



# STATE OF CONNECTICUT

## OFFICE OF POLICY AND MANAGEMENT

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### TESTIMONY PRESENTED TO THE CONTINUING LEGISLATIVE COMMITTEE ON STATE PLANNING and DEVELOPMENT

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Office of Policy and Management

Testimony Regarding the *Draft 2013-2018 Conservation and Development Policies:  
The Plan for Connecticut*

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Senator Cassano, Representative Rojas and distinguished members of the Continuing Legislative Committee on State Planning and Development (Continuing Committee), thank you for the opportunity to present testimony in support of the *Draft 2013-2018 Conservation and Development Policies: The Plan for Connecticut* (Draft C&D Plan).

Since the General Assembly adopted the 2005-2010 C&D Plan eight years ago, there have been considerable changes in Connecticut's planning statutes that resulted in the Office of Policy and Management (OPM) taking a fresh approach to preparing this Draft C&D Plan. I can assure you that OPM has made every effort to address the new statutory requirements, as well as the Continuing Committee's expectations associated with the voluntary cross-acceptance process, as summarized below:

- Public Act 05-205 established new priority funding area (PFA) requirements, which were intended to be effective upon adoption of the 2010-2015 C&D Plan. The PFA legislation was codified in Chapter 297a of the Connecticut General Statutes (CGS). In addition, the Act amended municipal planning statutes to encourage planning commissions to identify local PFAs when considering revisions to the municipal plan of conservation and development (CGS Section 8-23(f)(7)).
- Public Act 07-239 established a new requirement for municipalities to adopt an updated plan of conservation and development at least once every ten years, or otherwise be deemed ineligible for discretionary state funds (CGS Section 8-23(b)). Although this provision was originally set to take effect on July 1, 2010, Public Act 10-138 subsequently delayed its effective date until July 1, 2014.
- Public Act 08-182 established new requirements for OPM to develop benchmarks and performance indicators for measuring the state's progress in implementing the C&D Plan (CGS Section 16a-27(e)).
- Public Act 09-230 delayed the next C&D Plan by two years, required the Continuing Committee to study the state plan of conservation and development, and defined "principles of smart growth". The Continuing Committee held a series of meetings in 2009 to address the requirements of Section 2 of this Act, which resulted in passage of Public Act 10-138.
- Public Act 10-138 delayed the C&D Plan by an additional year and required OPM to prepare a report on a new process for the revision, adoption, implementation and amendment of the C&D Plan. After conducting appropriate research and outreach, OPM submitted its report to the Continuing Committee in January 2011 and began implementing the new cross-acceptance process, to ensure a more bottom-up approach to revising the C&D Plan.

The new cross-acceptance process was designed to fit within the existing statutory timetable under which OPM is required to prepare the Draft C&D Plan. For example, prior to preparing the initial Draft C&D Plan, OPM conducted early outreach as summarized in Attachment B of the revised Draft C&D Plan. OPM submitted the initial Draft C&D Plan to the Continuing Committee for a 90 day review period in December 2011 (CGS Section 16a-28(a)).

Concurrent with the Continuing Committee's 90 day review period, OPM conducted regional plan comparison workshops as summarized in Attachment C of the revised Draft C&D Plan. Following these workshops, 136 municipalities and 14 regional planning organizations (RPOs) conducted a voluntary review and assessment of the extent to which their municipal and regional plans were in conformity with the policies of the initial Draft C&D Plan. None of the participating municipalities and RPOs noted any significant concerns with the state policies.

After completing the plan comparison exercise, OPM produced the second Draft C&D Plan for public review and comment in April 2012 (CGS Section 16a-28(b)). This second draft included OPM's initial recommendation for the delineation of PFAs. Due to interest in the Draft C&D Plan's Locational Guide Map (LGM) and the new PFA requirements, OPM conducted a series of LGM workshops, in addition to the required public hearings, over the ensuing five month period as summarized in Attachment D of the revised Draft C&D Plan (CGS Section 16a-28(c)).

Following the conclusion of its public hearings, OPM took the unprecedented step of documenting each public comment that required action and posted responses to such comments on its website. (Note: OPM did not document the numerous favorable comments, since no response was necessary.) OPM subsequently made necessary revisions to the plan text and LGM, then submitted the third Draft C&D Plan to the Continuing Committee prior to the start of the 2013 legislative session (CGS Section 16a-29).

While some may continue to focus on differences between the LGM and local land use maps, I would like to reiterate that the new PFA requirements actually minimize the role of the LGM when a state agency determines the consistency of a proposed action – thereby reducing the likelihood of future interim changes to the LGM. I am confident that the criteria used by OPM to delineate the initial boundaries of PFAs will not only allow for more effective implementation of the Draft C&D Plan by state agencies upon its approval, but it will also foster a more bottom-up and transparent process given the statutory exception provisions of CGS Section 16a-35d that emphasize a proposed project's consistency with the municipal plan of conservation and development.

I believe existing state statutes provide the incentive for more robust municipal and regional plans of conservation and development that can better inform OPM with regard to refining the boundaries of PFAs when those plans are updated in the future. In the meantime, OPM is open to accommodating municipal requests for LGM changes to the extent that such changes meet the established statewide criteria.

Please note that OPM submitted related testimony opposing HB 5968, *An Act Clarifying the State Plan of Conservation and Development*. In its testimony, OPM cites the Continuing Committee's current role under CGS Section 16a-30, and new language that was specifically added to the third Draft C&D Plan, as the basis for not pursuing legislative clarification of the role of the plan and its LGM relative to state and municipal government and private interests.

On a final note, I want you to know that my staff is available to assist the Continuing Committee and members of the General Assembly in the coming weeks, so that you can fulfill your responsibilities under CGS Section 16a-30. I would like to again thank the Continuing Committee for the opportunity to present this testimony.