



# House of Representatives

**File No. 843**

General Assembly

January Session, 2023

**(Reprint of File No. 111)**

Substitute House Bill No. 6647  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
June 1, 2023

***AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.***

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

1 Section 1. Section 16a-27 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The secretary, after consultation with all appropriate state,  
4 regional and local agencies and other appropriate persons, shall [, prior  
5 to March 1, 2012, complete a revision of the existing plan and enlarge it  
6 to include, but not be limited to, policies relating to transportation,  
7 energy and air. Any revision made after July 1, 1995, shall take into  
8 consideration the conservation and development of greenways that  
9 have been designated by municipalities and shall recommend that state  
10 agencies coordinate their efforts to support the development of a state-  
11 wide greenways system. The Commissioner of Energy and  
12 Environmental Protection shall identify state-owned land for inclusion  
13 in the plan as potential components of a state greenways system] revise

14 the plan to establish the state's long-term goals for sustainable  
15 conservation and development. The revised plan shall (1) identify goals,  
16 priorities and objectives for the physical, social and economic  
17 development of the state for the next five years, (2) consider existing  
18 conditions and emerging developments and the cumulative impact of  
19 plans, policies and programs implemented by state agencies on  
20 sustainable conservation and development, in order to establish  
21 coordinated and measurable objectives for state investment and action,  
22 (3) establish guidelines for intergovernmental coordination between the  
23 state and regional councils of governments and municipalities in the  
24 implementation of plans, policies, programs and projects consistent  
25 with such goals, priorities and objectives, (4) establish guidelines for the  
26 prioritization and allocation of state and federal funds consistent with  
27 such goals, priorities and objectives, and (5) promote economic and  
28 environmental resiliency in planning for and responding to the effects  
29 of climate change.

30 [(b) Any revision made after August 20, 2003, shall take into account  
31 (1) economic and community development needs and patterns of  
32 commerce, and (2) linkages of affordable housing objectives and land  
33 use objectives with transportation systems.

34 (c) Any revision made after March 1, 2006, shall (1) take into  
35 consideration risks associated with natural hazards, including, but not  
36 limited to, flooding, high winds and wildfires; (2) identify the potential  
37 impacts of natural hazards on infrastructure and property; and (3) make  
38 recommendations for the siting of future infrastructure and property  
39 development to minimize the use of areas prone to natural hazards,  
40 including, but not limited to, flooding, high winds and wildfires.

41 (d) Any revision made after July 1, 2005, shall describe the progress  
42 towards achievement of the goals and objectives established in the  
43 previously adopted state plan of conservation and development and  
44 shall identify (1) areas where it is prudent and feasible (A) to have  
45 compact, transit accessible, pedestrian-oriented mixed-use  
46 development patterns and land reuse, and (B) to promote such

47 development patterns and land reuse, (2) priority funding areas  
48 designated under section 16a-35c, and (3) corridor management areas  
49 on either side of a limited access highway or a rail line. In designating  
50 corridor management areas, the secretary shall make recommendations  
51 that (A) promote land use and transportation options to reduce the  
52 growth of traffic congestion; (B) connect infrastructure and other  
53 development decisions; (C) promote development that minimizes the  
54 cost of new infrastructure facilities and maximizes the use of existing  
55 infrastructure facilities; and (D) increase intermunicipal and regional  
56 cooperation.

57 (e) Any revision made after October 1, 2008, shall (1) for each policy  
58 recommended (A) assign a priority; (B) estimate funding for  
59 implementation and identify potential funding sources; (C) identify  
60 each entity responsible for implementation; and (D) establish a schedule  
61 for implementation; and (2) for each growth management principle,  
62 determine three benchmarks to measure progress in implementation of  
63 the principles, one of which shall be a financial benchmark.

64 (f) Any revision made after October 1, 2009, shall take into  
65 consideration the protection and preservation of Connecticut Heritage  
66 Areas.

67 (g) Any revision made after December 1, 2011, shall take into  
68 consideration (1) the state water supply and resource policies  
69 established in sections 22a-380 and 25-33c, and (2) the list prepared by  
70 the Commissioner of Public Health pursuant to section 25-33q.

71 (h) Any revision made after October 1, 2019, shall (1) take into  
72 consideration risks associated with increased coastal flooding and  
73 erosion, depending on site topography, as anticipated in the most recent  
74 sea level change scenario updated pursuant to subsection (b) of section  
75 25-68o, (2) identify the impacts of such increased flooding and erosion  
76 on infrastructure and natural resources, (3) make recommendations for  
77 the siting of future infrastructure and property development to  
78 minimize the use of areas prone to such flooding and erosion, and (4)

79 take into consideration the state's greenhouse gas reduction goals  
80 established pursuant to section 22a-200a.

