

RESOLUTION 24-11200

A RESOLUTION ADOPTING THE CITY OF BILLINGS PUBLIC PARTICIPATION PLAN

WHEREAS, the Montana Land Use Planning Act (MLUPA) aims to provide a comprehensive framework for sustainable land use planning and development in the state of Montana; and

WHEREAS, effective public participation is essential for the success and legitimacy of land use planning processes under MLUPA; and

WHEREAS, a transparent and inclusive public participation plan will enhance public engagement, foster community input, and ensure that diverse perspectives are considered in the decision-making process; and

WHEREAS, the development and adoption of a Public Participation Plan (P3) will serve as a guiding document to facilitate meaningful public involvement in the implementation of the Montana Land Use Planning Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1: The City of Billings hereby adopts the Public Participation Plan (P3) for the Montana Land Use Planning Act, as presented in the attached document.

2: The P3 outlines a comprehensive strategy for engaging the public at various stages of the land use planning process, including but not limited to:

- Early public notice and outreach regarding proposed planning initiatives and projects.
- Opportunities for public comment, input, and feedback through public hearings, workshops, surveys, and online platforms.
- Provision of accessible and comprehensive information regarding planning proposals, including maps, data, and analysis.
- Collaboration with community stakeholders, local governments, and other relevant entities to ensure diverse perspectives are considered.
- Mechanisms for ongoing communication and dialogue between planners, decision-makers, and the public throughout the planning process.

3: The City of Billings shall allocate necessary resources and personnel to implement and administer the Public Participation Plan in accordance with the provisions of the Montana Land Use Planning Act.

4: The City of Billings may periodically review and evaluate the effectiveness of the Public Participation Plan, soliciting feedback from the public and stakeholders, and making necessary adjustments to improve public engagement and participation in land use planning activities.

5: The City of Billings shall ensure compliance with all applicable laws, regulations, and policies governing public participation in land use planning processes, including but not limited to state statutes and administrative rules.

6: This resolution shall take effect immediately upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 13th day of May 2024.

CITY OF BILLINGS



By: William A. Cole
William A. Cole, Mayor

ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk

Attachments: Public Participation Plan for the Montana Land Use Planning Act



CITY OF BILLINGS

LAND USE PLANNING P3 Public Participation Plan

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Introduction

1.1 WHAT IS THE PUBLIC PARTICIPATION PLAN

In the 2023 session of the 68th Montana Legislature, Senate Bill 382 received approval and was subsequently signed into law by Governor Gianforte. This legislation established the Montana Land Use Planning Act, which mandates that municipalities surpassing specific population criteria must adhere to the land use plan, map, zoning regulations, and subdivision regulations outlined in the Act. Furthermore, the Act necessitates the involvement of the public in the process of creating, adopting, or modifying a land use plan, map, zoning regulations, or subdivision regulations.

Montana Statutory Requirements: Montana Code Annotated requires the governing body to adopt a Public Participation Plan (P3) detailing how a local government will provide continuous public participation when adopting, amending or updating a land use planning document. These requirements include:

- Dissemination of draft documents;
- An opportunity for written and verbal comments;
- Electronic communication regarding the process, including online access to documents and comments;
- Public meetings must be announced or advertised in a manner that gives the public sufficient time and information to be aware of the event. Notice must clearly specify the nature of the land use plan under consideration, what comments the local government is seeking, and how the public may participate, and;
- An analysis of and response to public comments.

Interim Review: During the interim period leading up to the complete transition by the City to requirements of Senate Bill 382, both the City Zoning Commission, City Board of Adjustment and the Yellowstone County Board of Planning will play pivotal roles in overseeing and regulating land use business activities within the city. The Zoning Commission and Board of Adjustment will continue to review existing zoning regulations and the Yellowstone County Board of Planning will continue to engage in comprehensive reviews on subdivision, Metropolitan Planning Organization activities and other land use projects.

