

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
September 13, 2017**

The Luray Planning Commission met on Wednesday, September 13, 2017 at 7:00 p.m. in regular session. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia at which time there were present the following:

Commissioners Present:

Ronald Good, Chairman
Grace Nowak
John Shaffer
Alan Eldridge
Gail Kyle
Brian Sours
Tracie Dickson

Absent:

Bryan Chrisman, Acting Town Manager

Others Present:

Brooke Newman, Planning & Zoning Administrative Assistant

The meeting was called to order by Chairman, Ronald Good, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Chairman Ronald Good pointed out a few changes to be made to the minutes from August 16, 2017. Changes are as follows: Chairman Good did not motion to accept the minutes from the July 12, 2017 Planning Commission meeting, John Shaffer made the motion; change the starting time to 7:00 p.m., add Josh's (Hahn) last name and title to the Comprehensive Plan Discussion; and Brian Sours mentioned the month of August is to be added to the date under Greenway Feasibility Study.

Motion: Commissioner Gail Kyle made the motion to accept the minutes with noted changes from the August 16, 2017 regular Planning Commission meeting; seconded by Commissioner Grace Nowak.

YEA: Commissioners Nowak, Shaffer, Eldridge, Kyle, Sours, Dickson, Chairman Good

Approved 7-0

UPDATES AND DISCUSSIONS

A) Comprehensive Plan 2018

Brian Sours pointed out the date the town adopted the comprehensive plan is missing from page ii. Chairman Good inquired how to go about revising the comp plan. Mr. Eldridge referenced the Virginia Code in comparison to the comp plan and felt it was lacking in many areas. He felt they should establish what they are going to do based on the code of Virginia. He asked if they are going to do what the Virginia Code says they are supposed to do? He stated they are not doing what's supposed to be done. Chairman Good's response was that he believes the commission did that in 2013 by working with planning staff. Mr. Eldridge stated that if you compare it with the Virginia Code, it's not there. Mr. Shaffer asked if Mr. Eldridge could explain what was in the code and suggested they bring up the topics as they get to those areas in the comprehensive plan. Mr. Eldridge stated if they do not know what the ground rules are then they will not get anywhere. Mr. Eldridge: "The Virginia Law says they have to do certain things. I think it is incumbent on all of us to read and understand the comprehensive plan preparation requirements stated by the State of Virginia before we try and review anything and create a viable, legitimate comprehensive plan. For example, right off the bat, Power of the Plan, first paragraph says that the legal basis for the plan is to establish the code of Virginia 2223. And then it goes on with a paragraph that is supposedly extracted from 2232. It's not in 2232, it's in 2223. What is a Planning Horizon? What is the definition of the term planning horizon? That's a major heading on page three. I can find no reference to planning horizon in State or Luray code. If I don't understand the terminology, from my perspective I don't know what I'm doing". Chairman Good pointed out it is their job to update this plan and that if it was accepted the first time, it must have suited the state of Virginia or they would not have accepted it. He also stated that planning horizon meant ten, twenty, thirty years in advance. Ms. Kyle pointed out as far as meeting the Virginia code, the comprehensive plan is general in nature and may "include, not limited to" (read from page 3 Powers of the Plan). Mr. Eldridge stated she was reading from the Luray plan. Ms. Kyle stated she thinks the code they are referring to is the state of Virginia. And that it states in paragraph four: "a comprehensive plan can include a concise vision statement for the community accompanied by goals for long-range development. The goals provide general directions based on the aspirations of the community". She thinks that is still referring to what the Virginia code says. Mr. Eldridge responded that the Virginia code states that it "SHALL", being a key word and the town code does not have that word in there. Based on that, this document is not in compliance with Virginia State Code. Ms. Kyle and Mr. Eldridge discussed reading and understanding the Virginia State Code before review of the comprehensive plan. Mr. Eldridge: "If understanding the Virginia Code was not done before review of the comprehensive plan then how would they know what needed to be changed?" Ms. Nowak read paragraph five on page three which states "Luray's Town Plan is intended to serve those purposes for the Town of Luray. More particularly, it serves as a general guide for the Town Council in its legislative role, the Planning Commission in its advisory role, and Town staff, citizens, and land owners with respect to directing development in the Town". Mr. Eldridge mentioned Virginia being a Dillon Rule state and that the state does not give the locality the right to change, modify, add or subtract from Virginia State Code. Mr. Eldridge stated they needed to know what the rules were before they started playing the game. Sours stated he was here five years ago although relatively new and he was under the impression that all of the rules and policies were being guided by the town planner. He never considered looking at the code, never questioned it and never considered he was the legal expert that was looking at that sort of thing. He was looking at what was the meat of it not the shalls and shall nots. Ms. Nowak agreed that it was specific to Luray and what they had written is what they have been doing. Mr. Shaffer