81 (i) Any revision made after October 1, 2016, shall take into  
82 consideration the need for technology infrastructure in the  
83 municipality.]

84 [(j) Thereafter on] (b) On or before [March] May first in each revision  
85 year, the secretary shall complete a revision of the plan of conservation  
86 and development, provided no revision year may be later than four  
87 years subsequent to the year in which the plan was last adopted in  
88 accordance with the process established in this chapter.

89 Sec. 2. Section 16a-28 of the general statutes is repealed and the  
90 following is substituted in lieu thereof (*Effective from passage*):

91 (a) The secretary shall present a draft of the revised plan of  
92 conservation and development for preliminary review to the continuing  
93 legislative committee on state planning and development prior to  
94 [September] December first in 2023 and prior to [September] December  
95 first in each prerevision year thereafter.

96 (b) After [December] February first in [2023] 2024 and after  
97 [December] February first in each [prerevision] revision year thereafter,  
98 the secretary shall [proceed with such further revisions of the] revise  
99 such draft [of the revised plan of conservation and development as he]  
100 as the secretary deems appropriate. The secretary shall [, by whatever  
101 means he deems advisable, publish said plan] publish such draft in a  
102 form and manner determined by the secretary, and disseminate it to the  
103 public on or before [March] May first in revision years. The secretary  
104 shall post [the plan] such draft on the Internet web site of the [state]  
105 Office of Policy and Management.

106 (c) Not later than [five] three months after publication of [said revised  
107 plan] such draft pursuant to subsection (b) of this section, the secretary  
108 shall [hold public hearings, in cooperation with regional councils of  
109 governments,] (1) submit such draft to each regional council of

110 governments to solicit comments on [said plan] such draft, and (2)  
111 request public comment on such draft in a form and manner determined  
112 by the secretary.

113 Sec. 3. Section 16a-29 of the general statutes is repealed and the  
114 following is substituted in lieu thereof (*Effective from passage*):

115 The secretary shall consider the comments received [at the public  
116 hearings and shall] in accordance with the provisions of section 16a-28,  
117 as amended by this act, and make any necessary or desirable revisions  
118 to [said plan and within three months of completion of the public  
119 hearings] the draft of the revised plan of conservation and development  
120 and, not later than six months after publication of such draft pursuant  
121 to section 16a-28, as amended by this act, submit [the plan] such draft to  
122 the continuing legislative committee on state planning and  
123 development for its approval, revision or disapproval, in whole or in  
124 part. Notwithstanding the provisions of this section, the secretary shall  
125 submit the state Conservation and Development Policies Plan, 2025-  
126 2030, to said committee on or before December 1, 2024.

127 Sec. 4. Subsection (a) of section 16a-30 of the general statutes is  
128 repealed and the following is substituted in lieu thereof (*Effective from*  
129 *passage*):

130 (a) The continuing legislative committee on state planning and  
131 development shall not later than forty-five days after the convening of  
132 the next regularly scheduled session of the General Assembly conduct a  
133 public hearing on the plan. Not later than forty-five days after  
134 completion of such public hearing, the committee shall submit the plan  
135 with its recommendation for approval or disapproval to the General  
136 Assembly. The plan shall become effective [when adopted by the  
137 General Assembly as the plan of conservation and development for the  
138 state] (1) when approved by majority vote of each chamber of the  
139 General Assembly, or (2) upon adjournment sine die of such regular  
140 session, whichever occurs first.

141 Sec. 5. Subsection (f) of section 8-23 of the general statutes is repealed

142 and the following is substituted in lieu thereof (*Effective from passage*):

143 (f) Such plan may show the commission's and any special  
144 committee's recommendation for (1) conservation and preservation of  
145 traprock and other ridgelines, (2) airports, parks, playgrounds and other  
146 public grounds, (3) the general location, relocation and improvement of  
147 schools and other public buildings, (4) the general location and extent  
148 of public utilities and terminals, whether publicly or privately owned,  
149 for water, light, power, transit and other purposes, (5) the extent and  
150 location of public housing projects, (6) programs for the implementation  
151 of the plan, including (A) a schedule, (B) a budget for public capital  
152 projects, (C) a program for enactment and enforcement of zoning and  
153 subdivision controls, building and housing codes and safety  
154 regulations, (D) plans for implementation of affordable housing, (E)  
155 plans for open space acquisition and greenways protection and  
156 development, and (F) plans for corridor management areas along  
157 limited access highways or rail lines, [designated under section 16a-27,]  
158 (7) proposed priority funding areas, and (8) any other recommendations  
159 as will, in the commission's or any special committee's judgment, be  
160 beneficial to the municipality. The plan may include any necessary and  
161 related maps, explanatory material, photographs, charts or other  
162 pertinent data and information relative to the past, present and future  
163 trends of the municipality.

