



# STATE OF CONNECTICUT

## OFFICE OF POLICY AND MANAGEMENT

January 25, 2011

Members of the Continuing Legislative Committee on  
State Planning and Development:

The Honorable Steve Cassano, Co-Chair  
The Honorable Linda M. Gentile, Co-Chair  
The Honorable Leonard A. Fasano, Ranking Member  
The Honorable William Aman, Ranking Member

Dear Senators and Representatives:

In accordance with Section 1 of Public Act No. 10-138, I hereby submit the attached report prepared by the Office of Policy and Management (OPM). The report presents a draft of a new process for the revision, adoption, implementation and amendment of the Conservation and Development Policies Plan for Connecticut (State C&D Plan).

The new process is designed to fit within the existing statutory framework, and it does not create any new unfunded mandates on municipalities. OPM intends to begin implementing this new process immediately, so that it can meet the first statutory milestone of submitting the initial Draft 2013-2018 State C&D Plan for your preliminary review by September 1, 2011.

I want to assure you that OPM is committed to a process that is robust and transparent, and provides all municipalities, regional planning organizations, state agencies, and the public with ample opportunities to participate.

If you have any questions or would like to discuss this new process in greater detail, please contact Daniel Morley at (860) 418-6343 or [Daniel.Morley@ct.gov](mailto:Daniel.Morley@ct.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Barnes".

Benjamin Barnes  
Secretary

Attachment

**Draft Process for the Revision, Adoption,  
Implementation and Amendment of the Conservation  
and Development Policies Plan for Connecticut**

In accordance with Section 1 of Public Act No. 10-138

An Act Concerning the State Plan of Conservation and Development  
and Dissolving the Wolcottville School Society

January 25, 2011

Prepared by the Office of Policy and Management for the  
Continuing Legislative Committee on State Planning and Development

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## **Summary**

Land is a limited resource that must be managed effectively in order for each municipality to meet the current and future needs of its residents. Connecticut's strong Home Rule authority provides cities and towns with control over most land use decisions. However, state infrastructure plans and capital investments can sometimes influence local land use decisions, such as when a proposed project might require state assistance for transportation facilities, public water supply and sewer service, sewage treatment plant upgrades, and property acquisitions for open space or other restricted development purposes.

The framework for coordinating the unique planning functions of municipalities, regional planning organizations (RPOs), and state agencies is established in the Connecticut General Statutes (CGS). Coordination among the different levels of government is particularly important when state assistance or approvals are required to expedite a proposed joint public-private project. Projects that emanate from a coordinated planning process typically strive to leverage past or planned future state capital investments in a manner that compliments the regional growth strategy. Conversely, local land use decisions that do not fully consider broader regional goals and statewide policies can create costly and unplanned expansion of infrastructure or result in potential impacts to regionally significant resources. Such decisions may also entail an inherent expectation for new state capital investment to help minimize the impact on local taxpayers by spreading the burden across all taxpayers.

In order for local land use goals to be coordinated within the context of a regional growth strategy, it is essential that municipalities, RPOs and the public have ample opportunity to participate in the state planning process. That process is guided by the Conservation and Development Policies Plan for Connecticut (State C&D Plan), which serves as a comprehensive statement of the development, resource management and public investment policies for the state. The State C&D Plan is framed around six Growth Management Principles and includes a Locational Guide Map component that helps depict the conservation and development priorities of the state.

State agencies are required to be in conformity with the State C&D Plan when they undertake certain actions using state or federal funds, as well as when they prepare any plans required under state or federal law. Typical actions for which state agencies must make conformity determinations include any purchase or acquisition of real property, transportation equipment or facilities, or grants in excess of \$200,000 for the acquisition, development or improvement of real property. Agency actions that address immediate public health and safety concerns are exempt from the conformity requirement.

The State C&D Plan is prepared on a recurring five-year cycle, whereas municipal and regional plans of conservation and development are prepared at least once every ten years. State statutes do not require municipal, regional and state *plans* to be consistent with one another. However, since most state agency-sponsored *actions* are required to be consistent with the State C&D Plan, there is a general perception that the State C&D Plan process tends to be top-down.

## **Reporting Requirement**

This report fulfills the requirements specified in Section 1 of Public Act No. 10-138, *An Act Concerning the State Plan of Conservation and Development and Dissolving the Wolcottville School Society*. The Act directs the Office of Policy and Management (OPM) to develop a new process for the revision, adoption, implementation and amendment of the State C&D Plan, and to submit a draft of such process to the Continuing Legislative Committee on State Planning and Development (Continuing Committee) by January 5, 2011. The Act also directs OPM to consider as a guideline the Cross-Acceptance Manual approved by the New Jersey State Planning Commission.

