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DECENTRALIZATION OF THE PLANNING AND ZONING
FUNCTION IN MISSOULA, MONTANA

By

Ellen C. Gilliam

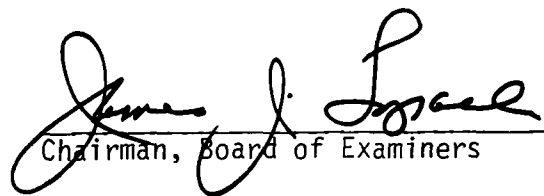
B.A., University of Montana, 1973

Presented in partial fulfillment of the requirements for the degree of
Master of Public Administration

UNIVERSITY OF MONTANA

1981

Approved by:


Chairman, Board of Examiners


Dean, Graduate School

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CHAPTER I
THE DECENTRALIZATION OF THE PLANNING AND
ZONING FUNCTION THROUGH RECOGNIZED
NEIGHBORHOOD ORGANIZATIONS

This paper proposes means by which the City of Missoula, Montana, through Recognized Neighborhood Organizations, may decentralize the planning and zoning decision-making process. The following areas have been investigated: differentiating between neighborhood planning and giving legal recognition to neighborhood based decision-making bodies, the history of decentralizing the planning and zoning function, achievements in cities using Recognized Neighborhood Organizations, past efforts to give recognition to neighborhood organizations in Missoula, the present attitudes of Missoula's organizational representatives toward formally recognizing neighborhood organizations, present citizen access to land use decision-making, and the legal means by which neighborhood organizations could be recognized in the local government structure. Finally, alternatives are suggested for a neighborhood organization recognition ordinance.

Neighborhood Planning and Giving
Legal Recognition to Neighborhood Based
Decision-making Bodies

Decentralization of the planning and zoning function has two aspects: 1) neighborhood planning and 2) giving legal recognition to representative neighborhood bodies. Neighborhood planning involves

. . . . identifying problems, stating objectives, establishing alternatives, and implementing programs at a subarea level while meaningfully

engaging local residents in every stage of the process.

Comprehensive planning methods are used to develop plans for individual city neighborhoods. During the planning stages, the neighborhood residents develop goals, objectives, and alternatives for implementing their plan. Usually, technical assistance is provided by the local planning staff. However, private consultants and neighborhood resident experts may prepare plans. The plans are then subject to the approval of the local city governing body. Through a charter, ordinance or resolution some cities are giving neighborhood-based representative bodies formal recognition in the planning and zoning decision-making process.

The sequence preferred by Missoula's planning administrators for the decentralization of the planning and zoning function is that neighborhood residents develop a plan and then recognition is given to a locally based representative neighborhood body.

Through the development of the neighborhood plan residents gain knowledge about their neighborhood. The city legislative body is then assured that the residents' future recommendations are based on an understanding of their neighborhood environment. In practice, however, some cities have legally recognized representative neighborhood bodies before the development of a neighborhood plan. The suggestions in this paper can provide a basis for designing means to formally involve Missoula's neighborhood residents in the planning and zoning decision-making process through Recognized Neighborhood Organizations.

History of the Decentralization of the Planning and Zoning Function

Public planning gained acceptance in the 1920s. Until the mid-1960s, the central concern of the planner had been the city as a whole. Urban planning was a function of the central city government.² However, in the late 1920s, Clarence Perry may have planted seeds of today's neighborhood involvement in planning. He influenced planners to consider the neighborhood unit as a building block to city planning. Perry also suggested a voluntary property owners' association to see that development standards were maintained.³

Before the 1960s, citizen participation in planning was indirect and city-wide. In the past, citizens have participated in planning and zoning decision-making in two ways: 1) through their representatives on various city commissions, boards, and the local governing body; and 2) as individuals before city-wide central zoning and planning decision-making bodies. Citizens have not participated "as representatives of a particular neighborhood interest."⁴ The main products of the planning office were the master plan and urban renewal programming. With the advent in the 1960s of the Community Action Agency and Model Cities programs, planners became more concerned with the needs of residential neighborhoods.⁵ Today, planning emphasis is shifting from a predominantly city-wide perspective to a concern for neighborhood planning. As well as participating in decision-making through city-wide boards and commissions, citizens are taking part in decision-making through legally recognized neighborhood bodies.

The idea that neighborhood residents should have a legal right to plan and zone their neighborhood is a recent development in the planning

field. Howard Hallman, an advocate of decentralization, provides a breakdown of various functions that can be performed best by different levels of government. Planning and zoning are among the functions that can be carried out by subareas of municipalities.⁶ During the 1960s, citizens began to demand that representative neighborhood groups be recognized in the planning and zoning process.⁷ The significant new aspect of citizen participation in planning is legal recognition of neighborhood bodies. Four factors have influenced this new development: 1) a general trend toward the decentralization of municipal functions, 2) the urban crisis of the 1960s, 3) pressure from the federal government for more citizen participation,⁸ and 4) demands by neighborhood organizations.⁹

The 1960 urban upheavals were largely due to city-dwellers' dissatisfaction with municipal services. The idea developed that black people in black neighborhoods should solve their own problems.¹⁰ The requirements for citizen participation in the Housing and Community Development Acts of 1974 and 1977 resulted in new forms of neighborhood-based decision-making.¹¹ Neighborhood organizations that were started over one issue developed a sophisticated knowledge of how the government works. As a result, they have demanded a greater role in the decision-making process.¹²

The following list represents a sampling of the cities that now have legally recognized neighborhood bodies taking part in the planning and zoning decision-making process: New York, New York; Dayton, Ohio; Newton, Massachusetts; Portland, Oregon; Eugene, Oregon; Birmingham, Alabama; Simi Valley, California; Raleigh, North Carolina; Wilmington, North Carolina; and Atlanta, Georgia.¹³

Definition of "Recognized Neighborhood Organizations"

In this paper, "Recognized Neighborhood Organizations" refers to neighborhood organizations that meet the criteria for Howard Hallman's definition of "neighborhood councils" and David Rafter's criteria for "recognized neighborhood organizations." Hallman defines neighborhood councils as

. . . neighborhood bodies which have some kind of official or quasi-official relationship with local government. They are broad-based organizations of residents from geographic subareas of a city or county. They are usually governed by a representative body, chosen through a democratic process. They focus upon several or many aspects of neighborhood life and not merely on a single problem or program.¹⁴

Neighborhood councils differ from other neighborhood organizations in "their recognition by local government as an official or quasi-official representative body for the neighborhood."¹⁵ In Rafter's study, "Recognized Neighborhood Organizations" are further differentiated from other official or quasi-official representative neighborhood bodies. The city "utilizes existing community organizations" to fulfill an advisory function;¹⁶ but, through a charter, an ordinance, or resolution the city council "recognizes" neighborhood organizations. The charter, resolution, or ordinance spells out the criteria for recognition and the organizations' duties.

Strategies Used to Involve Neighborhood
Organizations in the Planning and
Zoning Decision-Making Process

Several different strategies are used to involve neighborhood organizations in the planning and zoning decision-making process; there

is no one model. Each city must develop its own strategy to fit its particular needs. A June, 1978 study of forty-one cities with decentralized planning identified four general strategies: 1) City-Wide Neighborhood Planning Boards, 2) Selected District Advisory Boards, 3) Recognized Neighborhood Organizations, and 4) Cooperative Neighborhood Organizations. In the case of City-Wide Neighborhood Planning Boards, the local governing body, through charter or ordinance, divides the city into planning districts and establishes advisory boards for each district. The Selected District Advisory Board's strategy calls for creating, through ordinance, special districts in particular areas of the city and establishing an advisory board for the area. The Recognized Neighborhood Organization strategy was discussed in the preceding paragraph. With the Cooperative Neighborhood Organization strategy, the planning department works with existing neighborhood organizations by providing them information and assistance upon request.¹⁷

Of the cities surveyed in this study, the smaller cities used the Recognized Neighborhood Organization strategy. Fifty percent of the cities using the Recognized Neighborhood Organization strategy had Mayor-Council forms of governments; the other fifty percent had Council-Manager forms of government. The city planners questioned were asked what responsibilities were given their neighborhood advisory bodies. Six possible responsibilities were listed: 1) advisory to the planning commission, 2) advisory on capital improvements, 3) advisory on the comprehensive plan, 4) advisory on community development, 5) initiate neighborhood plans, and 6) propose new policies. City-Wide Neighborhood Planning Boards and Recognized Neighborhood Organizations fulfilled all six responsibilities. The Selected District Advisory Boards and

Cooperative Neighborhood Organizations only fulfilled three responsibilities. The question was asked: "'Overall how would you rate your experience with neighborhood planning?'" The cities with Recognized Neighborhood Organizations received a seventy-five percent (75%) success rating as compared to fifty percent (50%) for City-Wide Neighborhood Planning Boards, sixty percent (60%) for Selected District Advisory Boards, and twenty percent (20%) for Cooperative Neighborhood Organizations. In the matter of outcome in promoting private revitalization, Recognized Neighborhood Organizations were one hundred percent (100%) successful as compared to sixty-six percent (66%) for City-Wide Neighborhood Planning Boards, eighty-five percent (85%) for Cooperative Neighborhood Organizations, and forty percent (40%) for Selected District Advisory Boards.¹⁸

The previously discussed study included cities with populations ranging from 100,000 to 600,000. With the exception of Wilmington, North Carolina, which is included in one study, no studies have been found of cities of less than 100,000 that have Recognized Neighborhood Organizations. However, it appears that there may be a number of cities with less than 100,000 population which have some form of recognized neighborhood councils. The United States Bureau of the Census offered to provide census data on a neighborhood basis. Cities with a population of 10,000 or more were eligible, and one of the criteria for participation was an officially recognized neighborhood council.¹⁹ The size of Missoula does not preclude having subareas of the city recognized in the planning and zoning decision-making process. Recognized Neighborhood Organizations in Eugene, Oregon, have populations from

3,000 to 20,000.²⁰ Missoula, with approximately 31,000 residents, could be divided into a number of subareas. The number of subareas would increase if adjacent suburban areas were included. Missoula's urban area comprises the city and areas within four and one-half miles of the city limits. In 1976 the planning staff identified twenty-two separate subareas of the urban area for planning purposes.

