

2013-2018 Conservation & Development Policies: The Plan for Connecticut

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CT's Planning Framework

State statutes include three separate, yet related, requirements for integrated planning among municipal, regional and state entities:

- Each municipal planning/P&Z commission must adopt a plan of conservation and development (POCD) at least once every 10 years.
- Each Regional Council of Governments prepares a regional POCD at least once every 10 years.
- OPM prepares the State C&D Plan every 5 years and submits to General Assembly for consideration of adoption.
 - State agencies must be consistent with the State C&D Plan when they undertake certain actions using state or federal funds and when they prepare agency plans required under state or federal law.

State C&D Plan Revision, Adoption and Implementation Process

- CGS Chapter 297 established a process for the revision, adoption, implementation and amendment of the State C&D Plan
 - Supplemented by the cross-acceptance requirement of Public Act 10-138 to bring greater compatibility between local, regional and state plans
- State C&D Plan is developed by OPM, adopted by the General Assembly, and implemented by State Agencies
- State agencies must determine the consistency of their proposed actions with the State C&D Plan whenever they undertake any of the following actions using state or federal funds (>= \$200k):
 - The acquisition of real property;
 - The development or improvement of real property;
 - The acquisition of public transportation equipment or facilities;
 - The authorization of state grants for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.

Growth Management Principles

1. Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure
2. Expand Housing Opportunities and Design Choices To Accommodate a Variety of Household Types and Needs
3. Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options
4. Conserve and Restore the Natural Environment, Cultural and Historical Resources, and Traditional Rural Lands
5. Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety
6. Promote Integrated Planning Across All Levels of Government to Address Issues on a Statewide, Regional and Local Basis

Legislative Endorsement Letter

- “...no state agency will use the Locational Guide Map, by itself, to determine the consistency of a proposed state action with the State Plan.”
- Formal role of Map is to identify whether or not a “growth-related project” is in a Priority Funding Area (PFA).
- Growth-related projects outside of PFAs can be funded if they meet the statutory exception process.

What is a Growth-Related Project?

- A growth-related project is defined similarly to any proposed action that is subject to a determination of consistency with the State C&D Plan,

EXCEPT for:

- Maintenance/repairs to existing facilities, acquisition of land for public safety telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation and historic easements;
- funding for certain single or multi-family housing projects and projects that promote fair housing choice and racial and economic integration;
- projects at existing facilities needed to comply with state environmental or health laws or regulations;
- school construction projects funded by the Department of Education; and
- libraries, municipally owned property or public buildings used for government purposes.

Priority Funding Areas (PFAs)

- State agencies have the following new PFA requirements, which took effect following the General Assembly's adoption of the 2013-2018 C&D Plan:
 - CGS Sec. 16a-35d(a): Agencies shall only provide funding for **growth-related projects** located within PFAs, unless the project meets the exception criteria listed in CGS Sec. 16a-35d(b) and the OPM Secretary has granted his approval
 - CGS Sec. 16a-35d(c): Agencies shall prepare an annual report describing any grants made for growth-related projects outside of PFAs
 - CGS Sec. 16a-35e: Agencies shall cooperate with municipalities to ensure that programs and activities in rural areas sustain village character
 - CGS Sec. 16a-35f: Agencies shall review their respective regulations and modify them to carry out coordinated management of growth-related projects in PFAs

Role of Municipal POCD

- CGS Sec. 8-23(b) states that any municipality that fails to update its POCD within the required 10-year period shall be ineligible for discretionary state funding, unless such prohibition is expressly waived by the OPM Secretary.
- In order to be considered for a PFA exception under CGS Sec. 16a-35d, the proposed state action must be consistent with the municipal POCD and meet certain other criteria.

PFA Exceptions

- Growth-related projects not located in a PFA may be funded by an agency, with the approval of the OPM Secretary, upon determination that such project is consistent with the municipal POCD **and** that such project:
 - 1) enhances other activities targeted by state agencies to a municipality within the PFA
 - 2) is located in a distressed municipality, targeted investment community, or public investment community
 - 3) supports existing neighborhoods or communities
 - 4) promotes the use of mass transit
 - 5) provides for compact, transit accessible, pedestrian-oriented mixed use development patterns and land reuse and promotes such development patterns and land reuse
 - 6) creates an extreme inequity, hardship or disadvantage that clearly outweighs the benefits of locating the project in a PFA if such project were not funded
 - 7) has no reasonable alternative for the project in a PFA in another location
 - 8) must be located away from other developments due to its operation or physical characteristics, **or**
 - 9) is for the reuse or redevelopment of an existing site

Locational Guide Map Criteria

- Priority Funding Areas are classified by Census Blocks that include:
 - Designation as an Urban Area or Urban Cluster in the 2010 Census
 - Boundaries that intersect a ½ mile buffer surrounding existing or planned public transportation facilities
 - Existing or planned sewer service
 - Existing or planned water service
 - Local bus service

Locational Guide Map Criteria

- Conservation Areas include:
 - Core Forest Areas Greater than 250 acres (2006 Land Cover)
 - Existing or potential drinking water supply watersheds
 - Aquifer Protection Areas
 - Wetland Soils greater than 25 acres
 - Undeveloped prime, statewide important, or locally important agricultural soils greater than 25 acres
 - Category 1, 2, or 3 Hurricane Inundation Zones
 - 100-year Flood Zones
 - Critical Habitats
 - Any Local Conservation Priorities requested by municipalities

Locational Guide Map Criteria

- **Balanced Priority Funding Areas**
 - Includes criteria from both Priority Funding Areas and Conservation Areas
- **Village Priority Funding Areas**
 - Intended to recognize the unique characteristics and development needs of rural municipalities to sustain village character
- **Undesignated Areas**
 - Includes none of the criteria necessary to be delineated as either Priority Funding Area or Conservation Area

How Agencies Implement the C&D Plan

- Is the proposed state action required to be consistent with the State C&D Plan per CGS Sec. 16a-31a?
 - If no, then sponsoring agency may proceed without further consideration of the C&D Plan
 - If yes, then sponsoring agency proceeds to **document** how the proposed action is either consistent or inconsistent with the C&D Plan and its Growth Management Principles
- Is the proposed state action a “growth-related project” per CGS Sec. 16a-35c(a)(2)?
 - If no, then sponsoring agency may proceed without further consideration of the Locational Guide Map
 - If yes, then sponsoring agency proceeds to determine whether or not the proposed action is located in a PFA on the Locational Guide Map
 - If located outside a PFA, sponsoring agency may undertake PFA exception process at its discretion

How Agencies Apply the Map

- **Priority Funding Area (PFA):** Growth-related projects may proceed without an exception
- **Balanced PFA:** Growth-related projects may proceed without an exception, if the sponsoring agency documents how it will address any potential policy conflicts re: Conservation Area criteria
- **Village PFA:** Growth-related projects may proceed without an exception, if the sponsoring agency documents how it will help sustain village character
- **Conservation Area:** Growth-related projects may proceed with an exception*
- **Undesignated Area:** Growth-related projects may proceed with an exception*

*Note: CGS Section 16a-35d describes the process for determining eligibility for PFA exceptions.

Considerations Going Forward

- Importance of Municipal POCD
 - Timely adoption ensures eligibility for discretionary state funding
 - Key role in PFA exception process
 - Conduit for horizontal consistency among local land use commissions
- Role of Regional Councils of Governments (COGs), with regard to Regional POCD and GIS data coordination
- Improving transparency between State C&D Plan and CEPA statutory requirements (i.e., why vs. how)