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Fostering Diverse Perspectives on Planning and Zoning Boards

In this Issue:

Fostering Diverse Perspectives on Planning and Zoning Boards

By Christine Quattro

Appointed planning commissions and zoning board members guide both long-range planning and day-to-day land-use decision-making. This supports and balances the work of zoning administrators, city planning staff, and elected officials. The backgrounds of these individuals, therefore, are important factors for how planning and zoning administration is enacted. The privileged few who are both offered and able to fill these positions shape planning and zoning operations.

This issue of *Zoning Practice* highlights the importance of diversifying planning and zoning boards. It discusses the historical lack of educational and professional diversity on these boards and offers guidance for administrators and city leaders to help them recruit, retain, and train board members that reflect the goals and populations of their communities.

Planning and Zoning Boards

In the U.S., the role of the planning commission is determined by local ordinances and state legislation. Planning commission items can include comprehensive plan drafting, platting or subdivision decisions, rezoning applications, developments requiring special consideration, and other matters impacting the built environment of cities, towns, and counties. Many jurisdictions, particularly large cities, often have a zoning board as well as a planning commission to oversee some portion of applications and document review.

In today's planning and zoning system, the role of the commissioner is essential to the administrative procedures accompanying comprehensive planning and development codes. Planning-related boards, including planning commissions, zoning commissions or boards, boards of adjustment, design review commissions, and other similar hearing bodies, meet regularly to make planning and zoning decisions that impact the urban design and land-use pattern of a community (Nolon and Salkin 2017). Public hearing bodies are necessary for public input into planning policies. Formal participation allows opportunities for voices to be heard.

However, committing to a public hearing is often not enough. The power structures become unbalanced when members of the board have interests, even indirectly, that favor one party (Anderson and Sass 2004). When the board becomes unbalanced because systemic bias is present, the legitimacy of their decision-making can be more easily called into question. This is likely one cause for more common ethics violations and appeals of zoning or planning board decisions in recent years (Salkin 2008).

Board members or commissioners are often volunteers, frequently appointed by the local legislative body—usually the city council or county board of commissioners. They are expected to represent the communities they serve by providing a diversity of perspectives regarding the public interest. They often undergo minimal training, as this is not their full-time career.

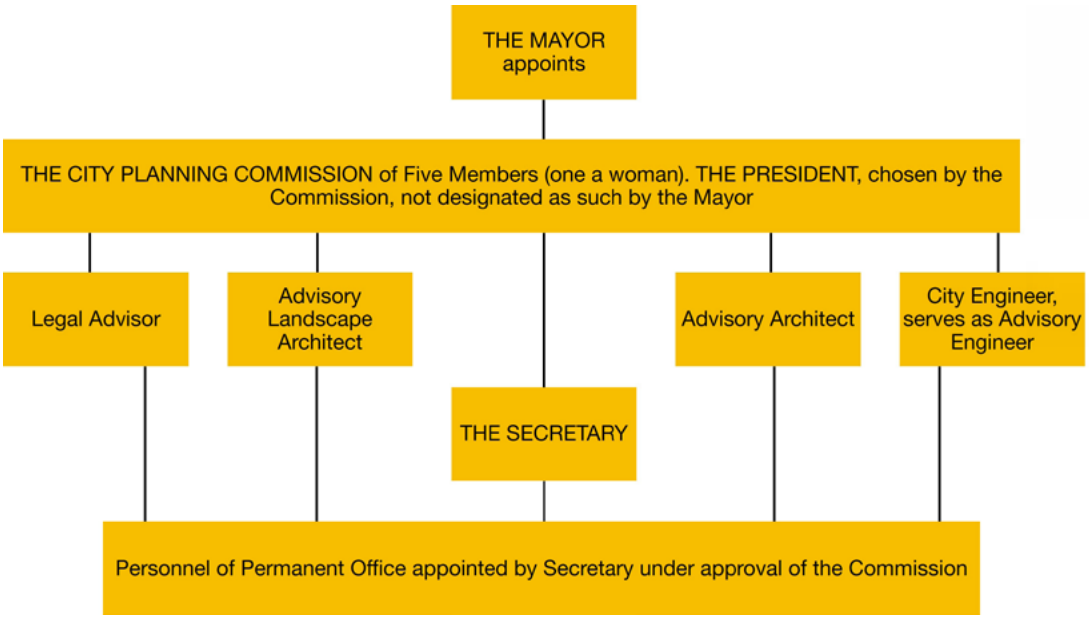


Figure 1. The structure of the planning commission as observed by Stephen Child in 1924

