

Local Plans of Conservation and Development (Updated)

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Issue

Summarize the law requiring local planning commissions in Connecticut to develop plans of conservation and development ([CGS § 8-23](#)). This report updates OLR Report [2013-R-0237](#).

(For information on how the COVID pandemic and related executive orders affect local planning requirements, please see the Office of Policy and Management's (OPM) [website](#).)

Summary

[CGS § 8-23](#) requires municipal planning commissions to prepare 10-year plans of conservation and development (POCD) 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 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; (2) physical, social, economic, and governmental conditions and trends; (3) objectives for energy-efficient development patterns and the need for technology infrastructure; (4) the protection of agriculture and water sources; and (5) sea level change.

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. They must hold at least one public hearing on the proposed plan or amendments and, before the hearing, (1) submit it to the legislative body (or in a municipality where the legislative body is a town meeting, the board of selectmen) and the region's council of governments (COG); (2) file a copy of the draft plan with the town clerk; and (3) post it on the municipality's website, 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 her of any inconsistencies between the final plan and the state POCD and the reasons for them.

Plan's Purpose and Content

The law requires local planning commissions to prepare or amend and adopt a POCD 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 with decreasing property values.

Property owners and tenants, or their authorized agents, may also propose changes to the plans (see [CGS § 8-23\(j\)](#)).

Requirement to Consider Specified Needs and Concerns (CGS § 8-23(d) & (e))

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 POCDs;
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;
9. protection and preservation of agriculture;
10. most recent sea level change scenario, as prepared by UConn's Marine Sciences Division; and
11. need for technology infrastructure in the municipality.

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

Plan's Purpose (CGS § 8-23(e) & (g))

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, multipurpose trails, 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 each part of the municipality;
8. identify any inconsistencies with the six growth management principles included in the state POCD;
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;
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 POCD;
12. consider allowing older adults and people with disabilities to live in their homes and communities whenever possible; and
13. if scheduled for adoption on or after July 1, 2015, identify the general location and extent of areas where sewer systems exist, are planned, and are to be avoided, taking into account POCD requirements and state laws concerning priority funding areas (i.e., OPM-designated areas that are approved for certain state-funded growth-related projects).

In addition to these requirements, for any municipality that is contiguous to Long Island Sound, the plan must also be (1) consistent with 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 (CGS § 8-23(e) & (f))

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, 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 POCD 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.

Specifically regarding housing for people requiring supportive services, the plan may:

1. permit up to four adults with a disability or over the age of 60, who receive supportive services, to share a home in a single-family zone;

2. allow accessory apartments for such people or their caregivers in all residential zones, subject to local zoning regulations concerning design and the long-term use of the principal property after the people in need of supportive services or their caregivers no longer use the apartment; and
3. expand the definition of “family” applicable to single-family zones to allow for these accessory apartments.

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 (CGS § 8-23(c) & (d))

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 wetlands 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 or take other action to inform residents about the planning process.

Review and Comments Before Public Hearing (CGS § 8-23(h))

Commissions must submit proposed plans and amendments to the local legislative body or board of selectmen and the region's COG 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 COG 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 and regional POCDs and the POCDs of other municipalities in the COG's area.

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

Public Notice Before Hearing (CGS § 8-23(h))

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 municipality's website, if it has one.

The commission must also 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 municipality.

Adopting the Plan (CGS § 8-23(i))

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 before it takes effect. Within 30 days of adoption, it must also (1) file a copy with the town clerk (and the district clerk if applicable) and (2) post it on the municipality's website, if it has one.

Within 60 days after the plan's adoption, the commission must submit a copy of the plan to the OPM secretary and notify her of any inconsistencies between the final plan and the state POCD and the reasons for them.

Disqualification Provision (CGS § 8-23(a) & (b))

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, energy and 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 July 1, 2016, any municipality that fails to update its plan or submit the letter described above is disqualified from receiving discretionary state funds unless the OPM secretary waives this provision.

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