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Planning Commission Basics

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Community planning activities that impact development at the local level in Ohio are handled by a variety of local, regional, and state organizations. Oftentimes, the responsibilities and geographic areas of concern of many of these organizations overlap, in part, because of the four levels of government in Ohio (state, county, township, and municipality) and the hands-off approach taken to community planning activities in Ohio law. Such local community planning organizations include: planning commissions and zoning boards at the municipal, township, county, and regional levels; regional councils of government; and, other voluntary organizations.

One way citizens can be directly involved in community planning efforts is through local planning commission participation. Local planning commissions involve lay citizens in efforts to study and make plans for specific geographic areas and guide community investment through subdivision and zoning review. Ohio law permits but does not require the formation and maintenance of these organizations at the municipal, county, and regional levels.

What is a planning commission?

A planning commission is a governmental body responsible for guiding the orderly development of a specified area. In Ohio, these planning bodies are a creation of the Ohio Revised Code. The number of members, their method of appointment, and scope

of responsibility varies depending on whether the commission operates at the municipal, county, or regional level.

How are planning commissions organized and who are the members?

Regional Planning Commission

Creation of a regional planning commission involves the boards of township trustees, county commissioners, and planning commissions of municipalities. No less than two of the aforementioned entities must enter into a resolution of cooperation to form the organization. A regional planning commission may be created for the whole or a part of a county and may extend beyond the boundaries of any one county. After being formally organized, school and special districts, authorities, and other units of local government may be invited to join upon the terms determined by a majority of the organization's forming members. The number of members is decided by a majority of the planning commission and the method of their appointment is decided by a majority of the planning commission. A majority of the planning commissions and boards participating in the regional planning commission must determine the apportionment of costs such as compensation and actual and necessary expenses for appointive members of a regional planning commission who are

not also holding another public office to which they were elected. Any member of a regional planning commission may hold any other public office and may serve as a member of a city, village, and a county planning commission, except as otherwise provided in the charter of any city or village.

County Planning Commissions

According to Ohio Revised Code 713.22, a county planning commission can be organized by two methods: the county commissioners may create a county planning commission; or, the planning commissions of a majority of the municipalities in a county may petition the county commissioners to create such an organization. Through petition, the board of county commissioners is obligated to organize and maintain a county planning commission.

The commission is comprised of eleven members serving three-year terms without pay. All three county commissioners (or their designated alternates) are required to serve. The remaining eight members are appointed by the board of county commissioners. Six of these members must first be nominated by township government, municipal government, and/or a municipal planning commission, depending upon the case. At least three nominees are required from a municipal planning commission if more than one-half of the county's population resides in the municipality. If no such municipality exists, at least three nominees are obtained from the municipal corporations in the county. At least three nominations are also required from the unincorporated areas of the county; at least one of which must be from a limited home rule government township if one exists. The remaining two members appointed by the board of county commissioners are chosen by the commissioners. One of the appointments must reside in one of the incorporated areas of the county, and the other from an unincorporated area.

The appointive members of the county planning commission may be allowed their actual and necessary expenses and the compensation that the board of county commissioners determines to be appropriate. Any member of a county planning commission may hold any other public office and may serve as a member of a city, village, and regional planning com-

mission, except as otherwise provided in the charter of any city or village.

The compensation and expenses of the appointive members of a county planning commission and the compensation of planning commission employees shall be paid from appropriations made by the board.

Municipal Planning Commissions

The Ohio Revised Code Section 713.01 enables city and village councils to create municipal planning commissions by resolution. Chartered municipalities establish a planning commission through the authority granted them in Ohio's Constitution, Article XVIII, Section 7. Depending upon the structure of the municipality, official membership in the planning commission can vary. For example:

Villages—mayor, council member, three residents with mayoral appointment.

Cities (with board of park commissioners)—mayor, public service director, president of the board of park commissioners, four residents with mayoral appointment.

Cities (without board of park commissioners)—mayor, public service director, three residents with mayoral appointment.

Cities (with commission plan of government)—chairman of council, four residents with council appointment.

Cities and Villages (with appointed manager)—chairman of council, three residents with manager appointment, the appointed manager.

Any member of a municipal planning commission may hold any other public office and may serve as a member of a county and regional planning commission unless otherwise prohibited by charter.

Municipalities under a commission format, under city manager and including those without a board of park commissioners have a five-member board. Municipalities that possess a board of park commissioners have a six-member board, but may change the number of members by legislative resolution—no less than four, nor more than twelve. All appointed members serve a six-year term without pay.

How does a planning commission guide orderly development?

Studying the Community and Sharing Recommendations

The powers and duties of planning commissions are explained in Ohio Revised Code 713. According to the statute, such planning commissions “may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, services, and other aspects” of their particular area of concern. Such studies may extend well beyond municipal, county, or regional boundaries or may be limited to a specific location within the area.