The nature of volunteer appointments to serve on planning-related boards influences the type of person who serves. The schedule flexibility and knowledge base needed are just two of the qualities that limit the diversity of individuals appointed. Those who submit themselves for consideration are also likely to have familiarity with planning-related boards and procedures. This skews the occupational representation and professional training of sitting board members.

Past Studies of the Planning Commission

Diverse representation by commissioners has concerned planners since planning's early days. Throughout the century, studies ascertained the characteristics of individuals serving on these boards and show unchanging patterns in board representation. John Howard's 1951 ideal planning body consisted of "people, of varying backgrounds and special interests; united in a concern for improving the urban environment; sharing the planner's uncrystallized goals, but unprejudiced by the technician's bias; sometimes themselves creative, but always attentive and critical" (Howard 1951). However, research repeatedly showed that this ideal has not been made a reality.

Landscape architect and planner Stephen Child conducted the first known survey of sitting planning commissioners in 1924. Then, there were approximately 200 newly established planning commissions in the United States. He argued wealthy businessmen were heavily involved in the creation and appointment of commissions because they knew if a city improved so would their business. The structure of commission he observed (shown in figure 1) would be almost unrecognizable to planning departments today.

Child's conclusions of what constitutes a good commission included the importance of formalized designated seats for men (not women) from planning-related fields. The requirement to include a woman, as shown in his observation model, he found unnecessary. The purposes of this board were to ensure healthy housing, control city growth, remove blight, and prepare city streets for the automobile. He also argued that zoning should be under the purview of the city planning commission and not by a separate zoning board, as they would most closely understand the reasons for zoning's existence. Many of these ideas seem outdated today.

In 1937, Robert Walker conducted a similar study. He surveyed 208 planning commissioners from 31 cities in the United States. He found that one-third were working in the development field. A minimal number of commissioners worked in labor or other blue-collar professions, and only about two percent were working in health-related fields. Unlike the observations made by Child 13 years earlier, planning commissions did not designate positions for specific types of professionals or by gender.

