

CHAPTER 1

Although regional planning legislation was adopted in Kansas in 1958, major activity in the formulation of regional planning commissions did not come until the late 1960's and early 1970's. In the first decade of the law's existence, only a tiny handful of regional organizations were created; and even these were regional primarily in a legalistic sense rather than being genuinely regional in either a geographic or a functional sense.

THE FEDERAL CARROT AND STICK

Current interest in regional planning in Kansas is largely the result of efforts by the federal government, using the old "carrot and stick" method. In essence, it has been said that money is available for a wide variety of local activities; but it is available only if there is official area-wide concern. In other words, if the local governments determine that they want to utilize federal funds available for many programs, then they must participate in some kind of area-wide or regional planning activity.

Each federal agency having programs of interest to Regional Planning Commissions has requirements for organization, membership and operation that may vary greatly or slightly from others. The general federal position as noted above, has been that all these conditions must be met if the regional commissions and local governments want to use their money. Under the current national administration, and concurrent with the advent of many program "freezes" and revenue sharing, the federal attitude is changing--at least nominally.

Currently the official utterances of some federal agencies is that the stated requirements for organization, membership and operation are not so rigid as previously suggested. In fact, they say, the wishes of the

state (especially the Governor) will be considered paramount; in effect allowing the state to insist on a position contrary to the stated position of the federal agencies.

In actual practice, federal agencies tend generally to insist on their former rigid, superior position. Some federal departments are actively working counter to the formally stated new position.

Thus it becomes virtually impossible to state with any conviction what current federal policy is. It seems probable that some changes will be made in the future. For now, however, it seems appropriate to consider the more rigid federal positions as still in effect. Accordingly, they are presented in the following program discussions.

ORGANIZATION AND JURISDICTION

Many federal agencies have expressed some kind of position with respect to area-wide activities. Those which appear to be most important to local governments in Kansas, because of the funds which they have available and which Kansans need, are:

The Department of Housing and Urban Development (HUD)

The Department of Health, Education and Welfare (HEW)

The Environmental Protection Agency (EPA)

The Economic Development Administration (EDA)

The Department of Transportation (DOT)

The United States Department of Agriculture-Resource Conservation and Development (USDA-RC&D)

Law Enforcement Assistance Administration (LEAA)

Farmers Home Administration (FmHA)

The area-wide requirements of each of these agencies is generally described.

The Department of Housing and Urban Development has a number of programs upon which many local agencies depend for the provision of local

improvements. Foremost among these are the basic water and sewer grants, storm drainage grants, and open space grants.* It has been made very clear by law, and by HUD regulations, that there must be adequate area-wide organization before any locality within that particular jurisdiction is eligible even to apply for these kinds of funds. The area-wide requirements as stated by HUD in its Circular MPD 6415.1A, are:

- (1) There must be an area-wide planning jurisdiction (APJ) established, including all of that territory within which the local governments would be directly affected by the actions of other local governments. The typical area-wide jurisdiction in an urban area would be that area, at a minimum, which includes the principal urban settlement plus all peripheral land which can be expected to urbanize in the future and which would be affected by decisions made by the major urban center. In a rural area it would typically be a cohesive multi-county area, preferably a designated sub-state district.
- (2) There must be an adequate area-wide planning organization (APO). This organization must be composed of representatives of at least 75% of the total population of the area-wide jurisdiction established. At least two-thirds of the representatives must be elected officials or persons directly responsible to elected officials unless state law specifically provides to the contrary. The representatives must also include those from the poor and minority segments of the area.
- (3) The area-wide organization must be adequately staffed and must have an adequate budget to permit it to be effective. The specification

* It should be noted that at the date of publication of this manual, the funds for many federal programs have been "frozen" by order of the President. The manual presumes that when they are ultimately released, the requirements will be the same as before the freeze.

of what is adequate will vary widely from one organization to another, depending upon the land area, numbers of people, and specific problems which are involved.