Public Act 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.” Specifically, the new process must incorporate:

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

In order to gain a better understanding of New Jersey’s cross-acceptance process, and to analyze the potential implications of such a process on Connecticut’s municipalities, RPOs and state agencies, OPM staff undertook the following steps leading up to the preparation of this report:

- On June 21, 2010, OPM staff met with the former Deputy Executive Director of the New Jersey Office of State Planning, the former Acting Director and Manager of Plan Implementation for the New Jersey Office of Smart Growth, and other staff from the Regional Plan Association to compare and contrast the planning processes in New Jersey and Connecticut.  
Note: In July 2010, New Jersey Governor Christie announced that the Office of Smart Growth would be brought under the purview of the Lieutenant Governor and renamed the Office of Planning Advocacy;
- In September 2010, OPM commissioned a survey of municipalities to get a better understanding of the range of municipal planning capabilities (see Appendix A). The survey indicated, among other things, that workshops convened by RPOs were the preferred method of outreach; and
- In November and December 2010, OPM conducted a series of workshops in cooperation with the 15 RPOs (see Appendix B). At each workshop, OPM staff provided an overview of New Jersey’s cross-acceptance process and helped to facilitate discussion among audience members.

OPM's findings from the above efforts comprise the basis for this report's recommended process by which the next State C&D Plan should be prepared. OPM intends to utilize this new process to meet its reporting requirements under Sections 2 through 4 of Public Act 10-138 which include:

- September 1, 2011 – Submit an initial draft of the 2013-2018 State C&D Plan to the Continuing Committee for its review and comment;
- March 1, 2012 – Publish a revised draft 2013-2018 State C&D Plan and conduct public hearings over the next five months; and
- December 1, 2012 – Submit OPM's recommended Draft State C&D Plan to the Continuing Committee. The Continuing Committee must conduct a public hearing on the plan within 45 days of the start of the 2013 legislative session, and submit its recommendation to the full General Assembly for consideration of adoption.

### **Connecticut's Planning Statutes**

There are currently three separate, yet related, statutory requirements for the periodic preparation of plans of conservation and development by municipalities, RPOs, and the state. The specific planning requirements for each level of government are outlined in CGS Section 8-23, Section 8-35a, and Section 16a-24 through Section 16a-35j, respectively. While the coordination of planning functions among the different levels of government has been a topic of debate over the years, current statutes do not mandate consistency among municipal, regional and state plans of conservation and development.

However, existing state statutes do promote a broad framework for integrated planning by requiring the following: 1) municipalities and RPOs must note any inconsistencies between their plan revisions and the six growth management principles which serve as the foundation of the State C&D Plan (although they are not required to reconcile any inconsistencies); 2) municipalities must submit any draft plan revisions to their respective RPO for a review of consistency with the regional and state plans, as well as the plans of other towns in the region, and 3) proposed regional plan revisions must be reviewed by OPM to determine if such plans are "not inconsistent" with the State C&D Plan and the State Economic Strategic Plan. With regard to item 3, OPM is required to promulgate regulations by October 1, 2011, outlining procedures for a uniform review of regional plans.

### **New Statutory Requirements for the State C&D Plan**

While the focus of this report is on a new *process* for the revision, adoption, implementation and amendment of the State C&D Plan, there have been a number of other new legislative requirements that will affect the *scope* of the next plan revision.

In particular, Section 16a-35b through Section 16a-35j of the Connecticut General Statutes (Chapter 297a) **expands the definition of "funding"** to include "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", as well as require OPM to

develop recommendations for the **delineation of boundaries of “Priority Funding Areas”** within the provisions afforded to **“growth-related projects”**. OPM recognizes that there needs to be a focus on better integration of the Locational Guide Map policies with the State C&D Plan’s Growth Management Principles in order to more clearly portray the conservation and development priorities of the state.

Another significant new requirement is the need for OPM to identify various **policy and fiscal-oriented performance indicators** for measuring progress in implementing the State C&D Plan, pursuant to CGS Section 16a-27(e). Although not directly related to the State C&D Plan revision process, OPM is also required by CGS Section 16a-4c to conduct an **analysis of the boundaries of logical planning regions** and to issue its findings by January 1, 2012. The outcome of that analysis, as well as any subsequent OPM-administered appeals process, could potentially complicate the good-faith efforts of all affected parties to implement the new process for the revision, adoption, implementation and amendment of the State C&D Plan.

In summary, many of the current unknown variables associated with the new legislative requirements will likely be resolved over the course of the 2013-2018 State C&D Plan revision schedule. OPM is confident that it can meet all statutory milestones associated with that schedule, so that the General Assembly can consider the State C&D Plan revision for adoption during the 2013 legislative session.