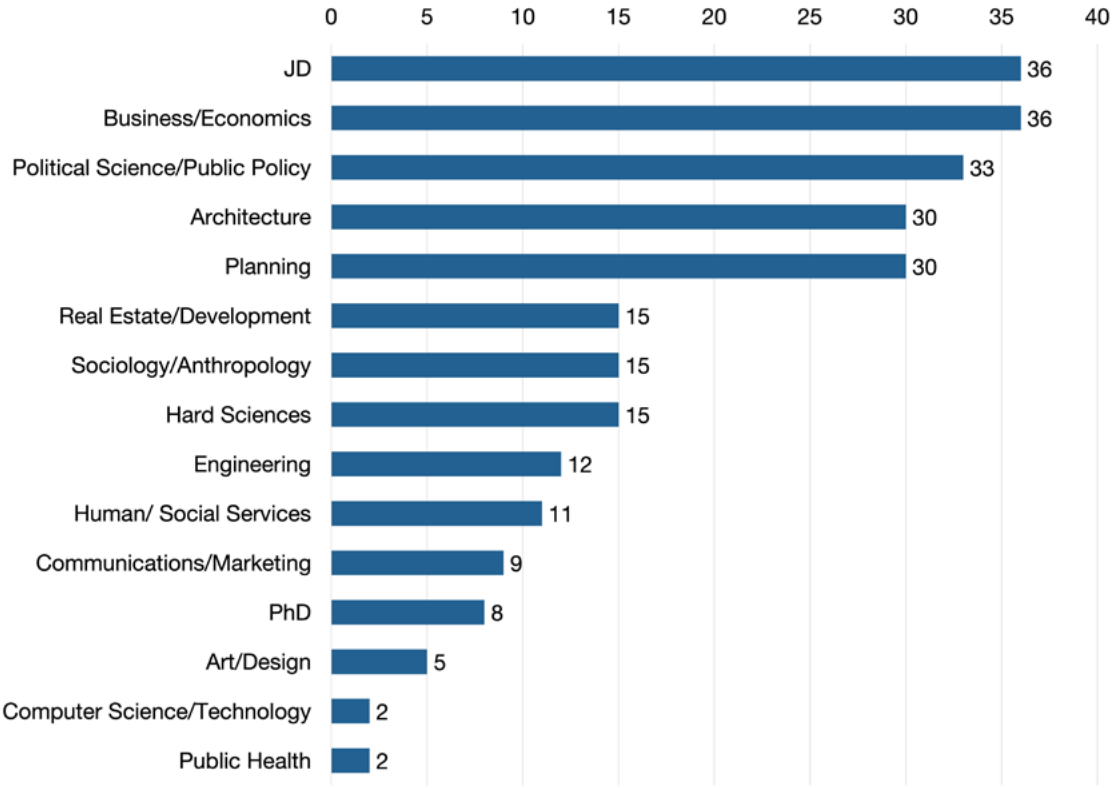
In 1986, Sanders and Detzels conducted a survey on behalf of the American Planning Association (1987). They repeated an analysis conducted in 1950, 1965, and in 1979 and surveyed 528 members of planning and zoning boards of variously sized cities and counties. They found that many planning commissioners were still businessmen (27.5 percent) and developers (23 percent), values that remained constant since 1965. The five-member 1924 standard described by Child had expanded to between seven and nine members.

There is longstanding concern that planning procedure is overseen by special interest groups (Davidoff 1965). A 2004 survey of zoning and planning boards in Iowa showed that this professional bias is less when including small towns. This is possibly because smaller towns often have shorter, more infrequent hearings and are more likely to meet in the evenings than larger cities (Anderson and Sass 2004).

A Study of Sitting Board Members

In 2021, I investigated the educational training and occupations of 185 sitting planning and zoning board members in the 20 most populous U.S. cities. The results reveal the modern academic training and professional fields of commissioners in major U.S. cities, including which fields are highly represented and which fields are underrepresented. This allows comparison of modern commissioner representation to studies of the past. It also provides important information to city officials and staff on how well boards represent their cities and the needs of planning.

Figure 2. Fields of study for higher education degrees for 185 sitting planning commissioners in major U.S. cities



