



MONTANA DEPARTMENT OF
COMMERCE



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1.0 Introduction

Public participation refers to the process through which individuals and communities engage in decision-making efforts ([Montana Constitution, Article II, Section 8. Right of participation](#)). Public participation has long had a significant impact on land use processes throughout Montana. Effective public participation empowers the citizens, encourages diverse perspectives, and strengthens the democratic process, typically leading to more informed and equitable outcomes. The purpose of this technical memorandum is to guide communities toward the best practices for producing and implementing a public participation plan for land use decisions.



Montana communities that opt-in or are required to plan under the Montana Land Use Plan ([MLUPA](#)) are required by statute to develop a public participation plan for their community. The plan's content may differ from one community to another based on what each has determined are the best methods to solicit public input. What may work well in the City of Billings might not be appropriate in the Town of Circle.

1.1 Montana State Statutory Requirement

The [MLUPA](#) requires that a continuous public participation plan be created by a local government when adopting, amending, or updating the Land Use Plan, future land use map, zoning, or subdivision regulations ([MCA 76-25-106](#)). The public participation plan must, at a minimum, provide the following:

- Distribution of draft documents
- An opportunity for written and verbal comments
- Public meetings after adequate notice
- Electronic communication regarding the process, including online access to documents updates, and comments
- An analysis of and response to public comments
- Documentation and storage of all outreach efforts to community residents and their participation as part of the community’s administrative record in accordance with the retention schedule published by the [Montana Secretary of State’s Office](#)

1.2 Communication Programs

A public participation plan should explicitly outline the various communication strategies that will be employed to inform the public about land use decisions informing the creation and update to the Land Use Plan. Importantly, this plan should extend beyond just land use matters. Communities may choose to design their plan to fulfill the statutory requirements of the Montana Land Use Plan ([MLUPA](#)) while also encompassing all public meetings and hearings. This comprehensive approach ensures that residents are consistently engaged and informed about a wide range of issues affecting their community.

A strong public participation plan can be useful in various local government initiatives, meetings, hearings, and board meetings and should be consistently applied to all of these. ([Presentations, Publications and Model Documents | Montana Department of Commerce](#)).

Common Communication Programs

- Local government website
- Local government social media pages
- Local and or regional newspapers
- Physical notices posted throughout the community
- Email list-serv



1.3 Meetings

The plan should incorporate details about regularly scheduled meetings, such as the meeting time and location for designated land use boards and commissions, including the Planning and Zoning Commission, City Council, and County Commissioners. It is essential to provide information on where the community can access these schedules. Additionally, local governments may convene special meetings, which have notice requirements comparable to those of regular meetings. The plan should clearly outline how the community intends to inform residents about these special meetings and the strategies for soliciting public comment during them. This transparency fosters greater community engagement and ensures that residents are kept informed of all relevant discussions.

Tip #1
Since the COVID-19 pandemic, online meetings have gained popularity. By providing a virtual method for meeting attendance a wider range of citizens can be reached.

1.4 Public Comment

The local government should develop a clear plan for soliciting public comments and utilizing various communication channels to effectively disseminate public notices. When inviting feedback, it is essential to specify the land use matters being addressed in an agenda, ensuring that residents understand the context and can provide informed input.

The local government should clearly define the methods used to analyze public comment during a land use decision. Mainly, the community needs to decide what land use decisions require public comment, and what types of comments require a more extensive review process. Typically, this analysis would focus on information that was not identified in the Land Use Plan and would require that the land use action proposed should undergo further review. New information could be in the form of physical facts or evidence, personal observations, evidence submitted by someone with competency in the subject matter, or scientific data.

The local government should be aware of the ex-parte communication. Ex-parte communication refers to any communication with a decision maker that is outside of the presence of all parties involved. To avoid any perception of impropriety regarding ex-parte communication, it is important that all parties involved in any land use decision are made aware of all communication outside of a meeting. There should be thorough documentation through emails or memos that summarize any in-person or phone conversations that can be provided to all parties.

Tip #2
Communities should provide a variety of different methods of soliciting comments to ensure that every demographic has an equal opportunity to be involved in the land use decision process. Any community surveys should include multiple forms for various age groups. It is important for communities to gather youth and adult input on all land use decisions.

1.5 Dissemination and Retention of Documents

The participation plan should identify how the local government intends to distribute draft documents during the land use decision process. Typically, local governments place the agenda “packet” on their website and have hard copies available at and ahead of the meeting. Although this fulfills the statutory requirement, it must still be expressly written in the community’s participation plan.

1.6 Documentation and Retention of Outreach

Each community is required to retain all outreach documentation in both electronic and physical forms. The public must be able to review these items upon request. It is best practice to have a way for the meeting minutes to be recorded. Some communities may only have staff to write down the minutes, while others will record the meeting through their online meeting space, as well as have someone write down the minutes manually ([MCA 2-3-214](#)). Whichever method a community chooses should be included in the plan, and the plan should be amended as changes are made.