1.2 HOW TO USE THE PUBLIC PARTICIPATION PLAN?

The City is committed to the concept that planning is a community-based effort. In support of this, the City of Billings Public Participation Plan (P3), defines a process that ensures continuous and reasonable opportunity for all interested parties to participate in the planning process.

This P3 serves two main purposes. The first is to provide the public with a guidebook for how and when they can participate in local land use planning and decision-making. Secondly, it outlines the policies and procedures for public engagement committed to by the City.

The City's objective is to consistently keep the public well-informed and actively involved at every stage of the local planning process, starting from the formulation

of planning policies, progressing through the conceptual phases of planning projects, and concluding with the formal adoption of planning documents. The methodologies and recommendations outlined in the P3 are crafted with the aim of accomplishing the following goals.:

- **Encourage and facilitate the participation of all interested parties in local planning efforts;**

- **Continuously integrate public participation into the local planning process in a timely, constructive, and meaningful manner;**

- **Use techniques to increase awareness, accessibility, and understanding of planning issues;**

- **Seek out and consider the needs of a cross-section of the community, including the traditionally underserved, in local planning efforts;**

- **Provide increased education and awareness of planning issues in order to create a higher degree of understanding, thereby enhancing the public input received; and**

- **Continue to build upon citizen participation so that strengthened support for planning and its products will be achieved.**

These objectives also provide a valuable reference for use in evaluating and planning for public engagement efforts in the future. The City will periodically review the P3 to ensure that the methods and guidelines effectively support the objectives defined above. Barring changes in Legislative regulations, the Council may from time to time revise the P3 to ensure a full and open participation process. Other situations that may warrant review and update will be considered on a case-by-case basis. The review process will include discussion and assessment of the stated objectives of the program, as well as an evaluation of the efficacy and implementation of its methodology. The level of citizen participation will be analyzed to determine if modifications to the program are warranted. In addition, City staff will monitor current laws and regulations to determine if program changes are required.

Participants in the Process

2.1 PLANNING COMMISSION

According to the Montana Code Annotated, a Planning Commission must be created as the designated public body responsible for overseeing the creation, approval, or modification of a land use plan, map, zoning regulation, or subdivision regulation. Furthermore, the Planning Commission is also tasked with formulating strategies to address population projections and must consider various factors, including housing, local facilities, economic development, natural resources, the environment, and natural hazards when developing a land use plan, map, and zoning regulations. Additionally, it is responsible for establishing a process for reviewing subdivisions and granting approval for final plats per state law.

The Planning Commission shall review the land use request, conduct a public hearing and make recommendations to the local governing body (Billings City Council) regarding the development, adoption, amendment, review, and approval or denial of the following documents:

- the land use plan and future land use map;
- zoning regulations and map;
- subdivision regulations;
- any other legislative land use planning document the local governing body designates.

Planning Commission Meetings: Meetings will be scheduled for a regular day/time on a monthly schedule. Check the [website](#) for the current meeting schedule and locations. Agendas and backup information are posted one week in advance of each meeting.

2.2 BILLINGS CITY COUNCIL

The Montana Code Annotated designates the Billings City Council as the governing body and the ultimate decision-making authority for the land use processes mentioned above. Council members will receive notifications about all public engagement opportunities and will be invited to actively participate throughout the entire planning process. The Council will also receive regular updates and briefings on the progress and will assess the Planning Commission's recommendations for the land use plans, maps, regulations, and amendments. Once a recommendation is provided by the Planning Commission, it becomes mandatory for the Billings City Council to organize an opportunity for public participation, including a public hearing, when finalizing the draft of the land use plan, map, or regulation.

2.3 PROJECT OVERSIGHT COMMITTEES

The City will establish a project oversight committee that will contribute to specific aspects of the land use projects. This committee will be established to facilitate the exchange of information related to a proposed project or a particular subject. It's important to note that the committee does not possess decision-making authority but plays a crucial role in establishing a two-way communication channel between the City and the public.

2.4 CITY STAFF

City planners with professional expertise will be responsible for organizing and overseeing various forms of public engagement. They will also be in charge of composing and delivering materials related to land use projects for review by the community, Planning Commission, and City Council. These planners will make necessary revisions to the documents and ensure timely delivery of materials. They are committed to using plain language in all materials and presentations and providing comprehensive explanations of the subject matter.