Education of Board Members

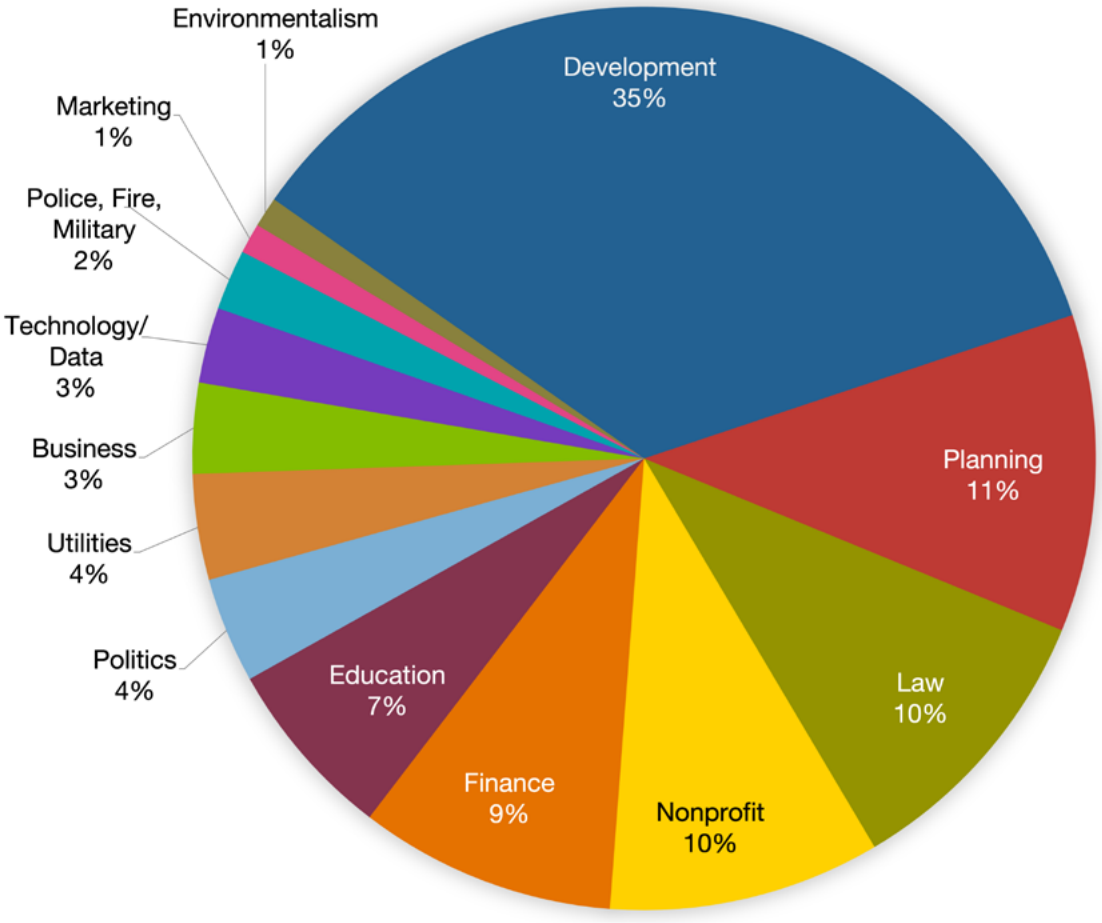
Higher education and training have changed significantly since the birth of planning, and board member representation reflects this. Early studies on the backgrounds of sitting commissioners show professionals with limited higher education. An analysis of today's commissioners shows a more diverse range of training. Only one commissioner researched had no higher education. Despite increased education, there is an overrepresentation in areas directly related to land development and a lack from other fields (figure 2).

Each higher education field of study undertaken by a commissioner was counted once as training in a new area. For example, 11 commissioners had education in the field of human and social services (i.e., social work or similar programs) and so on. Eight commissioners held PhDs in their respective fields. Many commissioners held multiple degrees, often in different fields.

Business/economics and JD degree types were most prevalent. Architecture, planning, and political science/public policy were also strongly represented. Given the content and nature of planning and zoning boards, these results are perhaps not surprising.

However, cities should be attentive to the areas that are underrepresented or missing. For example, only two commissioners studied computer science/technology. A city looking to incorporate "smart city" planning approaches should take note of this. Two commissioners studied public health. Given the purpose of zoning and planning in cities—to protect and promote health, safety, and welfare—more commissioners with this expertise are needed. Some fields, such as meteorology or epidemiology, were not represented but are important when planning the future of cities.

Figure 3. Fields of employment for 185 sitting planning commissioners in major U.S. cities



Professional Field	1937	1950	1965	1979	1987	2021
Development	33.2	22	28.6	19.6	23.1	35.14
Law	11.1	n.d.	6.7	4.6	6.4	10.27
Education	1.0	2.3	3.3	6.6	7.8	6.49

Table 1. Percentages of surveyed commissioners' professional fields since 1937 (Author, Sanders and Getzels 1987, and Howard 1951).

Planners are trained to be specialists. Planning, however, incorporates a range of topics and impacts all aspects of its jurisdiction. Planners must coordinate many separate functions and people for cohesive action and results (Davidoff 1965; Brooks 1988). To be effective, pluralism in planning is essential. Commission appointments offer an opportunity for individuals without training in areas already incorporated formally to be represented.