The Recognized Neighborhood Organizations strategy is flexible. This could be important for its use in Missoula. All neighborhood organizations are not given recognition simultaneously. This provides an incremental approach that allows for experimentation. As Missoula tries the strategy, it has an opportunity to tailor recognition to the needs of individual neighborhoods and the city as a whole. Planning and zoning funds and staff assistance needed to provide support can be used in one or two neighborhoods at a time. As the neighborhood organizations become self-sufficient in the knowledge of how to plan and formulate decisions, funds can be shifted to support other neighborhoods.

Neighborhood planning helps residents by giving them knowledge of their area on which to base planning and zoning decisions. Citizen participation is more direct. The city is not setting up another board between the citizen, his organization and other decision-making bodies. Within guidelines, the residents themselves can develop their recognition criteria to fit their particular needs. For example, the residents can decide how they will elect their officers or how they will draw their boundaries. Channels of communication are formalized providing more constant and uniform communication to neighborhood organizations than is possible with an ad hoc cooperative neighborhood strategy. It is likely that only a small number of neighborhood residents have a

continuous interest in organized neighborhood activities, but their skills may be used by the city. A Recognized Neighborhood Organization policy would provide them with a greater opportunity to learn about decisions affecting them and would influence the decision-making process. The following case study and examples of neighborhood activities attest to the benefits of having Recognized Neighborhood Organizations.

The Results from Using a "Recognized
Neighborhood Organizations" Strategy
in a Number of Cities

Through either a resolution or ordinance, Atlanta, Georgia (population 1,017,188); Raleigh, North Carolina (population 169,082); Wilmington, North Carolina (population 92,020); Portland, Oregon (population 821,897); and Eugene, Oregon (population 162,890) have established Recognized Neighborhood Organizations. From a recent (1980) study of Atlanta, Raleigh, and Wilmington, and materials published by the planning offices of Portland and Eugene, it would appear that planners in these cities see Recognized Neighborhood Organizations as a positive force in their communities.

The study of Atlanta, Raleigh, and Wilmington identified a number of results related to their Recognized Neighborhood Organization programs.

Eight general categories of program achievement have been identified from responses to both an open ended question and to specific questions on program accomplishments and from the authors' observations. These categories include: (1) citizen education about local planning and government; (2) more effective communication between citizens, planners and government officials; (3) improved relations between citizens and government; (4) increased citizen participation in planning government; (5) a more equal distribution

of public goods; (6) increased community cohesion; (7) improved physical conditions and public services; and (8) the development of community leadership.²¹

The materials from the Portland and Eugene planning offices illustrate that residents through their Recognized Neighborhood Organizations can participate in a great many activities at both a neighborhood and city-wide level. Eugene's neighborhood organization members have taken part in crime prevention programs and reviewed referrals for zoning, ordinance changes, subdivisions, annexations, and planned unit developments. They have advised the city council and the planning commission on housing, mass transit, traffic systems, bicycle routes, social services, crime prevention, and parks. Neighborhood organizations have sponsored neighborhood projects such as recycling activities, spring clean-ups, parades, and social activities including dances, concerts, picnics, and potluck dinners. They have advised the city budget committee concerning the needs of the neighborhood and community. They have represented the neighborhood at public hearings.²² Portland's neighborhood organizations have improved playgrounds, developed their own citizen participation process, researched and produced neighborhood land use maps, produced environmental impact studies, worked for traffic improvements, planned neighborhood improvements, and worked on neighborhood plans. In one case, the neighborhood plan resulted in rezoning the neighborhood. Neighborhood organization members have worked with the city on a tree planting campaign and developing a greenway. They have participated in planning areas of the city, conducted surveys, designed and participated in house painting programs, inventoried historical buildings, planned a community garden, participated in neighborhood

drainage studies, and, in one case, developed a neighborhood housing policy.²³

Conclusion

The preceding studies and examples indicate that there are advantages to having Recognized Neighborhood Organizations. These organizations can be assigned advisory responsibilities. They have been effective in planning and neighborhood revitalization. Planners and citizens have credited neighborhood organizations with a number of achievements.

Missoula's city council, boards, and commissions could benefit from utilizing Recognized Neighborhood Organizations in the planning and zoning decision-making process. These benefits fall into four categories: 1) provide assurance that neighborhood proposals represent the views of all neighborhood residents, 2) provide another forum for citizen participation, 3) provide an added means for disseminating information, and 4) equalize political influence among city neighborhoods. These matters will be addressed separately in the following paragraphs.

A recognition policy would better ensure the representativeness of neighborhood organizations when they appear before city-wide bodies. In Missoula, individuals representing particular interest groups appear before commissions, boards, and the city council; but, the city-wide officials are unsure who these people or their organizations represent. At the Missoula City Council hearings, the number of people present at a meeting is no indication of neighborhood sentiment; and planners' experience with neighborhoods is that the number of people representing

a particular interest vary in attendance from one meeting to another. Under the present system, the possibility exists for the zoning commission or planning board to make a decision and recommendation to the city council based on representation of opinion at their meeting, only to have the representation shift at the city council meeting. Through a city system of Recognized Neighborhood Organizations, Missoula's city council would have a sounding board that the council knows represents broad-based neighborhood interest.

In Missoula, citizens participate as representatives on city-wide boards, commissions, or the city council, or as individuals before these city-wide bodies. Recognized Neighborhood Organizations would provide another forum in which citizens could present their views. Proposals could be subjected first to public debate at the neighborhood level. An organization that represents the neighborhood could advise the zoning commission, planning board, and the city council. These bodies would be assured that they are basing their decisions on plans that have had full neighborhood exposure. Citizens would have a greater opportunity to participate directly in the decisions affecting them. Recognized Neighborhood Organizations could balance the city-wide perspective with a neighborhood perspective. An organization that provides information about its neighborhood could help the planning board and the city council in updating the comprehensive plan. Involving the neighborhood in planning opens Missoula's political system to more ideas.

Recognized Neighborhood Organizations not only provide a means of giving information to the city, but they can be a vehicle for disseminating information to neighborhood residents concerning the availability

of neighborhood grant programs and private funding.

Because of their ability to organize effectively, a number of Missoula's present neighborhood organizations now have an inordinate amount of clout.²⁴ The assistance given through a neighborhood recognition policy may facilitate the strengthening of other neighborhood organizations. This would have the effect of equalizing power among neighborhoods.

The following chapters more thoroughly describe the present situation in Missoula, the zoning and planning decision-making process, and the legal means of implementing neighborhood recognition, and they suggest possible contents of a neighborhood recognition policy.

CHAPTER II
PAST EFFORTS AND PRESENT ATTITUDES TOWARDS
RECOGNIZING NEIGHBORHOOD ORGANIZATIONS
AND NEIGHBORHOOD PLANNING IN MISSOULA

No one model exists for the recognition of neighborhood organizations. Many different cities have developed plans to suit themselves. A recognition policy needs to be formulated to fit the peculiar needs of Missoula. To discover these needs, planners were interviewed about past efforts in neighborhood planning and the development of a neighborhood recognition policy. This was followed by interviewing representatives of some of Missoula's existing neighborhood organizations.

Past Efforts to Formalize Relationships
Between the Local Government and
Neighborhood Groups

Neighborhood planning in Missoula is authorized in the master plan.²⁵ In January 1976, a neighborhood planning program was formalized by the Missoula Planning Department. The object was to do detailed planning in small geographic areas. Twenty-two urban area neighborhoods were defined by the planning staff using various maps and criteria to identify neighborhood boundaries. Efforts to encourage the interest of neighborhood groups in formalizing relationships with the local government met with resistance. There were, according to the planners, a number of reasons for this: 1) an effort was made to give neighborhood groups a great deal of authority before they understood the

neighborhood planning process and its benefits; 2) members of the neighborhood organizations were concerned that their organizations would become too immersed in local government; 3) these organizational members were concerned that too much governmental machinery would be created; 4) some neighborhood organizations just did not want to be recognized; and 5) because neighborhood organizations would be open to participation by all residents, the homeowners associations felt threatened. It was partly due to the clout of homeowners associations that the original effort failed.²⁶

Present Attitudes Towards Neighborhood Recognition and Neighborhood Planning

In order to gauge the present attitudes of members in Missoula's homeowners associations and neighborhood organizations toward a neighborhood recognition policy and neighborhood planning, representatives of these groups were interviewed. (Homeowners associations allow only homeowners to belong to their organizations. Neighborhood organizations are open to all residents. For the purposes of this study, both types will be referred to as organizations.) A questionnaire was used during the interviews. This questionnaire was designed to gain information in three main areas: 1) general information--geographical boundaries, organizational structure, and resident access to membership; 2) the desire for neighborhood recognition with an emphasis on communication and taking part in the decision-making process; and 3) interest in neighborhood planning (see Appendix A). Representatives of eight organizations were interviewed. All were officers of their organizations. Six interviews were conducted in person, and two interviews were con-

ducted over the telephone.

Table 1 shows that all the organizations in this survey are within the jurisdiction of the City of Missoula for planning and zoning purposes (nos. 1 & 2). With one exception, there does not seem to be a fear of opening up membership to all neighborhood residents (nos. 3, 4, & 5). The main concern expressed by those interviewed was for better communications. Under the present system, the planning office is not aware of all Missoula neighborhood organizations, and the news media is the primary source of gaining information (nos. 6, 7, & 8). Representatives felt that, as a result of an information gap, they did not become involved in issues until late in the decision-making process. A majority of those interviewed expressed interest in a neighborhood recognition policy and a place for neighborhood organizations in the decision-making process (nos. 9, 10, & 11). All those interviewed wished to see Missoula's organizations play a greater role in the community (no. 12). Seven of the eight representatives thought their organization's members would be interested in neighborhood planning (no. 13).

