

House of Representatives, March 25, 1998. The Committee on Planning and Development reported through REP. DAVIS, 50th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PROJECTS OF REGIONAL SIGNIFICANCE.

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

1 Section 1. (NEW) (a) As used in this section,  
2 "project of regional significance" means any  
3 housing development of more than one hundred  
4 dwelling units and any development of more than  
5 one hundred thousand square feet or having more  
6 than two hundred parking spaces.  
7 (b) Any person filing an application,  
8 petition, request or plan concerning any project  
9 of regional significance with a zoning commission  
10 in a municipality shall, within five days of such  
11 filing, notify the regional planning agency of the  
12 region in which the municipality is located of the  
13 pendency of such application, petition, request or  
14 plan. Such notice shall be made by certified mail,  
15 return receipt requested. No hearing may be  
16 conducted by the zoning commission on any  
17 application, petition, request or plan unless the  
18 applicant has sent the notice required under this  
19 section to the regional planning agency. Such  
20 regional planning agency may, through a  
21 representative, appear and be heard at any hearing  
22 by the zoning commission on any such application,

23 petition, request or plan. A regional planning  
24 agency receiving such notice shall, not later than  
25 thirty days after receipt of the notice, report to  
26 the zoning commission and to the proponent of such  
27 project on its findings relative to the regional  
28 impact of the project. If the report of a regional  
29 planning agency is not submitted to the zoning  
30 commission in accordance with this section, it  
31 shall not be presumed that such agency approves or  
32 disapproves of the proposed project. A regional  
33 planning agency may designate its executive  
34 committee to act for it under this section or it  
35 may establish a subcommittee for the purpose. In  
36 rendering its decision on the project the zoning  
37 commission shall consider the report of the  
38 regional planning agency.

39 (c) Failure to provide the notice required  
40 under this section shall not be grounds to appeal  
41 the decision of a zoning commission on an  
42 application, petition, request or plan.

43 Sec. 2. (NEW) (a) As used in this section,  
44 "project of regional significance" means any  
45 housing development of more than one hundred  
46 dwelling units and any development of more than  
47 one hundred thousand square feet or having more  
48 than two hundred parking spaces.

49 (b) Any person filing any application,  
50 petition, request or plan concerning any project  
51 of regional significance with the planning  
52 commission of any municipality shall, not more  
53 than five days after such filing, notify the  
54 regional planning agency of the region in which  
55 the municipality is located of the pendency of  
56 such application, petition, request or plan. Such  
57 notice shall be made by certified mail, return  
58 receipt requested. No hearing may be conducted by  
59 the planning commission on any application,  
60 petition, request or plan unless the applicant has  
61 sent the notice required under this section to the  
62 regional planning agency. Such regional planning  
63 agency may, through a representative, appear and  
64 be heard at any hearing by the planning commission  
65 on any such application, petition, request or  
66 plan. A regional planning agency receiving such  
67 notice shall, within thirty days, report to each  
68 such planning commission and to the proponent of  
69 such project on its findings relative to the  
70 regional impact of the project. If such report of

71 a regional planning agency is not submitted in  
72 accordance with this section, it shall not be  
73 presumed that such agency approves or disapproves  
74 of the proposed project. A regional planning  
75 agency may designate its executive committee to  
76 act for it under this section or it may establish  
77 a subcommittee for the purpose. In rendering its  
78 decision on the project the planning commission  
79 shall consider the report of the regional planning  
80 agency.

81 (c) Failure to provide the notice required  
82 under this section shall not be grounds to appeal  
83 the decision of a planning commission on an  
84 application, petition, request or plan.

85 Sec. 3. Section 4-124o of the general  
86 statutes is repealed and the following is  
87 substituted in lieu thereof:

88 Except as hereinafter provided, the planning  
89 duties and responsibilities of a regional council  
90 of governments, including the making of a plan of  
91 development pursuant to section 8-35a, shall be  
92 carried out exclusively by a regional planning  
93 commission, acting on behalf of and as a  
94 subdivision of the council. Each member shall be  
95 entitled to a representative on the regional  
96 planning commission who shall be an elector of  
97 such member and on its planning commission. Such  
98 representative shall be appointed by such planning  
99 commission, with the concurrence of the appointing  
100 authority of such member. Each member may also  
101 appoint an alternate representative who shall be  
102 an elector of such member and who shall be  
103 appointed by its planning commission, with the  
104 concurrence of the appointing authority of such  
105 member. Such alternate representative shall, when  
106 the representative of the member from which he was  
107 appointed is absent, have all the powers and  
108 duties of such representative. Each regional  
109 planning commission representative shall be  
110 entitled to one vote in the affairs of such  
111 commission but shall not otherwise be entitled to  
112 vote in the affairs of the council. All matters  
113 referred to the council which by statute or  
114 otherwise are required to be referred to and  
115 considered by a regional planning agency shall be  
116 considered and commented upon by the regional  
117 planning commission in accordance with procedures  
118 recommended by such commission and adopted by the

