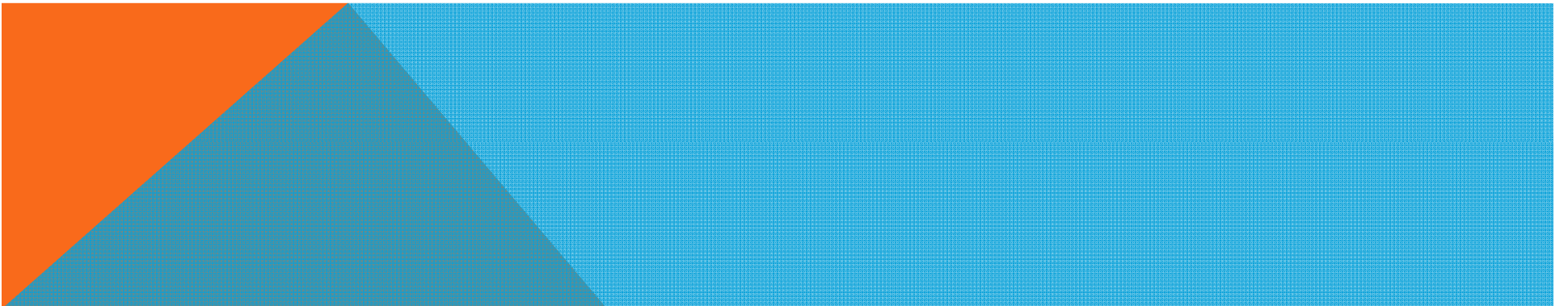


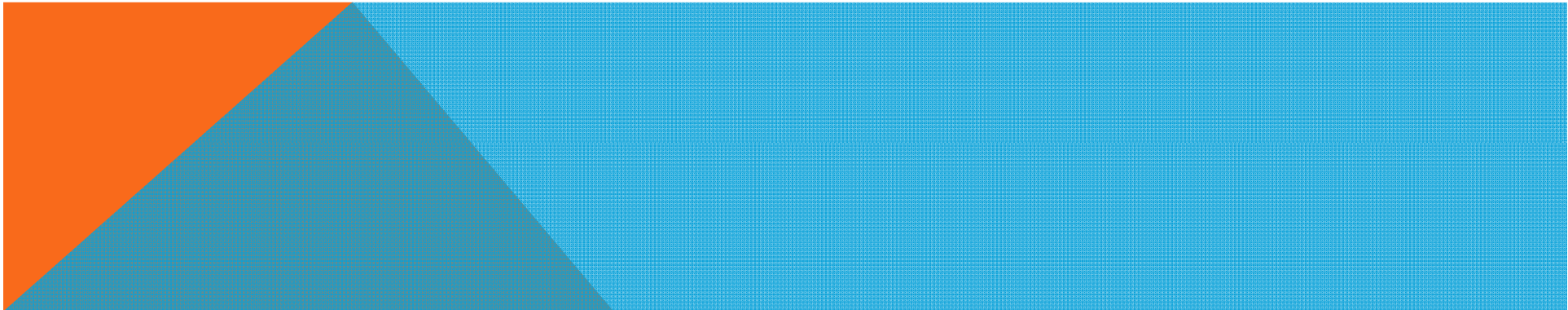


**PLANNING 101**  
MONTANA ASSOCIATION OF PLANNERS

# WHAT IS PLANNING?

- Zoning?
- Subdivision Regulations?
- Growth Policy? (Comprehensive Plan, Master Plan, General Plan)
- Communist Plot?