#### **Existing Process for Preparing the State C&D Plan**

Prior to analyzing New Jersey’s “cross-acceptance” process in greater detail, it is important to understand the history of Connecticut’s current process for the revision, adoption, implementation and amendment of the State C&D Plan.

In 1971, House Joint Resolution No. 40 called for the development of a state plan of conservation and development. A plan was published on September 27, 1974, and it served as the official policy for the Executive Branch in matters pertaining to land and water resource conservation and development, in accordance with Executive Order No. 28.

In 1976, the General Assembly established a process for direct legislative participation in the preparation, adoption, and implementation of the State C&D Plan. That process, as amended from time to time, is codified in Section 16a-24 through Section 16a-33 of the Connecticut General Statutes (Chapter 297). These statutes direct OPM to administer the State C&D Plan revision process over a recurring 5-year cycle, under the oversight of the Continuing Committee.

The first State C&D Plan was prepared by OPM and adopted by the General Assembly in 1979, with subsequent revisions adopted by the General Assembly in 1983, 1987, 1992, 1998, and 2005. The current plan covers the period 2005-2010, but it will remain in effect until the next anticipated revision in 2013 (per Public Act 09-230, as amended by Public Act 10-138).

In accordance with the legislative timeline for preparing the State C&D Plan, OPM has traditionally implemented the following administrative outreach process:

- Prior to submitting the initial Draft C&D Plan due to the Continuing Committee by September 1<sup>st</sup> of the pre-revision year (CGS Sec. 16a-28(a)), OPM solicits early informal input from municipal chief executive officers, town planners and/or zoning officials, and RPO directors with regard to their local and regional plans and municipal zoning regulations;
- After receiving input and direction from the Continuing Committee, OPM coordinates with affected state agencies on preparing a revised Draft C&D Plan by March 1<sup>st</sup> of the revision year (CGS Sec. 16a-28(b)), and posts the Plan on its website;
- Between March 1 and August 1, OPM conducts regional public hearings on the Draft C&D Plan (CGS Sec. 16a-28(c)), and provides a written response to formal comments received.
- OPM prepares any subsequent revisions following the public comment period and submits the revised Draft C&D Plan to the Continuing Committee for its approval, revision or disapproval, in whole or in part (CGS Sec. 16a-29).

Once the State C&D Plan revision is adopted by the General Assembly in accordance with CGS Section 16a-30, state agencies proceed to implement the Plan pursuant to CGS Section 16a-31. CGS Section 16a-32 provides a mechanism for amending the Plan in between the prescribed five-year revision cycles, and it also requires that OPM report annually by February 15<sup>th</sup> on the extent to which state actions are in conformity with the Plan.

### **Review of New Jersey’s “Cross-Acceptance” Process**

The drafting and adoption of the State Development and Redevelopment Plan is overseen by the New Jersey State Planning Commission which is composed of 17 members representing State agencies, municipalities, and the public. The New Jersey Cross-Acceptance process consists of four major components similar to those which OPM is required to address in Public Act 10-138;

1. Public Outreach
2. Comparing State, Regional, County, and Municipal Plans
3. Negotiating plans, including the production of written statements of agreements/disagreements
4. Adopting the final State Plan

Overall, the process takes approximately 15 months following the release of the Preliminary State Plan.

The key participants in New Jersey’s cross-acceptance process are the State Planning Commission and the designated “negotiating entities”, which are typically county planning boards, but can also be another entity designated by the State Planning Commission should a county decline to be the negotiating entity. The negotiating entity compares local plans and policies with the Preliminary State Plan and negotiates with the State Planning Commission’s negotiating committee to reconcile differences between the Preliminary State Plan and local plans. A negotiating entity is eligible for a base



grant of \$40,000, and potentially an additional amount based on the size, population, or number of municipalities in order to carry out the cross-acceptance process.

### Public Outreach

Public Outreach is conducted on a variety of levels in New Jersey. The state conducts broad public information sessions as part of an information gathering strategy, and conducts regional public information sessions on the Preliminary State Plan. In addition, each negotiating entity is responsible for the development of a public participation plan to ensure that all phases of the cross-acceptance process are accessible to the general public.

### Plan Comparison

Plan Comparison is performed by both municipalities and the representative negotiating entities. The municipality will compare the Preliminary State Plan against its municipal plan and provide a cross acceptance report to the negotiating entity. The negotiating entity also compares the county and regional plans against the state plan and prepares a cross-acceptance report to the State Planning Commission that documents the areas of agreement and disagreement between the various plans. Any municipality disagreeing with the negotiating entity's report may file its own municipal Cross-Acceptance Report with the State Planning Commission.