The Department of Health, Education and Welfare is less specific with respect to area-wide organization and jurisdiction. The jurisdiction can be any group of local governments which can work together and which can present a reasonable approach related to comprehensive health planning. This jurisdiction may or may not be the same as the HUD jurisdictional area, and there currently is no requirement that they be the same. With respect to organization, the only requirement is that the health planning council be composed of both providers and users of health services, with the users making up at least a majority of the council. It should be noted that the State Board of Health does have guidelines to assist in establishing regional health planning councils.

The Environmental Protection Agency has two sets of jurisdictional requirements for EPA programs which deal with water and sewage treatment facilities. EPA has agreed to accept the jurisdictions which have been established under HUD regulations, provided that progress is being made toward water and sewer certification; but they have also imposed a requirement that there be adequate drainage basin planning before their grants can be made. This drainage basin planning is a function of the state and is outside the control of local regional organizations.

The Economic Development Administration has a totally different approach to establishment of area-wide jurisdictions and organizations. The EDA benefits are available only to specified areas, those that are generally economically "depressed" as designated by the U.S. Department of Labor. EDA authorizes the formation of economic development areas and economic

development districts. An economic development area is defined as a growth center and the territory which is supported by that growth center. An economic development district, however, is that number of counties which includes two or more growth centers and which is supported by those growth centers. The EDA organizational requirements are that the representative commission be composed of:

1. A majority of local elected officials, including at least one such official from each unit of general local government within the district.
2. Members broadly representative of principal economic interests of the district, including business, labor, agriculture and representatives of the unemployed and under-employed.
3. Representatives of minorities.

The Department of Transportation has for many years required comprehensive and continuous planning for transportation within areas, or more specifically, cities of more than 50,000 population and their periphery. DOT has recently also agreed that they will require the same jurisdiction and organization structure that HUD requires. They do not have separate, specific requirements for land area and commission membership.

The United States Department of Agriculture, through its Soil Conservation Service, sponsors the Resource Conservation and Development program. This is a program providing "a structure through which the staff and technical resources of the USDA can be brought to bear on certain local projects toward the orderly development, improvement, conservation and utilization of natural resources".¹

¹ Draft report of Federally Sponsored Multi-Jurisdictional Planning and Policy Development Organizations, December 29, 1972, p. 28.

USDA program guidelines provide for very wide latitude in identifying an eligible sponsor for an RC&D project. Generally speaking, the sponsor may be any public agency or organization empowered to plan and carry out activities related to resource use and development. Governing bodies of Conservation Districts must be the sponsoring agency when such exist within a proposed project area.

There are no specific requirements that RC&D project boundaries conform to state designated sub-state regional boundaries. The actual practice in Kansas, however, is to make every effort to effect such conformance at least on a sub-regional basis if not on a regional basis.

Membership requirements are only that the controlling boards be representative of the sponsoring groups. No more specific requirements are enunciated.

In addition to the RC&D program noted, the USDA makes it possible for Kansas State University, Extension Service, to maintain Resource Development Specialists throughout the state. In so far as they are able to do so, KSU officials utilize the designated sub-state districts in this program.

The Farmers Home Administration is an arm of the USDA which has programs directed to rural development. Of especial interest are the programs for loans and grants for water and sewer system construction and loans for housing. There are no special organizational or jurisdictional concerns, but there are financial limitations based upon numbers of people served, viability of the area and the area's ability to help itself through its own financial resources. These programs are currently very much in

a state of flux due to the adoption of the Rural Development Act which changes the programs markedly; but which thus far has not been funded by the Congress.

The Law Enforcement Assistance Administration sponsors a program of criminal justice planning grants to state criminal justice planning agencies. Regional criminal justice planning agencies are not required by the law, but they may be created by the state at its discretion. In Kansas, the Governor's Committee on Criminal Administration has begun to make grants to existing regional planning commissions and their jurisdictional boundaries will be utilized if possible. Membership requirements do exist for advisory committees, however, as follows:

1. Regional criminal justice planning agencies must be composed of representatives of both general purpose local government and law enforcement and criminal justice agencies.
2. The representation must include at least one representative from the largest city and county in the region and from any unit of government within the region with more than 100,000 population.

