



Land Use Training Guidelines

Established in accordance with Section 9 of Public Act 21-29

Effective January 1, 2022

Overview

Section 9 of Public Act 21-29 includes new requirements for (1) the training of municipal land use officials, (2) the establishment of land use training guidelines, and (3) the reporting on training compliance. The Office of Policy and Management (OPM) is specifically tasked with addressing item (2), which is the focus of this publication.

The pertinent legislative language for each of the three new requirements is summarized below, and it provides the framework for OPM's Land Use Training Guidelines that follow.

1) Training of Municipal Land Use Officials

“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.”

- Those in office on 1/1/2023 must complete four (4) hours by 1/1/2024, and every other year thereafter.
- Those taking office after 1/1/2023, must complete four (4) hours of training not later than one year after taking office, and every other year thereafter.

2) Establishment of Land Use Training Guidelines

“Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.”

- See **Land Use Training Guidelines** below.

3) Reporting on Training Compliance

“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.”

- o Each affected board and commission must report to its local authority on the status of its members’ compliance with the training requirements by 3/1/2024, and annually thereafter.

Land Use Training Guidelines

The following guidelines allow sufficient flexibility for land use training providers to develop, market, and periodically refresh their course offerings in a manner that is responsive to changes in land use laws and the preferences of municipal officials, with regard to how relevant subject matter is conveyed (e.g., depth, breadth, packaging of topical content). This flexible approach is meant to provide commission and board members with more robust training opportunities that will satisfy local compliance reporting requirements and their own personal interests.

These guidelines were developed by OPM, in collaboration with the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Council of Small Towns, the Connecticut Chapter of the American Planning Association, the Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut, the Connecticut Bar Association, the regional councils of governments, the Partnership for Strong Communities, the Connecticut Federation of Planning and Zoning Agencies, and other nonprofit or educational institutions that provide land use training.

The guidelines are effective January 1, 2022. If you would like additional information on land use training resources, please contact any of the collaborating entities listed above.

A. Mandatory Training (Note: At least 1 hour out of the 4-hour biennial training requirement must come from the Affordable and Fair Housing Policies Section.)

1) Affordable and Fair Housing Policies Section

Topics can include one or more of the following:

- Zoning Laws and Segregation
- The Fair Housing Act
- Municipal Land Use Planning and Zoning Responsibilities Under the Fair Housing Act
- The Meaning of Affirmatively Furthering Fair Housing and How it Applies to Municipalities
- Planning and Zoning to Affirmatively Further Fair Housing
- Zoning Reforms to Promote Diverse Housing Options
- What is Affordable Housing, Who Needs It, and How Has It Evolved Over the Years?
- Addressing Community Affordable Housing Needs with the Public

B. Optional Training (Note: Any combination of courses from the Optional Training sections may be used to supplement the Mandatory Training portion of the 4-hour biennial training requirement.)

1) Process and Procedures Section (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **The Legal Basis for a Local Commission’s Land Use Authority**
 - Roles and responsibilities of land use commissions and agencies, both regulatory and non-regulatory
 - Types of power of local commissions – legislative, administrative, quasi-judicial
 - Euclid v. Ambler Realty and other court cases
 - Enabling legislation
 - Local regulations
 - Role of the courts and when they get involved
- **Planning and Running a Public Meeting**
 - Quorum requirements
 - When are public hearings required?
 - Who can speak at a public hearing?
 - Time limits for speaking
 - Timeframes for a public hearing
 - Extensions
 - Crowd control when the number of people who show for a hearing exceeds legal capacity
 - Meeting logistics – room size, public access to presentations, order of speaking
 - Best practices for running in-person, online, or hybrid meetings
 - How to manage difficult situations during a public hearing
 - Alternates – Their role in public hearings, procedure for seating them in place of a regular member
 - Voting – Who votes, abstentions
 - Recording of meetings by others
- **Commissioner Conduct**
 - Bias – what constitutes bias and how to handle
 - Predetermination – what constitutes pre-determination and how to handle it
 - Conflicts of interest – personal, financial, perceived conflicts
 - Commissioner recusal – who decides, basis for recusal
 - How to handle conflicted commissioners who won’t recuse themselves
 - Ex-parte communications – what to do if someone approaches you about an application
 - Court remedies in case of a finding of bias, predetermination or conflict
 - Social media concerns

- Representation by a commissioner at another commission
- Freedom of Information Act

2) Site Plans, Surveys, Maps and Architectural Conventions Section (Suggested 1.0 hour)

Topics can include one or more of the following:

- **The Basics**

- Difference between maps and plans
- Finding what the plan contains
- Location Map – where is the site within the community
- List of Drawings – How to find what you are looking for
- Title Block – What information this provides
- Legend – what different symbols tell you
- Scale – graphic v. written scale, how to use an engineer’s scale, how to measure distances
- Zoning Table – what it tells you
- Orientation – north not always the same on each sheet
- Site plan checklist – what it is and how to use it.
- Topography and slope
- Why plans should be stamped by engineer, surveyor, etc.

- **Reading a Site Plan**

- Frontage and lot size requirements
- Setbacks – How to measure front, side and rear yards
- Corner lots – how the regulations apply re: frontage and setbacks
- Minimum lot size
- Rear lots
- Traffic circulation – how does the traffic flow within the site
- Parking requirements
- Existing and proposed grades and spot elevations.
- Cut and fill and why it matters
- Site drainage and stormwater systems
- Utility locations and sizing
- Landscaping/planting plan – how to tell what is being proposed for location, quantity, and size
- Ingress and egress – location, distance from intersections, sight line concerns
- Construction issues – E&S controls, anti-tracking pads
- Use of GIS – overview of site, visual context, not to be used in place of stamped plans

3) Environment, Agriculture and Historic Resources Section (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **Inland Wetlands and Watercourses**
 - Statutory requirements to regulate
 - Regulated activities
 - Activities that are permitted by right and non-regulated
 - Regulation of agricultural activities
 - Enforcement
- **Aquifer Protection**
 - Statutory requirements to regulate
 - Mapping and regulation of activities
- **Coastal Area Management**
 - Applications requiring coastal area management review
 - Coastal site plan review
 - Criteria for Coastal Site Plan Review (CSPR)
- **Flood Management**
 - Overview of FEMA mapping and role in land use permitting
- **Right to Farm Act**
 - Applicability to municipal land use permitting
- **Endangered Species Act**
 - Applicability to local permitting
- **Low Impact Development and Stormwater Management**
 - Applicability to local zoning and subdivision regulation
- **Historic District Commissions**
 - Formation and modifications of districts
 - Certificates of appropriateness
- **Historic Buildings, Places and Roads**
 - When can historic factors be considered in municipal land use permitting?

It is strongly recommended that any new commission or board members first complete a Basic Training course, such as that provided by the [CLEAR Land Use Academy](#), before pursuing training in other topics of interest.

While this guidance is intentionally limited to the one mandatory training section and the three optional training sections prescribed in Section 9 of Public Act 21-29, OPM recognizes that there are numerous related topics that affected land use boards and commissions might find acceptable for their members' compliance in meeting the 4-hour training requirement.

Since there is no formal state certification program, each municipality is ultimately responsible for ensuring the compliance of its affected commission and board members. Municipalities are

encouraged to consult with their respective COG on possible ways to achieve regional efficiencies in this effort, such as by facilitating the sharing of information related to existing municipal land use training resources and best practices, as well as the scheduling and hosting of regional training sessions offered by land use training providers.