164 Sec. 6. Subsection (a) of section 23-81 of the general statutes is  
165 repealed and the following is substituted in lieu thereof (*Effective from*  
166 *passage*):

167 (a) As used in this section [,] and section 23-81a, [and section 16a-27,]  
168 "Connecticut Heritage Area" means a place within the state that has  
169 been identified by the General Assembly as having significant historic,  
170 recreational, cultural, natural and scenic resources that form an  
171 important part of the state's heritage.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-27
Sec. 2	<i>from passage</i>	16a-28
Sec. 3	<i>from passage</i>	16a-29
Sec. 4	<i>from passage</i>	16a-30(a)
Sec. 5	<i>from passage</i>	8-23(f)
Sec. 6	<i>from passage</i>	23-81(a)

*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill results in no fiscal impact as the Office of Policy and Management and the Department of Energy and Environmental Protection have the resources necessary to meet the bill's new timeline and requirements for the State Plan of Conservation and Development.

House "A" makes various changes to the requirements for the State Plan of Conservation and Development that do not result in a fiscal impact.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None



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**OLR Bill Analysis****sHB 6647 (as amended by House "A")\******AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT.*****SUMMARY**

This bill changes the timeline for revising the State Plan of Conservation and Development (POCD), generally giving the Office of Policy and Management (OPM) secretary more time to complete revisions while maintaining existing law's final deadline for submitting it to the Continuing Legislative Committee on State Planning and Development (Continuing Committee). The bill changes the timeline, which has specific dates in statute, for the immediate upcoming POCD as well as for future POCDs.

Current law specifies numerous considerations and components that each revised POCD must address and include. The bill eliminates these requirements and instead replaces them with broader requirements still generally aimed at establishing the state's long-term goals for sustainable conservation and development.

Every five years, OPM through its secretary prepares revisions to the POCD. After OPM conducts the revision process, it must submit a final proposed plan to the Continuing Committee, which, after a public hearing, can recommend the General Assembly approve or disapprove it. Under the bill, if the legislature fails to approve the plan before the end of a regular session, the plan is deemed approved and takes effect upon adjournment sine die. Once the POCD takes effect, it is implemented by state agencies whenever they take certain actions (CGS § 16a-24 et seq.).

The bill also makes technical and conforming changes.

\*House Amendment "A" (1) eliminates provisions in the underlying bill requiring the plan to promote equity in the development goals, priorities, and objectives it sets and (2) adds the provision deeming the plan effective at the end of a regular session, if the legislature has not approved it by then.

EFFECTIVE DATE: Upon passage

#### **§§ 2-4 — POCD REVISED TIMELINE**

The bill changes the timeline for revising the POCD before it is submitted to the legislature for final approval. Under the bill, the OPM secretary has an additional three months to submit the preliminary draft of the POCD to the Continuing Committee for its initial feedback. After its submission, the bill requires the secretary to wait at least two months before revising the plan, rather than three as under current law. Under the bill, the deadline for sharing the revised draft POCD with the public occurs later in the revision year, by May 1, rather than March 1, as under current law. (The revision year is the year before the plan is expected to be adopted.)

The bill also changes the requirements for the public comment period. Under current law, the secretary has up to five months after publishing the revised draft to hold public hearings, in cooperation with regional councils of governments (COGs), to solicit comments. The bill eliminates the requirement that the secretary hold hearings and instead requires the secretary, within three months after publishing the revised draft, to (1) submit it to COGs so that they may solicit comments on it, and (2) request public comment as the secretary sees fit.

As under existing law, the secretary generally must submit a final draft plan to the Continuing Committee by November 1, at the latest. (As under existing law, the OPM secretary must submit the final proposed 2025-2030 POCD to the Continuing Committee by December 1, 2024.)

As under existing law, the (1) Continuing Committee, after a public

hearing, can recommend the General Assembly approve or disapprove it and (2) plan takes effect when the General Assembly approves it by a majority vote. Additionally, under the bill, if the legislature fails to approve the plan before the end of a regular session, the plan is deemed approved and takes effect upon adjournment sine die.

The table below compares the POCD revision timelines in current law and the bill.