### Plan Negotiation

Plan Negotiation is performed between each negotiating entity and the State Planning Commission's negotiating committee. The purpose of negotiating plans is to attain consistency among municipal, county, regional, State agency plans and the Preliminary State Plan. The process is designed to result in a written statement specifying areas of agreements or disagreements and areas requiring modification by parties to the negotiation.

Following the submission of each report to the State Planning Commission, the Office of Smart Growth meets with the negotiating entities to compile the "Statement of Agreements and Disagreements." This list is compiled county-by-county in a database to identify related issues and to share views.

All determinations made by a county or municipal planning board during the negotiation phase are subject to the action of the respective governing body. Likewise, all determinations made by the State Planning Commission's negotiating committee are subject to the approval of the State Planning Commission. All agreements reached during this phase are designed to guide the revision of the Preliminary State Plan and are reflected in the draft Final State Plan prepared and approved by the State Planning Commission.

### Plan Adoption

Plan Adoption occurs no sooner than 30 days, and no later than 60 days, after the last of the public hearings. The draft Final State Plan is the document that is the product of required public hearings and input. Based upon the findings of those hearings, and any written comments submitted to the State Planning Commission, the Commission is required to consider and adopt the State Plan within the timeframe following the public hearing schedule.

## **Comparison of New Jersey and Connecticut Governmental Structures**

There are certain structural differences between New Jersey and Connecticut that pose significant challenges to incorporating a New Jersey-style cross-acceptance process in Connecticut. First and foremost, Connecticut lacks the functional county government structure that New Jersey utilizes as a proxy for the local public outreach, plan comparison and negotiation components of cross-acceptance. Although Connecticut does have 15 RPOs that provide planning and other services to their member municipalities, these organizations have limited powers compared to New Jersey's 21 counties.

Connecticut's RPOs do not have taxing authority, so they are largely dependent upon dues from their member municipalities, as well as federal funding for transportation planning and homeland security purposes. Municipal dues can vary widely between regions, resulting in significant differences in the level of planning resources and services provided by the particular Council of Governments, Council of Elected Officials, or Regional Planning Agency.

Furthermore, annual state grant-in-aid for the RPOs has been reduced from \$950,000 in FY 09 to \$90,000 in FY 11. As a result, the average state grant-in-aid to RPOs this year was \$6,000. While some RPOs may have the capacity to serve as negotiating entities in Connecticut, the factors noted above would indicate that any attempt to mandate such responsibilities across all RPOs would result in an uneven, and perhaps unworkable, statewide process.

The second major structural difference is that New Jersey has a State Planning Commission which is charged with developing and implementing the State Development and Redevelopment Plan, as well as other intergovernmental coordination responsibilities. In contrast to the Connecticut General Assembly's role in the State C&D Plan process, New Jersey's cross-acceptance process does not directly involve the Legislative Branch. The 17-member State Planning Commission comprises representatives of state and local government, as well as the public. Local government and public representatives on the commission are appointed by the Governor and approved by the Legislature for three-year terms. Staffing to the State Planning Commission is provided by the 17 employees of the Office of Smart Growth which was recently renamed the Office of Planning Advocacy.

The 5 employees of the Office of Responsible Growth within OPM provide staff support to the Continuing Committee in matters related to the State C&D Plan. Under existing Connecticut statutes, the full General Assembly must ultimately vote to adopt the State C&D Plan. Since the Continuing Committee is not intended to function as a de facto state planning commission, designation of an appropriate entity to represent the state's interests in negotiations with regional entities will be critical.

## **Recommended Process for the State C&D Plan**

Due to the state's current fiscal situation, OPM's recommendations are intended to demonstrate how the next State C&D Plan revision can be prepared: 1) on schedule; 2) in a more open process with multiple opportunities for public input; 3) within available state agency resources; and 4) without imposing any new unfunded mandates on either municipalities or RPOs.

OPM recognizes that there is currently little in the way of financial and regulatory incentives or disincentives to compel all municipalities and RPOs to participate in anything other than a voluntary process. Regardless, the new statutory requirements for the 2013-2018 State C&D Plan addressed earlier in this report are expected to provide a significant impetus for more robust participation than in the past.

The new process outlined in this report provides significantly more opportunities for municipal, regional and public participation, along with enhanced state agency coordination. As a result, the new process should provide the General Assembly with an added degree of confidence that the Draft State C&D Plan has been comprehensively developed and reviewed by the affected parties, prior to its consideration for final adoption.

