
To: CRCOG Regional Planning Commission
From: Emily Hultquist, Director of Policy & Planning/Community Development
Date: May 9, 2019
Subject: May 16, 2019 RPC Meeting – Land Use Law Review

The upcoming Regional Planning Commission meeting will include a presentation from attorney Mike Zizka of Halloran Sage. Attorney Zizka has had a 30 + year career representing sixty different Connecticut municipalities. His cases have involved issues such as affordable housing, subdivision development, wetlands activities, nonconforming uses, zone changes, environmental pollution and inverse condemnation ("takings"). He has drafted groundbreaking regulations and ordinances on a wide variety of topics. His written works include the widely used and well regarded, *What's Legally Required? A Guide to the Legal Rules for Making Local Land Use Decisions in the State of Connecticut (CT DEP, 7th Ed. 2004)*, as well as *State and Local Land Use Liability (West Group)*, an annually updated national treatise on land use regulation.

This presentation will cover recent legal issues of note for local planning departments and planning commissions in Connecticut and nationally. RPC members may recall that CRCOG staff recently surveyed the RPC members on topics they would like covered in upcoming meetings and the following topics regarding legal matters were suggested:

- How to keep towns out of litigation based on what is required to be stated on the record
- How to deal with legal proceedings and potential litigation as a result of PZC actions
- Fine tuning regulations to ensure they are not left open to interpretation

These topics have been flagged for Attorney Zizka and will likely be addressed at this upcoming meeting through his presentation and resulting discussion.