Although not a question in the questionnaire, an interest was expressed in having a city-wide or county-wide body made up of representatives from the neighborhood organizations (no. 14). The formation of a city wide body of representatives from various neighborhoods could be included in a recognition policy. The function of this body would be to facilitate communications between the neighborhood organizations, the city-council, and city departments. After the idea of a city-wide or county-wide representative body was suggested, it was introduced into the interviews. Every organizational spokesperson was

TABLE 1
RESULTS OF QUESTIONNAIRE AND INTERVIEWS

<u>Items of Interest Pertinent to a Neighborhood Recognition Policy</u>	<u>Response</u>
Boundaries	
1. Organizations with boundaries within the city limits . . .	5
2. Organizations with boundaries within the comprehensive planning area and city territorial zoning area but not in the city limits	3
Membership	
3. Organizations open to all members of their area	2
4. Organizations open only to homeowners	6
5. Organizations not presently open to all residents, but members are considering opening membership	5
Communications	
6. Organizations on the mailing list of the Missoula City- County Planning Office	6
7. Organizations not on the mailing list of the Missoula City-County Planning Office	2
8. Organizations depending predominately on newspaper, radio, and television for information	8
Neighborhood Recognition	
9. Organizational representatives who think that the organization had enough power under the present system	1
10. Organizational representatives who would like to see a fully developed plan before committing themselves to becoming involved in the program	1
11. Organizational representatives interested in a neighborhood recognition policy	6
12. Organizational representatives that wanted to see all Missoula's neighborhood organizations play a more vital role in the decision-making process and community projects	8
Neighborhood Planning	
13. Organizational representatives interested in neighbor- hood planning	7
City-Wide Council	
14. Organizational representatives interested in a city- wide council of representatives from neighborhood organizations	8

Note: This table does not include all material gained from the interviews and questionnaire, but contains the information that is important in developing a neighborhood recognition policy.

interested in this type of representative body.

Conclusion

Organizational representatives expressed interest in better communications between the local government and neighborhood organizations, a formal place for neighborhood organizations in the decision-making process, and a body made up of representatives of neighborhood organizations. Because it will be the responsibility of the members of neighborhood organizations to seek recognition for their organization, their interest should be addressed in formulating a neighborhood recognition policy.

CHAPTER III
BRIEF DESCRIPTION OF THE DECISION-MAKING PROCESS
IN FIVE AREAS OF ZONING AND PLANNING

Zoning and planning advisory bodies and the final decision-making bodies are prescribed by the Montana Code. Recognized Neighborhood Organizations would have to be integrated into this decision-making process. The following briefly describes the decision-making process in five areas of zoning and planning: 1) the master plan, 2) subdivisions, 3) zoning, 4) zoning alterations, and 5) variances. In the descriptions, emphasis has been put on three aspects that have particular importance to using Recognized Neighborhood Organizations: 1) means of informing citizens of proposals, 2) citizens' opportunities to express their views, and 3) the steps taken toward final decision-making.

The Master Plan

The preparation of Missoula's master plan and its subsequent revision is the responsibility of the Missoula Planning Board.²⁷ The Missoula Planning Board is a city-county board authorized by state law²⁸ and established through an interlocal agreement.²⁹ The following are the steps taken in developing the master plan. In preparing a master plan, the board's staff notifies affected citizens and organizations. This is not mandated by law and is done on an ad hoc basis. The

Missoula Planning Board reviews the master plan and subsequent revisions and makes its recommendations to the Missoula City Council and the Missoula County Commissioners.³⁰ During the review process, the planning board holds public hearings. Notification of hearings is published in The Missoulian.³¹ The master plan is then subject to the Missoula City Council's and County Commissioners' public hearing process.³² The county commissioners and the city council give final approval to the master plan.

Subdivisions

The following is a brief description of the steps taken in the decision-making process in order to gain approval of a subdivision proposal. Subdivisions are initiated by developers.³³ The city council must seek the advice of the Missoula Planning Board on "matters pertaining to the approval or disapproval of plats or subdivisions."³⁴ The planning board holds a public hearing on a proposed subdivision.³⁵ Notice of the public hearing must be given in a newspaper of general circulation.³⁶ Although not required by state law, the planning office sends letters to adjacent landowners describing the planned development, listing planning board meetings and asking for comments.³⁷ The recommendations of the planning board are advisory to the city council.³⁸ The city council holds a public hearing at its regular meetings. These proceedings are open to the public.³⁹ The Missoula City Council must approve, conditionally approve, or disapprove the preliminary plat.⁴⁰ The final subdivision plat must have the approval of the Missoula City Council.⁴¹

Zoning

The legislative body of a municipality is empowered to zone, and the city is required to have a zoning commission.⁴² Ninety-nine percent of the City of Missoula is zoned.⁴³ Any zoning of the remaining one percent must be subject to a public hearing before the zoning commission, followed by a public hearing before the city council.⁴⁴ Notice of the time and place of the city council's public hearing must appear fifteen days before the hearing "in an official paper or a paper of general circulation in such municipality."⁴⁵ The city council cannot have a public hearing until the zoning commission holds a hearing and reports to them.⁴⁶ Although not required by state law, the zoning staff includes a map with the announcement of the zoning proposal. The city council makes the final decision on zoning matters.

Zoning Alterations

This section provides a brief description of the steps taken in the alteration of the zoning decision-making process. Alterations of existing zoning are initiated by the city council or by private property owners. The alteration request is submitted to the zoning staff which refers it to the zoning commission at the city council meeting. The zoning commission holds a public hearing. They then send their recommendation to the city council which has a public hearing on the matter. The city council votes on the zoning alteration at the next week's meeting. The waiting period allows the council to digest the zoning alteration request and make private inquiries.⁴⁷ The zoning commission is mandated by state law.⁴⁸ It is required to hold public hearings

on all zoning and make a report to the city council. The council cannot take action until it has the recommendation of the zoning commission.⁴⁹ The city council must have a public hearing. Notification of the hearing is published in The Missoulian.⁵⁰ The city council makes the final decision on alterations of present zoning.

Variance

To act other than authorized by the city zoning ordinance, an individual must obtain a variance. The Board of Adjustments may grant variances. The following describes the composition of the Board of Adjustments and citizens' opportunities to participate in the decision-making process. Municipalities may have a Board of Adjustments.⁵¹ This board consists of five members who are appointed by the mayor with city council approval.⁵² The members are appointed for five years.⁵³ Meetings of the Board of Adjustments must be open to the public.⁵⁴ At the hearing, any party may appear in person or be represented by an attorney.⁵⁵ Appeals from the Board of Adjustments go to a court of record.⁵⁶

Conclusion

Recognized Neighborhood Organizations could have a role in the previously discussed planning and zoning decision-making process. They could provide another means for disseminating information. One neighborhood spokesperson could present the views of the whole neighborhood, so that large numbers of people would not have to attend each and every meeting where a proposal is being considered. A more formal policy might mandate that neighborhood organizations have a public hearing on proposals. A less formal policy could allow the

organizations, within citizen participation guidelines, to decide meeting procedures and present advice in any manner they choose. A more formal policy could require written reports. Neighborhood organizations might be required to give advice on certain issues, or the neighborhood organizations could decide on what issues they will give advice. The city council, planners, and neighborhood organizations can investigate various options and decide what will best satisfy the needs of Missoula.

CHAPTER IV
STRATEGIES AVAILABLE FOR INVOLVING NEIGHBORHOOD
ORGANIZATIONS IN A FORMAL MANNER IN THE
PLANNING AND ZONING DECISION-MAKING
PROCESS

Several alternative strategies are available to involve neighborhood organizations in a formal manner in the planning and zoning decision-making process: 1) Charter writing; 2) amendment to the present governmental structure; 3) ordinance; 4) resolution; 5) administrative rules; 6) by-laws of the Planning Board, Zoning Commission, Board of Adjustments, Design Review Board, and/or Council Rules; and 7) ad hoc administrative procedures. These strategies represent steps along a continuum from more formal to less formal recognition. Each strategy for involving neighborhood organizations in the planning and zoning decision-making process has advantages and disadvantages.

Regardless of the strategy chosen, the City of Missoula is subject to Montana's local planning legislation. According to this legislation, the local council makes the final decisions on planning and zoning matters. Local governing bodies are authorized by state law to adopt master plans.⁵⁷ The city legislative body is authorized to zone the city⁵⁸ and approve final subdivision plats.⁵⁹ The legislative body may appoint a Board of Adjustments.⁶⁰ Neighborhood organizations could function in a review and advisory capacity.

Charter Writing

Neighborhood organizations could be recognized in a city charter. Besides prescribing city-wide legislative and executive arrangements, the charter "may establish other legislative, administrative and organizational structures . . ." ⁶¹ However, there are certain limitations placed on cities writing a charter. ⁶² Among these limitations are restrictions concerning planning and zoning.

Mandatory provisions. (1) A local government with self-government powers is subject to the following provisions: . . . (e) All laws which require or regulate planning or zoning . . . (2) These provisions are a prohibition on the self-government unit acting other than as provided. ⁶³

These mandatory provisions mean that, in zoning and planning matters, Missoula would be subject to a state local land use planning legislation. The city governing body would have to maintain its power to zone and provide the boards and commissions required by state law. The city governing body also would remain the final decision-making body in planning and zoning matters. ⁶⁴

Though a new charter could be written through the alteration of the local government legislation to be discussed in the next section, there does not at the present time seem to be an interest in altering the present city government structure. However, in 1984, the Missoula electorate will vote on whether or not to undertake a review of the present local government. If the vote is for review, a commission will be formed to study the present government and offer an alternative to the electorate. If the commission chooses to write a charter, neighborhood organizations could be recognized in the local government structure.

This strategy has disadvantages relating to time and unpredictability. It would be four or five years before neighborhood organizations would be given recognition. This method is unsure, as the voters may decide not to review the present local government structure. The study commissioners may not decide to take the option of charter writing. If they do write a charter, neighborhood organizations may not be included. The outcome of a vote on an alternative form of government is uncertain. Further, the time required to initiate change in the plan through amending a charter means that this procedure would not provide a sufficiently quick response. Both Portland and Eugene, Oregon, have had to change their recognition policies because of defects in the original recognition criteria. Also, students of government generally believe that a charter should not contain elements that can be accomplished by ordinance or resolution. A charter provision would be more appropriate for neighborhood organizations which provide services such as water, sewer, and police protection. An advantage to recognition through a charter is that it may give more legitimacy to the program and to the neighborhood organizations that participate.

Amendment to the Present
Governmental Structure

The Montana State Codes provide for both "Alteration of existing forms of local government" and "Amendment of self government charter or adopted alternative form of government."⁶⁵ Using the alteration alternative the change may be proposed by a petition of 15% of the registered voters and approved by a majority of voters at a general election. Under the amendment procedure, 15% of the registered voters

may petition to have a change of government structure put on the ballot, or the governing body may by ordinance have the question of a change put before the electorate.

