



Providing information, education and assistance to land use decision makers, in support of balancing growth and natural resource protection.

Land Use Commissioner Training Webinar – Module 1

<https://landusecommissionertraining.com> | Center for Land Use Education and Research (uconn.edu)

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Basic Training for Connecticut Land Use Commissioners

UConn Center for Land Use Education and Research
Department of Extension
College of Agriculture, Health and Natural Resources



Important Information

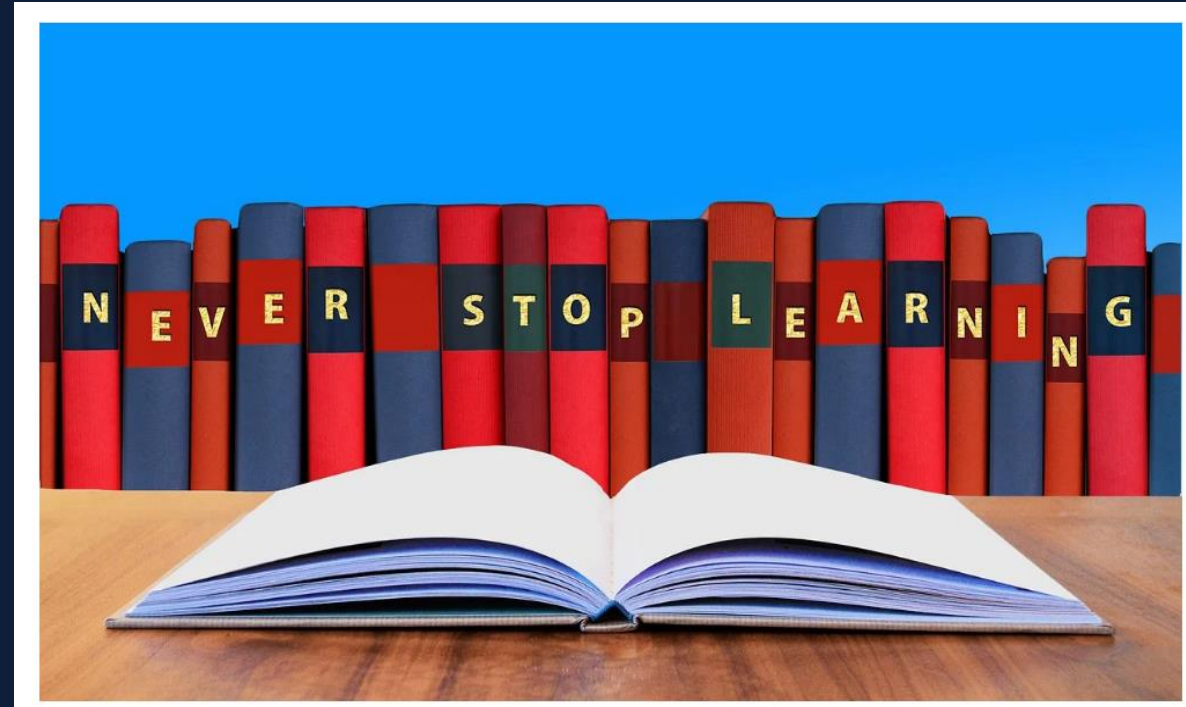
- Training is not legal advice
- More training to come in 2024

<https://clear.uconn.edu/training/land-use-commissioner-training/>

- Training is recorded
- Slides and recording will be posted

<https://clear.uconn.edu/lua/>

- Interactive / use chat function
- Try to have fun



About This 2024 Webinar Series

- Third Thursday of each month except for August
- 30-40 min duration
- Attendance will be confirmed via email after each webinar / **Please keep copy of the email for your records**
- Completing Basic Training (such as CLEAR LUA) is strongly recommended by the OPM to new members