My study found duplicity in the educational training provided by commissioners, homogenous to that provided by the planners, developers, and private-sector city leaders already incorporated into the planning process. For some, this is preferred. In 1988, Brooks argued against diversification of those participating in planning and instead for strengthening the role of professionally trained planners. He believed in rational-comprehensive planning—where decisions are best left to those who fully understand. However, there are many mechanisms an individual planner cannot understand impacted by urban design and construction. The more areas of expertise provided by commissioners during the planning process, the less burden on professional planners to fill the gaps.

Professions of Board Members

My investigation also determined the current occupational fields for 185 commissioners in the 20 largest cities (**figure 3**). Two retired commissioners were excluded. Over a third of commissioners worked for development companies (real estate, construction, engineering, and architecture). Some commissioners worked for nonprofit organizations (9.73 percent), though directly related to the construction of affordable housing. Others worked for law firms (10.27 percent), but on land-development-related legal issues. Employment not associated with construction was minimal and most strongly represented by education—yet even there, some faculties' activities involve researching land development.

Concentration of representation related to a single field limits the perspective of planning or zoning boards. Plans themselves contain chapters or sub-plans incorporating many elements. The impacts of planning are felt by all people and facets of a community. Planning commissions that do not reflect this may neglect to consider the implications of their actions.

The results align with earlier studies (see **table 1**). Today's planning commissions still have similar slants towards private interests. Elected officials and those appointing commissioners should consider whether this is in the best interests of their community.

Researching the professional training and education of board members revealed evidence that culture of a city plays a role in appointments. For example, computer science degrees were represented only in San Jose, California, and Austin, Texas, known for technology-based economies. Cities also tended to cluster similar types of professions and training on one board. Thus, elected officials may seek to appoint individuals with characteristics they associate with being on the board already.

Given the complexity of impact on families and housing through development regulations, commissioners with a better understanding of differing family types and the impacts of housing, employment, and health on quality of life is ideal (Allor 1994; Bronin 2020). One underrepresented professional group are social workers. Also, no commissioner included in this study was a stay-at-home parent. Stay-at-home parents have flexibility in hours and could provide a different perspective of how the city operates and impacts its constituency, but they would require accommodation to participate.

A lack of perspectives in planning, particularly given the field's history of disenfranchising low-income households, racial minorities, and other marginalized groups, should be of concern to officials and their constituency.

Importance of Diverse Representation in Planning

Land-development interests are those most directly impacted by the decisions of planning-related boards (Plater et al. 2010). These groups are the most likely to launch lobbying and court campaigns to influence development codes and decisions. It is, therefore, unsurprising that these groups would be the most interested in proactively joining these boards and commissions. This creates a system where boards are filled with developers hastily in favor of applicants to the exclusion of "normal citizens who might be more sympathetic to the complaints of the neighbors" (Anderson and Sass 2007). Disproportionate representation on quasi-judicial boards has been termed *white-collar bias*. There are many strategies a city could take to ensure a fuller representation of diversity across planning commissions.

In *1000 Friends of Oregon v Wasco*, the Oregon Supreme Court decided that even quasi-judicial boards like planning commissions must have the "appearance of fairness" to ensure "public confidence in judicial institutions," (703 P.2d 207 (1985) 299 Or. 344) The Justices argued even perceived bias would cause the public to lose faith in the procedural aspects of planning law. A lack of confidence in the existing system leads to public challenge. Though undercutting rational-comprehensive planning, the public is who planning commissioners are expected to represent (Davidoff 1965).

In 2016, the American Bar Association (ABA) countered Justice John Robert's comments on *Fisher v Texas* implying that diversity is not important in the law with a statement that diversity provides a framework where 360-degree analysis can be achieved. While the members of planning and zoning boards are usually volunteers who may or may not have a law degree, they still play an important role for the procedural due process of development regulation. It is therefore critical that these boards also have representation from a diversity of races, genders, socioeconomic backgrounds, professions, and professional training to ensure that the 360-degree analysis advocated by the ABA is fulfilled.