The process for changing the local government structure through either the amendment or alteration procedure has the same disadvantages as charter writing. The process is unsure and time consuming. This leads to difficulties in making future changes as the need may arise.

Ordinance or Resolution

The Missoula City Council can formally recognize neighborhood organizations in the planning and zoning process by local ordinance or resolution. State legislation provides that municipalities have the power to enact ordinances and resolutions.⁶⁶

Either an ordinance or a resolution could be adopted quickly and at the opportune time in order to recognize neighborhood organizations in the planning and zoning process. Both of these methods offer flexibility not offered through charter recognition. State legislation governing ordinance requirements states that: "An ordinance must be read and adopted by a majority vote of members present at two meetings of the governing body not less than 12 days apart."⁶⁷ State legislation governing resolutions allows for the submission and adoption of a resolution at a single meeting of the governing body.⁶⁸ Only a majority of council votes is needed to implement neighborhood recognition.

Whether or not to use an ordinance or resolution will depend on the permanence of the program that is developed and the local legislative custom. The neighborhood recognition programs in Raleigh, North Carolina; Wilmington, North Carolina; and Eugene, Oregon; were imple-

mented through resolution. Portland, Oregon, utilized an ordinance for its recognition policy.

Theoretically, a resolution carries less weight than an ordinance. A resolution is a statement of policy, while an ordinance is law. In practice, whether or not a resolution or ordinance is used is a matter of custom.⁶⁹ A resolution is more an expression of the opinion of the council having a temporary effect on a particular thing. A law is intended to be permanently directed and to "control matters applying to persons or things in general."⁷⁰ Montana Annotated Codes has the following definitions:

"Ordinance" means an act adopted and approved by a municipality, having effect only within the jurisdictions of the local government.

"Resolution" means a statement of policy by the governing body or order by the governing body that a specific action be taken.⁷¹

These definitions are broad; and a neighborhood recognition policy could be implemented by either means.

A resolution or ordinance offers flexibility. The time it takes to initiate and make changes in an ordinance or resolution is much shorter than charter writing. As the program in recognizing neighborhood organizations develops, changes in duties, responsibilities, and other criteria may be made as the need arises. For example, the initial program may not require preparation of a neighborhood plan in order to gain recognition. However, in the future this could become a prerequisite to recognition. Or, the initial program may only call for Recognized Neighborhood Organization activity in planning and zoning. In the future the council may want to broaden the scope of activity to

reviewing the city budget. The change in duties could be accomplished more readily through the procedures to adopt an ordinance or resolution than charter writing procedures.

An ordinance would be more appropriate than a resolution for Missoula's program of neighborhood recognition. An ordinance is more formal, though not as formal as a charter provision. An ordinance would show a desire on the part of the city council to have a permanent program of neighborhood recognition. This, in turn, may show a greater commitment to the program on the part of the council. As to custom, in Missoula the Design Review Board, which is advisory to the city council on particular zoning matters, is established by ordinance.⁷² Also, the Citizen's Advisory Committee on Open-Space Acquisition is established by ordinance.⁷³

By-Laws of the Planning Board,
Zoning Commission,
Board of Adjustments, Design
Review Board, and/or Council Rules

Implementing a Recognized Neighborhood Organization program through the by-laws of the Planning Board, Zoning Commission, Board of Adjustments, Design Review Board, and/or Council rules presents problems. The elements of the program would be dispersed through several documents. Therefore, neighborhood residents would have a difficult time trying to understand the program and what is expected of them. Program elements in one set of by-laws or rules may be different than in another set, leading to confusion. Finally, this strategy does not give a program of Recognized Neighborhood Organizations the formality that would be possible through using a resolution or ordinance.

Administrative Rules

Although the city has not developed administrative rules, it has the authority to do so under Montana law. According to this legislation, "the governing body may by ordinance authorize the chief executive to adopt administrative rules."⁷⁴ City-wide administrative rules would assure that each agency has similar procedures for notification and receiving advice from neighborhood organizations. However, an ordinance or resolution would give more formal recognition than administrative rules.

'Ad hoc' Administrative Procedure

The present methods of communication with existing homeowners' associations and those associations that develop over a particular issue is typical of the ad hoc method. Neighborhood organizations get assistance when they ask for help. Assistance is given on a case by case basis depending on the time and inclination of the planning staff. The individual planning and zoning staffs communicate with existing organizations in different ways. Often, the staff is unaware of the existence of neighborhood organizations. It is possible under this system for some areas of the city which are well-organized to receive a disproportionate amount of service; and, therefore, inequities in assistance can develop. Neighborhood organizations that are familiar with the system can feel less alienated or threatened by the bureaucracy. They are more likely to ask for assistance. The staff can feel threatened by a group which they know usually receives support from the city council. This can be demoralizing to the staff and may lead to their disregarding appropriate suggestions. The ad hoc method can lead

to exaggerated adversary roles on the part of the staff and neighborhood organizations.

Under the present ad hoc system, neighborhood organizations have developed reactionary roles rather than planning roles. Communication occurs on an issue-by-issue basis rather than continuously. Emphasis is on narrow neighborhood needs rather than on the overall needs for the development of the neighborhood and city. There is no mechanism through which neighborhood residents and their planning staff can constantly develop an understanding of the needs of the neighborhood and the larger community in order to reconcile problems before they become issues.

Conclusion

All the strategies discussed for formally involving neighborhood organizations in the planning and zoning decision-making process have advantages and disadvantages. No matter which strategy is chosen, Montana's land use planning legislation takes precedence. Charter writing gives more formal recognition, but it is an inflexible tool. An ordinance or resolution has the advantages of flexibility, but neither would be as formal as including neighborhood organizations in a charter. Administrative rules, by-laws, and council rules allow for each agency to develop their own guidelines; but they do not allow for a full program of recognition that is consistent among agencies. Present ad hoc means do not require extra budgeting or staff, but they do not provide citizens with a system of well-informed neighborhood organizations through which to work.

As previously noted, an ordinance would serve as an effective vehicle for recognizing neighborhood organizations. The time to imple-

ment, repeal, or amend an ordinance is shorter than using a charter. An ordinance also is more flexible than a charter. At the same time, it is more formal than a resolution; an ordinance would show greater commitment to the program by the city council. An ordinance could contain provisions for the involvement of the various city boards, commissions, agencies, and the city council in a program of Recognized Neighborhood Organizations. This would establish a consistent pattern of planning and communication that does not exist with the present ad hoc method.

CHAPTER V

PROPOSED ALTERNATIVES TO BE CONSIDERED IN DEVELOPING MISSOULA'S NEIGHBORHOOD RECOGNITION ORDINANCE

This chapter proposes alternatives that can be considered in developing Missoula's neighborhood recognition ordinance. The matters that will be addressed are the number of tiers in the city's neighborhood organizational structure; possible duties and responsibilities of neighborhood organizations, the city council, and the planning staff; the contents of by-laws as criteria for recognition; incorporation; and the withdrawal of recognition. This chapter is written in an effort to present a variety of ideas in the hope that the city council, neighborhood organizations, and planners can develop a neighborhood recognition ordinance appropriate for Missoula.

The Number of Tiers in the City's Neighborhood Organizational Structure

Cities vary in the number of tiers (one tier, two tiers, and three tiers) in their neighborhood recognition programs. The tiers consist of levels of recognized citizen participation organizations. In a three tier system, there are neighborhood organizations at the bottom; then representatives from the neighborhood organizations; and, finally, a board whose members are appointed by the planning office in

consultation with the second tier organization. Honolulu, Hawaii (including the entire island of Oahu) has a three tier system. The system consists of Lead Neighborhood Organizations, a Development Area Organization, and an Island-Wide Committee.⁷⁵ Raleigh, North Carolina and Wilmington, North Carolina have a two tier structure made up of neighborhood organizations and a city-wide board composed of representatives from the various neighborhood organizations.⁷⁶ Portland, Oregon and Eugene, Oregon have a one tier system consisting of Recognized Neighborhood Organizations.

The three tiered system would seem to be a cumbersome and unnecessary structure for a city the size of Missoula. Depending on the duties performed by the neighborhood organizations and a city-wide body, a two tier system could be effective in Missoula. The neighborhood organizations would serve in a decision-making capacity by reviewing and making recommendations on zoning and planning matters. The city-wide board would not be an additional decision-making body. It would be composed of the chairpersons of the Recognized Neighborhood Organizations. They would meet at regularly scheduled intervals, as determined by the city council, with representatives of city departments. The responsibility of a city-wide board would be to allow representatives of neighborhood organizations to express their views to one another and to departmental representatives. A city-wide board would provide a mechanism for coordinating the activities of various neighborhoods. It would provide a means for disseminating city information to neighborhood organizations. A city-wide board could foster a city-wide perspective among neighborhood organizations. The advice of the city-wide board

could be informal; or, the city council could require that they advise them on particular issues, such as the city budget. The representatives of neighborhood organizations interviewed in this study expressed a desire to have a city-wide association made up of representatives of Missoula's neighborhood organizations.

The one tier programs in Eugene, Oregon, and Portland, Oregon, have only Recognized Neighborhood Organizations. These programs, which were discussed earlier, seem to function well. However, there are advantages to having a two tier system in Missoula. In particular, communication between the city and neighborhood organizations would be enhanced. Representatives of the neighborhood organizations, in meetings with each other and city department representatives, can discuss problems and balance the needs of various neighborhoods. Information from these meetings may be disseminated to the members of the neighborhood organizations. One neighborhood high on the priority list for street paving may relinquish its place on the list to another neighborhood that has a greater need for street repair. Both the local government and the city neighborhoods would benefit from a two tier system which includes a city-wide body of neighborhood representatives.

The following presents a number of duties and responsibilities that Recognized Neighborhood Organizations could perform. The suggestions in this chapter result from studying programs in Dayton, Ohio; Eugene, Oregon; and Portland, Oregon. The list is not exhaustive. Ideas may develop in the process of evolving Missoula's neighborhood recognition ordinance.