Upcoming Webinars

April 18 , 2024 -

Types of Power of Land Use Commissions

Zone Change and Regulation Amendments v. Special Permit v. Site Plan

May 16 , 2024 –

Running a Meeting

Responsibilities / Fundamental Fairness

Jun 20 , 2024 –

Alternates

Sitewalks

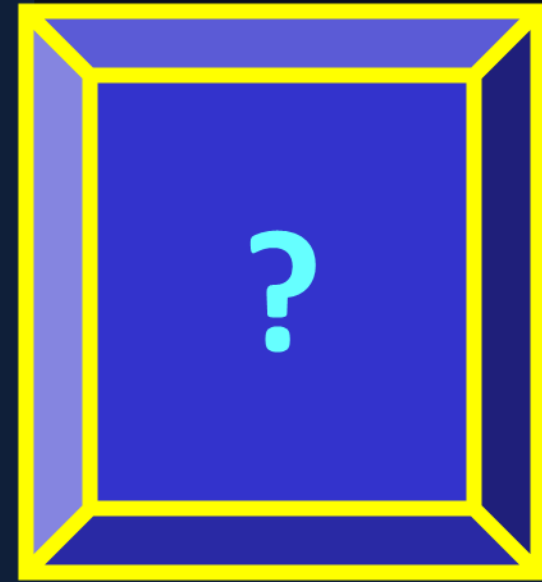
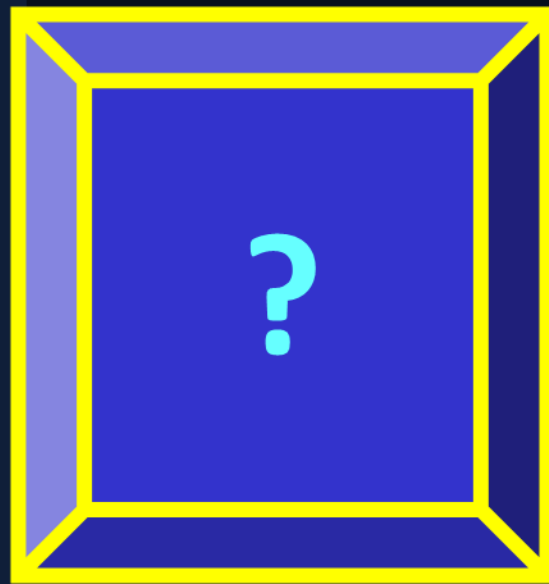
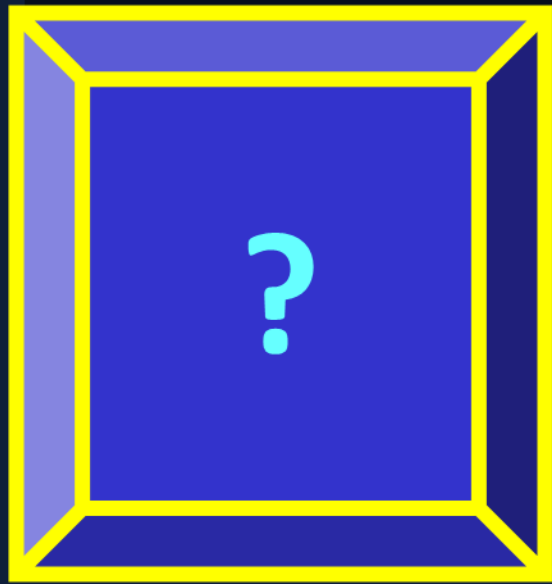
Upcoming Webinars – part II

- Will be announced later
- Topics will include:
 - Public Hearings
 - FOIA
 - Conflict of Interest
 - Bias and Predisposition
 - Representation by Commission Members
 - Social Media
 - Fundamentals of Site Plan Reading

Webinar Overview: Topics Covered Today

- 1. Legal Basis for Land Use Regulations**
- 2. Commissioner Training Requirements for members of Planning, Zoning, ZBA, Inland Wetlands and Watercourse and Aquifer Protection Commissions**