Although Public Act 10-138 did not require OPM to evaluate the effectiveness of New Jersey's cross-acceptance process, OPM believes that the structural differences noted previously make it clear that the New Jersey model cannot be easily replicated in Connecticut. Nonetheless, OPM believes that certain elements of the New Jersey process can be incorporated into a new, enhanced process for Connecticut without modifying existing statutes.

While the process recommended herein includes certain elements of the New Jersey cross-acceptance process, this report does not address New Jersey's other related process known as Plan Endorsement. Plan Endorsement allows municipalities, counties, and regional entities to petition the State Planning Commission for formal recognition that their plans are consistent with the state plan. Entities that receive Plan Endorsement are entitled to a variety of benefits, such as priority for state funding and expedited permit review. Initial research on the topic indicates that Plan Endorsement is a complex, time consuming and expensive process that occurs after the state plan has been adopted through Cross-Acceptance. Therefore, OPM recommends that any further consideration of Plan Endorsement be put on hold until after the 2013-2018 State C&D Plan is adopted by the General Assembly.

Based on OPM's research and outreach conducted since passage of Public Act 10-138, and the findings presented in this report, OPM hereby outlines the process by which it will prepare the Draft 2013-2018 State C&D Plan:

*Initial Outreach and Data Collection (February 2011 – August 2011)*

OPM will jointly sponsor a series of informal workshops with the RPOs to gather input from local and regional officials on matters relating to State C&D Plan policies, Locational Guide Map criteria and available data sets. To the extent possible, RPOs will work with their member municipalities to notify local stakeholder groups and the public of such workshops. OPM will regularly update its State C&D Plan web page to prominently display upcoming events, so that municipalities and RPOs can post links to their own websites and encourage the public to sign up for periodic e-mail announcements. OPM will also post updates on the *CT Planners Listserv* and be available for presentations to professional associations and other relevant statewide organizations upon request.

Depending on topics of regional interest, OPM will invite appropriate staff from other agencies to such workshops to elaborate on how they go about determining consistency with the State C&D Plan for typical actions under their purview. This is intended to: 1) promote an improved understanding among state, regional and municipal officials with regard to how and when the State C&D Plan is applied; 2) ensure that state agencies take a more uniform approach to implementing the Plan; and 3) reduce the likelihood of certain interim change applications in the future.

OPM is aware of the General Assembly's desire for greater opportunity for direct public involvement in the drafting of the State C&D Plan. Over the course of OPM's regional workshops leading up to this report, several municipal and regional officials indicated that their own plans have already been subject to public review prior to adoption. As a result, there was general consensus that OPM should reserve its more robust public outreach efforts until there is a Draft State C&D Plan on which to comment following the Plan Comparison phase. This would also be consistent with the existing process outlined in CGS Section 16a-28(c), as described below under the March 2012 – August 2012 time period.

#### *State Agency Coordination (February 2011 – November 2012)*

Since state agencies are ultimately required to determine the consistency of their proposed actions relative to the State C&D Plan, interagency coordination is a critical component of OPM's outreach efforts. OPM will coordinate with affected agencies, both individually and as a group, throughout the plan revision process. OPM will have each affected agency designate a State C&D Plan liaison that will be responsible for coordinating internal agency reviews and analyses during the plan revision process.

OPM will facilitate inter-agency workshops to ensure that the policies of state agencies are reviewed comprehensively to reduce the possibility of interagency conflicts, and to help agencies interpret the State C&D Plan and Locational Guide Map in a more uniform manner. The State C&D Plan liaisons will be responsible for identifying appropriate staff from their respective agencies to attend the workshops.

After the 2013-2018 State C&D Plan is adopted by the General Assembly, OPM will continue to monitor the implementation of the plan by individual agencies. OPM recently began working with agencies on protocols for facilitating formal advisory statement requests under CGS Section 16a-31(b), so that OPM staff can help agencies in their process of determining the extent to which a proposed action is consistent with the State C&D Plan. By making fuller use of this statute, OPM expects to reduce the number of interim change applications in the future.

#### *Initial Draft State C&D Plan (September 1, 2011)*

OPM will submit an initial Draft State C&D Plan to the Continuing Committee for a 90-day review period, in accordance with CGS Section 16a-28(a). Unlike previous iterations of the State C&D Plan, this initial draft will include significantly more opportunities for early stakeholder involvement and all such outreach efforts will be noted for the record.

#### *Plan Comparison (September 2011 – February 2012)*

1. *Designation of a "Cross-Acceptance Facilitator"*: Prior to the start of this phase, OPM will strive to identify a "Cross-Acceptance Facilitator" for each region. Initially, each RPO will be asked to serve as

the facilitator for the purpose of coordinating the comparison of local and regional plans and to transmit those findings to OPM. Any RPO that accepts this role must provide OPM with a notice of intent to serve as the cross-acceptance facilitator for its respective region. Any RPO that decides to waive its right to serve as the regional facilitator must also notify OPM in writing of its decision to opt out of this role. However, a notice of waiver shall not preclude any RPO from participating in cross-acceptance as it relates to its Regional Plan of Conservation and Development.

