

# **PROPOSAL FOR THE MONTANA COMMUNITY PLANNING CENTER**

## Background and Need

In a state like Montana with 56 counties and numerous cities and towns, all of which face financial pressures that make it difficult to devote the resources necessary to support good planning, it makes good financial, legal and planning sense to provide centralized support. Each local government should not be required to independently determine how to comply with state law, or to develop training programs for new government officials and board members, or to explore new options for addressing land use issues in their communities. A state investment in statewide community planning assistance is an efficient and wise investment of state resources.

From the 1970's until 2003, the State of Montana provided assistance to communities in establishing the boards and commissions necessary to implement planning in their jurisdictions, in adopting the regulations required and allowed by Montana law, and in implementing their ordinances and regulations. Those services were provided through state agency programs, first in the state Department of Community Affairs and subsequently in the state Department of Commerce. The program ranged in staff from a high of seven in the 1970's, when much of the funding was provided by the federal government, to a low of one FTE in 1982, to 2.25 FTE from the mid-1980's until 2003. The program, known as the Community Technical Assistance Program (CTAP), was eliminated by the Legislature in 2003.

Since the CTAP program was eliminated in 2003, its services have been sorely missed by local governments in Montana. The need for community planning assistance in Montana did not disappear with the elimination of CTAP. On the contrary, growth and concerns with economic development remain vital issues in the state, and the Legislature continues to revise the land use laws to respond to court decisions and changed conditions. By way of example, the Legislature in 2005 made significant changes to the subdivision laws of the state, which required revisions to the subdivision regulations of every county, town and city in the state. In the absence of CTAP, which had previously been responsible for developing model subdivision regulations, the Land Use Clinic at The University of Montana School of Law assumed responsibility for coordinating the development of new model subdivision regulations implementing the 2005 legislation.

## Overview of the Proposed Montana Community Planning Center

This proposal calls for the creation of the Montana Community Planning Center (MCPC) at The University of Montana—Missoula. The MCPC would provide the ongoing, statewide planning assistance previously provided by CTAP, but with additional resources and services available because of its affiliation with The University of Montana. A subsequent section of this proposal discusses the particular advantages of placing this service within the University System.

The next section of this proposal provides an outline of the functions proposed for the MCPC. In general terms, those functions break down into education, communication, the development of model ordinances and regulations, and advisory opinions. An underlying principle of the MCPC is building local capacity. While there will always be

some functions that benefit from a centralized approach, the mission of the MCPC will be to enhance local planning and legal capacity, so that local governments will be increasingly capable of providing planning services responsive to the needs of their constituents.

There has been discussion of the need for the state to provide one-time money to communities for planning. Individual communities do need financial support for their planning efforts, and many communities are unable to engage in long-range planning because of the press of current development proposals. But planning is a continuing enterprise—consisting of periodic review of plans themselves (e.g., growth policies), the implementation of those plans through ordinances and regulations, and the application of those ordinances and regulations to development proposals. While an infusion of one-time funds will assist communities in bringing their planning activities more current, it is not a substitute for providing ongoing, statewide assistance. Indeed, the absence of ongoing, statewide assistance requires local communities to devote more of their limited planning resources to activities that should be addressed by a statewide entity such as the MCPC proposed here.

### Outline of the Montana Community Planning Center Core Functions

#### 1. Education

##### A. Publications:

- (1) Handbooks on substantive topics:  
E.g., planning, zoning, subdivision regulation
- (2) Handbooks on official duties:  
E.g., planning board members, zoning commission members, city council & county commissioners re. land use
- (3) Bulletins on best practices:  
E.g., overlay zoning, agricultural land protection, conservation easements, wildlife protection
- (4) How to hire and contract with consultants

##### B. Training Seminars:

- (1) Annual training sessions for planning board members, zoning commissioners, city and county attorneys, etc.
- (2) Training sessions as needed on changes in the law for the above groups, and perhaps others  
[May charge out-of-pocket costs for the seminars]

#### 2. Communication

- A. Newsletter with announcements re. publications and seminars and other events of interest, and articles on current trends and topics
- B. Website with all activities and links to all publications of the Center
- C. Center serve as a clearinghouse for land use information in the state, including copies of local ordinances, regulations, etc. and examples from elsewhere – all posted on the Center's Web site
- D. Maintain listserv as a central communication for those involved in land use

planning in Montana

3. Develop Model Ordinances and Regulations

- A. Develop and update basic model ordinances and regulations implementing Montana state law
- B. Develop and distribute alternative regulatory or incentive-based approaches to land use objectives; provide ordinance and regulatory language to implement alternatives

4. Advisory Opinions

Response to case-specific inquiries from local planning staff and officials. Could be by telephone or (only) by email or written request (to maintain a written record).

Montana Community Planning Center Personnel

Personnel proposed for the MCPC include the following:

- 1 FTE lawyer/director
- 2 FTE planners (1 with GIS experience)
- .5 FTE administrative assistant
- .25 FTE Web administrator

This staffing is considered minimal to provide the core services identified above in a timely fashion. Particularly since many of the existing CTAP publications are now dated and training seminars have not been held in some time, the tasks facing a new program are substantial. The program needs at least this level of staffing in order to make meaningful progress in the core areas identified above. In fact, as discussed below, the hope would be that the MCPC could obtain grants and other funding to hire additional personnel outside of state funding to accomplish the core functions more quickly and to accomplish additional projects that support the core functions.

Of the above personnel, the lawyer/director should come to the job with significant understanding and experience of land use planning in Montana. At least one of the planners should have familiarity with the local government development review process in Montana.

Values from Locating the MCPC at The University of Montana

There are several significant benefits to locating the community planning assistance program at The University of Montana. These benefits fall generally under the headings of synergy and leverage. Locating the community planning assistance program at UM enhances opportunities for student involvement in community planning assistance program projects. Students in the Law School's Land Use Clinic, in the graduate planning program in Geography, and students from other departments across campus will become involved in community planning assistance projects. There will also be

opportunities to involve students from other University System campuses, including Montana State University. This involvement will enhance the capabilities of the community planning assistance program, while contributing to the students' education. Equally important is providing students with opportunities to gain real world planning experience while serving the local governments and citizens of the state. This close relationship between the community planning assistance program and students (and professors) in the University System will be a significant benefit from locating the program at The University of Montana.

Housing the program at the University also provides opportunities for interaction with other programs on campus with relevant specialties and expertise—such as the Public Policy Research Institute and the O'Connor Center for the Rocky Mountain West, as well as various programs across the campus. This stable of knowledge and capability will allow the MCPC to organize appropriate teams of experts to address issues facing Montana communities.

A significant benefit to locating the community planning assistance program at UM is the opportunity to leverage the state investment with grants from the federal government and private sources. Our study of similar programs in other states identified several that receive significant funding from outside sources to expand the scope of their work. The University is experienced at obtaining outside resources to expand and enhance its programs. Opportunities exist to obtain outside support to benefit the community planning assistance program, and the University is well-situated to exploit those opportunities.

Providing assistance to local communities in Montana always poses the challenge of distance. The University is well-positioned to utilize its expertise, technology and facilities to deliver education, training and work product to the communities of the state. The University System already has linked facilities throughout the state, and current technology makes simultaneous, live, interactive training available in multiple locations.