Possible Duties and Responsibilities
of Neighborhood Organizations

The predominant role of neighborhood organizations will be to review and advise on planning and zoning decisions. The ordinance should state that neighborhood organizations shall review planning and zoning proposals for their neighborhood. Through their chairperson, the neighborhood organization shall advise the Missoula Planning Board, the Board of Adjustments, the City Zoning Commission, and the Missoula City Council.⁷⁷ The neighborhood organization, with the assistance of the planning staff, may prepare a neighborhood plan and make proposals "with respect to land use, zoning, parks, open spaces and recreation, annexation, housing, community facilities, transportation and traffic, public safety, sanitation, and other activities and public services which affect their neighborhood."⁷⁸

Neighborhood organizations may review and advise on plans affecting other neighborhood areas of the city. This could be at the discretion of the neighborhood organization or upon request of the city council. A neighborhood can be affected by the plans for other neighborhoods. All neighborhoods should be encouraged to express their views.

Neighborhood organizations will keep informed of the needs of their neighborhood and maintain communications with residents.⁷⁹ This is important to ensure an active organization with up-to-date information. Also, it assures that neighborhood residents are informed of the organization's activities.

Neighborhood organizations may provide proposals for neighborhood projects or activities to the Planning Department, Missoula Planning Board, the City Zoning Commission, and the City Council.⁸⁰ Often,

residents will understand the concerns of their particular neighborhood better than the city agencies, commissions, boards, and city council. They may have solutions that these bodies could use in making plans and decisions. The above provision provides a vehicle for neighborhood communication to the city. This provision encourages an active role on the part of the neighborhoods in helping the city meet neighborhood needs. It assures the neighborhood organizations that the city is willing to listen to their suggestions.

The neighborhood organization will assist the planning department in ranking neighborhood needs.⁸¹ The process of ranking needs can help the neighborhood residents understand their needs and give them a role in deciding the order in which their needs will be met.

The neighborhood organization must advise the city council on appointments to the Missoula Planning Board, the Board of Adjustments, and the City Zoning Commission.⁸² This will allow neighborhood organizations not only to review and advise on proposals, but to have some influence in determining who will serve on the boards and commissions they advise.

The preceding were specific recommendations in order to assure neighborhood organizations a formal role in planning and zoning decisions. The following could be considered in an effort to expand the role of these organizations.

Neighborhood organizations could review the city budget and make recommendations to the city council.⁸³ The process of reviewing the budget could help neighborhoods understand the needs and financial problems of the whole city. It would also provide a channel of communication between the city council and neighborhood organizations on neighbor-

hood needs beyond planning and zoning.

Neighborhood organizations could be advisory to all city departments and, in this way, broaden the scope of their responsibilities. The livability of a neighborhood depends on many aspects--sewer, police protection, and fire protection, to mention a few. Including neighborhood organizations in the decisions of city departments would help departments understand neighborhood interests and neighborhood residents understand the problems facing city departments. Also, it would help neighborhoods to understand the relationship between services.⁸⁴

Possible Duties and Responsibilities of the City Council

The city council has a number of duties and responsibilities concerning the role the council will play in recognizing neighborhood organizations. Through the recognition ordinance, the city council commits itself to encouraging the development of Recognized Neighborhood Organizations. The ordinance should state that upon city council approval of a neighborhood organization's by-laws, the Missoula City Council, the Missoula Planning Board, the City Zoning Commission, and the Board of Adjustments should consider that organization as the representative voice of the neighborhood.⁸⁵ By-laws should be approved by the city council if they meet the minimum criteria set forth in the ordinance. (These criteria will be discussed later.) Those neighborhood organizations that are recognized will receive help from the planning office. This assistance will be listed under the duties and responsibilities of the planning staff. To show city council support and encouragement in the development of neighborhood plans, the city should propose that

neighborhood plans be brought before the planning board and subsequently before the city council for approval. The aim is that approved neighborhood plans would thereafter have the support of the city council. Approval could mean a strong commitment on the part of the council to make future decisions based on neighborhood plans.

Possible Duties and Responsibilities
of the Planning Staff

In order to support Recognized Neighborhood Organizations and carry out the intentions of the city council, the planning staff will have the following duties and responsibilities: The planning staff will:

1. inform Recognized Neighborhood Organizations of all planning and zoning proposals affecting their neighborhood and the time and place of hearings;⁸⁶
2. assist neighborhood organizations in communicating with their membership;⁸⁷
3. encourage the development of Recognized Neighborhood Organizations by helping interested citizens or organizations design their by-laws;⁸⁸
4. keep an up-to-date list of all Recognized Neighborhood Organizations;⁸⁹ and
5. keep a copy of the by-laws of each Recognized Neighborhood Organization.

The above is the minimum support that is necessary for neighborhood organizations to carry out their function of reviewing and advising on planning and zoning matters.

Further help could be given Recognized Neighborhood Organizations through yearly orientation programs.⁹⁰ The program could provide organizations with new ideas, refresh them on their responsibilities, and acquaint new neighborhood organizational officers with the duties and responsibilities of Recognized Neighborhood Organizations.

Planning staff assistance should be made available to those Recognized Neighborhood Organizations involved in neighborhood planning. If the scope of neighborhood organizational involvement in city decision-making is broadened, the planning staff would provide Recognized Neighborhood Organizations with information on matters other than planning and zoning.⁹¹ The Missoula City Police Department is considering developing a neighborhood crime watch program within the Missoula Crime Prevention Program. The planning staff could coordinate this program with Recognized Neighborhood Organizations and could assist the organizations when they want to contact other city departments. Often it is hard for the citizen to know just which official can make a decision on a particular matter. The planning staff could assist residents in contacting the departments or persons responsible for making decisions.⁹²

Content of By-Laws

To be recognized, neighborhood organizations must present their by-laws, with evidence of wide circulation of the document, to the city council for approval. The following wording is suggested:

At the time a neighborhood governing document is submitted to the City Council for recognition, evidence shall be submitted showing that the document was widely circulated within the neighborhood before adoption by the group.⁹³

The by-laws must include a description of the boundaries of the neighborhood. The following are three alternatives for creating neighborhood boundaries: 1) Units can be defined by the planning staff; any organization that desires to be recognized may petition the city to formulate boundaries for the organization. 2) Any neighborhood organization could define its neighborhood boundaries according to the following guidelines:

The boundaries of the neighborhood shall specifically define an area of appropriate geographic size and population for effective planning and these boundaries shall take into account natural boundaries, commercial patterns, community organizations, and historical factors.⁹⁴

3) The planning staff and neighborhood residents could cooperatively formulate boundaries within the aforementioned guidelines. Assistance from the planning office in delineating boundaries should be encouraged. Boundaries throughout the city would tend to be based on similar planning principles. However, the neighborhood residents would be involved. This allows for citizen perceptions and assures that neighborhood residents are involved in the initial stages of making decisions affecting their having a Recognized Neighborhood Organization.

The by-laws should provide for boundary changes. For example, ten percent of the membership may petition the city council for a change in boundaries, or the city council may change neighborhood boundaries by a majority vote of the council members.

There are certain minimum standards that must be met in the by-laws approved by the city council to assure consistency in citizen participation and openness of procedure. The by-laws must state that the organization is open to all citizens within the boundaries of the organi-

zation. The following wording would be appropriate:

The neighborhood organizations shall be open to the total area and diversity of interests present in the neighborhood. Participation shall be open to any property owner or tenant within the neighborhood . . .95

Further, voting procedures must be open.

. . . Criteria regulating voting shall be determined by each neighborhood group, shall not exclude residents, and shall be included in the governing document.96

The document must propose means to assure that the city council and other agencies know that all proposals on which the neighborhood expresses its opinion have been fully exposed to a neighborhood open hearing. The following is a minimum standard:

When making a recommendation a neighborhood association shall include in the recommendation a record of meetings held including a record of attendance and results of any vote.97

The by-laws must include the type of means that will be used to assure that all meetings are well publicized. The minimum standard would be publication in the local paper.

The by-laws could include a procedure for presenting dissenting views which requires that a written record of dissent accompany the recommendations of the neighborhood organizations. The Portland, Oregon ordinance has the following statement:

A neighborhood association shall follow a written procedure by which dissenting views on any issue considered by the neighborhood association shall be recorded and transmitted along with any recommendations made by the association to the city.98

Grievance procedures should also be established in the by-laws. The following wording would be applicable:

A neighborhood association shall follow a written procedure whereby persons may request the association to reconsider a decision which adversely affects the person or causes some grievance.⁹⁹

The by-laws should include amendment procedures. Any amendment must meet the approval of the city council. Further, the by-laws should contain: a list of the officers with their duties and functions; the composition and duties of the board of directors; how vacancies in offices will be filled; and the voting procedures for election of officers. The by-laws should contain the goals and purpose of the organization, a list of permanent committees and their functions, the rules of order that will be followed, and how often regular meetings will be held by the organization.

All Recognized Neighborhood Organizations should be incorporated. This will provide protection for the official representatives of the organization. In the case of a lawsuit, they would not be personally liable when acting as officials of the organization. Incorporation would aid the city in making contracts with the neighborhood organization. It is also another means of assuring the council that the neighborhood organization intends to be ongoing.

The ordinance should express that a neighborhood organization that violates its by-laws will lose its recognition and no longer receive assistance or be considered the voice of that neighborhood. Further, the neighborhood organization must remain active. Suggested language is as follows:

The neighborhood organization shall assume the responsibility of maintaining the requirements for recognition. Alleged violations shall be taken before the neighborhood organization at a publicized general meeting. Thereafter,

unsettled disputes which concern adherence to provisions of this policy may be taken to the City Council, which will take appropriate action, up to and including withdrawal of recognition.¹⁰⁰

As long as the neighborhood remains organized and actively involved with current issues or in developing any part of a plan, it will continue to be recognized.¹⁰¹

Conclusion

A number of suggested alternatives for neighborhood recognition have been proposed in this chapter. A two tier system has been suggested as a means of enhancing communication between city departments and Recognized Neighborhood Organizations. Emphasis has been placed on the role of neighborhood organizations in the planning and zoning decision-making process. For the program to have vitality, the city council must show a commitment by assuring neighborhood organizations that they will consider their recommendations and by providing assistance. To coordinate the program and assure equal support for Recognized Neighborhood Organizations, the planning staff must provide these organizations with assistance. Through its criteria for neighborhood organization by-laws, the city council must ensure that the program is consistent among neighborhood organizations. Finally, to assure that Recognized Neighborhood Organizations maintain vigor, means are suggested to withdraw neighborhood organizational recognition. (See Appendix B, Eugene, Oregon Neighbor Recognition Policy and Appendix C, Portland, Oregon Neighborhood Association ordinance for further possible contents of a Recognized Neighborhood Organization ordinance.)

