

Developing a New Process for Updating the Conservation & Development Policies Plan for Connecticut (C&D Plan)

Workshop sponsored by NWCCOG and
the Office of Policy & Management

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State C&D Plan Overview

- CGS Sec. 16a-24 – 16a-35h; 5-yr. revision cycle
- Mandatory consistency for state-sponsored actions; Advisory to municipalities and RPOs
- Incentive-based approach to encourage local land use decisions that are consistent with C&D Plan policies
- C&D Plan comprises policies contained in both the Plan text and the Locational Guide Map
- Statutory interim change process designed to address modifications between 5-yr revisions
- Current plan adopted by General Assembly in 2005

New C&D Plan Requirements

- PA 05-205
 - “Priority Funding Areas”
 - “Corridor Management Areas”
 - “Growth-Related Projects”
 - “Funding” – Defined as any form of assurance, guarantee, grant payment, credit, tax credit or other assistance, including a loan, loan guarantee, or reduction in the principal obligation of or rate of interest payable on a loan or a portion of a loan
 - Enhanced consistency among state, regional and municipal POCDs through six Growth Management Principles

New C&D Plan Requirements (cont.)

- PA 08-182
 - For each policy in the C&D Plan, (A) assign a priority; (B) estimate funding for implementation and identify potential funding sources; (C) identify each entity responsible for implementation; and (D) establish a schedule for implementation
 - For each Growth Management Principle, determine three benchmarks to measure progress in implementation of the principles, one of which shall be a financial benchmark

New C&D Plan Requirements (cont.)

- PA 09-230
 - Defines “Principles of Smart Growth”
 - Delays C&D Plan by 2 years, from 2010 to 2012
 - Requires Continuing Committee to study and report on process for updating C&D Plan and incorporating Principles of Smart Growth
- PA 10-138
 - Delays C&D Plan by one additional year, to 2013
 - Relieves municipal planning commissions from obligation to prepare a 10-year update to the local POCD between July 1, 2010 and June 30, 2013 and suspends the disqualification provision regarding discretionary state funding until July 1, 2014
 - Requires OPM to develop a “cross-acceptance” process

2013-2018 C&D Plan Timeline

- **January 2011** – OPM recommends a process for “Cross-Acceptance” to the Continuing Legislative Committee on State Planning and Development
- **September 2011** – OPM submits an initial draft plan to the Continuing Committee
- **March 2012** – OPM publishes a “public” draft plan based on feedback from the Continuing Committee
- **March – August 2012** – OPM conducts public hearings in cooperation with RPOs

2013-2018 C&D Plan Timeline (cont.)

- **December 2012** – OPM submits its recommended Draft C&D Plan to Continuing Committee for consideration
- **2013 Legislative Session** - Continuing Committee holds a public hearing on Draft C&D Plan, prior to making its own recommendation to the General Assembly for approval or disapproval

Cross-Acceptance Process

- PA 10-138 defines cross-acceptance as “a process by which planning policies of different levels of government are compared and differences between such policies are reconciled with the purpose of attaining compatibility between local, regional and state plans”
- OPM is directed to consider as a guideline the New Jersey Cross-Acceptance Manual when it develops a new process for revising the C&D Plan

Cross-Acceptance Process (cont.)

PA 10-138 requires the new process to incorporate:

- 1) public outreach and the solicitation of public opinion on a preliminary state plan;
- 2) the comparison of a preliminary state plan with regional and local plans;
- 3) the negotiation of the preliminary state plan with the purpose of obtaining consistency between local, regional and state plans;
- 4) the production of a written statement specifying areas of agreement and disagreement and areas requiring modification by parties to the negotiation; and
- 5) the drafting and reviewing of a final state plan.

Public Outreach

- In NJ, each “negotiating entity” (typically a county planning board) is responsible for developing a public participation plan. How should CT conduct its public outreach in order to facilitate a bottom-up approach to developing the next C&D Plan?
- Who is the target audience?
- Based on the C&D Plan timeline, when should public outreach begin?

Comparing Plans

- In NJ, “negotiating entities” are responsible for comparing local, county and regional plans and preparing a report with recommendations on statewide planning objectives for the State Plan. Given CT’s home rule authority, how should municipalities and RPOs coordinate their review and comments on the C&D Plan relative to their own plans?
- If a municipality elects to delay its POCD between 7/1/10 and 6/30/13, how might this impact the plan comparison process?
- Since consistency with the C&D Plan is only mandatory for certain state agency actions (it is advisory to regional and local POCDs), what are the pros/cons of plan comparison?
- How critical is uniform data sharing (particularly GIS data) in facilitating the effective comparison among different levels of plans?

Negotiating Plans

- In NJ, “negotiating entities” compare local plans and policies with the Preliminary State Plan and negotiate with the State Planning Commission’s negotiating committee to reconcile differences between plans. What local or regional entities in CT should be authorized to negotiate on the C&D Plan?
- Since CT does not have a State Planning Commission, to whom should the negotiating entity report on the C&D Plan?
- When should the negotiating process begin?
- Given the C&D Plan timeline, how much time might be required for local approvals?

Written Statements

- In NJ, the negotiating process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the negotiations. In CT, should such a statement identifying specific areas of disagreement be a prerequisite for filing a municipal interim change application?
- CT statutes also allow private property owners to apply for interim changes to the C&D Plan. Should the property owner be required to go through a cross-acceptance process at the local/regional level before the application is acted on by the Continuing Legislative Committee on State Planning and Development?

Plan Adoption

- In NJ, the State Planning Commission considers the draft Final State Plan for adoption within 60 days of the last public hearing. In CT, OPM produces a recommended draft C&D Plan, based on input from regional public hearings, and submits for legislative approval. How can the Continuing Committee's required public hearing on the C&D Plan be incorporated into the formal cross-acceptance process?
- In NJ, each negotiating entity is eligible for a state grant to help facilitate the comparison and negotiation of their planning policies. Can cross-acceptance in CT be accomplished within the existing resources of municipal, regional and state agencies?