A PROBLEM OF MEMBERSHIP

A problem which has developed over the years is that it has been necessary to create multiple commissions serving the same or similar jurisdictional areas but satisfying different federal organizational requirements. In areas of sparse population this creates an unnecessary duplication of commissions and places a severe burden on the regional leaders who may find themselves sitting on several different commissions on different days of the week. It would be desirable to structure one commission so that it can meet the organizational requirements of as many federal agencies as possible. It is feasible under the existing regional planning laws, to structure a commission so that it will meet the requirements of all of the agencies identified above and to accomplish all of the planning for which they are responsible, except for the drainage basin planning required by EPA. The drainage basin planning must be performed by technicians in the state offices, and there is no role for regional commissions in that activity. Structuring one commission to meet all of the federal requirements requires very careful thought at the outset and may well require a substantial amount of give and take among the participating local governments. The effort would be well worthwhile, however, if the result were a reduced number of commissions, fewer meetings, and elimination of duplication of effort. At the same time such a commission would provide more highly coordinated planning activity for the region.

Regional planning commissions have a variety of possible functions, and careful thought should be given to these at the outset. It should be noted that some commissions may wish to begin their existence with only limited functions and then expand as time goes on. Such is completely proper and is to be encouraged, within statutory limitations.

TYPES OF REGIONAL PLANNING

Comprehensive Policies Planning.

A regional planning commission, whether it is designed to satisfy federal requirements or not, should have three prime functions. The first of these is preparation of a comprehensive policies plan for the region. This plan should look a long distance into the future--at least 20 years or more.

The major components of a typical, comprehensive development policies plan on a regional basis are:

1. Long range general development goals for all areas of development--what major developments can be anticipated, and what are hoped for.
2. Governmental structure--what changes, if any, are needed to bring about greater efficiency and effectiveness in the areas of:
 - a. numbers, kinds and powers of the several units of local government.
 - b. financing problems and opportunities for all units of government.
 - c. relationship of each level of government to its citizenry.
3. Land use goals and development objectives--identifying and enunciating clearly a regional growth policy which is complementary to the general development goals and the governmental structure decisions previously noted.

A first effort in the preparation of the broad policies plan is the development of a realistic set of goals for the region. These must be

developed through a procedure which will assure *maximum acceptance by those citizens*. They must be prepared in such a way that the citizens, the planning commission and the governing bodies can readily identify the impact which those goals would have on the area--the impact in terms of resources required to achieve them as well as the benefits which can be expected to accrue to the region once they have been achieved.

Functional Planning.

A second level of planning at the regional scale should be that which is known as "functional planning". This is quite simply the planning necessary to assure the wise, efficient and effective provision of the major services required in any good living environment. The Department of Housing and Urban Development requires that functional planning be performed in the areas of housing, open space, water, sewer, and storm drainage. The Department of Health Education and Welfare requires functional planning for the provision of health services. The Environmental Protection Agency is concerned with functional planning related to water and air pollution and the management of solid waste. The Department of Transportation is concerned primarily with the planning for a highway network, but does at the same time give some attention to the other forms of transportation possible in the area. The RC&D projects prepare detailed functional plans including a very wide variety of projects and programs in some way related to the development and conservation of the natural resources of the region. LEAA concentrates on the preparation of an annual criminal justice plan which includes desired programs and projects.

In addition to the functional areas which are of federal concern, conditions may suggest that a regional commission should be concerned with one

or more of many other functional areas. Some which might properly be of concern are:

- 1) industry and economic development
- 2) education
- 3) governmental reorganization and intergovernmental relations
- 4) social services
- 5) protective services
- 6) water and mineral resources
- 7) government finances
- 8) services to the aging
- 9) juvenile delinquency
- 10) mental health
- 11) recreation
- 12) codes enforcement
- 13) natural resources
- 14) public health

Probably not all of these are appropriate for all commissions and all areas, but it is likely that all of them will be of regional concern in some regions.

A significant element of the functional planning activity is an accompanying action program. The action program should, at a minimum, identify the priorities which should be assigned to each of the functional improvements recommended in each of the functional plans. This requires the regional commissions to make very difficult decisions which would appear inevitably to favor one community or one county over another. But it is as important as it is difficult to determine which projects should be given the higher priorities for the good of the region as a whole.