Should any RPO waive its right to serve as a Cross-Acceptance Facilitator, the municipalities in such region may form an ad hoc regional committee to serve as Cross-Acceptance Facilitator. Finally, if there is no Cross-Acceptance Facilitator in a region, individual municipalities may perform a comparison of their local plans with the regional plan and the State C&D Plan and transmit any findings to OPM via the RPO.

2. *Comparing Local and Regional Plans:* The comparison of plans should be performed by both municipalities and the “Cross-Acceptance Facilitator”. The municipality will compare the Initial Draft State C&D Plan against its municipal plan and provide a cross-acceptance report to the “Cross-Acceptance Facilitator”. The “Cross-Acceptance Facilitator” should also compare the regional plan against the state plan and prepare a cross-acceptance report to OPM that documents the areas of agreement and disagreement between the various plans. Any municipality disagreeing with the “Cross-Acceptance Facilitator” report may file its own municipal Cross-Acceptance Report with the OPM.

OPM will request that any findings prepared by a designated cross-acceptance facilitator, regional committee or individual municipality be transmitted to OPM in a prescribed format and stored in a database. OPM will group such findings in a manner that identifies the inconsistencies between different plans as either technical in nature or related solely to data issues, versus those which can only be addressed through formal negotiation (see Plan Negotiation phase).

If any municipality chooses not to participate in the Plan Comparison phase, either through an RPO, an ad hoc regional committee or individually, OPM staff will conduct a de facto review of the latest available municipal plan and zoning regulations, as well as compare how the municipality is depicted within the current regional plan. Such review shall not be prejudiced by the fact that a municipal plan may be greater than ten years old, so long as the local planning commission has elected to defer its plan of conservation and development update between July 1, 2010 and June 30, 2013, in accordance with Section 5 of Public Act 10-138.

Note: Plan Comparison would entail a similar scale review of municipal plans compared to current statutory requirements. However, Plan Comparison would occur over a fairly condensed time period and entail a simultaneous review of all municipal plans in a region, compared to the current process which is staggered over a 10-year timeframe. Because of recent reductions in RPO State Grant-in-Aid, OPM recognizes that requiring RPOs to serve a Cross-Acceptance Facilitators would be viewed as an unfunded mandate. Therefore, the recommended process allows for voluntary

participation in those instances where the RPO has the technical capacity to serve, as well as the support of its member municipalities.

#### *Revised Draft State C&D Plan and Public Hearings (March 2012 – July 2012)*

In accordance with CGS Section 16a-28(b), OPM will publish a revised Draft State C&D Plan on March 1, 2012 that takes into consideration findings from the Plan Comparison phase. OPM will conduct regional public hearings over the ensuing five month period, in accordance with CGS Section 16a-28(c), and maintain a formal record of comments received during the public hearing process. Upon completion of the public hearing process, OPM will produce a document that responds to formal comments.

#### *Plan Negotiation (March 2012 – November 2012)*

Following the Plan Comparison phase, and concurrent with the public comment period, OPM will initiate the Plan Negotiation phase by preparing individual worksheets for each negotiating entity. Such worksheets will set the baseline agenda for negotiations, based on OPM's review of findings from the Plan Comparison phase. For example, OPM will note on each worksheet which inconsistencies identified in the Plan Comparison report can be resolved through either technical changes or improved data, and which inconsistencies can only be addressed through negotiation. Any municipality that chooses not to participate in the Plan Negotiation phase may still provide input during the public hearing process noted previously.

The intent of Plan Negotiation is to produce written Statements of Agreements and Disagreements for each negotiating entity by no later than November 2012, and for OPM to include such statements as appendices to its recommended Draft State C&D Plan. Inclusion of such statements in the Draft State C&D Plan will provide the Continuing Committee and the General Assembly with a better understanding of the extent to which regions and municipalities participated in the State C&D Plan process, and the degree to which there is consensus.

Note: The primary uncertainty going forward is with the designation of negotiating entities. OPM staff will confer with the new OPM Secretary and the new Co-Chairs of the Continuing Committee in coming months to discuss possible options for designating the state's negotiating entity. A decision is not imminent, since the Plan Negotiation phase does not begin until March 2012.