Moreover, a dedicated project manager will serve as the primary point of contact for the public and stakeholders. This individual will actively participate in and help coordinate all aspects of the land use projects and the public participation plan.

2.5 NEIGHBORHOOD TASK FORCES

Neighborhood task forces are community groups designed to give residents of each neighborhood a chance to make a difference where they live. Planning staff are encouraged to attend neighborhood task force meetings. The purpose is to inform a larger portion of the population, and to provide the Planning staff with an increased awareness of issues or concerns within their particular area of the region. The leaders will meet with their Planning Commission representatives and the City Planning Department or other appropriate department or agency staff, as necessary.

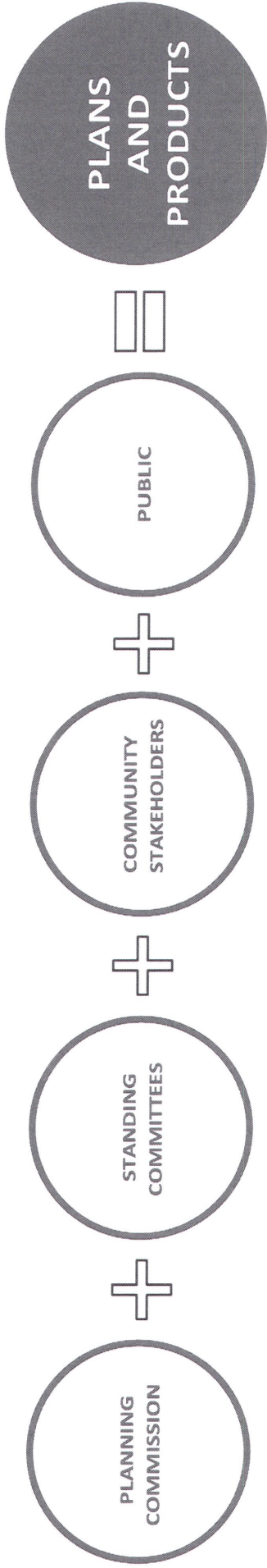
2.6 THE PUBLIC

All members of the public are encouraged and welcome to participate in any public meetings or events hosted by the City. The city also encourages community and civic organizations to engage in local land use planning activities. In addition to the general public and community and civic organizations, the City where appropriate will collaborate with other government and quasi-government agencies. The City will specifically reach out to engage the Native American community and its organizations and representatives.

All meetings and official activities of the City are held in buildings and locations that comply with accessibility standards according to the Americans with Disabilities Act (ADA). A TTY number for the hearing impaired, 406-657-3079, is available upon request. In addition, many of the meetings can be viewed on the Planning Division Facebook page at <https://tinyurl.com/yckr478k>. All City Council meetings are available to view via Community Channel 7 including live on their webpage at: <https://comm7tv.com/>

Special arrangements for participation in public hearings by individuals with hearing, speech, or vision impairment may be made upon request at least three days prior to the hearing. Please notify the Planning Clerk, at 406-247-8610.

In addition, information on projects and meetings can be found on the [Planning Division Website](#).



LONG RANGE PLANNING PROCESS

City of Billings



PUBLIC PARTICIPATION

3.1 LAND USE PLAN

A land use plan functions as an extensive strategy for directing local decisions regarding development and public investments. Within this framework, regulatory tools like the Municipal Zoning Code, Subdivision Regulations, and future land use map are formulated. SB 382 outlines specific requirements for the land use plan in Sections 9-14.

The land use plan is crafted to steer a community's future endeavors. It articulates a vision for the future, outlining long-term goals and objectives across all facets that impact local governance. This encompasses guidance on evaluating proposals for public and private land development, allocating public funds, promoting collaboration, and addressing urgent matters, such as preserving farmland or revitalizing older neighborhoods.

