120 disability or their caregivers. In preparing such plan the commission
121 shall consider focusing development and revitalization in areas with
122 existing or planned physical infrastructure. For purposes of this
123 subsection, "disability" has the same meaning as provided in section
124 46a-8.

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

132 (f) Such plan may show the commission's and any special
133 committee's recommendation for (1) conservation and preservation of
134 traprock and other ridgelines, (2) airports, parks, playgrounds and
135 other public grounds, (3) the general location, relocation and
136 improvement of schools and other public buildings, (4) the general
137 location and extent of public utilities and terminals, whether publicly
138 or privately owned, for water, [sewerage,] light, power, transit and
139 other purposes, (5) the extent and location of public housing projects,
140 (6) programs for the implementation of the plan, including (A) a
141 schedule, (B) a budget for public capital projects, (C) a program for
142 enactment and enforcement of zoning and subdivision controls,
143 building and housing codes and safety regulations, (D) plans for
144 implementation of affordable housing, (E) plans for open space
145 acquisition and greenways protection and development, and (F) plans
146 for corridor management areas along limited access highways or rail
147 lines, designated under section 16a-27, (7) proposed priority funding
148 areas, and (8) any other recommendations as will, in the commission's
149 or any special committee's judgment, be beneficial to the municipality.

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

153 (g) Any municipal plan of conservation and development scheduled
154 for adoption on or after July 1, 2015, shall identify the general location
155 and extent of any (1) areas served by existing sewerage systems, (2)
156 areas where sewerage systems are planned, and (3) areas where sewers
157 are to be avoided. In identifying such areas, the commission shall
158 consider the provisions of this section and the priority funding area
159 provisions of chapter 297a.

160 ~~[(g)]~~ (h) (1) A plan of conservation and development or any part
161 thereof or amendment thereto prepared by the commission or any
162 special committee shall be reviewed, and may be amended, by the
163 commission prior to scheduling at least one public hearing on
164 adoption.

165 (2) At least sixty-five days prior to the public hearing on adoption,
166 the commission shall submit a copy of such plan or part thereof or
167 amendment thereto for review and comment to the legislative body or,
168 in the case of a municipality for which the legislative body of the
169 municipality is a town meeting or representative town meeting, to the
170 board of selectmen. The legislative body or board of selectmen, as the
171 case may be, may hold one or more public hearings on the plan and
172 shall endorse or reject such entire plan or part thereof or amendment
173 and may submit comments and recommended changes to the
174 commission. The commission may render a decision on the plan
175 without the report of such body or board.

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

179 (4) At least sixty-five days prior to the public hearing on adoption,
180 the commission shall submit a copy of such plan or part thereof or
181 amendment thereto to the regional council of governments for review

182 and comment. The regional council of governments shall submit an
183 advisory report along with its comments to the commission at or
184 before the hearing. Such comments shall include a finding on the
185 consistency of the plan with (A) the regional plan of conservation and
186 development, adopted under section 8-35a, (B) the state plan of
187 conservation and development, adopted pursuant to chapter 297, and
188 (C) the plans of conservation and development of other municipalities
189 in the area of operation of the regional council of governments. The
190 commission may render a decision on the plan without the report of
191 the regional council of governments.

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

197 (6) The commission shall cause to be published in a newspaper
198 having a general circulation in the municipality, at least twice at
199 intervals of not less than two days, the first not more than fifteen days,
200 or less than ten days, and the last not less than two days prior to the
201 date of each such hearing, notice of the time and place of any such
202 public hearing. Such notice shall make reference to the filing of such
203 draft plan in the office of the town clerk, or both the district clerk and
204 the town clerk, as the case may be.

205 [(h)] (i) (1) After completion of the public hearing, the commission
206 may revise the plan and may adopt the plan or any part thereof or
207 amendment thereto by a single resolution or may, by successive
208 resolutions, adopt parts of the plan and amendments thereto.

209 (2) Any plan, section of a plan or recommendation in the plan that is
210 not endorsed in the report of the legislative body or, in the case of a
211 municipality for which the legislative body is a town meeting or
212 representative town meeting, by the board of selectmen, of the
213 municipality may only be adopted by the commission by a vote of not
214 less than two-thirds of all the members of the commission.

215 (3) Upon adoption by the commission, any plan or part thereof or
 216 amendment thereto shall become effective at a time established by the
 217 commission, provided notice thereof shall be published in a
 218 newspaper having a general circulation in the municipality prior to
 219 such effective date.

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

225 (5) Not more than sixty days after adoption of the plan, the
 226 commission shall submit a copy of the plan to the Secretary of the
 227 Office of Policy and Management and shall include with such copy a
 228 description of any inconsistency between the plan adopted by the
 229 commission and the state plan of conservation and development and
 230 the reasons therefor.

231 [(i)] (j) Any owner or tenant, or authorized agent of such owner or
 232 tenant, of real property or buildings thereon located in the
 233 municipality may submit a proposal to the commission requesting a
 234 change to the plan of conservation and development. Such proposal
 235 shall be submitted in writing and on a form prescribed by the
 236 commission. Notwithstanding the provisions of subsection (a) of
 237 section 8-7d, the commission shall review and may approve, modify
 238 and approve or reject the proposal in accordance with the provisions of
 239 subsection [(g)] (h) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	from passage	8-23

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:*** None***Municipal Impact:*** None***Explanation***

The bill, which requires municipalities to include certain information concerning sewerage systems in their plans of conservation and development, has no fiscal impact. It is anticipated that municipalities currently possess the ability to provide such information.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 1045*****AN ACT CONCERNING MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.*****SUMMARY:**

This bill requires municipalities to identify in their plans of conservation and development (plans of C&D) the general location and extent of areas where (1) sewer systems exist, (2) sewer systems are planned, and (3) sewers are to be avoided. The requirement applies to plans scheduled for adoption on or after July 1, 2015. In identifying these areas, municipalities must consider the existing requirements (1) applicable to municipal plans of C&D and (2) concerning priority funding areas (see BACKGROUND).

Under current law, municipalities may include in their plans recommendations for the general location and extent of sewer systems.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND***Municipal Plans of Conservation And Development***

By law, the state requires municipal planning commissions to prepare 10-year plans of C&D for their municipalities. Under certain conditions, the law disqualifies municipalities 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 (CGS § 8-23).

Among other things, the plans must (1) state the 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 uses.

Priority Funding Areas

The state Plan of C&D, developed by OPM, is a statement of the state's development, resource management, and public investment policies. The plan delineates the boundaries of priority funding areas, which are census blocks:

1. designated by the U.S. Census as an urban area or urban cluster,
2. with a boundary intersecting a half-mile buffer around existing or planned mass-transit stations,
3. with existing or planned sewer service,
4. with existing or planned water service, or
5. with local bus service provided seven days a week.

When state agencies fund or undertake a "growth-related project," the project must be located in a priority finding area, unless the agency complies with the statutory exception process. The following activities, if they cost more than \$200,000, are considered growth-related projects:

1. acquiring real property, other than open space for conservation or preservation purposes;
2. developing or improving real property;
3. acquiring public transportation facilities or equipment; and
4. authorizing state grants, with certain exceptions, if the grant application was not pending on July 1, 2006, to (a) acquire, develop, or improve real property or (b) acquire public transportation equipment or facilities (CGS §16a-35c et seq.).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 15 Nay 6 (03/27/2015)