

Regulations of Connecticut State Agencies

TITLE 16a. Planning and Energy Policy

Agency

Office of Policy and Management

Subject

Interim Change Process to the Conservation and Development Policies Plan

Inclusive Sections

§§ 16a-32-1—16a-32-6

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Interim Change Process to the Conservation and Development Policies Plan

Sec. 16a-32-1. Definitions

(a) “Act” means Section 16a-24 through 16a-33 of the Connecticut general statutes, as amended.

(b) “Adoption year” means the calendar year which is no later than three years subsequent to the year in which the plan is first adopted in accordance with the process established in Chapter 297 of the general statutes and at least every third year subsequent to the last adoption.

(c) “Committee” means the Continuing Legislative Committee on State Planning and Development established pursuant to Section 4-60d.

(d) “Interim change” means any change made in the Policies Plan between adoption years.

(e) “Plan when referring to the state plan for conservation and development means the text of such plan and any accompanying locational guide map.

(f) “Map” means the locational guide map of the policies plan, official copies of which are maintained in the offices of the Committee and Secretary.

(g) “Policies Plan” means the latest revision of the State of Connecticut Conservation and Development Policies Plan adopted by the General Assembly, which is the working title assigned to the state plan of conservation and development in the Act, and means the text of such plan and any accompanying locational guide map.

(h) “Political subdivision” means any town, city or borough of the State of Connecticut.

(i) “Secretary” means the Secretary of the Office of Policy and Management of the State of Connecticut.

(j) “State agency” means any state department, institution, board, commission or official.

(Effective March 6, 1980; Transferred from § 16a-24b-1, October 2, 2007)

Sec. 16a-32-2. Application for an interim change

(a) In accordance with section 16a-32(b) of the Connecticut General Statutes, the secretary may undertake changes in the Policies Plan upon the secretary’s own initiative, or upon application of the chief executive officer of a municipality or any owner of real property or any person with interest therein on which a change is proposed. In the case of a municipality, the applicant shall be the chief executive officer of the municipality with approval of the legislative body of such municipality. No application for an interim change from a municipality may be submitted unless the municipality in which the change is being proposed has a plan of conservation and development that has been updated in accordance with section 8-23 of the Connecticut General Statutes.

(b) An application for an interim change shall be filed in triplicate with the Secretary.

(c) An application for an interim change which involves a change in the text of the Policies Plan shall be expressed in the following way:

(1) Cite page number(s) where the interim change(s) is requested.

(2) Copy the entire paragraph(s) verbatim where the interim change(s) is requested,

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placing brackets around any existing text proposed to be deleted and inserting in the appropriate places any proposed new text, with under-scoring. In the case of a proposed change to a chapter heading, subheading, category title, or other terminology, include the present wording and a clear explanation of the proposed change.

(d) An application for an interim change which involves a change in the map shall be expressed in the following way:

(1) On the appropriate United States Geological Survey topographic series map(s), scale of 1:24,000 (1" = 2000'), depict the land area or areas for which a change in land category is requested. Identify each geographical area so depicted with a reference letter or number.

(2) Cite each change requested, by the reference letter described in (1) above, identify the present land category as shown on the map and name the land category requested.

(e) An application for an interim change shall be accompanied by a narrative containing the reasons for the request, including any supporting documentation.

(f) An application for an interim change submitted by the chief executive officer of a municipality in accordance with subsection (a) of this section shall include evidence in writing of the opinion of the planning commission of the municipality regarding the interim change request.

(g) An applicant may remove his application at any time, without prejudice.