In addition, municipal planning commissions may coordinate area planning and preservation of historical landmarks, statuary and works of art, and other public structures (such as harbors, bridges, and street fixtures, for example) by framing and adopting a zoning plan. (The plan must also be adopted by the municipality’s legislative authority.)

Securing and Providing for Health and Safety

Planning commissions also play a role in providing for the health and safety of local communities by adopting and administering transportation and development plans. Such documents propose future transportation systems which take into account existing thoroughfares and existing community or regional plans and development patterns that reflect the need for “adequate and convenient open spaces for traffic, utilities, recreation, light, air, firefighting apparatus and the avoidance of population congestion” (Ohio Revised Code Sections 711.10 and 711.11).

This is often undertaken by adopting subdivision regulations. County and regional planning commissions may adopt and administer subdivision regulations for unincorporated areas within a county or regional planning commission’s jurisdiction (see Ohio Revised Code Section 711.09 for restrictions on legislative approvals of subdivision platting). In cases where there is no township zoning resolution, county or regional planning commission, or subdivision regulations other than a municipality’s subdivision regulations, city and village planning commissions

hold jurisdiction for adoption and administration of subdivision regulations within their incorporated areas and beyond those boundaries up to three miles and one and one half miles, respectively.

Reviewing and Commenting on Community Plans

Planning commissions review and make recommendations on future community development goals, objectives, proposals, and policies in order to minimize incompatibility within the area of concern. According to Ohio Revised Code, county or regional planning commissions are obligated to review, evaluate, and make recommendations and comments on all types of community plans such as comprehensive land use, open space, transportation, and public facilities plans. These plans may involve public and private works; facilities and services; and, areas for conservation and development of natural resources, for example.

Because the planning commission is responsible for the review of future community development goals, objectives, proposals, and policies, it is also a regular user of the Comprehensive Plan. The Comprehensive Plan includes detailed information about the community and its future development patterns that can help guide the decisions of the planning commission. Conversely, as economic, social, and political conditions change and planning commissions work through various community development reviews and planning processes, these planning organizations are ideally positioned to make adjustments to the information contained in the Comprehensive Plan.

Moreover, planning commissions review zoning when presented with an initial zoning ordinance or resolution and map as well as proposed changes to existing zoning text and maps. Municipal planning commissions review municipal zoning ordinances, and county and regional planning commissions review township and county rural zoning resolutions.

Who does the studies, reports, and plans?

Ohio Revised Code Sections 713.21 and 713.02 empower county, regional, and municipal planning commissions to employ professionals to help them in preparing studies, reports, and community plans. County and regional planning commissions can

employ the services of engineers, accountants, and consultants. Municipal planning commissions can employ architects, engineers, clerks, and draftsmen. So long as such requests do not interfere with and are within the scope of regular duties, county and regional planning commissions may also request the assistance of county engineers (ORC 713.26). A county planning commission is entitled to request and receive assistance from their county's engineer. A regional planning commission may request and receive assistance from a county engineer whose county is a participating member of such an organization.

How are such efforts funded?

Municipal, county, and regional planning commissions may “accept, receive, and expend funds, grants, and services from the federal government or its agencies ... this state or any adjoining state ... from counties of this state ... municipal planning commissions ... or civic sources ...” (ORC 713.02, 713.21, 713.22). For municipal planning commissions, the legislative authority is obligated to provide for related expenses and accommodations per Ohio Revised Code Section 713.05. County planning commissions can be funded through county commission appropriation. In addition, the county planning commission may receive benefit of property tax levies voted specifically for the purpose of supporting the activities of the planning commission.

Property tax levies are also permitted for funding regional planning commission activities in addition to any combination of the following common funding schemes outlined below:

Per capita expenditure—funding amounts are based upon population of a given area (township, village, city, or county).

Grant administration—the board of county commissions and/or cities delegate responsibility for Community Development Block Grant programs (Formula and Comprehensive Housing Improvement Program [CHIP] programs, for example) to the planning commission, including the administrative fees associated with such programs.

Real estate conveyance fees—a small percentage (usually 1–3%) of the value of real estate transferred annually, assigned by the board of county commissioners.

Membership—participating jurisdictions pay a portion of the annual costs of the planning commission; may be based on population (per capita), or an arbitrary amount agreed upon by the membership.

Transfer payments—funding which originates from local, state, or federal units of government and/or agencies for performing services.

Summary

Planning commissions are a creation of Ohio Revised Code. While there are distinct differences among municipal, county, and regional planning commissions, all three formats enable broad community input and involvement in planning community development patterns.

References

Ohio Planning and Zoning Law, Stuart Meck and Kenneth Pearlman, Banks-Baldwin Law Publishing Company, 2007.

OHIO REVISED CODE, (ONLINE) <http://codes.ohio.gov/orc/713>

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