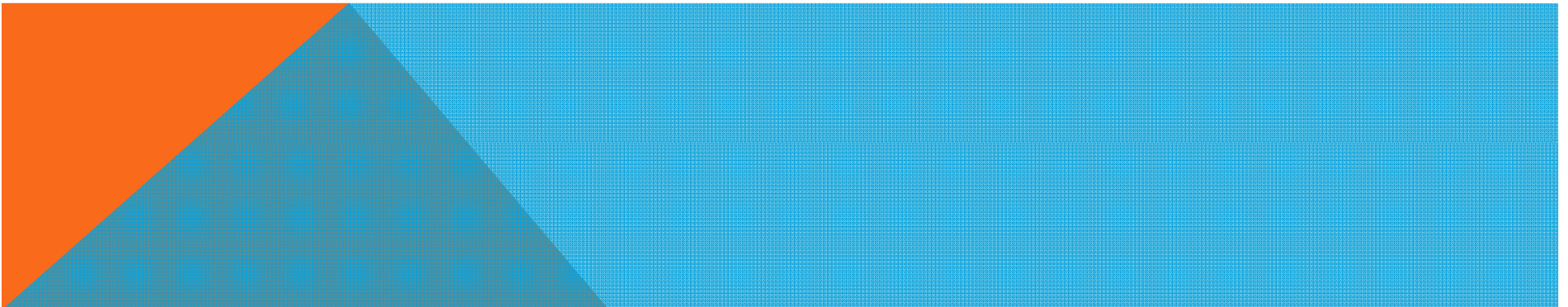




## ACCORDING TO THE APA.....

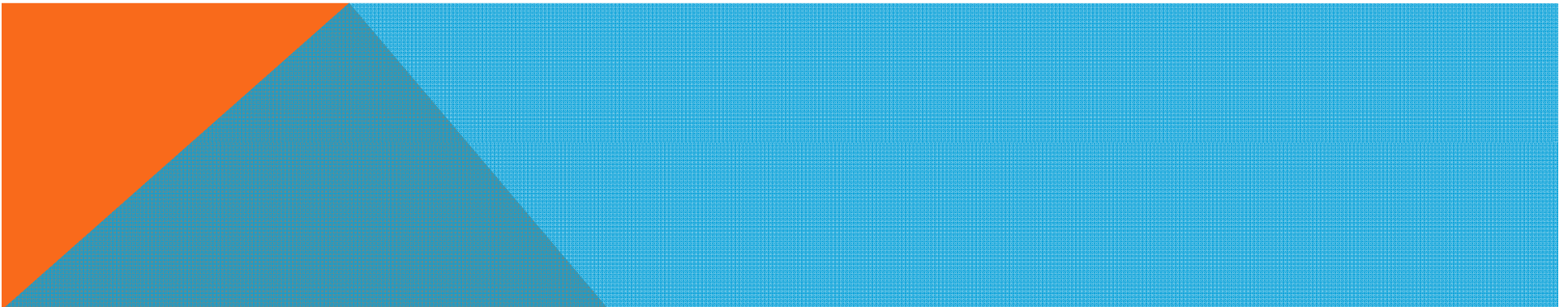
“When gov’t officials, business leaders, and citizens come together to build communities that enrich people’s lives, that’s planning.”

Oh, really?



# 10<sup>TH</sup> AMENDMENT TO US CONSTITUTION

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”



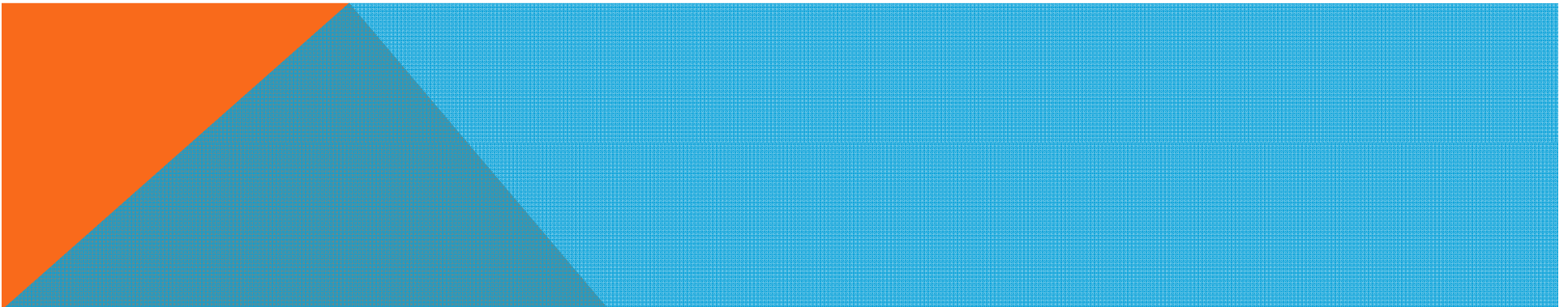


# BRIEF HISTORY OF PLANNING

- The Colonial Tradition
- Ordinance of 1785 (system of rectangular survey coordinates)
- L'Enfant's plan for Washington DC- 1791
- Munn v Illinois
- NYC Tenement House Law
- Hartford Commission on a City Plan
- Daniel Burnham's plan for Chicago
- Wisconsin Enabling Act
- LA Land Use Zoning Ordinance
- NYC Zoning Code adopted
- Cincinnati Comprehensive Plan
- Euclid v Ambler Realty- landmark zoning constitutionality case