The establishment of regional negotiating entities is the more timely and complex issue to address, since not all RPOs will have the capacity or the support of their member municipalities to fill this role. The possibility of having to negotiate with 169 municipalities is something that neither OPM staff nor a designated state negotiating entity can effectively conduct without additional resources. As a result, OPM intends to work in good-faith with all parties, and where practicable, help to establish regional public outreach, plan comparison and negotiation protocols on a voluntary basis.

#### *Recommended Draft State C&D Plan (December 1, 2012)*

After the conclusion of public hearings, OPM will prepare a document that responds to public comments and post such document to its website. OPM will subsequently prepare its recommended Draft State C&D Plan and submit it to the Continuing Committee by December 1, 2012, in accordance with CGS

Section 16a-29. OPM will attach all signed Statements of Agreements and Disagreements as appendices. Any such statements that are formalized after OPM's submittal date, but before the General Assembly's consideration of adoption, will be forwarded to the Continuing Committee.

### Legislative Public Hearing and Adoption

Within 45 days of the start of the 2013 legislative session, the Continuing Committee must hold a public hearing on the Draft State C&D Plan and submit the plan with its recommendation for approval or disapproval to the General Assembly. The 2013-2018 State C&D Plan becomes effective upon approval of the General Assembly.

### Interim Change Process

Although the new process is intended to bring a higher degree of consistency among municipal, regional and state plans, there will continue to be a need to address amendments to the State C&D Plan in between the statutory 5-year revision process. OPM is confident that the number of potential interim changes will be reduced as a result of this new process, and that any formal Statements of Agreements and Disagreements can potentially provide the Continuing Committee with supplemental information on which to base its decisions.

### Future Considerations

Over the course of conducting its regional workshops leading up to this report, OPM received numerous comments on ways to potentially enhance intergovernmental planning and coordination in Connecticut. While a number of comments would entail either changes to existing state statutes or potentially require new funding, the following summary is provided for the Continuing Committee's consideration:

- Streamline state planning statutes to better integrate municipal, regional and state planning requirements;
- Identify which sources of future state funding would be eligible for projects located within the boundaries of Priority Funding Areas to be designated in the 2013-2018 State C&D Plan;
- Enhance the regional planning function in Connecticut by: 1) combining discretionary state funding programs to incent municipalities to work strategically within their respective regions to achieve consensus on regional priority conservation projects and priority development projects; 2) funding the Regional Performance Incentive Program under CGS Sec. 4-124s to challenge municipalities to work cooperatively through their respective RPOs to implement more efficient and cost-effective delivery of services; 3) allowing RPOs to access a portion of administrative funds from any new regional programs they administer; or 4) restoring RPO State Grant-in-Aid to FY 09 levels;
- Establish a centralized state planning office to more effectively coordinate and expedite agency reviews, approvals and funding, as well as to provide technical assistance to municipalities.

- Limit the exceptions provisions in CGS Section 16a-35d concerning the funding of growth-related projects that occur outside of Priority Funding Areas to: 1) include only those municipalities that have participated in cross-acceptance; and 2) publish notice of specific exceptions in the *Environmental Monitor*;
- After adoption of the 2013-2018 State C&D Plan, study how municipal and regional plan updates might be incorporated into the State C&D Plan in between the 5-year revision cycle, such as through a New Jersey-style Plan Endorsement process;
- Revise current statewide land use classifications used for property assessment and taxation purposes to provide for more specific classifications that support municipal land use planning, or develop standardized categories for “future land use” maps that are typically a component of municipal and regional plans; and
- Modify municipal planning statutes to require that any municipality with a local or regional Water Pollution Control Authority-approved facility plan incorporate any corresponding sewer service area and/or sewer avoidance area into the municipal plan of conservation and development.



# Appendix A

## Municipal Planning Survey Results

1) Number of Municipalities participating in survey: 104

Comment: This equates to a 61% response rate among Connecticut municipalities.

2) Date that Municipal Plan of Conservation and Development was last adopted:

- 2010 16
- 2005-2009 44
- 2000-2004 40
- 1990-1999 4

Comment: Section 5 of PA 10-138 relieves municipal planning commissions from the obligation of having to prepare a municipal plan between July 1, 2010 and June 30, 2013, and also suspends the disqualification provision regarding discretionary state funding until July 1, 2014. This is expected to result in a large number of municipal plan updates being deferred during this period. As a result, the next State C&D Plan revision may need to rely on information from municipal plans that are greater than 10 years old. Furthermore, municipalities that expect to contract for professional planning services should consider the potential for supply/demand constraints among planning consultants, if the majority of affected municipalities decides to defer their plan updates.

3) Which of the following had primary responsibility for the preparation of your current municipal Plan?