There is no room here for parochial thinking or for the surfacing of the attitudes common to monopolistic competition.

Land Use Planning.

A third major activity of a regional planning commission has to do with the assignment of land to the various major use categories expected to be involved in future development. The general development policies plan referred to earlier will identify in a broad way the kinds of development which are anticipated. The goals and objectives will refine those broad statements to some degree and will begin to point to the quantities and types of land which are required for various uses throughout the region. The land use plan will refine them still further. The indications of types and quantities of land will indicate general locations for those land uses.

The probable land use categories with which a regional commission would be concerned are residential (both single and multi-family), retail commercial, wholesale commercial, industrial, agricultural, public, and undevelopable land. Once again, the commission will be faced with very difficult decisions and will be concerned with the possibilities of favored treatment for one city or county over another. Here also, however, the concern must be for regional development and regional good rather than parochial interests.

Umbrella Agency

In discussing regional planning commission functions it is often suggested that they should properly serve an "umbrella" function. This is, quite simply, a suggestion that the greatest efficiency and effectiveness can be achieved if all policies planning, functional planning and land use planning is drawn together under the general guidance of one

regional commission. Legally, it is possible to have multiple regional planning agencies--each one concerned perhaps with more or less the same geographic area; but each one concerned only with one specific area of interest. It seems patently obvious that multiple commissions serving a very restricted function (i.e. health, or criminal justice, or land use, or natural resources, or solid waste management, etc.) would encounter enormous problems of coordination and orientation toward common goals. They would also all be competing for limited resources required to do their work--commission members, dollars, and staff personnel.

Such competition coupled with the inordinate and unnecessary problems of coordination can only lead to inefficiency, waste, and an inferior overall planning product. The "umbrella" agency concept pulls all of these diverse but related interests together under a single commission, serving the same geographic area in all cases, and thus eliminates the adverse effects of multiple commissions. The citizenry which is supporting all planning efforts should expect no less.

CONCLUSION

The organization and jurisdiction which any regional planning commission decides to adopt will depend on a number of factors. First, the decision must be made locally whether or not the local governments wish to be eligible for federal funding in a variety of programs. If the local government decides that it does not want to use federal dollars and is not interested in applying for them, then the federal requirements for organization and jurisdiction can be ignored. Experience has indicated, however, that this is unlikely, because the costs of satisfying local needs is so great and the demands on local resources so far outstrip the local money available that the local governments characteristically will hope to obtain all federal funding reasonably available.

A second factor which is important in establishing the organization and jurisdiction for a commission is the determination of what the commission wants to do. If it assumes responsibility for the three broad planning activities outlined above, then one organizational composition and jurisdiction would be appropriate. If it chooses to perform only one or two of them, then a different jurisdictional structure might well be required. It is presumed that any regional planning commission which is seriously formed to approach the problems and opportunities of a region will involve itself at the three levels of planning indicated. The umbrella agency is the regional commission concept to be encouraged since it can be the most effective in meeting the planning needs of a region.

It is imperative that regional planning commissions be organized and that they begin to operate within a correct legal framework. They must be structured according to state law; and they must be established through

organizing resolutions and ordinances and must adopt operating by-laws. Copies of the law and sample resolutions, ordinances and by-laws are included in the appendix as appendices B, C and D, respectively. The resolutions, ordinances and by-laws must, of course, be adapted and adjusted to fit each new commission's circumstances; but they are an acceptable legal form and do include all the points which need to be included in such documents. They may therefore very properly be used as guides by new commissions.

Included as Appendices E and F are two typical organizational charts for multi-county regional planning commissions. Appendix E suggests a functional organization for regional planning commissions which anticipates that the regional commission will be an umbrella agency serving a variety of functional planning needs. Appendix F suggests the personnel organization for the minimum staff for such a regional planning commission. Both of these of course would be modified as necessary to meet the precise needs and functional responsibilities of the regional planning commission as it is ultimately organized under the joint resolutions and ordinances creating the commission.