Many politicians seeking appointments look for those with a strong understanding of the agenda items they would be responsible for, limiting the body of candidates (Senville 2014). A reason could be politicians feeling more confident in decisions if they believe a qualified professional is sitting on the board. However, limiting the definition of who is qualified leads to narrow representation. Planning expertise as a prerequisite to sitting on the board is less important if the board is an advisory body since elected officials already have access to planning staff.

A lack of perspectives in planning, particularly given the field's history of disenfranchising low-income households, racial minorities, and other marginalized groups, should be of concern to officials and their constituency. Filtering people based on their technical skill generates planning boards and commissions that devalue the professional and personal experiences of other populations (Solis 2020).

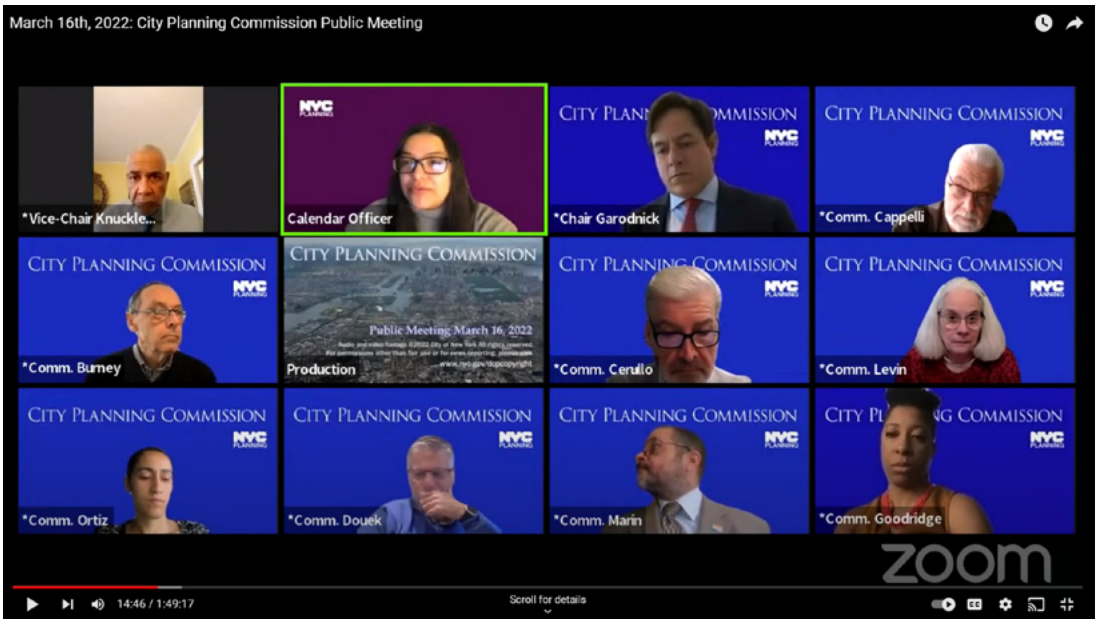


Figure 4. A digital meeting of the New York City Planning Commission (Planning Department of New York City)

Guidance for Practitioners and Elected Officials

Practitioners and elected officials are in a meaningful position to recruit, retain, train, and influence appointed officials. How to enact these in a way that moves board representation forward can be challenging. However, there are some ways staff and officials can create change.

Recruiting and Retaining Diverse Representation

Elected officials and local staff should recruit and retain diverse board representation. To be appointed requires the ability to volunteer ample hours and the political clout to earn a nomination. Longstanding research shows selected individuals have traditionally been limited to a small number of professions and members of the elite. Real estate, law, and development fields usually have flexible working hours, are more likely to be self-employed, and come in frequent contact with elected officials through day-to-day activities and lobbying. These characteristics provide an advantage for being chosen.

