AN ACT REQUIRING ZONING COMMISSION APPROVAL OF CERTAIN SOLAR PHOTOVOLTAIC FACILITIES.

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

Section 1. Subsection (e) of section 16-50l of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(e) (1) At least sixty days prior to the filing of an application with the council, the applicant shall consult with the municipality in which the facility may be located and with any other municipality required to be served with a copy of the application under subdivision (1) of subsection (b) of this section concerning the proposed and alternative sites of the facility. Such consultation with the municipality shall include, but not be limited to good faith efforts to meet with the chief elected official of the municipality. At the time of the consultation, the applicant shall provide the chief elected official with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. The municipality may conduct public hearings and meetings as it deems necessary for it to advise the applicant of its recommendations concerning the proposed facility. Within sixty days of the initial consultation, the municipality shall issue its recommendations to the applicant. No later than fifteen days after submitting an application to the council, the applicant shall provide to the council all materials provided to the municipality and a summary of the consultations with the municipality including all recommendations issued by the municipality.
(2) In addition to completing the consultation described in subdivision (1) of this subsection, at least sixty days prior to the filing of an application with the council, any applicant for a certificate concerning a solar photovoltaic facility with a capacity of two or more megawatts shall consult with and request the approval of the application from the zoning commission or the combined planning and zoning commission of each municipality in which any portion of such facility is to be located. At the time of the consultation, the applicant shall provide any such commission with any technical reports concerning the public need, the site selection process and the environmental effects of the proposed facility. Any commission so consulted may conduct public hearings and meetings as it deems necessary. Not later than sixty days after the initial consultation, any commission so consulted shall issue an approval or disapproval of the application to the applicant. Not later than fifteen days after submitting an application to the council, the applicant shall provide to the council all materials provided to any commission and a summary of the consultations including the approval or disapproval issued by any commission.

Sec. 2. Subsection (a) of section 16-50p of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) (1) In a certification proceeding, the council shall render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate.

(2) The council's decision shall be rendered in accordance with the following:

(A) Not later than twelve months after the filing of an application for a facility described in subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision (4) of said subsection (a) if the application was incorporated in an application concerning a facility described in
subdivision (1) of said subsection (a); and

(B) Not later than one hundred eighty days after the filing of an application for a facility described in subdivisions (3) to (6), inclusive, of subsection (a) of section 16-50i, provided the council may extend such period by not more than one hundred eighty days with the consent of the applicant.

(3) The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine:

(A) Except as provided in subsection (b) or (c) of this section, a public need for the facility and the basis of the need;

(B) The nature of the probable environmental impact of the facility alone and cumulatively with other existing facilities, including a specification of every significant adverse effect, including, but not limited to, (i) electromagnetic fields that, whether alone or cumulatively with other effects, impact on, and conflict with the policies of the state concerning the natural environment, (ii) ecological balance, (iii) public health and safety, (iv) scenic, historic and recreational values, (v) agriculture, (vi) forests and parks, (vii) air and water purity, and (viii) fish, aquaculture and wildlife;

(C) Why the adverse effects or conflicts referred to in subparagraph (B) of this subdivision are not sufficient reason to deny the application;

(D) In the case of an electric transmission line, (i) what part, if any, of the facility shall be located overhead, (ii) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and (iii) that the overhead portions, if any, of the facility are cost effective and the most appropriate alternative based on a life-cycle cost analysis of the facility and underground alternatives to such facility,
are consistent with the purposes of this chapter, with such regulations
or standards as the council may adopt pursuant to section 16-50t,
including, but not limited to, the council's best management practices
for electric and magnetic fields for electric transmission lines and with
the Federal Power Commission "Guidelines for the Protection of
Natural Historic Scenic and Recreational Values in the Design and
Location of Rights-of-Way and Transmission Facilities" or any
successor guidelines and any other applicable federal guidelines and
are to be contained within an area that provides a buffer zone that
protects the public health and safety, as determined by the council. In
establishing such buffer zone, the council shall consider, among other
things, residential areas, private or public schools, licensed child care
centers, licensed youth camps or public playgrounds adjacent to the
proposed route of the overhead portions and the level of the voltage of
the overhead portions and any existing overhead transmission lines on
the proposed route. At a minimum, the existing right-of-way shall
serve as the buffer zone;

(E) In the case of an electric or fuel transmission line, that the
location of the line will not pose an undue hazard to persons or
property along the area traversed by the line;

(F) In the case of a facility described in subdivision (6) of subsection
(a) of section 16-50i that is (i) proposed to be installed on land under
agricultural restriction, as provided in section 22-26cc, that the facility
will not result in a material decrease of acreage and productivity of the
arable land, (ii) proposed to be installed on land near a building
containing a school, as defined in section 10-154a, or a commercial
child care center, as described in subdivision (1) of subsection (a) of
section 19a-77, that the facility will not be less than two hundred fifty
feet from such school or commercial child care center unless the
location is acceptable to the chief elected official of the municipality or
the council finds that the facility will not have a substantial adverse
effect on the aesthetics or scenic quality of the neighborhood in which
such school or commercial child care center is located, or (iii) proposed
to be installed on land owned by a water company, as defined in
section 25-32a, and which involves a new ground-mounted telecommunications tower, that such land owned by a water company is preferred over any alternative telecommunications tower sites provided the council shall, pursuant to clause (iii) of this subparagraph, consult with the Department of Public Health to determine potential impacts to public drinking water supplies in considering all the environmental impacts identified pursuant to subparagraph (B) of this subdivision. The council shall not render any decision pursuant to this subparagraph that is inconsistent with federal law or regulations; [and]

(G) That, for a facility described in subdivision (5) or (6) of subsection (a) of section 16-50i, the council has considered the manufacturer's recommended safety standards for any equipment, machinery or technology for the facility; [*and*]

(H) In the case of a solar photovoltaic facility with a capacity of two or more megawatts, that any zoning commission or combined planning or zoning commission of a municipality in which any portion of such facility is to be located has approved the application pursuant to section 16-50l, as amended by this act.

Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size, location, brightness and illumination of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18. Such zoning commission may divide the municipality into districts of such
number, shape and area as may be best suited to carry out the
purposes of this chapter; and, within such districts, it may regulate the
errection, construction, reconstruction, alteration or use of buildings or
structures and the use of land. All such regulations shall be uniform
for each class or kind of buildings, structures or use of land throughout
each district, but the regulations in one district may differ from those
in another district, and may provide that certain classes or kinds of
buildings, structures or uses of land are permitted only after obtaining
a special permit or special exception from a zoning commission,
planning commission, combined planning and zoning commission or
zoning board of appeals, whichever commission or board the
regulations may, notwithstanding any special act to the contrary,
designate, subject to standards set forth in the regulations and to
conditions necessary to protect the public health, safety, convenience
and property values. Such regulations shall be made in accordance
with a comprehensive plan and in adopting such regulations the
commission shall consider the plan of conservation and development
prepared under section 8-23. Such regulations shall be designed to
lessen congestion in the streets; to secure safety from fire, panic, flood
and other dangers; to promote health and the general welfare; to
provide adequate light and air; to prevent the overcrowding of land; to
avoid undue concentration of population and to facilitate the adequate
provision for transportation, water, sewerage, schools, parks and other
public requirements. Such regulations shall be made with reasonable
consideration as to the character of the district and its peculiar
suitability for particular uses and with a view to conserving the value
of buildings and encouraging the most appropriate use of land
throughout such municipality. Such regulations may, to the extent
consistent with soil types, terrain, infrastructure capacity and the plan
of conservation and development for the community, provide for
cluster development, as defined in section 8-18, in residential zones.
Such regulations shall also encourage the development of housing
opportunities, including opportunities for multifamily dwellings,
consistent with soil types, terrain and infrastructure capacity, for all
residents of the municipality and the planning region in which the
municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26.

Zoning regulations shall be made with reasonable consideration for their impact on agriculture, as defined in subsection (q) of section 1-1. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. On and after October 1, 2019, such regulations may impose conditions or requirements on the construction or modification of any solar photovoltaic facility with a capacity of two or more megawatts. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as
defined in section 21a-150, including the time, place and manner of
such operations. No such regulations shall prohibit the operation of
any family child care home or group child care home in a residential
zone. No such regulations shall prohibit the use of receptacles for the
storage of items designated for recycling in accordance with section
22a-241b or require that such receptacles comply with provisions for
bulk or lot area, or similar provisions, except provisions for side yards,
rear yards and front yards. No such regulations shall unreasonably
restrict access to or the size of such receptacles for businesses, given
the nature of the business and the volume of items designated for
recycling in accordance with section 22a-241b, that such business
produces in its normal course of business, provided nothing in this
section shall be construed to prohibit such regulations from requiring
the screening or buffering of such receptacles for aesthetic reasons.
Such regulations shall not impose conditions and requirements on
manufactured homes having as their narrowest dimension twenty-two
feet or more and built in accordance with federal manufactured home
construction and safety standards or on lots containing such
manufactured homes which are substantially different from conditions
and requirements imposed on single-family dwellings and lots
containing single-family dwellings. Such regulations shall not impose
conditions and requirements on developments to be occupied by
manufactured homes having as their narrowest dimension twenty-two
feet or more and built in accordance with federal manufactured home
construction and safety standards which are substantially different
from conditions and requirements imposed on multifamily dwellings,
lots containing multifamily dwellings, cluster developments or
planned unit developments. Such regulations shall not prohibit the
continuance of any nonconforming use, building or structure existing
at the time of the adoption of such regulations or require a special
permit or special exception for any such continuance. Such regulations
shall not provide for the termination of any nonconforming use solely
as a result of nonuse for a specified period of time without regard to
the intent of the property owner to maintain that use. Such regulations
shall not terminate or deem abandoned a nonconforming use, building
or structure unless the property owner of such use, building or
structure voluntarily discontinues such use, building or structure and
such discontinuance is accompanied by an intent to not reestablish
such use, building or structure. The demolition or deconstruction of a
nonconforming use, building or structure shall not by itself be
evidence of such property owner's intent to not reestablish such use,
building or structure. Unless such town opts out, in accordance with
the provisions of subsection (j) of section 8-1bb, such regulations shall
not prohibit the installation of temporary health care structures for use
by mentally or physically impaired persons in accordance with the
provisions of section 8-1bb if such structures comply with the
provisions of said section. Any city, town or borough which adopts the
provisions of this chapter may, by vote of its legislative body, exempt
municipal property from the regulations prescribed by the zoning
commission of such city, town or borough; but unless it is so voted
municipal property shall be subject to such regulations.

<table>
<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>October 1, 2019</td>
<td>16-50l(e)</td>
</tr>
<tr>
<td>2</td>
<td>October 1, 2019</td>
<td>16-50p(a)</td>
</tr>
<tr>
<td>3</td>
<td>October 1, 2019</td>
<td>8-2(a)</td>
</tr>
</tbody>
</table>