(Effective March 6, 1980; Amended March 8, 2007; Transferred from § 16a-24b-2, October 2, 2007)

Sec. 16a-32-3. Notification and request for public hearing(s)

(a) Within ten (10) calendar days of the receipt of an acceptably documented application for an interim change as set forth in (c) & (d) of Section 16a-24b-2, the Secretary shall: (1) forward such information to the Committee, (2) shall notify in writing the chief executive officer and the persons exercising planning or zoning powers in any municipality which is the subject of an application for change in the locational guide map and (3) shall notify any members of the general assembly representing any area which is the subject of an application for change in the locational guide map. Such notification to a chief executive officer and to persons exercising planning or zoning powers shall indicate the opportunity for a joint public hearing by the Committee and the Secretary and shall provide for twenty (20) calendar days for the receipt of a written request for such hearing to the Committee and the Secretary.

(Effective March 25, 1983; Transferred from § 16a-24b-3, October 2, 2007)

Sec. 16a-32-4. Committee consults with others, holds public hearing

(a) Upon receipt of an application for an interim change, the Committee shall review the nature of the request and may consult directly with the applicant, the Secretary, state and local agencies, the appropriate regional planning agency(s), or agency having the powers of a regional planning agency, or any other persons or agencies in order to gain a better understanding of a request.

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(b) Within thirty (30) calendar days of the receipt of the application for an interim change which does not involve a change to the locational guide map, the Committee shall hold a public hearing in order to hear from any parties of interest regarding the justifiability or feasibility for making the proposed change and shall notify the Secretary of such hearing.

(c) For an application for an interim change which involves a change in the locational guide map, within thirty (30) calendar days of the receipt of a request for a public hearing from the chief executive officer or persons exercising planning or zoning powers in the municipality, the Committee and the Secretary shall hold a joint public hearing in order to hear from any parties of interest regarding the justification or feasibility of making the proposed change. If the proposed map change lies within two or more political subdivisions, a hearing will be held in each municipality requesting a hearing and an additional five days will be allowed for each additional hearing.

(d) Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in such municipality at least twice, at intervals of not less than two days, the first not more than fifteen days, nor less than ten days, and the last not less than two days before the date of such hearing.

Special notice of the hearing by registered mail shall be given to the applicant. If a map change is, or constitutes a part of, the proposed interim change, the appropriate political subdivision(s) and the appropriate regional planning agency(s), or agency(s) with the powers of a regional planning agency, shall also be given special notice by registered mail.

(e) The Committee shall establish its own rules of procedure for holding the public hearing. Each party in attendance shall be offered a reasonable opportunity to speak in favor of or against the proposed interim change. A permanent record of the hearing shall be made, either by stenography or electronic recording.

(Effective March 25, 1983; Transferred from § 16a-24b-4, October 2, 2007)

Sec. 16a-32-5. Secretary reports to committee

(a) Within ten (10) calendar days following the period provided to the chief executive officer and persons exercising planning or zoning powers if no public hearing is requested, or within ten (10) calendar days of the date of the completion of the hearing(s) the Secretary shall render a summary report of his findings with his recommendation(s) to the Committee.

(Effective March 25, 1983; Transferred from § 16a-24b-7, October 2, 2007)

Sec. 16a-32-6. Committee approves or does not approve interim change: Notification

(a) Within thirty (30) calendar days of receipt of the Secretary's report and recommendations, the Committee shall decide to approve or not to approve the proposed interim change and shall so inform the Secretary not more than ten (10) days after such decision.

(b) The Secretary shall make the interim change on master copies of the Policies Plan, including the map, if pertinent, recording the date, month and year of such action in its records.

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(c) The Secretary shall set an effective date for the interim change to take effect no later than ten (10) days from receipt of the Committee's action.

(d) The Secretary shall advise the applicant by registered letter of the action by the Committee and citing the effective date. Notices shall also be sent to the appropriate political subdivision(s) and regional planning agency(s) or agency(s) with the powers of a regional planning agency.

(e) In the case of approval of an interim change, the Secretary shall send notification of such action with a brief description and effective date for publication in the Connecticut Law Journal.

(Effective March 6, 1980; Amended March 8, 2007; Transferred from § 16a-24b-8, October 2, 2007)