CHAPTER VI

CONCLUSION

This paper has been directed toward providing information that will aid in developing a policy for decentralizing the planning and zoning decision-making process in Missoula, Montana. In particular, investigation has been done of other cities' efforts, the attitude of Missoula's neighborhood organizations, the present zoning and planning decision-making process, legal means for devising a Recognized Neighborhood Organizational policy, and suggested criteria for a Recognized Neighborhood Organization ordinance. However, there are a number of other areas that should be investigated. These areas include--social aspects of neighborhood organizations, economic aspects of neighborhood organizations, funding and staffing of a neighborhood organization program, the role of the planners who assist Recognized Neighborhood Organizations, and steps in neighborhood planning.

One social aspect of neighborhood organizations is the development of neighborliness. The television, clothes dryer, and washing machine have interfered with normal daily contacts between neighbors. Ladies no longer gossip over the back fence while hanging out the laundry. Children watch television and no longer play kick the can around the block.

Neighborhood organizations can have economic value for the neighborhood residents and the city. When neighbors encourage the beautification of each other's property, they enhance the value of their own property. Neighbors' labor, when substituted for municipal labor, can save city expense. Keeping garbage areas picked up can save the cost of health inspectors. Neighborhood organizations can promote these activities.

The planner who helps neighborhoods has a difficult job to perform. He can neither be an advocate of neighborhood plans in the face of city council opposition, nor the advocate of city plans in the face of neighborhood opposition. He must provide information and expertise and still realize that the choices are the province of the citizen and his elected representatives.

Funding for staff assistance and materials provided neighborhood organizations must be addressed. The cost of support in the printing and distribution of newsletters needs investigation. A regular city-wide neighborhood newspaper may be less expensive than individual newsletters for each organization. Secretarial help is a necessity. Further investigation into the financial aspects of this program must be considered.

Finally, approaches to neighborhood planning should receive fuller attention. Most cities that do neighborhood planning have developed neighborhood handbooks that provide information about the particular neighborhood and an explanation of the steps taken in neighborhood planning. Handbooks for Missoula's Recognized Neighborhood Organizations

could be beneficial to the members when they are in the process of developing neighborhood plans. Neighborhood residents will have to be taught how to develop a neighborhood plan. The way that this can best be accomplished needs investigation.

In conclusion, the development of suggestions for neighborhood recognition should include consideration of the following thoughts:

- 1) The effort should be directed towards a meaningful place for citizens to express their views and have some control over decisions.
- 2) The city council should give Recognized Neighborhood Organizations as much control over decisions as is given to other review and advisory bodies.
- 3) The development of the ordinance should involve the council, the city zoning commission, the Missoula Planning Board, the Board of Adjustments, the planning and zoning offices, and the neighborhood residents.
- 4) To assure representativeness of all Missoula neighborhoods, city-wide coverage should be encouraged.
- 5) It is important that some flexibility be allowed neighborhood organizations in the development of by-laws.
- 6) Responsibilities of neighborhood organizations, the city council, and the planning office should be clearly defined.
- 7) Formal lines of communication should be established between the planning office, the city council, and neighborhood organizations.
- 8) Neighborhood plans should be coordinated with the comprehensive plan of the city.
- 9) There should be adequate staff and funding for the program.
- 10) Planning data should be made available to Recognized Neighborhood Organizations.
- 11) Training sessions are an important component of a Recognized Neighborhood Organization policy.
- 12) Local representatives should serve longer

than one year. 13) An evaluation system should be provided to assess the benefits of having Recognized Neighborhood Organizations.

Often, attempts made to involve citizens in governmental decision-making are only symbolic efforts. Within the limitations of state law, this paper has proposed a program of Recognized Neighborhood Organizations that is structured to secure meaningful citizen participation in the planning and zoning decision-making process.

APPENDIX A

QUESTIONNAIRE USED IN INTERVIEWS WITH NEIGHBORHOOD
AND HOMEOWNERS ORGANIZATIONS

Name of Organization _____

Name of Person Being Interviewed _____

Position of Person in Organization _____

1. What are the boundaries of your organization?
2. How many members are there in your organization?
3. Within the boundaries of your organization, about how many people are eligible to belong?
4. Is your organization incorporated? _____
If yes, what are the benefits to your organization of incorporation?
5. What is the main concern or purpose of your organization?
6. Does the organization have by-laws?
7. What are your qualifications for membership?
8. What officer positions do you have in your organization?
9. How often do you meet?
10. Do you have any committees?

Committees

Titles: Function

Neighborhood Recognition

1. Is your neighborhood well-informed on when there will be public hearings affecting the neighborhood?

How do you generally receive information?

2. Would it benefit your neighborhood to have an organization that is kept informed of zoning, subdivisions, and variance proposals that affect the neighborhood?
3. Would it benefit your neighborhood to have an organization that is recognized as the official voice of the neighborhood by the Missoula City Council or Missoula County Commissioners?
4. Would it benefit your neighborhood to have an organization that officially reviews referrals for zoning, ordinance changes, variances, and subdivisions?
5. Would it benefit Missoula to have neighborhood organizations play a more active role in making the decisions that affect the neighborhood?
6. Why was your organization initially formed?

Neighborhood Planning

1. Do you think neighborhood planning would be beneficial to your neighborhood?

2. Would your organization be interested in neighborhood planning?

3. Should a neighborhood planning program be started in Missoula--
 - a. with all neighborhoods planning at one time?
 - b. only with the neighborhoods that are interested?

Do you have any suggestions for this program?

4. Who should initiate a neighborhood planning program?
 - a. The planning office
 - b. Neighborhood organizations

Do you have any suggestions?

5. Who should present neighborhood proposals?
 - a. The planning office
 - b. Neighborhood organization representatives

Do you have any suggestions?

APPENDIX B

EUGENE, OREGON NEIGHBORHOOD RECOGNITION POLICY

RESOLUTION NO. 2554

A RESOLUTION REPEALING THE NEIGHBORHOOD ORGANIZATION POLICY FOR CITIZEN PLANNING GROUPS ADOPTED AUGUST 28, 1973 AND ADOPTING A NEW NEIGHBORHOOD ORGANIZATION RECOGNITION POLICY.

The Common Council of the City of Eugene finds that:

Public participation is the act of sharing in the formulation of policies and proposals which affect the lives of all citizens.

Local government has a responsibility for encouraging public participation in the planning process, both for the betterment of local decision-making and to satisfy requirements of state and federal planning programs.

Participation needs to go beyond just the simple role of commenting toward a process which involves the public in an active role.

The City of Eugene recognizes that public participation through neighborhood organizations can produce benefits for the general health, welfare and pride of the total community.

NOW, THEREFORE,

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. The City of Eugene encourages the formation of neighborhood organizations and their involvement in the local government's decision-making processes.

Section 2. The City of Eugene adopts this Neighborhood Organization Recognition Policy in order to establish criteria for the recognition of neighborhood organizations and define the relationship between the city and recognized neighborhood organizations.

Section 3. The following sections one through five, which comprise this Neighborhood Organization Recognition Policy are adopted as policy statements and are to be used to affirm and govern the relationship between the city and recognized neighborhoods as they participate in the decision-making processes of the city:

NEIGHBORHOOD ORGANIZATION RECOGNITION POLICY

Section 1. Criteria for Recognition of Neighborhood Organizations.

- (a) At the time a neighborhood governing document is submitted to the City Council for recognition, evidence shall be submitted showing that the document was widely circulated within the neighborhood before adoption by the group.
- (b) All meetings shall be well-publicized in advance.
- (c) The neighborhood organization shall be open to the total area and diversity of interests present in the neighborhood. Participation shall be open to any property owner or tenant within the neighborhood. Criteria regulating voting shall be determined by each neighborhood group, shall not exclude residents, and shall be included in the governing document.
- (d) The organization structure shall provide for necessary coordination among neighborhood residents and between the neighborhood and city departments and elected and appointed officials.
- (e) The boundaries of the neighborhood shall specifically define an area of appropriate geographic size and population for effective planning and these boundaries shall take into account natural boundaries, commercial patterns, community organizations, and historical factors.
- (f) A neighborhood governing document which meets the listed requirements may be submitted to the City Council with a request for recognition of the neighborhood by official Council action.
- (g) The neighborhood organization shall assume the responsibility of maintaining the requirements for recognition. Alleged violations shall be taken before the neighborhood organization at a publicized general meeting. Thereafter, unsettled disputes which concern adherence to provisions of this Policy may be taken to the City Council, which will take appropriate action, up to and including withdrawal of recognition.
- (h) As long as the neighborhood remains organized and actively involved with current issues or in developing any part of a plan, it will continue to be recognized.

Section 2. Function and Responsibilities of Neighborhood Organizations.

(a) Neighborhood organizations will be advisory to the City Council, Planning Commission, and other city boards, commissions and officials on matters affecting their neighborhoods. With the assistance of professional staff, subject to their availability, the neighborhood organization may develop neighborhood plans and proposals with respect to land use, zoning, parks, open space and recreation, annexation, housing, community facilities, transportation and traffic, public safety, sanitation, and other activities and public services which affect their neighborhoods.

(b) Neighborhood organizations may address themselves to all matters which affect them and may establish relations, not in conflict with city-neighborhood relations set forth in this Policy, with any agency or jurisdiction with which they have mutual concerns. This Policy governs only the relationship between recognized neighborhood organizations and the city of Eugene.

(c) Neighborhood organizations shall inform themselves of neighborhood needs and desires and maintain communication with their neighborhoods on plans, proposals and activities affecting their areas.

(d) Neighborhood organizations may submit to city departments and elected or appointed city bodies requests or proposals for projects or activities needed in their neighborhood areas.

(e) Neighborhood organizations shall continue the planning process by reevaluating the goals, objectives and recommendations contained within the neighborhood plan.

Section 3. Functions and Responsibilities of the City.