Legal Basis for Local Land Use Regulations



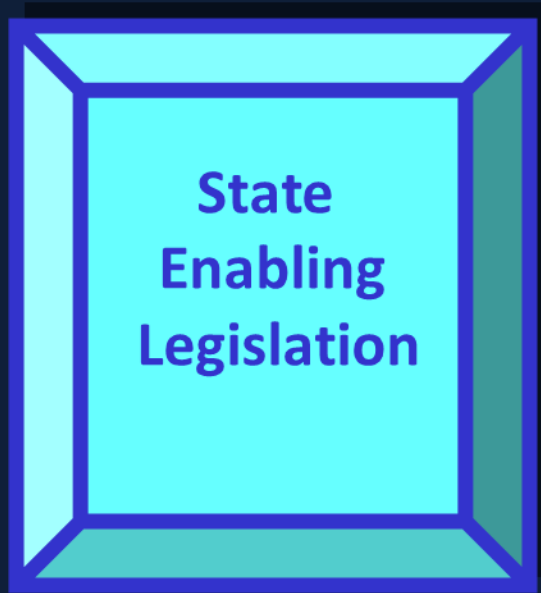
Which of the following provides the legal basis for a local commission's land use authority?

1. Legislation through state statutes
2. A vote of the City Council/Board of Selectmen
3. Court decisions
4. Duly adopted local regulations
5. Governor's Executive Order
6. Public opinion

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Legal Basis for Local Land Use Regulations



Sources of Power

American system derived from English system

- Sovereign had total power over the land

At the state level the courts provide the local land use officials wide and liberal discretion because they feel that you are the best suited to make local land use decisions – which you are –

- Granted rights on the use of land to their subjects

and

Called “Fees” or “Fiefs”

courts will not get involved unless you act in an illegal manner

- In America, the Sovereign is the State government
- Power of state must give way to federal law



(10th Amendment)

State Enabling Legislation Provides the Foundation and Limits of Power



The STATE will let you.....



State Government

Connecticut General Statutes – Land Use

Zoning Title 8, Chapter 124, Sections 8-1 through 8-13

Planning Title 8, Chapter 126, Sections 8-18 to 8-30

Wetlands Title 22a, Chapter 440, Sections 22a-36 to 22a-45



Legal Basis for Local Land Use Regulations

State
Enabling
Legislation

Court
Decisions

Local
Regulations

Court Decisions

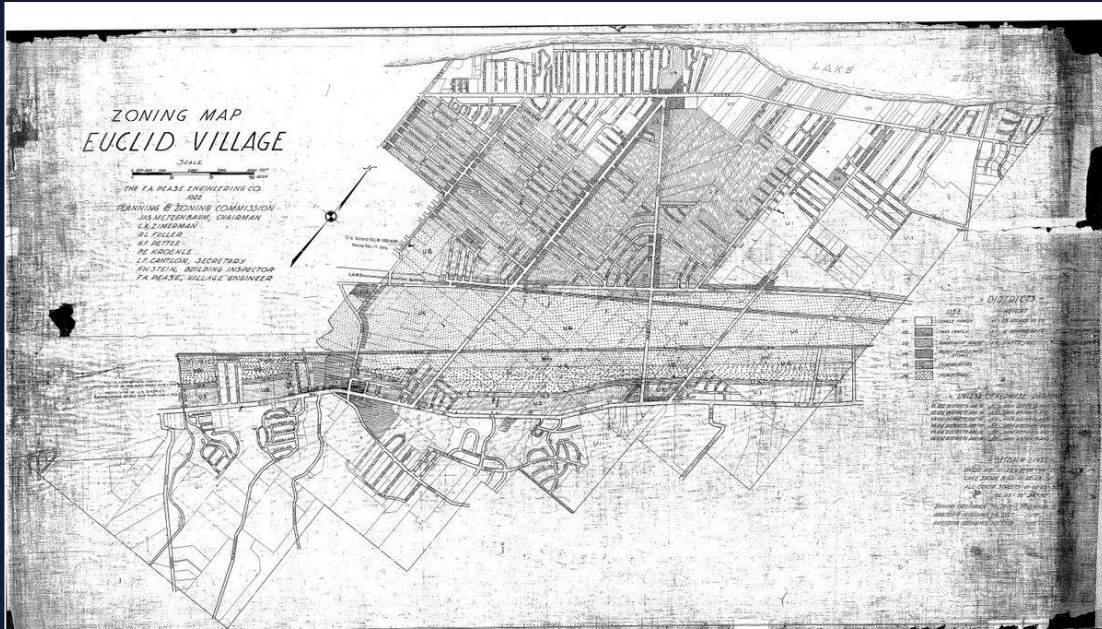
Provide legal review and interpretation of
your regulations