This plan emphasizes the importance of maintaining consistency over time and offers subsequent city administrations a standardized method for handling land-use matters. By planning for the future, it strives to strike an equilibrium between the various demands on land. This is achieved by establishing organized and logical land patterns that try to maximize benefits for both individuals and the community, all while mitigating conflicts between different land uses. This plan evaluates the following areas:

- **Existing Conditions (Section 9)** The land use plan must include, at a minimum, inventories and descriptions of existing conditions of housing, local services and facilities, economic development, natural resources, environment, and hazards, and land use within the jurisdictional boundaries of the land use plan.
 - **Housing (Section 10):** The identification and analysis of existing and projected housing needs for the projected population of the jurisdiction and provide regulations that allow for the rehabilitation, improvement, or development of the number of housing units needed, as identified in the land use plan and future land use map.
 - **Local Services and Facilities (Section 11):** Review and determine the local services and facilities, including mapping of such services and facilities. This should include key public infrastructure, public safety and emergency services, emergency management system agencies, local health care organizations.
 - **Economic Development (Section 12):** The land use plan must assess existing and potential economic development in commercial, industrial, small business, and institutional enterprises including the types of sites and supporting services needed by the enterprises.
 - **Natural Resources (Section 13):** The land use plan must include natural resources, environment, and hazards inventories and maps, including but not limited to agricultural lands, agricultural water user facilities, minerals, sand and gravel resources, forestry lands, and other natural resources identified by the local government.
 - **Land Use and Future Land Use Map (Section 14):** A land use plan must include a future land use map and a written description of the proposed general distribution, location, and extent of residential, commercial, mixed, industrial, agricultural, recreational, and conservation uses of land and other categories of public and private uses, as determined by the local government.
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3.2 SUBDIVISION

Subdivision is the division of land that creates one or more parcels containing less than 160 acres of land that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways. This process must be completed in order that the title to the parcels may be sold or transferred and includes any resubdivision and condominium and townhome development. This term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed.

For information on the content, adoption and amending of the subdivision regulations, refer to Section 27-28 of SB 382.

3.3 ZONING

The city is divided into zoning districts as shown on the official zoning map. Zoning districts are used to control the use, placement, spacing and size of land and buildings. The city Zoning Regulations outline the requirements for each zoning district. Applications for zone changes, specials reviews and variances originate with the Planning Office. Submittal deadlines are the first working day of each month. Each application is reviewed by staff and the property is posted prior to the public hearing before the Planning Commission.

For more information on the authority to adopt local zoning regulations, the requirement to include a minimum of five housing strategies, limitations on zoning authority, adoption or amendment of zoning regulations, and effect on zoning regulations and map, refer to Section 18-22 of SB382.

3.4 ANNEXATION

Annexation is the process by which land within Yellowstone County becomes incorporated into the City of Billings. The City shall review and consider a proposed annexation in conjunction with the zoning regulations for the property to be annexed. For more information on regulations on annexation, refer to Section 23 of SB382.

