The Local Planning Commission: Roles and Responsibilities

While Iowa law prescribes the statutory duties of the “zoning” commission, this publication summarizes the roles, responsibilities, and specific practices of what is commonly known as the planning and zoning commission. This commission typically is appointed by local government legislative bodies, city councils, and county boards of supervisors.

**What Is the Planning Commission?**

The planning commission is a citizen volunteer agency with its origin in the earliest days of modern land-use planning, when many believed that a group separate and distinct from members of the local legislative body must be created to keep planning proposals and decisions from becoming politicized, particularly on large civic projects.

Developed in the early 1900s, the concept of the planning commission remains with us today. It is based on the belief that a group of citizens is able to objectively review and recommend sound and efficient planning regulations to the governing body of a community that makes the final decision.

Cities and counties in Iowa often create a body known as the planning and zoning commission. No matter what it is called, however, this local government unit makes all zoning and planning recommendations to the local legislative authority. City councils and county boards of supervisors are responsible for appointing citizens to this volunteer commission.

The commission is granted the authority to recommend the establishment of zoning ordinance regulations, to designate specific zoning districts for a city or county, and to recommend a comprehensive plan for the development of the community. It also recommends amendments to the planning regulations once adopted.

State law governs the general structure of the planning commission. Chapter 392 of the *Iowa Code* provides the general authority of a city council to create administrative agencies, such as the planning commission. Chapter 414 specifically allows the creation of the planning commission by the council and prescribes certain duties of the commission. These duties will be reviewed later in this publication.

Counties have specific authority to create a planning commission (*Code of Iowa* 335.8). Additionally, where airport zoning is designated in a county, the board of supervisors must appoint an airport zoning commission (*Code of Iowa* 331.321.n).

Some smaller cities and counties in Iowa do not appoint a planning commission. If the governing body of such a city wishes to exercise the zoning and planning powers authorized in state code, such as the adoption of a zoning ordinance, a special commission must be appointed to provide the necessary study, review, and recommendations related to matters resulting from these conferred powers.

The law is clear that only a planning commission may conduct planning and zoning studies, and the legislative authority holds the legal responsibility for adopting all final ordinances, plans, and regulations. To assist in understanding its role and carrying out its responsibilities, the commission may work with professional planning staff, planning consultants, university experts, and council of government personnel.

The fact that not all Iowa cities appoint planning commissions is not surprising, considering that not all cities and counties adopt zoning powers. It should be remembered that of the 953 cities in the state, about 500 have populations under 500. Land use decisions in such small communities are rarely complex, and therefore, many small cities in Iowa do not have an adopted zoning ordinance. Slightly fewer than a third of the counties also have not adopted zoning ordinances.

**Zoning Board of Adjustment**

The board of adjustment frequently is confused with the planning commission. Under Iowa law, the board of adjustment is responsible for the review of a planning commission’s actions based on its interpretation of relevant zoning ordinances and planning regulations. Appeals by applicants may be made to the board of adjustment for review of a commission’s action or
decision. The board may grant exceptions and variances for a specific piece of property.

If the board of adjustment’s decision reverses the original decision by the planning commission, the matter is submitted to the governing body (city council or board of supervisors) of the local agency. A council or board of supervisors may either accept the decision of the board of adjustment, or remand it back for further study. The only other recourse for an unsuccessful applicant is to take the matter to district court.

State law prescribes certain basic duties of the commission. However, cities and counties often use their commissions for a number of different functions and assign various other planning and advisory matters to them. A list of responsibilities and delegated activities is provided in a later section of this publication.

Who Should Serve on the Planning Commission?

Obviously, an individual must have the interest and inclination to devote the time necessary to serve on the commission. Most commissions in communities with active planning needs meet monthly and are asked to perform a fair amount of study and reading of plan proposals. People of diverse backgrounds should comprise a fair and objective commission. These may include citizen volunteers with no connection to the planning profession, architects, university professors, business and civic leaders, and neighborhood activists.

The size of the planning commission depends on the size of the community; there is no state mandate for the number of appointments that must be made or the term that a volunteer must serve. Smaller cities typically have smaller commissions of five to seven members, while large cities may have as many as fifteen appointments to a commission. Typically, commissioners are not paid, as are members of city councils or boards of supervisors. Customary expenses, including the cost of training sessions and/or conferences, are reimbursed subject to approval by the governing council or board.

While the state does not mandate the number of years a commissioner must serve, the term is typically determined by local legislation that also should provide clear direction on what is expected of a member during his/her service on the commission. A three-, four- or five-year term is customary, and in some cases there is no limit to how long a person may serve on the commission. In many communities, members often succeed themselves. Governing officials must remember that the service is volunteered, and it is possible to wear out good volunteers by asking them to serve too long.

Conflict of Interest

Planning commission members, just as any other local government officials, are viewed to uphold the "public trust." Because they make decisions and recommendations that can have important economic consequences, avoiding conflict of interest, and even the appearance of it, becomes even more important.

What constitutes a conflict for a planning commissioner? If there is any possibility for a member to benefit financially or otherwise from a decision he/she will make in performing commission duties, the member must not violate the public trust. The commission member should inform other members of the conflict and recuse or remove him/herself from the proceedings, and from taking any action on the issue or attempting to persuade any other member of the commission to act in any specific direction. Withdrawal from a decision should be formally recorded in the minutes of the meeting.

Commission members are held to the same rules governing receipt of gifts as all other Iowa public officials. Commissioners are not allowed to accept any gifts with a value of more than $3 from a restricted donor. Any person making an official request of, or conducting business with, the commission is considered a restricted donor.

The Planning Commission’s Responsibilities

The planning commission can have wide-ranging responsibilities depending on the legislative body’s expectations of the commission and its delegation of specific duties and functions. The following is a fairly comprehensive list of possible commission activities.

- Develop and maintain a comprehensive plan for the physical development of the community and necessary or desirable specific plans. Recommend the plans to the governing body for adoption.
- Develop a zoning ordinance and specific zoning districts. Recommend the ordinance to the governing body for adoption.
- Serve as the agency to hear matters related to zoning regulations arising from the zoning code of the community. These include zoning ordinance review and district designation, annexations, initial zoning designations, pre-zonings, re-zonings, development agreements, final planned developments, use permits, and ordinance amendments. Serve as the advisory agency to hear subdivision matters. In some cities, the commission reviews capital improvement plans and annexation proposals.
- Determine the consistency with the comprehensive plan of any proposed project, using the criteria approved by the governing body.
- Investigate and report to the governing body regarding means of implementing a comprehensive plan.
- Consult with and advise public officials and agencies, public utility companies, civic, educational and other professional organizations and citizens regarding implementation of the comprehensive plan and specific plans.
- Make comprehensive plan findings on development applications.
- Review and make recommendations to the governing body on amendments to the comprehensive plan and specific related plans.
- Perform such other duties as the governing body determines.

**Conclusion**

The planning commission is an important advisory agency to assist local government officials in one of their most important functions. As the economic and social landscape of Iowa becomes more complex, the need for sound, well-considered land-use decision-making becomes ever more critical. Even though not all communities take advantage of their latent planning powers, the land-use planning process affects the lives of most Iowans. A strong and well-trained planning commission is invaluable to communities in the orderly development of their land and the achievement of their public and private development goals.
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