(a) The city will provide recognized neighborhood organizations with supplies, printing, mailing, and limited staff assistance to aid in their activities, subject to budgetary allocations.

(b) The city shall provide an orientation session twice yearly to acquaint neighborhood leaders with city functions and programs, and city-neighborhood relationships and responsibilities.

(c) Neighborhood organizations shall be notified of land use and development applications within the neighborhood and annexations contiguous to the neighborhood within five days after the receipt of such applications. Neighborhood organizations will also be notified of public hearings affecting disposition of these applications.

(d) Neighborhood organizations shall be notified of all proposed changes in city policies, projects, services and activities having a significant effect on their neighborhoods (e.g., land use, transportation and traffic, parks and recreation, housing, and public services), in ample time to allow participation in the decision-making process. Specific site locations for land acquisition need not be identified by the city.

(e) All neighborhood plans shall be reviewed by the Planning Commission at a public hearing open to the Eugene community before a recommendation is forwarded to the City Council.

(f) Upon adoption by the City Council, the neighborhood plan shall be considered a general plan refinement by the city and its various departments.

Section 4. Neighborhood Newsletters.

(a) The city shall finance the printing and mailing of neighborhood newsletters and communications, within budgetary allowances set by the city. Neighborhood organizations may raise funds to finance their own publications.

(b) Newsletters financed by the city shall be governed by these guidelines:

(1) The main purposes of the neighborhood newsletters are to distribute information to neighborhood members on matters affecting their areas and to provide a forum for the free expression of the opinions of neighborhood members on issues of interest to the neighborhood.

(2) Advocacy positions may be included in the newsletters in an editorial format. Newsletters shall clearly indicate editorial material and guarantee space for timely printing of differing viewpoints.

(3) Commercial advertising will not be permitted in newsletters unless financed by other than city funds.

(4) The city shall have access to neighborhood newsletters for city information.

Section 5. Recommended Procedure for Establishment of City-Recognized Neighborhood Organizations.

(a) When sufficient interest has been expressed by a substantial number of persons interested in the neighborhood, a request should be made to the city manager for staff assistance.

(b) After informal meetings between city staff and interested persons, a neighborhood-wide meeting or meetings shall be held for the purpose of information, organizations, adoption of a neighborhood governing document and election of officers.

(c) After a neighborhood governing document has been adopted by the neighborhood organization, it may be submitted to the City Manager for consideration by the City Council.

(d) The City Council, upon approval of the governing document of the neighborhood organization, shall accept the document, and any modification thereto, by resolution. The neighborhood organization is then recognized as the official voice of that neighborhood area under the provisions of this Policy.

Section 4. The Neighborhood Organization Policy for Citizen Planning Groups adopted by the Common Council of the City of Eugene on August 28, 1973 is repealed and superceded by the Neighborhood Organization Recognition Policy contained herein.

The foregoing Resolution adopted the 23rd day of August, 1976.

City Recorder

APPENDIX C

PORTLAND, OREGON "NEIGHBORHOOD ASSOCIATIONS"

ORDINANCE NO. 140905

An Ordinance repealing Chapter 3.96, Neighborhood Associations, and substituting a new chapter relating to neighborhood associations to provide greater flexibility in assisting groups organized for the purpose of promoting neighborhood livability, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that Ordinance No. 137816, passed by the Council, February 7, 1974, enacted a new chapter to the code, Chapter 3.96, Neighborhood Associations, to provide for city assistance to associations meeting certain eligibility requirements, in order to assist and broaden channels of communication between the people of Portland and city officials on matters affecting neighborhood livability; that the eligibility requirements for neighborhood associations which must be met in order to gain official recognition have proved to be too rigid and inflexible; that there is a continuing need to broaden channels of communication between the people of Portland and city officials on matters affecting neighborhood livability, and that it is in the public interest to substitute a new Chapter 3.96 containing less stringent requirements for organized groups seeking to obtain city assistance in communicating with city government;

NOW, THEREFORE, Chapter 3.96, Neighborhood Association, of the Code of the City of Portland is hereby repealed.

Section 2. A new chapter is added to the code in lieu thereof, to be numbered, titled and to read as follows:

Chapter 3.96

NEIGHBORHOOD ASSOCIATIONS

396.010 Purpose. The purpose of this chapter is to provide standards and procedures whereby organized groups of citizens seeking to communicate with city officials and city bureaus on matters concerning neighborhood livability may obtain assistance from staff in so

communicating and to provide certain minimum standards for said organizations in order to insure that the broadest possible means for citizens' organizations to communicate with city government may exist.

Nothing in this chapter shall limit the right of any person or group to participate directly in the decision making process of the city council or any city agency.

3.96.020. Definitions. As used in this chapter;

(a) "Neighborhood Association" means any group of people organized for the purpose of considering and acting upon any of a broad range of issues affecting the livability of their neighborhood.

(b) "City Agency" includes departments, bureaus, offices, boards and commissions of the city.

3.96.030. Minimum Standards. In order to be eligible to receive the city assistance provided for in this chapter, neighborhood associations must meet the following minimum standards:

(a) Membership. The membership of a neighborhood association shall not be limited by race, creed, color, sex, national origin or income. Dues shall be collected only on a voluntary basis.

(b) Dissent. A neighborhood association shall follow a written procedure by which dissenting views on any issue considered by the neighborhood association shall be recorded and transmitted along with any recommendations made by the association to the city.

(c) Grievances. A neighborhood association shall follow a written procedure whereby persons may request the association to reconsider a decision which adversely affects the person or causes some grievance.

(d) A copy of each association's bylaws shall be kept on file in the Office of Neighborhood Associations.

3.96.040. Functions of Neighborhood Associations. Any neighborhood association meeting the minimum standards of Section 3.96.030 shall be eligible to:

(1) Recommend an action, a policy, or a comprehensive plan to the city and to any city agency on any matter affecting livability of the neighborhood, including, but not limited to, land use, zoning, housing, community facilities, human resources, social and recreational programs, traffic and transportation, environmental quality, open space and parks;

(a) When making a recommendation a neighborhood association shall include in the recommendation a record of meetings held including a record of attendance and results of any vote.

(2) Assist city agencies in determining priority needs of the neighborhoods;

(3) Review items for inclusion in the city budget and make recommendations relating to budget items for neighborhood improvement;

(4) Undertake to manage projects as may be agreed upon or contracted with public bodies.

3.96.050. Responsibilities of Neighborhood Associations.

(a) General notice and public information.

(1) All neighborhood associations shall undertake to notify affected persons, whether they be groups or individuals of elections and planning efforts as they are about to begin.

(2) Neighborhood Associations shall abide by the laws regulating open meetings and open access to all information not protected by the right of personal privacy.

(b) Planning.

(1) Neighborhood Associations shall include affected city agencies when engaged in planning efforts which affect neighborhood livability.

(2) Neighborhood Associations shall cooperate with city agencies in seeking outside sources of funding for neighborhood projects affecting neighborhood livability.

3.96.060. Responsibility of city agencies.

(a) General Notice and Public Information.

(1) City agencies shall undertake to notify all neighborhood associations affected by planning efforts that are about to begin.

(2) Notice of pending policy decisions affecting neighborhood livability shall be given 30 days prior to decisions by city agencies to the neighborhood associations affected. If waiting 30 days may injure the public health or safety, or would result in a significant financial loss to the city or to the public, the provision for 30 days notice shall not apply, but as much notice as possible shall be given.

(b) Planning.

(1) City agencies shall include neighborhood associations in all planning efforts which affect neighborhood livability.

(2) Comprehensive plans recommended to the city or to a city agency by a neighborhood association shall be the subject of a public hearing within a reasonable time. Any changes which are proposed by the city or by a city agency shall be sent to the affected neighborhood association for consideration and for a response before final action is taken. City agencies shall cooperate with neighborhood associations in seeking outside sources of funding for neighborhood projects.

3.96.070. Office of Neighborhood Associations.

(a) There is hereby established an Office of Neighborhood Associations, which shall consist of a City Coordinator and such other employees as the Council may provide.

(b) Functions. In order to facilitate citizen participation and improve communications, the Office of Neighborhood Associations shall assist Neighborhood Associations, or individuals, when requested as follows:

(1) Notify interested persons of meetings, hearings, elections and other events.

(2) Provide for the sharing of information and maintain a list of reports, studies, data sources and other available information.

(3) Provide referral services to individuals, neighborhood associations, city agencies and other public agencies.

(4) Keep an up-to-date list of neighborhood associations and their principal officers.

(5) Assist neighborhood volunteers in coordinating projects on behalf of neighborhood livability.

(6) Encourage individuals to work with existing neighborhood associations where possible.

(7) Assist in reproducing and mailing newsletters and other printed matter when written material is supplied by a neighborhood association.

(8) Act as a liaison while a neighborhood association and city agencies work out processes for city involvement.

(9) Assist in contacts with city agencies on behalf of neighborhood associations or other interested individuals.

(10) Assist in educational efforts relating to citizen participation in city government.

(c) Administrative Functions. Administrative functions of the Office of Neighborhood Associations office are the responsibility of the Commissioner-in-Charge. The disbursements of the funds of any district office which may be established with city funding, the hiring and firing of staff in the district offices, and similar matters, shall be acted upon only after consultation between the respective neighborhood associations and the city with the neighborhood associations affected by such decisions and the approval of the Commissioner-in-Charge. Accounting procedures to be used shall be approved by the city.

3.96.080. Neighborhood Association. Any neighborhood association meeting the minimum standards of Section 3.96.030 may request assistance from the Office of Neighborhood Associations. The neighborhood association shall also be eligible to perform all acts authorized under this chapter and shall be included on the up-to-date list of neighborhood associations maintained by the Office of Neighborhood Associations.

If a Neighborhood Association violates minimum standards of Section 3.96.030, a person of that neighborhood or the Commissioner-in-Charge may request the Office of Neighborhood Associations to suspend any assistance to the Neighborhood Association. The Office of Neighborhood Associations shall be responsible for initiating a mediation process immediately, and mediation efforts shall continue for thirty (30) days. If at the end of thirty (30) days, a satisfactory resolution of the problem has not been reached, then the Commissioner-in-Charge will issue a decision.