3.5 AREA AND ISSUES PLANS

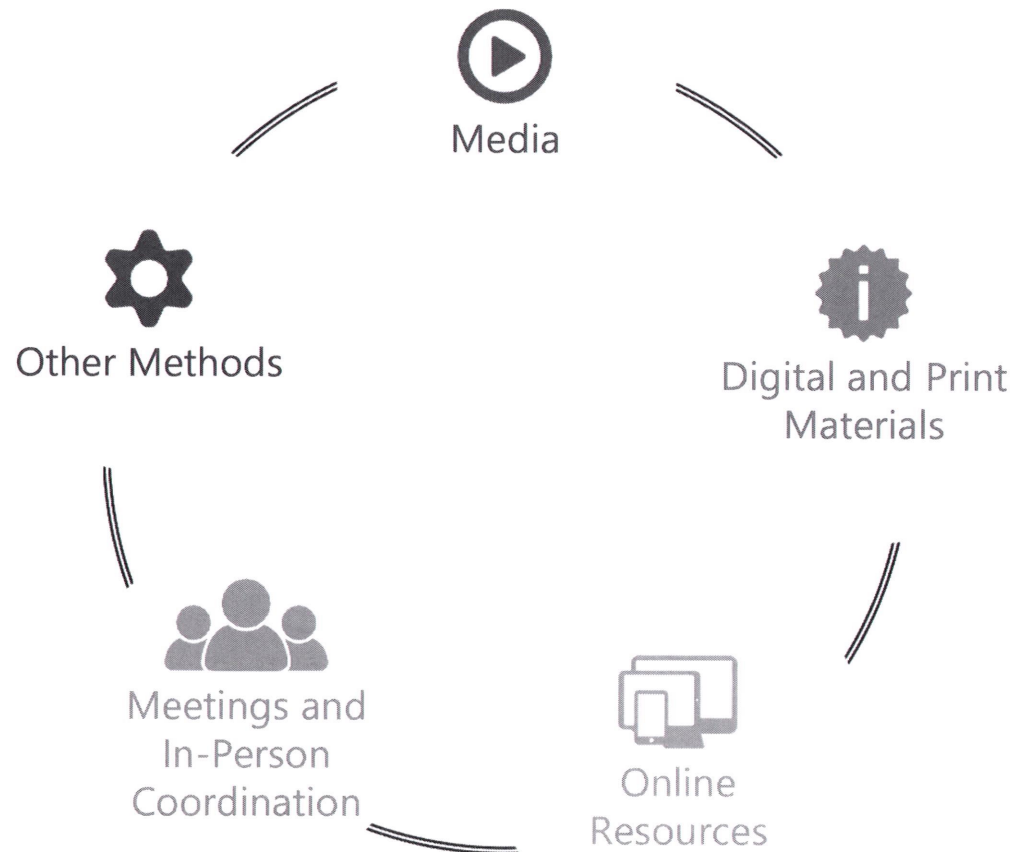
From time to time, the City will lead a special plan or study to develop a greater understanding of community needs and public desires for a specific area or neighborhood. Each plan or study provides a unique opportunity for public participation in discussing the issues, conceiving potential improvements, and commenting on any final recommendations that may result. These plans may be adopted by reference into the Land Use Plan for the City.

For more information on Area and Issue Plans, refer to Section 15 and 16 of SB382.

Public Participation Strategies and Evaluation

4.1 STRATEGIES AND TOOLS FOR CONTINUOUS PUBLIC PARTICIPATION

This section provides a description of the various techniques that will be used to carry-out the City's public participation process. Opportunities for public input are not limited to those contained in this section. Other public participation techniques deemed necessary may be employed to increase awareness of and to provide ample opportunities for public participation in the development of City planning products. Techniques that are no longer applicable or useful will not be used.





Media

Press Releases and Public Service Announcements: The City will use media press releases and public service announcements to announce opportunities for the public to participate in the development of up-coming plans and products. Registered news media and organizations expressing interest may be mailed press releases.

Newspapers: Notices of all meetings, public hearings, and public comment periods are published in a local newspaper and when public comments are needed for a major City plan or project.



Digital and Print Materials

Direct Mailings: Project specific mailings may be used to announce upcoming meetings, activities or to provide information to a targeted area or group of people. Direct mailings can be letters, postcards, or flyers and depends on the project type.

Email Announcements: The City employs a direct emailing list in order to announce upcoming activities or to provide information to a targeted area or group of people. Direct emailing are usually electronic letters or documents. This list will continue to grow with each outreach activity as noted within the database of contact information and category. To sign up for email notifications through the City of Billings Notify Me, please visit this link:
<https://www.billingsmt.gov/list.aspx>

Posters and Flyers: Posters and flyers can be used to announce City meetings and events. Posters and flyers can be distributed to public places such as City Hall, libraries, and community centers for display. The announcement may contain a brief description of the purpose of the meeting, the time(s) and location(s), and contact information.

Fact Sheets: A condensed format of bullet point information related to a certain project and providing the public with the key project highlights and information.