## BRIEF HISTORY — (CON'T)

- Standard Zoning Enabling Act- 1925 (US DOC)\*
- Standard Planning Enabling Act-1926 (US DOC)\*
- US Housing Acts of 1934, 37, 49, and 54- federal gov't in housing; beginning of urban redevelopment
- The Quiet Revolution- Late '60s into '70: states often involved in land use decision making
- HUD 701 Comprehensive Planning Assistance Program
- Model Land Development Code- American Law Institute
- Recent court cases- *Penn Central*, *Nolan*, *First English*, *Lucas*, *Dolan*, *Suitum*, *New London*



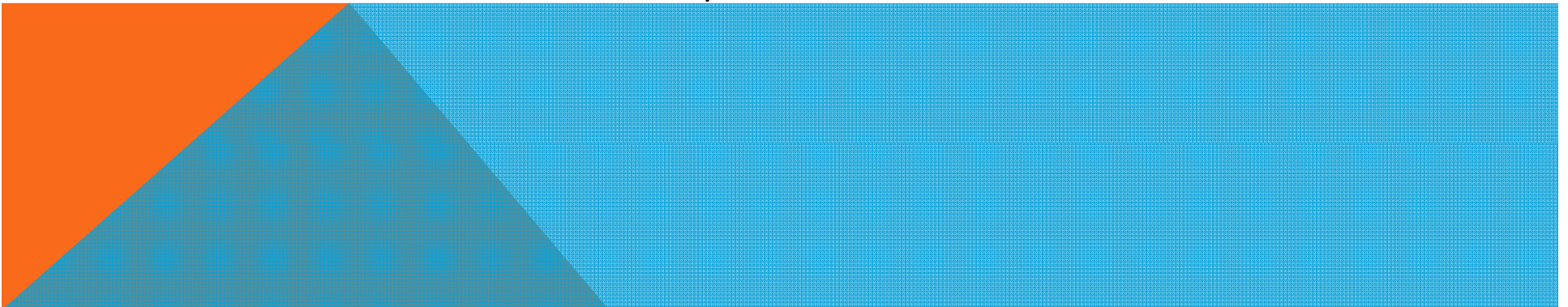


We Pause...



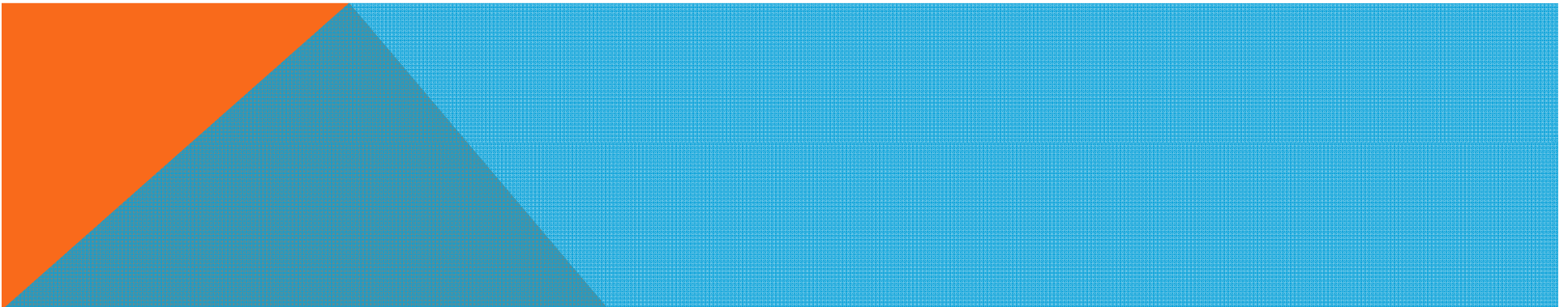
# PLANNING TRENDS

- From “experts” to citizens: Empowerment; Planning goes “*Grass Roots*”; public involvement plans often required.
- Land as a “resource” more than a “commodity”; infill, realization that sprawl costs \$\$
- “Aesthetic” considerations became acceptable P&Z issues; signage, landscaping, architectural review, design standards.
- “Environmental Planning” became more accepted & widespread; air & water quality, hillside development, wildlife considerations, CAO.