**Table: POCD Revision Timeline Under Current Law and the Bill**

<b>Step in Revision Process</b>	<b>Current Law</b>	<b>Bill</b>
OPM secretary submits preliminary POCD draft to the Continuing Committee	By September 1 of prerevision year (For upcoming plan by September 1, 2023)	By December 1 of prerevision year (For upcoming plan by December 1, 2023)
Secretary revises plan as deemed appropriate	After December 1 of prerevision year (For upcoming plan by December 1, 2023)	After February 1 of revision year (For upcoming plan by February 1, 2024)
Secretary publicly publishes draft plan	By March 1 of revision year (For upcoming plan by March 1, 2024)	By May 1 of revision year (For upcoming plan by May 1, 2024)
Secretary provides for public comment	Within five months after plan is published, secretary must hold public hearings to solicit public feedback in cooperation with COGs	Within three months after plan is published, secretary solicits public comments and forwards plan to COGs to solicit comments
Secretary submits final revised plan to Continuing Committee (applicable to plans subsequent to the 2025-2030 POCD)	Within three months of public comment period ending (November 1 of the revision year, at the latest)	Within six months of draft's publication (November 1 of the revision year, at the latest)

**§ 1 — POCD’S COMPONENTS**

Current law specifies numerous considerations and components the POCD must address and include. The bill eliminates these requirements and replaces them with other considerations and components, as described below.

***Eliminated Components***

Since the 2005-2010 POCD, the plan has been structured around “growth management principles” for managing the state’s physical development. The bill eliminates the requirement that for each growth management principle, the plan set three benchmarks to measure progress, one of which is a financial benchmark.

It also eliminates a requirement that each policy the POCD recommends is ranked and delegated to an entity for implementation under a schedule the plan sets. The bill correspondingly eliminates a requirement that the plan (1) estimate funding needed to implement the policies and (2) identify potential funding sources.

The bill also eliminates a requirement that each POCD describe the progress made toward achieving the previously adopted POCD’s goals and objectives.

The bill also eliminates requirements that the POCD:

1. consider (a) economic and community development needs and patterns of commerce, and (b) the link between affordable housing and land use objectives and transportation systems;
2. identify areas where it is prudent and feasible to (a) have compact, transit-accessible, pedestrian-oriented, mixed-use development patterns and land reuse and (b) promote these development patterns and land reuse;
3. (a) consider risks associated with natural hazards, including, but not limited to, flooding, high winds, and wildfires; (b) identify their potential impacts on infrastructure and property; and (c) make recommendations for the siting of future infrastructure and property development to minimize the use of areas prone to natural hazards;
4. (a) consider risks associated with increased coastal flooding and erosion, depending on site topography, as anticipated in the most recent the sea level change scenario for the state; (b) identify their

- impact on infrastructure and natural resources; and (c) recommend where to site future infrastructure and property development to minimize the use of areas prone to flooding and erosion;
5. consider (a) the protection and preservation of Connecticut Heritage Areas; (b) state water supply and resource policies, including the state's list of drinking water sources that require protection; and (c) the state's greenhouse gas reduction goals;
  6. consider municipalities' need for technology infrastructure;
  7. identify corridor management areas on either side of a limited access highway or a rail line, and in doing so, (a) promote land use and transportation options reducing increasing traffic congestion; (b) connect infrastructure and other development decisions; (c) promote development that minimizes new infrastructure facilities' cost and maximizes reuse; and (d) increase intermunicipal and regional cooperation; and
  8. consider conservation and development of greenways that have been designated by municipalities and recommend that state agencies coordinate their efforts to support the development of a state-wide greenways system.

The bill correspondingly eliminates a requirement that the energy and environmental protection commissioner identify state-owned land for inclusion in the POCD as potential components of a state greenways system.

It also eliminates a requirement that the plan identify priority funding areas (PFAs). But existing law, unchanged by the bill, requires the OPM secretary to consult with stakeholders and officials to map boundaries for PFAs. Furthermore, the boundary recommendations are submitted with the POCD for legislative approval (CGS §§ 16a-25(9) & 16a-35c(b)).

**Required Components**

The bill replaces the above-described requirements with new ones. Specifically, the bill requires the POCD to:

1. identify goals, priorities, and objectives for the physical, social, and economic development of the state for the next five years;
2. consider conditions and emerging developments and the overall impact of plans, policies, and programs implemented by state agencies on sustainable conservation and development, in order to set coordinated and measurable objectives for state investment and action;
3. establish guidelines for intergovernmental coordination between the state, regional COGs, and municipalities in the implementation of plans, policies, programs, and projects consistent with these goals, priorities, and objectives;
4. set guidelines for the prioritization and allocation of state and federal funds consistent with these goals, priorities, and objectives; and
5. promote economic and environmental resiliency in planning for, and responding to, the effects of climate change.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 13    Nay 8    (03/08/2023)