Online Resources

Website: <https://www.billingsmt.gov/184/Planning> : The main mode of communication employed by the CITY to distribute information regarding regional transportation planning is the CITY website. There, interested persons can find information on the planning process, as well as up-to-date information on current projects and events.

Social Media: The CITY utilizes its Facebook page <https://tinyurl.com/yckr478k> as a means to provide the public with information via social media.

Surveys: The CITY may conduct mail, in-person, or web-based surveys to obtain public input or to gauge public opinion regarding regional planning issues.

Comment Cards: Comment cards are used to solicit public comment on specific issues being presented at CITY public meetings. Comment forms are also used to solicit input regarding general input regarding CITY plans and projects.



Meetings and In-Person Coordination

The City will strive to facilitate the inclusion of all individuals in public participation. Various options may be considered to achieve continuous public participation, although not all methods will necessarily be employed for all project types.

Formal meetings will be held in ADA accessible locations at times that offer the greatest opportunity for those interested to participate. The CITY will select the location, size, and setup of meeting facilities based on the specific characteristics of the audience and the type of information to be presented.

Public Meetings / Workshops: Public meetings and workshops will be held in ADA accessible facilities at times and locations that offer the greatest opportunity for those interested to participate. As much as possible, the CITY will hold meetings and workshops in public places (e.g., a neighborhood community center, library, town center, or shopping mall) that are conducive to attracting the mix of people and businesses most representative of the community. For all public meetings, the CITY will seek to increase participation by creating a welcoming and inviting environment.

Tag-on Meetings: At various times, CITY staff may request to appear on the agendas of the local planning commission, local service organization, neighborhood task force, or other public meetings to communicate the purpose and need for the CITY and its planning process. This method can be an effective way to encourage discussion about the interrelationship between local land use, zoning and subdivision decisions and regional planning efforts. School Board meetings would also be an appropriate place for general messages about the functions and products of the City in regard to land use and the MPO.

Exhibits at Events: While formal meetings provide a good forum for public education and input, CITY plans and processes may receive wider exposure at various community events. Events, recreational and social gatherings attract many people who would not typically attend a formal meeting. As appropriate, CITY staff will attend special events in person or with stand-alone booths and kiosks to provide information. When appropriate, the CITY will pursue opportunities to establish booths and/or tables where staff can solicit names and addresses of people who would like to receive advance notification of the future opportunities to participate in the CITY process.

Steering Committees/Focus Groups/Stakeholder Groups: Specific projects, plans, or studies may benefit from establishing a group of experts, individuals, or stakeholders to be representative of all interested parties and provide guidance on the direction of the project, plan, or study.

Meeting-in-a-Box: The CITY will provide all the necessary information for neighborhood partners to reach their members with information about CITY plans, studies and projects. Information will be customized to the intended audience to ensure general understanding.

Pop-up Meetings: Pop-up events allow community members to participate in the planning process without a large time commitment. These engaging, neighborhood-focused events are held in specific geographic areas. The CITY would set up a table or booth and passers-by would be able to take a survey electronically or on paper or otherwise provide comments.



Other Methods

Visualization Techniques: The CITY will use visualization, interactive, and other graphic techniques to enhance understanding of land use and transportation issues and decisions. Techniques include but are not limited to the use of PowerPoint presentations, aerial photography, Geographic Information Systems (GIS) software, charts, graphs, artist renderings, brochures and mapping.

For site specific land use applications, specifically, annexation and zoning applications, the City will physically post the property with signage that announces the type of land use request, the date/time of the public meeting where the land use application/project will be heard by the Planning Commission, and contact information.

4.2 ASSESSMENT OF EFFECTIVENESS

The CITY must assess the effectiveness of public participation techniques to ensure that funds and time invested in public participation activities are achieving their goals. To aid in the assessment on a continuing basis, information

will be collected from sign-in sheets, and/or surveys or meetings/conversations with stakeholders, as well as other means.