Federal Level

Constitutional foundation for all American zoning
was established in a 1926 Supreme Court
decision that upheld a zoning ordinance enacted
by the Village of Euclid, Ohio

Euclid v. Ambler Realty



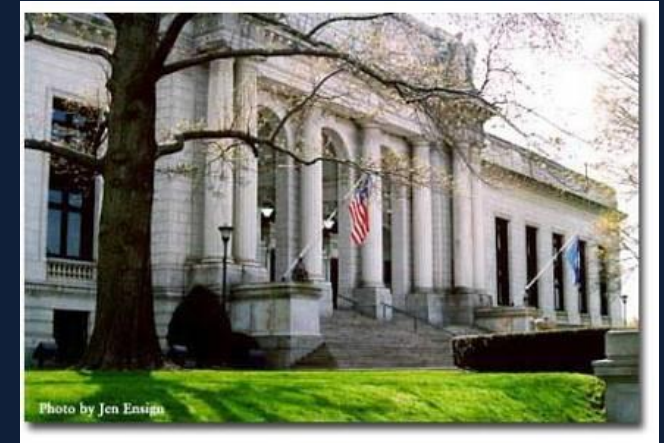
Supreme Court Ruled:

- Not a taking as Ambler could make use of the land, (not the use they wanted)
- Zoning's purpose is to protect public health, safety and welfare not personal financial gain
- Village can establish districts and exclude certain uses from certain districts

Court Decisions

State Level

1. Courts provide local land use officials wide and liberal discretion
2. Feel local officials are best suited to make local land use decisions
3. Courts will not interfere in local matters unless commissions act illegally



Court Decisions

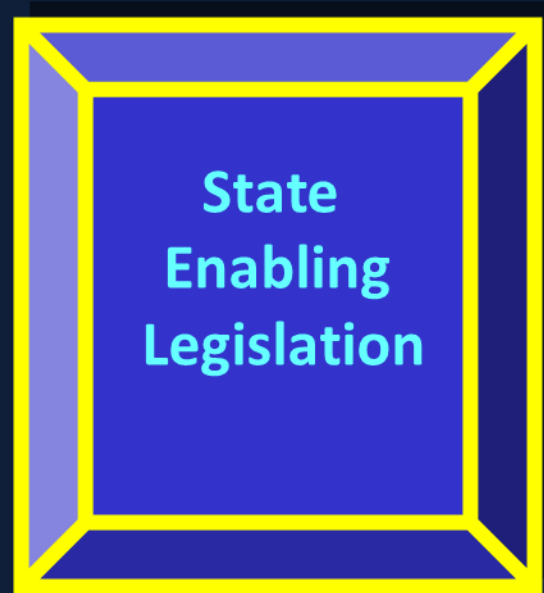
Illegal Commission Acts:

1. Failure to follow procedures set forth in the State Statutes
2. “Clear breach of duty” – acting in an arbitrary or capricious manner

Arbitrary = at random, unreasonable
Capricious= acting impulsively



Legal Basis for Local Land Use Regulations



Legal Basis for Local Land Use Regulations

Local Regulations:



Commissioner Training Requirements

- Land Use Commissions make decisions that affect a community's quality of life for generations, where investment takes place and an individual's or business's financial well being.
- CGS 22a-42(d) – IWWC (1987)
- CGS Sec. 22a-354o – APA (1989-2004)
- CGS 8-4c, P, Z, P&Z and ZBA (2021)



Inland Wetlands and Watercourses Agency Members

CGS Sec. 22a-42.(d) can be viewed online at [Chapter 440 - Wetlands and Watercourses \(ct.gov\)](#)

- At least one member of the inland wetlands agency or staff of the agency shall be a person who has completed the comprehensive training program developed by the commissioner pursuant to section 22a-39.
- Each inland wetlands agency is required to hold a meeting at least once annually at which information is presented to the members of the agency which summarizes the provisions of the training program.