119 council with the concurrence of such commission.  
120 The council shall have the authority, at the  
121 request of a party having referred any such matter  
122 to the council's attention, to review and revise,  
123 in whole or in part, the comments and  
124 recommendations of the regional planning  
125 commission as to such matter. THE COUNCIL MAY  
126 REVIEW ANY PROJECT OF REGIONAL SIGNIFICANCE FOR  
127 WHICH A NOTICE WAS RECEIVED UNDER SECTION 1 OR 2  
128 OF THIS ACT. If at any time the council is deemed  
129 a regional council of elected officials under  
130 subsection (d) of section 4-1241, the existence of  
131 such regional planning commission shall terminate  
132 forthwith.

133 STATEMENT OF LEGISLATIVE COMMISSIONERS: In  
134 subsection (b) of section 1 "within thirty days"  
135 was changed to "not later than thirty days after  
136 receipt of the notice" for accuracy and in  
137 subsection (b) of section 2, "within five days of"  
138 was changed to "not more than five days after" for  
139 accuracy.

140 PD COMMITTEE VOTE: YEA 18 NAY 1 JFS



already requires RPOs to review proposed projects bordering land in another town.

The bill specifies the process for triggering an RPO review. It requires developers to notify RPOs within five days of applying for local approval, and gives them 30 days from receiving notice to issue their report to the developer and the commission. But the commission cannot presume that the RPO approves or disapproves of the project if it issues no report. And its decision regarding the project cannot be appealed based on the developer's failure to notify the RPO.

EFFECTIVE DATE: October 1, 1998

#### **FURTHER EXPLANATION**

##### **Notifying Regional Planning Organizations**

The bill requires developers seeking zoning or planning commission approval for projects of regional significance to notify the regional planning organization (RPO) within five days of applying for approval. The RPO is the regional planning agency (RPA) or the regional planning commission in regions with councils of governments (COGs). The law gives regional planning commissions the same powers as RPAs.

An applicant must notify the RPO by certified mail, return receipt requested, and the commission can hold a hearing on his application only if he gave the required notice. (The law requires commissions to hold public hearings on applications for zone changes, special permits, and resubdivisions, but not on those for site plan approvals and subdivisions.) But the bill specifies that the developer's failure to give notice does not constitute grounds for appealing the commission's decision on the application.

##### **Reviewing and Reporting on Projects of Regional Significance**

The bill allows the RPO to designate its executive committee to review the project or to create a subcommittee for that purpose. It also allows COGs, as well as their planning commissions, to review projects of regional significance.

The bill requires RPOs to report their findings on a project of regional significance to the commission and the developer within 30 days after receiving notice about the application. The report must present findings on the project's impact on the region. The RPO can send a representative to the commission's public hearing on the project. While the bill requires RPOs to report within 30 days, it specifies that its failure to do so does not imply that it approves or disapproves of the project.

## **BACKGROUND**

### **Projects Requiring RPO Review**

The law requires zoning commissions to notify the RPO about zone changes in a zone lying within 500 feet of a bordering town (CGS § 8-36). They must do this within 35 days before the public hearing on the changes, and the RPO must report its findings before or at the hearing. The law specifies that the RPO's failure to report does not signal its disapproval. (The law also specifies conditions under which commissions must notify adjoining towns about projects.)

The law also requires planning commissions to notify the RPO about proposed subdivisions that abut or include land in two or more towns (CGS § 8-26b). The RPO has 30 days to report on the subdivision's effect on street layouts, storm drainage, sewer and water service, and other inter-municipal factors.

### **Regional Planning Organizations**

Towns within a state-designated planning region can form three types of regional planning organizations. The statutes specify how towns can create these organizations and their respective duties.

Towns can establish an RPA to prepare a regional development plan. They can also form a regional council of elected officials (RCEO), which gives chief elected officials a forum to air mutual concerns and interests. A council may perform the duties of an RPA in a region without one.

Lastly, towns can put regional policy making and planning functions under their chief elected officials

by establishing a COG, which automatically supplants and assumes the duties of the RCEO and the RPA. The COG includes a regional planning commission with one representative from each local planning commission.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute  
Yea 18      Nay 1