The CITY will track the following:

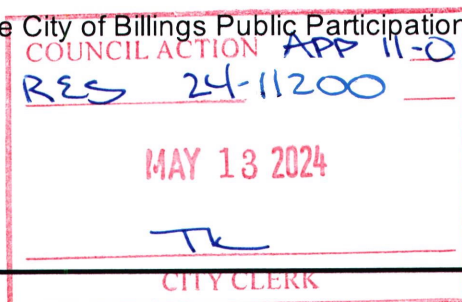
- Total number of attendees at an event or meeting,
 - Total number of comments received,
 - Geographic distribution of comments when able to be collected, and
 - Comments from low-income and minority community members or areas.
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Closing Summary

The CITY recognizes that an effective participation process is a vital element in the development and implementation of land use planning plans and programs. The procedures and tools outlined in this plan are to be used with the recognition and acknowledgment that the community's interests are best served by planning efforts that are sensitive to public goals and values.

City Council Regular

Date: 05/13/2024
Title: Public Hearing and Resolution to adopt the City of Billings Public Participation Plan
Presented by: Lora Mattox
Department: Planning & Community Services
Presentation: Yes
Legal Review: Yes
Project Number: N/A

**RECOMMENDATION**

Staff recommends City Council conduct a public hearing on the proposed Public Participation Plan (P3) to comply with the Montana Land Use Planning Act (MLUPA) and approve the resolution to adopt the P3.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

The 2023 Montana Land Use Planning Act (MLUPA) provides a framework for local governments to engage in land use planning processes. One of the key components of MLUPA is public participation. It emphasizes the importance of involving the public in decisions related to land use planning, zoning, and development. Having this Public Participation Plan in place is a key requirement for moving ahead with revising the City's Growth Policy with a Land Use Plan and Future Land Use Map per the 2023 MLUPA requirements.

Purpose: The purpose of the Public Participation Plan is to establish guidelines and procedures for engaging the public in land use planning activities. By adopting this plan, the Council demonstrates its commitment to transparency, inclusivity, and community involvement in decision-making processes.

Key Components of the Plan:

1. **Outreach Strategies:** The plan outlines various strategies for reaching out to the community, including public meetings, workshops, surveys, social media, and traditional media channels.
2. **Timelines and Notices:** It establishes clear timelines for public notice of planning activities, ensuring that residents have adequate time to participate and provide feedback.
3. **Accessibility Measures:** The plan includes provisions for making information accessible to all residents, including those with disabilities or limited English proficiency.
4. **Feedback Mechanisms:** It outlines mechanisms for collecting and analyzing public input, such as comment forms, online platforms, and public hearings.
5. **Evaluation and Improvement:** The plan includes provisions for evaluating the effectiveness of public participation efforts and making improvements based on feedback and lessons learned.

STAKEHOLDERS

By adopting this plan, the City Council assures residents of a clear and defined public participation process.

ALTERNATIVES

City Council may:

- Approve the Resolution to adopt the Public Participation Plan that defines the City's process in providing for continuous public participation; or,
- Not Approve the Resolution to adopt the Public Participation Plan. By not adopting the plan, the City does not provide a process for continuous public participation and is not in compliance with the 2023 Montana Land Use Planning Act requirements.

FISCAL EFFECTS

The adoption of this resolution will not directly affect city finances. However, to provide for continuous public participation, resources such as staff time, materials, and other engagement activities may affect project budgets.

SUMMARY

Staff recommends that City Council hold a public hearing to discuss and approve the proposed Public Participation Plan (P3) in accordance with the 2023 Montana Land Use Planning Act (MLUPA). The plan aims to involve the community in land use planning processes, ensuring transparency and inclusivity.

Key components include outreach strategies, clear timelines for public notice, accessibility measures, feedback mechanisms, and evaluation procedures. Adoption of the plan assures residents of a defined public participation process. The Council has two alternatives: to adopt the plan or not, with the latter resulting in a lack of defined public engagement process. While the resolution's adoption won't directly impact city finances, resources may be required for continuous public participation efforts. In essence, adopting the Resolution ensures compliance with MLUPA's requirement for continuous public participation in land use decisions.

Attachments

Public Participation Plan
P3 Resolution