3.96.090. Appeals. Any recommendation or action of the Office of Neighborhood Associations is subject to the approval of the Commissioner responsible for the office. Any person directly affected by these actions may appeal to the City Council by filing written notice thereof with the city auditor within 14 days after receiving written notification of the Commissioner's decision.

Section 3. The Council declares that an emergency exists because the Office of Neighborhood Associations is presently funded through December 31, 1975 only, and the Council desires that this ordinance revising the functions of the Office, become effective so that the Council may consider the level of funding for this program prior to the end of the calendar year. Therefore, this ordinance shall be in force and effect from and after its passage.

Passed by the Council, Nov. 26, 1975

Commissioner Jordan
November 18, 1975
EB:ast

Mayor of the City of Portland

EC:mk
November 21, 1975

Attest:

Auditor of the City of Portland

FOOTNOTES

¹David O. Rafter, "Urban Neighborhoods and the Planning Process," paper presented to the 61st Annual Conference of the American Institute of Planners. New Orleans, Louisiana, September 1978, p. 3.

²Ibid., p. 2.

³George Frederickson, Neighborhood Control in the 1970's (New York, New York: Chandler Publishing Company, 1973), pp. 9-10.

⁴Efraim Gil, Neighborhood Zoning: Practices and Prospects, Report 311 (Chicago, Illinois: American Society of Planning Officials, 1975), p. 4.

⁵Rafter, "Urban Neighborhoods and the Planning Process," p. 3.

⁶Howard W. Hallman, Neighborhood Government in a Metropolitan Setting (Beverly Hills, California: Sage Publications, 1974), p. 52.

⁷Gil, Neighborhood Zoning: Practices and Prospects, p. 2.

⁸Frank S. So, Israel Stollman, and Frank Bea, eds., The Practice of Local Government Planning (Washington, D.C.: International City Management Association, 1979), pp. 553-557.

⁹Rafter, "Urban Neighborhoods and the Planning Process," p. 2.

¹⁰So, Stollman, and Bea, The Practice of Local Government Planning, p. 556.

¹¹Rafter, "Urban Neighborhoods and the Planning Process," p. 2.

¹²Ibid.

¹³Gil, Neighborhood Zoning: Practices and Prospects, p. 71; and William M. Rohe and Lauren B. Gates, "Neighborhood Planning: Promise and Product," Department of City and Regional Planning, Chapel Hill, North Carolina, 1980, p. 2.

¹⁴Howard W. Hallman, The Organization and Operation of Neighborhood Councils (New York, New York: Praeger Publishers, 1977), p. 4.

¹⁵Ibid.

- ¹⁶Rafter, "Urban Neighborhoods and the Planning Process," p. 7.
- ¹⁷Ibid., pp. 4-8.
- ¹⁸Ibid., pp. 10-11.
- ¹⁹U.S., Department of Housing and Urban Development, Neighborhood Identification (Washington, D.C.: Government Printing Office, 1980), p. 1.
- ²⁰Karen Timchak, Planner II, Missoula Planning Office, October 1980. Note: This information resulted from a telephone conversation between Mrs. Timchak and a Eugene, Oregon city planner.
- ²¹Rohe and Gates, "Neighborhood Planning: Promise and Product," p. 4.
- ²²Eugene, Oregon, "Working Together Makes Neighborhoods Work!" brochure printed by the Office of City Manager (1979).
- ²³Portland, Oregon, "Neighborhood Accomplishments in Portland, Oregon 1976-1978," printed by Office of Neighborhood Associations (1979). . .
- ²⁴This particularly relates to the University Homeowners Association, or Homeowners Associations. This has been referred to or stated outright by David Wilcox, William Walton, and Daniel Obermeyer.
- ²⁵Missoula, Montana and Missoula County, Montana, "Missoula: A Policy Guide for Urban Growth," printed by Missoula Planning Office (1975), p. 42, no. 15.
- ²⁶Interview with Daniel Obermeyer, Interim Planning Director, Missoula Planning Office, October 1980. Interview with David Wilcox, Administrative Assistant, City of Missoula, Mayor's Office, November 1980.
- ²⁷MONTANA CODE ANNOTATED (hereinafter cited as MCA) 76-2-106 (1979).
- ²⁸MCA 76-1-101 (1979).
- ²⁹Missoula, Montana and Missoula County, Montana, "An Interlocal Agreement Between the City of Missoula and the County of Missoula to Cooperate in the Provision of Planning and Zoning Services to the Residents of Missoula" (1981).

³⁰MCA 76-1-106 and 76-1-603 (1979).

³¹MCA 76-1-602 (1979).

³²Missoula, Montana, "Missoula City Council--Rules for the Conduct of Meeting" (1981).

³³Interview with Barbara Isdahl, Planner I, Missoula Planning Office, October 1980.

³⁴MCA 76-1-1-107 (1979).

³⁵MCA 76-3-604 (1979).

³⁶MCA 76-3-605 (1979).

³⁷Interview with Barbara Isdahl, Planner I, Missoula Planning Office, October 1980.

³⁸MCA 76-1-605 (1979).

³⁹Missoula, Montana, "Missoula City Council--Rules for the Conduct of Meeting" (1981).

⁴⁰MCA 76-3-608 (1979).

⁴¹MCA 76-3-611 (1979).

⁴²MCA 76-2-301 and 76-2-307 (1979).

⁴³Interview with J. Patrick O'Herren, Planner II, City Zoning Office, October 1980.

⁴⁴MCA 76-2-307 (1979).

⁴⁵MCA 76-2-303 (1979).

⁴⁶MCA 76-2-307 (1979).

⁴⁷Interview with J. Patrick O'Herren, Planner II, City Zoning Office, October 1980.

⁴⁸MCA 76-2-307 (1979).

⁴⁹Ibid.

⁵⁰MCA 76-2-303 (1979).

⁵¹MCA 76-2-316 (1979).

⁵²Missoula, Montana, MUNICIPAL CODES (1961), Chapter 32, Section 32.15-1.

⁵³MCA 76-2-322 (1979).

⁵⁴MCA 76-2-325 (1979).

⁵⁵Ibid.

⁵⁶MCA 76-2-327 (1979).

⁵⁷MCA 76-1-604 (1979).

⁵⁸MCA 76-2-301 (1979).

⁵⁹MCA 76-3-611 (1979).

⁶⁰MCA 76-2-321 (1979).

⁶¹MCA 7-3-707 (1979).

⁶²MCA 7-3-708 (1979).

⁶³MCA 7-1-144 (1979).

⁶⁴Telephone conversation with Mae Nan Ellingson, Assistant City Attorney, March 1981.

⁶⁵MCA 7-3-123 (1979) and MCA 7-3-103.

⁶⁶MCA 7-1-4121 and 7-1-4123 (1979), and interview with Mae Nan Ellingson, Assistant City Attorney, April 17, 1981. Mrs. Ellingson said that it may be possible to establish a Recognized Neighborhood Organization policy in Missoula through an ordinance or resolution. The Constitution of the State of Montana, March 22, 1972 states that the powers of a city will be liberally construed. Also, legislation pursuant to Article II, Section 8, Right of Participation, requires that municipal governing bodies develop means for encouraging public

participation. For a fuller understanding of this legislation, see MONTANA CODES ANNOTATED, 1979, Title 2, Chapter 3.

⁶⁷MCA 7-5-103 (1979).

⁶⁸MCA 7-5-121 (1979).

⁶⁹Hallman, Neighborhood Government in a Metropolitan Setting, pp. 21-22.

⁷⁰Black, Law Dictionary (5th ed. 1979). [This work is entitled Black's Law Dictionary.] p. 1178.

⁷¹MCA 7-1-4121 (1979).

⁷²Missoula, Montana, Ordinance Number 2183, adopted by the Missoula City Council, June 4, 1979.

⁷³Missoula, Montana, Ordinance Number 2025, adopted by the Missoula City Council, June 4, 1979.

⁷⁴MCA 7-1-4126 (1979).

⁷⁵Rafter, "Urban Neighborhoods and the Planning Process," pp. 2-3.

⁷⁶Rohe and Gates, "Neighborhood Planning: Promise and Product," p. 3.

⁷⁷Dayton, Ohio, Citizen Participation in Dayton, Ohio, An Informal Resolution (1975), p. 2 no. 1.

⁷⁸Eugene, Oregon, Neighborhood Organization Recognition Policy, Resolution Number 2554 (August 1976), Neighborhood Organization Recognition Policy, Section 2(a).

⁷⁹Ibid., Section 2(c).

⁸⁰Ibid., Section 2(d).

⁸¹Portland, Oregon, "Neighborhood Associations," Ordinance Number 140905, (November 18, 1975), 3.96.040 (2).

⁸²Dayton, Ohio, Citizen Participation in Dayton, Ohio, An Informal Resolution, p. 2 no. 5.

⁸³Portland, Oregon, "Neighborhood Associations," Ordinance Number 140905, 3.96.040 (3).

⁸⁴Ibid., 3.96.060 (a) (1).

⁸⁵Eugene, Oregon, Neighborhood Organization Recognition Policy, Resolution Number 2554, Section 2 (a).

⁸⁶Ibid., Section 3 (c).

⁸⁷Ibid., Section 4.

⁸⁸Ibid., Section 5.

⁸⁹Portland, Oregon "Neighborhood Associations," Ordinance Number 140905, 3.96.070 (4).

⁹⁰Eugene, Oregon, Neighborhood Organization Recognition Policy, Resolution Number 2554, Section 3 (c).

⁹¹Ibid., Section 2 (a).

⁹²Portland, Oregon, "Neighborhood Associations," Ordinance Number 140905, 3.96.070 (b) (8).

⁹³Eugene, Oregon, Neighborhood Organization Recognition Policy, Resolution Number 2554, Section 1 (a).

⁹⁴Ibid., Section 1 (e).

⁹⁵Ibid., Section 1 (c).

⁹⁶Ibid.

⁹⁷Portland, Oregon, "Neighborhood Associations," Ordinance Number 140905, 3.96.040 (1) (a).

⁹⁸Ibid., 3.96.030 (b).

⁹⁹Ibid., 3.96.030 (c).

¹⁰⁰Eugene, Oregon, Neighborhood Organization Recognition Policy, Resolution Number 1554, Section 1 (g).

¹⁰¹Ibid., Section 1 (h).

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