Inland Wetlands and Watercourses Agency Members

CLEAR hosts the DEEP training here: [CT DEEP Municipal Inland Wetlands Agency Comprehensive Training Program | Center for Land Use Education and Research \(uconn.edu\)](#)

- Online format / 8 modules with text and video content / 8 hours to complete (but it must be completed within 60 days of registering) / certificates issued by DEEP

”This course assists agencies with their responsibilities by examining key sections of the IWWA, important procedures and critical legal concepts for conducting agency business, stream crossing guidelines, habitat enhancement and restoration techniques, maps and site plans, and more!”

Aquifer Protection Agency Members

CGS Sec. Sec. 22a-354o. can be viewed online at [Chapter 446i - Water Resources. Invasive Plants \(ct.gov\)](#)

- (c) At least one member of the agency or staff of the agency shall be a person who has completed the course in technical training formulated by the commissioner pursuant to section 22a-354v.



Aquifer Protection Agency Members

CLEAR hosts the DEEP training here:

https://clear.uconn.edu/training/DEEP_APA_training.htm

- Online format / 13 modules with text and video content / 8 hours to complete (but it must be completed within 60 days of registering)
- The course:
 - (1) provides an overview of the regulatory requirements for local implementation,
 - (2) instructs agency members and staff responsible for knowing the law, and
 - (3) assists them in complying with the law.

” This is a proactive program, intended to prevent contamination of public water supplies by managing land use activities in critical aquifer areas.”

Planning, Zoning, Combined P&Z and the ZBA

- CGS Sec. 8-4c (amended by Subsection (a) of Section 3 of PA 23-173)
- On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training.

Planning, Zoning, Combined P&Z and the ZBA

- At least 1 hour out of the 4-hour training requirement must come from the Affordable and Fair Housing Policies Section
- Remaining 3 hours may consist of:
 - (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act
 - (2) the interpretation of site plans, surveys, maps and architectural conventions, and
 - (3) the impact of zoning on the environment, agriculture and historic resources.

Planning, Zoning, Combined P&Z and the ZBA

- Serving as of January 1, 2023 - initial training had to be completed by January 1, 2024
- Elected or appointed after January 1, 2023 – initial training must be completed within one year after being elected or appointed to the board or commission.
- Subsequent training - training once every four years or once per term, if the term is longer than four years.

Planning, Zoning, Combined P&Z and the ZBA

- Land use enforcement officers and Connecticut-licensed attorneys who served at least four years on planning commission, zoning commission, combined planning and zoning commission or zoning board of appeals are exempt from the training requirement.

OPM Training Guidelines

- Under CGS Section 8-4c, the Office of Policy and Management (OPM) was tasked with developing the land use training guidelines.
- Guidelines can be found here [Land-Use-Training-Guidelines-PA-2129-S-9.pdf \(ct.gov\)](#)
- Wide variety of training topics may be eligible – refer to guidelines to verify or contact CLEAR or OPM if you have questions.

Certification / Reporting

CGS 8-4 (c) states:

Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.

Certification / Reporting

Different towns allow different methods of self certification:

- Require their members to attend in person training and obtain copies of provider's verification of attendance.
- Accept webinar attendance self certification from commission/board members without proof of attendance.
- Group webinar attendance or watching of training videos.
- Accept self certification for individual watching of training videos.

Reminder



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Please keep copy of the email for your records!

Questions?



Renata.bertotti@uconn.edu

*How did we do?
What can we do better?*

