

**Town of Farmville Planning Commission
Training Meeting Minutes
Town Manager's Conference Room, Farmville, VA
Thursday, November 3, 2016**

Members Present: Sherry Honeycutt, Abbey O'Connor, L. D. Phaup, Chuck Ross and John Miller

Guest: Michael Chandler, Director of Education, VA Tech Land Use Education Program

Staff Present: Cindy Morris, Town Planner

Planning Commission Convenes

Chairperson Sherry Honeycutt opened the meeting at 11:10 AM.

Introduction of Guest Training Instructor

Cindy Morris introduced Michael Chandler to the Planning Commissioners:

Michael Chandler is Director of Education for the Land Use Education Program (LUEP) at Virginia Tech, a planning/management consultant, and a Professor Emeritus in the Department of Agricultural and Applied Economics at Virginia Tech. In his LUEP role he conducts the Virginia Certified Planning Commissioners' Program, the Virginia Certified Boards of Zoning Appeals, the Commonwealth Planning and Zoning Conference, as well as other training and educational offerings. He assumed this position on July 1, 2003 following his retirement from Virginia Tech.

During his 27 plus year career with Virginia Tech, he was responsible for the design, delivery and evaluation of off-campus extension and continuing education programs focused on community planning, land use and public management issues. Prior to joining the faculty at Virginia Tech, Mr. Chandler worked two years as a legislative research specialist in Georgia, five years as a land use planner/community development agent in selected Virginia localities and two years as a high school government teacher.

Mr. Chandler attended Old Dominion University in Norfolk, Virginia where he received the Bachelor of Science degree in Secondary Education. He continued his formal education at Virginia Polytechnic Institute and State University (Virginia Tech) where he was awarded the Master of Urban and Regional Planning degree. Mr. Chandler's formal education also includes a Doctor of Philosophy in Public Administration from the University of Georgia.

Mr. Chandler was a member of the Blacksburg Planning Commission for three years (two years as chairman) prior to his election to the Blacksburg Town Council in 1984. He was re-elected to a fifth term in 2000 and served on the Council through January 31, 2003. He resigned his seat upon relocating to Chesterfield County in 2003. Mr. Chandler is active in several state and national professional associations. From 1992 to 1994, Mr. Chandler served as President of the Virginia Citizens Planning Association. He also served a two year term (1996-98) as President of the Virginia Chapter of the American Planning Association (VAPA). From 2000-2004, he served on the American Planning Association National Board of Directors. In addition to providing planning/management consultative services in Virginia, Mr. Chandler has presented planning commission and board of zoning appeals training programs and seminars in 44 states since 1990.

Cindy commented that she has known Mike for almost 20 years and he has a wealth of information and we are glad he is here with us today.

Mike began the training by stating the goal here today is to walk you through some fundamental information on 1) what is a Planning Commission, 2) What is the role of the Planning Commission and 3) How does the Planning Commission function. Also to discuss the job of a Planning Commissioner including legal framework, duties of the Planning Commission, preparing the comprehensive plan, plan implementation, planning commissioner's relationships, ethics and performance.

Mike asked that each member help him understand who they are and their interests or goals as a Planning Commission member. Members expressed the need for consistency, stability, transparency, and responsible sustained and continued growth as not to compromise the uniqueness of the Town of Farmville. Abbey O'Connor stated that Farmville is a little *gem* of a Town and feels that one of her goals is to be a guardian of the Town.

The Planning Commission members noted that they have been meeting more in the past year. It was noted that part of the reason for more meetings that there has been more development recently and Council has referred more zoning issues to the Planning Commission. All commented that the Mayor, Town Council and Gerry Spates are very proactive regarding conscientious development in the Town. Recently Council has made changes to the makeup of the Planning Commission membership to be more representative of the whole town and will attempt to appoint one member from each Town ward. Sherry stated that a developer recently told her that the Town is very helpful and forward thinking when it comes to development. The Commissioners agreed that the Town is doing a lot of the right things for the good of the community.

Mike noted that Farmville is a place that is just waiting to be discovered and Farmville's future is quite bright. He said this can be seen from a number of different perspectives, not only as a place of significant higher education that is producing quality educators, but also Farmville's location and proximity to larger communities, the continued evolution of growth, the potential as a retirement community is outstanding. Mike stated that this is a crossroads community

that has a history with name recognition. With the Vice-Presidential debate the Town can capitalize and build upon this notoriety.

