



Connecticut

Connecticut Chapter of the American Planning Association

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PLANNING AND DEVELOPMENT COMMITTEE

PROPOSED H.B. 6570 AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT

SUMMARY: The proposed bill provides additional guidelines for the preparation and adoption of municipal, regional, and State Plans of Conservation and Development; requires revision of municipal zoning and subdivision regulations for consistency with the municipal Plan; provides a new procedure for considering zone boundary and regulation changes; requires a public hearing on subdivision applications by petition; and establishes a procedure for identifying and directing State funding to priority funding areas.

ANALYSIS: The proposed bill, based on legislation considered by the General Assembly in 2004, would implement many of the smart growth initiatives identified by recent studies and reports, including the Blue Ribbon Commission on Property Tax Burdens and Smart Growth Incentives. The bill establishes six growth management principles to be considered in Plan development and adds specific Plan components addressing transportation systems and mixed-use development.

The bill goes beyond previous legislative proposals, amending the process for determining the need for a public hearing on subdivision applications by requiring a hearing if a petition is filed.

Another new provision establishes a procedure for considering petitions to revise zoning regulations. The process described appears to require a planning or planning and zoning commission to revise the Town's Plan to be consistent with the proposed zoning amendment, act up or down on the Plan amendment, and then return to considering the original petition's consistency with the Plan as amended or in its original form. It is not clear how this would improve on the current provisions of CGS Section 8-3a, which provide for a determination of consistency of any zoning changes with the Town's Plan. It could in many cases add considerable time and effort to the process of amending zoning maps and regulations.

The bill would require that zoning and subdivision regulations "be made to be consistent with" the land use map and regulatory recommendations of a municipal Plan. This replaces the current requirement that commissions must consider the plan and provide findings on consistency of any regulations with the Plan. The proscriptive requirement of revising regulations to be consistent does not provide any further guidance for determining consistency in a regulatory context.

The bill also provides definitions and a mechanism for identifying priority funding areas, for the purposes of allocating certain State funding.

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FISCAL IMPACT: The fiscal impacts of these revisions cannot be determined at this time.

CCAPA POSITION:

- a. Plan of Conservation and Development Guidelines: **CCAPA** supports the adoption of additional specific guidelines (Bill Section 1) for Plan components and for the consideration of growth management principles. It is our belief that most municipal and regional planning already incorporates these factors; however, we see no reason not to codify them in statute.
- b. Plan and Regulations Consistency: **CCAPA** agrees that regulations should in fact be consistent with properly prepared and adopted Plans (Bill Section 6). However, we contend that the current process accomplishes this. We do not see that subdivision regulations, which are largely procedural and site development standards, should be revised to be consistent with any Plan. Because subdivisions must comply with zoning, subdivision regulations are by definition consistent with zoning regulations. **CCAPA** believes that requiring regulation revisions immediately upon the adoption of a Plan will inhibit municipalities from the true goal of planning: to develop a vision for the town's future. Many components of a plan that may lead to future changes to zoning are driven by demographic, economic, and other analyses and projections that may not develop as anticipated. Commissions may hesitate to consider innovative and creative approaches to addressing their community's future if they expect that such visionary planning must be immediately codified as definitive land use regulation.
- c. Zoning Revisions: The proposed process (Bill Section 7) for amending zoning boundaries and regulations by petition seems to include a circularity that would make the process unworkable and lead to delay in revisions that may well be appropriate, but not within the letter of a local plan. **CCAPA** believes the current process in Section 8-3a is effective and adequate for ensuring that zoning changes conform to the Plan of Conservation and Development.
- d. Subdivision Hearings: Revising Section 8-26 (Bill Section 10) to require a public hearing if a petition is filed would add ambiguity to the subdivision review process. In the experience of **CCAPA** members that serve municipalities, each adapts its procedures with community-based criteria to establish the need for a public hearing. Adding a petition procedure would not likely improve procedural consideration of public participation in land use decisions.
- e. Priority Funding Areas: **CCAPA** supports the adoption of a process to identify and direct funding to priority funding areas (Bill Sections 11 – 15). However, we believe that the same process should apply to conservation-related project funding by the State, as well as to growth-related project funding.

The Connecticut Chapter of the American Planning Association supports the development of legislation to ensure effective planning at all levels of government. We believe that the current bill provides a framework for improvements to planning and plan implementation processes in Connecticut. We are committed to working with the Committee to address the issues and concerns we raised above and we look forward to the Committee's further considerations of this important initiative.