A jurisdiction looking to embrace the ideologies of equitable planning ought to better involve low-income individuals in the planning process (Solis 2020). This includes seeking greater representation from individuals working in low-wage professions (including hourly positions) on planning and zoning boards. Many individuals have flexibility in scheduling including students, part-time employees, those retired, stay-at-home caregivers, or work from home occupations. These groups are underrepresented on planning-related boards but have the potential to serve.

Providing benefits could address barriers preventing some from participating when there are costs associated. Lost pay, childcare, and transportation costs are three such hurdles. Stipends for commissioners, childcare during hearings, and accessible transportation assistance allows more people to participate.

Hearing times outside traditional working hours could not only allow a greater diversity of employment sectors to be represented, but also increase availability to potential attendees. This structure is more accommodating to occupations, such as teacher, service-industry worker, or factory employee, that are found to have less direct or indirect bias (Anderson and Sass 2007).

In March 2020, COVID-19 shut down many planning operations around the country. Since then, many cities have revived their land-use proceedings in a virtual or hybrid forum (figure 4). The durability of this approach has shown that it can be a method to provide flexibility to commissioners or attendees with limited time, mobility, childcare, transportation, or health concerns.

Paying attention to who is attending hearings and neighborhood meetings will guide officials to individuals willing to invest time in their community planning efforts, particularly once hearings are made more accessible. Elected officials should reach out to those with an active interest in their community to serve on boards, even if they are outside of the traditional fields.

Codifying requirements for diversity are one way to ensure boards are representative of a city's population. This strategy ensures that fields or social groups important to the conversation are always represented. For example, the San Antonio, Texas, Building Standards Board has reserved seats for social workers, health care professionals, and senior citizens (**§6-155.1**). Michigan's Planning Enabling Act **§125.3815**, Minnesota statute §394.30, and Oregon statute **§227.030** are three examples of state legislation regulating occupational representation. New York City's 1975 Charter amendment reserved seats on the planning commission for representatives from each of the five boroughs, appointed by the borough president, rather than by the mayor like the rest of the board (**§192**).

In business, tenure of board members has emerged as the most important quality for the effectiveness of a board (Pearce and Zahra 1992). Retaining board members is more important than prerequisite knowledge. Ensuring that membership on a board is not a burden to those who serve would improve longevity of tenure (**figure 5**). This also provides consistency for judicial precedence and reduces the burden on planning and legal staff to train new board members in protocol and the limits of the law.

Training Effective Board Members

The *strategic contingency approach* assumes that a person holding specialized knowledge is critical to the functioning of an organization. This theory from the mid-20th century places stake in hard-skill knowledge, rather than personal experiences. Commissioners are often sought out using this approach. However, critical knowledge is often already supported by planning and policy staff. Instead, soft skills and lived experience may be the intangible value of board members. Knowledge can often be taught or provided in other ways through proper commissioner training.

Figure 5. In San Antonio, Texas, planning commissioners can attend virtually, which helps the city maintain quorum and reduces the burden on members who cannot attend every meeting in person. (Patrick Christensen)

Below are six tips for zoning administrators to better equip their planning and zoning board members:

