

Capitol Region Council of Governments

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DATE: FEBRUARY 25, 2008
TO: CHAIRMEN AND MEMBERS OF JOINT PLANNING AND DEVELOPMENT COMMITTEE
FROM: LYLE D. WRAY, EXECUTIVE DIRECTOR, CRCOG
SUBJECT: SUPPORT FOR SENATE BILL NO. 39, AN ACT CONCERNING RESPONSIBLE GROWTH

CRCOG is the regional planning organization serving the City of Hartford and the 28 surrounding suburban and rural communities. The CRCOG legislative priorities for 2008 include support for a range of issues necessary to improve our regional economic competitiveness and enhance our region's quality of life, including many of the planning policies and practices outlined in S.B. 39. Some of these criteria include actions supportive of maximized use of previous investments in infrastructure; well planned transit-oriented development; a context sensitive approach to development which considers the pedestrian as well as other alternate modes of transit to the automobile; and farmland and open space preservation.

CRCOG generally supports the creation of a responsible growth cabinet in an effort to streamline the development permitting process at the state level for projects of regional significance and has long supported regional review and comment when reviews are advisory to the decision making bodies charged with approving the projects. Establishment of a responsible growth cabinet could also serve to coordinate state agency actions so that they are consistent with established growth management principles.

While CRCOG respects and acknowledges the importance of following local comprehensive plans and appreciates an effort to lend even greater significance to these plans, CRCOG is concerned with the section of S.B. 39 which states that no regulation that is inconsistent with the local comprehensive plan shall be effective unless the legislative body of the municipality approves such regulation. The proposed regulatory structure conflicts with existing state statutes that place land use planning and regulatory responsibilities with municipal planning and zoning commissions. In the past, CRCOG has supported consistency reviews to make sure that plans are not in conflict, but has not encouraged requiring plans to be exactly the same.

In addition, it is unclear how the provisions of S.B. 39 will be implemented, specifically;

- Which municipal board or commission is charged with determining the consistency or inconsistency of a proposed land use regulation?
- How is "inconsistent" defined? Most municipal plans of conservation and development are a general guide to growth and conservation in a community, based on narrative text and one or more plan maps. Determination of whether a specific regulation applies to one or more areas of a municipality is consistent or inconsistent with the plan is not always clear cut.
- If an "inconsistent" determination is made, the legislative body must approve the regulation to make it effective. This requirement shifts approval of land use regulations to a body that generally has limited expertise in land use matters. Of even greater concern is the fact that in many Connecticut communities the legislative body is still the town meeting. Approval of land use regulations by town meeting will be costly and cumbersome for municipalities. It may also cause unreasonable delays in the development review and approval process.

CRCOG also supports S.B. 39 as it seeks to support a context sensitive approach to real property development by requiring considerations for pedestrian and non-motorized transportation improvements. In addition, CRCOG stands behind S.B. 39 as it supports well planned transit-oriented development and asks that the responsible growth requirements placed upon TOD pilot projects receiving money from the Responsible Growth Incentive fund not stand in the way of the awarding of grants and the timely and efficient stream of funds.

Through further coordination, consistency reviews and the strengthened regional planning efforts proposed in this bill, Connecticut and the Capitol Region will benefit from responsible growth.

In summary, CRCOG supports the overall thrust of S.B. 39, but would recommend further consideration of the above-noted issues prior to adoption. We would be happy to respond to questions or request for further information.

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