- Planning and Zoning Commission 58
- Planning Commission 15
- City/Town Planner 11
- Regional Planning Organization (RPO) 2
- Ad Hoc Committee 11
- Other 7

4) Which of the following best describes your municipality's Geographic Information System (GIS) capacity?

- In-house staff handles all of our GIS needs 30
- Rely on the RPO for GIS services 17
- Rely on a private consultant for GIS services 21
- Do not have any GIS capacity 11
- Other 25

Comment: A large number of responders chose “Other” because they use some combination of private consultant GIS services or RPO assistance in managing data and developing GIS applications for use by in-house municipal planning staff. See related comment in #7.

- 5) In terms of your municipality’s planning capacity, how many full-time equivalent (FTE) staff do you have in each of the following categories? (e.g., 20 hrs/wk = 0.5 FTE)

	No Staff	0.1 - 0.5 FTE	>0.5 - 1.00 FTE	>1.0 - 2.0 FTE	>2.0 FTE
Professional Staff	19	10	45	15	15
Technical Staff	17	19	41	18	9
Admin Staff	14	20	44	17	9

Comment: For purposes of this analysis, FTE staff figures include a combination of municipal employees and contractual arrangements with either RPOs or other consultants. Approximately 30% of responding municipalities averaged between 0.0 and 0.5 FTE for each of the professional, technical and administrative staff categories, while 40% averaged between 0.5 and 1.0 FTE staff. Fewer than 30% of responding municipalities averaged greater than 1.0 FTE staff for each category.

- 6) In your opinion, which one of the following should be primarily responsible for working with OPM to help ensure that local priorities are considered during the next State C&D Plan revision process?

- Planning and Zoning Commission 28
- Planning Commission 7
- Chief Executive Officer 18
- City/Town Planner 43
- Planning Consultant 2
- Other 6

Comment: Although a majority of responders suggest that the municipal planner should be the primary point-of-contact with OPM, there is clearly a need for a coordinated approach that includes Planning/P&Z Commissions and CEOs (and perhaps others, such as WPCAs, etc.). Given the general limitations in professional planning resources identified in #5 above, OPM realizes that many municipalities will want to decide which type of approach works best for them at the appropriate time.

- 7) What is your preferred format for reviewing and commenting on the Locational Guide Map component of the next State C&D Plan?

- OPM mails hard copy (paper) 17
- OPM sends a PDF via e-mail 29
- OPM provides GIS data for evaluation 11
- OPM provides an interactive online or “web-based” GIS map 32
- Other 15

Comment: Responses under “Other” typically suggested some combination of the other four options. There does not appear to be a clear preference for how OPM should disseminate the Locational Guide Map for local review and comment.

8) Which method would you prefer that OPM staff use when it conducts initial outreach on the next State C&D Plan revision process?

- A workshop convened by your Regional Planning Organization with all of its member towns 52
- A statewide workshop sponsored by a professional organization or statewide association (i.e., CCM, COST, CCAPA) 4
- One-on-one meeting with OPM staff 22
- OPM provides a draft plan and map for local review and comment 18
- Other 7

Comment: There appears to be consensus that the most effective form of outreach is through RPO-sponsored workshops. Given OPM’s limited staff resources, one-on-one meetings could be accommodated only when absolutely necessary.

9) Title of Survey Responder:

- Chief Executive Officer (Mayor, 1<sup>st</sup> Selectman, Town Manager) 29
- Planner/ZEO 64
- Planning/P&Z Commission Chairperson 9
- Planning Consultant/Other 2

Comment: OPM had hoped to reach more Planning/P&Z Commission Chairpersons.

# Appendix B

## Cross-Acceptance Workshops

The Office of Policy and Management, in cooperation with Regional Planning Organizations, conducted the following workshops across the state to seek input from local stakeholders on a new process for the revision, adoption, amendment, and implementation of the Conservation and Development Polices Plan for Connecticut:

November 9, 2010	Council of Governments of the Central Naugatuck Valley
November 16, 2010	Connecticut River Estuary Regional Planning Agency and Midstate Regional Planning Agency (joint workshop)
November 29, 2010	Windham Region Council of Governments
November 30, 2010	Greater Bridgeport Regional Planning Agency
November 30, 2010	Northwestern Connecticut Council of Governments
December 2, 2010	Central Connecticut Regional Planning Agency
December 2, 2010	South Western Regional Planning Agency
December 3, 2010	Southeastern Connecticut Council of Governments
December 6, 2010	Housatonic Valley Council of Elected Officials
December 7, 2010	Northeastern Connecticut Council of Governments
December 8, 2010	Valley Council of Governments
December 9, 2010	South Central Regional Council of Governments
December 10, 2010	Litchfield Hills Council of Elected Officials
December 14, 2010	Capitol Region Council of Governments