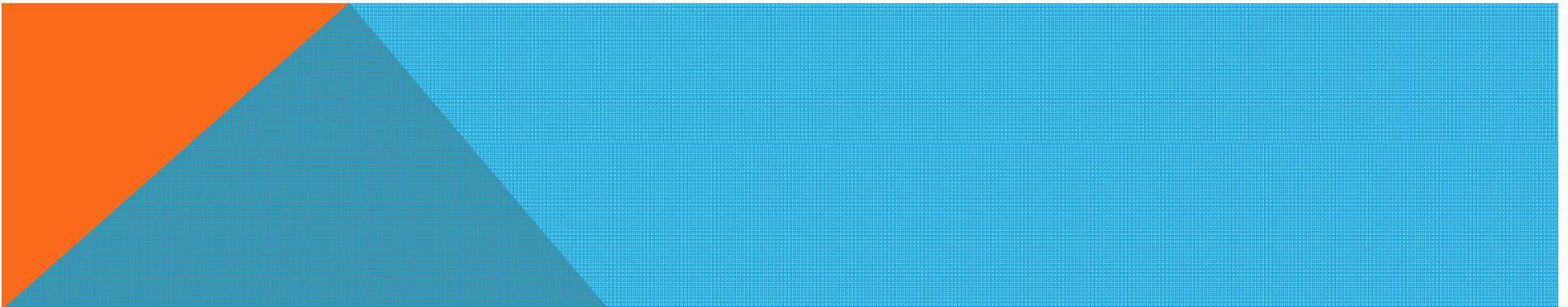
# LEGAL PREMISES OF PLANNING & ZONING

- “Plan before you zone”- case from Flathead County
- P&Z must be a legitimate exercise in the public interest furthering the public health, safety, and general welfare.
- Due Process (substantive and procedural)- no plan or regulation can be adopted without adequate and MEANINGFUL opportunity for public involvement.
- Equal Protection- all are treated equally under the regulation; no preferential treatment for any party or interest.
- Property Rights- right to a “reasonable use”; occurs when “all economic use of a property has been removed as a result of the imposition of a regulation”; inverse condemnation



# PLANNING MONTANA STYLE

- Montana developed its own enabling acts in early 1930s
- Bozeman adopted its first zoning code in 1936
- Planning Boards authorized to “promote the orderly development of its governmental units and its environs”
- Growth Policy- broad body of public policy; not a master plan and not a zoning map
- Subdivisions- MS&PA very detailed and prescriptive as to how local gov'ts can review subdivisions; treated like an “implementation measure” in Montana



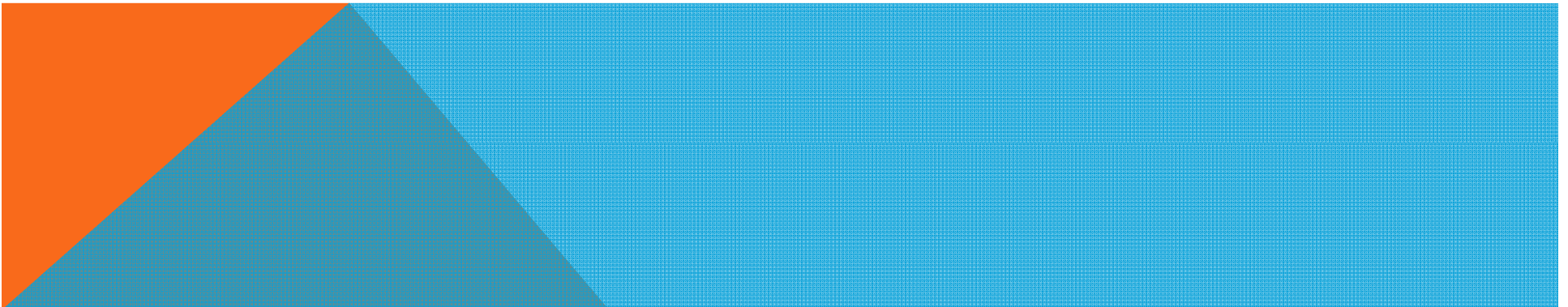
# OTHER TYPES OF PLANNING

- Transportation Planning- travel demand forecasting, LOS, planned improvements, new corridor designation, alt modes.
- Park & Rec Master Planning- visioning, determining P&R needs (specific to community), standards, resource evaluation, alt. benefits to parks and trails, funding sources (leverage grants, partnerships).
- Housing Needs Assessments- evaluate existing housing stock, survey, income and demographic data, projections of future needs/demands (product types, affordability, rehabilitation, etc)
- Downtown Master Planning (revitalization)- business development/retention, parking/circulation, community niche, marketing/branding, building & open space design and functionality, scale & character, recommendations and action plan.
- Neighborhood Planning- refinement of GP, issues VERY specific to neighborhood.



# RESOURCES

- The American Planning Association: [www.planning.org](http://www.planning.org)
- Montana Association of Planners: [www.montanaplanners.org](http://www.montanaplanners.org)
- Community Technical Assistance Program:  
<http://comdev.mt.gov/CTAP/default.mcp>
- Western Planner: [www.westernplanner.org](http://www.westernplanner.org)
- Planetizen: [www.planetizen.com](http://www.planetizen.com)







**THE END**