Mike spoke about the Virginia Certified Planning Commission Program, which he noted that Cindy completed several years ago, is a good program for Planning Commission members. The program is a ten week course divided into two classroom sessions and one home study. The class sessions focus on the principles and practices of planning, the planning process, the legal foundations for planning, planning commission duties and responsibilities, the tools of planning, and the job of the planning commissioner. All students are required to read several books and complete and submit a series of tests and essays. Everyone is also required to attend a planning commission meeting in another locality and analyze and report on the meeting. All instruction during the program is provided by a cadre of highly regarded, skilled professionals with considerable experience in their respective fields. The Town was host to one of these programs in 2008 and Cindy stated that Farmville welcomes Mike to come back with the program anytime.

Mike reviewed that in 1976 General Assembly mandated that localities create Planning Commissions. He noted that no local government enjoys rights of sovereignty; only the state and federal governments are sovereign. The network of local governments in Virginia were created by the state and empowered by the state with certain rights, privileges, duties assignments and responsibilities. The Town of Farmville has a charter, which is the local mandate, and that the Commission should take look at that to see if there is anything in the Town charter that may have an impact on the Planning Commission.

Mike talked about Virginia being a Dillon Rule State which means local governments (tenants at will) only exists because the state authorizes them to exist and they can only do what the state says they can do. The Dillon Rule has three (3) components: 1) a local government can only exercise those powers that have been expressly authorized (*by either the state code/constitution or local charter*), 2) can do anything that is reasonably inferred from a reading of the expressed power (*but for the state of Virginia when it comes to planning and zoning does not favor this component*), 3) can do those things that have been declared essential/indispensable to the needs of the town. Virginia is a strict constructionist Dillon Rule state. Thirty-six (36) of the fifty states (50) use Dillon's Rule. He also added if there is any question as to whether a power is available to a municipality it would be resolved by the courts against the jurisdiction claiming they have that authority. He noted that the term Dillon Rule is nowhere to be found anywhere in the Virginia Constitution. Virginia adopted the Dillon Rule in 1896 and they used it for the first time in a planning/zoning/building case in Winchester. Mike said that when it comes to planning and zoning the code of Virginia is crafted so that gives localities an avenue of express power and the Dillon Rule should not be so over burdensome that it would inhibit the good planning you all want to do at the local level.

There is also an element of civic tradition and common sense in planning and is natural to everyone. Community is assemblage of people apportioned over a geopolitical footprint called Farmville. That community of citizens has a choice to make about how we choose to live

amongst each other and what is it we want to do on behalf of each other and how we are going to utilize this finite resource called "land."

The role of the Planning Commission is an *advisor* and your primary customer is the Mayor and Council who appointed you. Mike noted that in his opinion the Planning Commission is the most critical advisor Town Council has, because you are charged with anticipating "Farmville's tomorrow today." The Planning Commission is legally mandated to prepare and recommend a comprehensive plan that concerns itself with the "here and now" but also looks long-range at what this community can be and should be and what mix of different land uses ought to be in the Farmville of tomorrow. In that regard, the Planning Commission becomes the forecaster/imaginer for the Town of Farmville. The Commission is also a conduit between the community, Town staff and Council and a sounding board for the public. He encouraged reaching out to the younger people of the area to find out from them what they want to see in the future "Farmville." The last role or purpose of the Planning Commission is that of a guardian. How do we grow and continue to be a sustainable, human scale, vital and attractive community for the twenty-first century.

Mike noted that the Commission's legal authority comes from Title 15.2, Chapter 22, Article 1. Section 15.2-2210 states that every locality shall create a local Planning Commission to promote the orderly development of the locality and its environs. He reviewed some of the things that planning commissions do are; study, inform, advise, prepare, project, recommend, council and react in matters involving the comprehensive plan and the tools of plan implementation by means of zoning, etc. This is the essence of what a planning commission is charged with. The Planning Commission is an advisor to Council and is not the final authority. He noted that the Town Council is under no obligation to follow the Planning Commission's recommendation/s.

Mike stated that Article One General Provisions Section 15.2-2200-2209 Declaration of Legislative Intent and the most important paragraph is that section of the code that helps guide local governments to plan for the future. He broke that paragraph into the following distinct eight (8) attributes:

1. Improve Public Health, Safety, Convenience and Welfare of Their Citizens;
2. Plan for Future Development of Existing Communities So That Transportation Systems Are Carefully Planned;
3. Allow New Community Centers to Be Developed With Adequate Highway, Utility, Health, Educational and Recreational Facilities;
4. Recognize the Needs of Mineral Resources, Agriculture, Industry, and Business Providing for Future Growth;

5. That the Concerns of Military Installations be Recognized and Taken into Consideration of Future Development of Areas Surrounding Installations and Said Commanders, where Practical, Consulted by Local Officials;
6. Provide Residential Areas with Healthy Surrounding For Family Life;
7. Agricultural and Forestal Land be Preserved; and,
8. That Growth of the Community be Consonant With The Efficient And Economical Use Of Public Funds.