1. Commissioners should be encouraged to bring their unique perspectives and backgrounds to the commission—particularly when they are serving in an advisory role. Studies have shown that managerial boards function best when able to provide counterpoints to other leadership in the organization and are larger to contain more diversity (Pearce and Zahra 1992). A planning commission that reinforces the existing skillsets and dynamics of city leadership would be less effective for advising the city council, planning staff, and management.
2. Providing boards with bulleted quick-reference guides, access to digital resources during hearings, and well-organized case documentation can smooth the hearing process. Balancing the time commitment for training with the need for informed board members is a challenge put to zoning administrators. Ad-hoc questions from commissioners during hearings is not ideal but is often how board members come to understand intricacies of the code. Providing them with easy-to-access information throughout hearings can reduce nuanced questions.
3. Less complicated code language, and avoidance of legalese when possible, reduces the amount of training required to deliberate agenda items. Long-term board member confidence and accuracy are a benefit of simplified codes and easy-to-read planning documents. Benefits also extend to attendees; when the code language being considered is simplified, it is easier for all parties to be on the same page during the discussion.
4. Recusing and ethical training is important. When city planning departments adopt regulation that developers feel is too stringent, they often seek relief from planning and zoning boards, knowing their members will be sympathetic (Allor 1994). Local jurisdictions should have clear guidelines for when a conflict of interest is present. Many board members will only recuse if they are directly benefiting but will remain if they are receiving indirect benefit (e.g., their company profits). Existing legislation is often too vague or limited, usually just including personal interests but not including business interests (Anderson and Saas 2004). This may require creation of alternate board member positions to ensure quorum.
5. Effective training should include conflict-mediation and dispute-resolution strategies. A large part of the planning commissioner's role is mitigating disputes from various stakeholders representing different public interests (Allor 1994). Recruiting professionals from fields where mediation is common (e.g., social work, education, and arbitration) builds a board with these skills.
6. Staggered terms are more efficient than full board turnover at once. A mix of tenure on a board allows new and old members to benefit from each other. Longer standing board members provide insight on procedure, code nuances, and precedence—reducing the burden on zoning staff. Newer members bring fresh perspectives to cases and their experiences navigating the city's many businesses, neighborhoods, and infrastructure.

Paying attention to who is attending hearings and neighborhood meetings will guide officials to individuals willing to invest time in their community planning efforts, particularly once hearings are made more accessible.

About the Author

Christine Quattro is a PhD Fellow in City and Regional Planning at the University of Pennsylvania where their research focuses on the impacts and nuances of planning and development regulations, with special attention to zoning. Quattro serves on the Yeadon Zoning Hearing Board in Pennsylvania.

Using Staff Reports to Fill in Known Gaps

Reports that are cookie-cutter, only provide standard planning perspectives, or have limited information restrict the ability for appointed officials to make informed decisions. Early critics of planning procedure claimed staff recommendations are too influential in the planning process because community members, including volunteer commissioners, are likely unable to conduct their own research (Davidoff 1965). These concerns can be overcome by ensuring staff reports are well informed from a broad array of professional fields beyond planning.

Planning staff should request consults with other city departments when drafting recommendations. For example, if there are no public health board members, adding public health perspectives to the staff report from the appropriate city department could strengthen information available for commissioners and ultimately elected officials. Seeking out certified social workers, engineers, or the city's equity officer to request their thoughts on zoning matters can also serve as professional development for both staff and board members.

Planners should be aware of the board makeup and look to complement it. When no planners are on the board, it is also important to provide planning rationale for decision-making. This includes providing clear excerpts from the city's adopted plans, surveys of each site, and a detailed recommendation articulating why it makes "planning sense."

Local jurisdictions concerned about procedural equity can look for social justice groups engaging in this work like the Government Alliance for Racial Equity (GARE) (Solis 2020). Consulting with these groups, particularly grassroots groups from their own community, will help local leaders to think critically about the needs of their own constituency.

Conclusion

A successful planning or zoning commission reflects the population of its jurisdiction. This includes a community's professions and education. Ensuring diverse representation of professional expertise and backgrounds on quasi-judicial boards like planning commissions, boards of adjustment, historic review boards, building standards boards, or other land-use related entities is critical to ensuring that the implications of frequent decision-making are thoroughly examined. Further, attaining a certain degree of education or working in a small selection of employment sectors should not be a prerequisite to a seat at the table when deciding the fate of community development and land-use planning. The detriments to a limited scope or overrepresentation by fields which hold direct or indirect bias on development decisions has been well documented by legal and planning academics since the 1930s.

There are many solutions for increasing representation on planning and land-use related boards. These include specific allocation of seats based on community of residence or industry and adopting mechanisms to accommodate those with less daily flexibility or resources. Encouragement of nontraditional fields should be a goal.

Once board members are appointed, training should be tailored. Planners have a responsibility to equip their board members with the tools necessary to make informed decisions. This can and should include bringing in perspectives beyond planning and easy-to-read reports articulating planning best practices.

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