In Virginia every locality is mandated to have a Planning Commission, subdivision ordinance and a comprehensive plan, but not mandated to have zoning, unless an the area is covered under the Chesapeake Bay Act, which the Town does not fall under. He stated that zoning is a local option in Farmville. Zoning is a tough fact because it is law and it regulates what can be done with a piece of land, unlike the comprehensive land use maps which does not regulate anything. Comprehensive plans are mandatory but it does not carry the force of law, it is a policy guide. In Virginia, unlike other states, there is no mandate that a locality has to follow its' plan once it is adopted. However, over the years the Virginia Supreme Court says there needs to be some consistency between the comprehensive plan's land use maps and zoning.

Mike noted that there is no mention of zoning in the U.S. constitution. In 1926 there was a landmark case called the Village of Euclid, Ohio v. Ambler Realty Co. which was the first significant case regarding the relatively new practice of zoning, and served to substantially bolster zoning ordinances in towns nationwide. U.S. Constitutional Amendments 1, 4, 5, 10, and 14 provide narrative that impinges on what the planning commission acts upon.

Zoning changes primarily come from property owners petitioning a rezoning or zoning amendment, but some can originate from the locality (Town Council or Planning Commission). Zoning changes are usually an up-zoning to allow that owner to do something more than what was originally allowed.

Need to diversify the local economic base. The ideal target for private versus business real estate is 65% (private real estate) and 35% should come from business and industry. If a locality is heavy on roof tops (private real estate) then taxes can become burdensome on families (rooftops).

Another duty of the Planning Commission is to make an annual report to the Town Council. Mike said that only about one-third of localities actually prepare an annual report to their respective governing body. There is no penalty or sanction if one is not done. This report provides a great opportunity to tell council what the Planning Commission has worked on over the past year, what the Commission intends to work on in the coming year and make recommendations which may involve costs. Mike suggested that one of the recommendations could be to update the current draft comprehensive plan. The annual report can be submitted

anytime. L.D. Phaup suggested that it be presented to Council near the beginning of the year prior to the Town adopting the budget. Then if the Commission felt that funding was needed for something, such as an update to the comprehensive plan, it would give Council time to consider budgeting for the request. Mike also stated that the Commission should have bylaws.

L.D. Phaup brought up that it is important to know what future plans Longwood University, Hampden Sydney College and Centra Southside Community Hospital have. Chuck Ross suggested that the Planning Commission may want to meet with Longwood University, Hampden-Sydney, Centra, and Walk-2-Campus to discuss their future development plans.

A lot of what the planning commission does is development and review but is also charged with the business of crafting a vision for Farmville and capturing that vision in the comprehensive plan. Mike stated that most jurisdictions, both larger and smaller, outsource the preparation of their comprehensive plan and recommends that Farmville look at hiring a consultant to update their comprehensive plan. Mike said when he was with Blacksburg they did an in-house comprehensive plan and zoning update and it took them five (5) years. He stated it is hard to find time to update these documents when staff is busy with day-to-day tasks. Sherry asked about the cost to update the comprehensive plan. He stated that Lynchburg outsourced their update of their comprehensive plan and it cost around \$14,000. The re-write of Lynchburg's zoning ordinance (which had been enforced since 1978 and had been amended about 625 times), cost about \$120,000 to update because a zoning ordinance is very involved. He said the cost of the plan update depends on what is there already and how much the locality wants to change/update versus rewrite.

The code states that a plan can be general in nature. Mike said Williamsburg's comprehensive plan is predicated mostly on historic preservation and economic development. Albemarle County's comprehensive plan is heavily orientated on agricultural, resource protection and open space management with only about 5% of the land area targeted for urban suburban type development. Mike noted that Farmville is fairly well built out with some vacant land. It was suggested that the commission may want to visit other towns similar to Farmville. Mike suggested some other Towns such as Ashland, Staunton, Lexington and Duke/Durham (American Tobacco District).

Mike ended with the thought that the future of Farmville should not be a matter of chance but a matter of choice. He said if there is a desire for another such session please to let him know and he will be glad to come back. The group discussed the next commission meeting agenda to include reviewing draft bylaws, a draft annual report and plan for updating the comprehensive plan.

There being no further business the meeting adjourned at 1:18 PM.

Sherry Honeycutt, Chairperson

Charles Ross, Secretary