agreed it was a function of the town staff. Mr. Good mentioned at the time the comprehensive plan of 2013 was being written they had the planner and other consultants that were working together in putting it together. Ms. Dickson read the first paragraph on page three under powers of the plan which states "A comprehensive plan is an instrument that is designed to give a local jurisdiction within the commonwealth of Virginia responsibility for managing development, services, and public infrastructure. The legal *BASIS* for the plan is established in the Code of Virginia. She emphasized the legal basis of the plan and stated she felt it isn't their responsibility to make sure that everything is up to code. It is not what they are here for, but they are helping to design a plan for managing the development, services and public infrastructure. Mr. Eldridge asked if she was familiar with the Virginia Code. Mr. Eldridge stated the fact that things have been done wrong in the past and that does not justify continuing doing things wrong. Mr. Eldridge: "I'm not saying anyone here knew they did something wrong. It is not my intention to blame anyone for anything. I am not trying to denigrate, to cut down or to anyway insult or demean anyone. I am here to state simply that the code of Virginia says that a comprehensive plan is to prepare and adopt under the rules of the State of Virginia is established, here is what is supposed to be done". Ms. Dickson asked Shaffer to readdress his earlier comment that the state would not have approved this. Shaffer said yes, he feels it is not their responsibility as he sees it. It is the responsibility of paid staff, the state of Virginia or someone's responsibility to tell us we have not adhered to the state of Virginia code. Eldridge read paragraph two, page three, "the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction to achieve a coordinated, adjusted and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction. Commissioner Sours stated they recommend it for the powers that be and that is something someone else has to adopt and apparently they said yea. Mr. Eldridge agreed this is the town of Luray 2013 comp plan. Shaffer stated that as they review the plan, if they find something that is in direct violation of the code they can address it at that time. Mr. Eldridge points out it says it is the planning commission's job to enforce the Virginia code. Mr. Shaffer states it says they are to prepare and recommend not that it is their job to make sure it meets the code. Mr. Eldridge refers to the transportation section of the code which states it has to take in to account current and future needs, contain a map that shows road transportation, including the cost estimates. Ms. Nowak pointed out that would be difficult to do and hold to because plans change and costs change. Mr. Eldridge handed Chairman Good an envelope and left the meeting. Chairman Good informed the Planning Commission that affective 7:30 p.m., Wednesday, September 13, 2017 Alan Eldridge resigned from the Luray Planning Commission.

Chairman Good stated the first few pages about the development plan are going to have to be rewritten after they've gone through the whole process. Commissioner Kyle recommended looking at what has not been completed and asking why they did not get completed (lack of funds, changes in town plans, etc.) and considering if those things are to be kept in the plans for the future. She suggested looking at the census to best consider the goals of the new comprehensive plan. Chairman Good mentioned the community involvement process would need to be updated, most likely towards the end of review and updates, as those events would happen during the comprehensive plan revision.

Revisions:

Town Staff, Town Council and Planning Commission member updates
Adopted Date Changed
Introduction updated

Page 3 - Powers of the Plan:
Code of Virginia to be corrected
Paragraph four, last sentence- change as to an

Page 4 – Development of the Town Plan Elements
Bullet Points to be updated

Chapter 2 - Government Structure, Page 6:

Ms. Kyle suggested breaking down job descriptions by using bullet points. This would make it easier for people to understand what each job entails. She also suggested that the organizational chart be moved next to government structures. Ms. Dickson suggested using the word include so that they know it can be above and beyond the list of duties. It was agreed that updates and additions are to be made to the organizational chart.

Chapter 3 - Regional Setting, Page 10:

Changes will be made to the population of Luray based on a new census report. It was agreed that the history of Luray will remain in the comprehensive plan and the bicentennial celebration will be taken out. It was also agreed upon that how Luray got its name would remain in the plan.

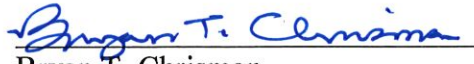
Pictures will be updated according to chapter topics and staff pictures will be updated to represent current time period.

B) Lodging Houses-Zoning Districts SUP & By-Right


Mr. Sours mentioned that B & B are allowed in R2 now by special use permit and inquired whether or not they are limited to certain streets. Chairman Good also stated he thought certain streets were designated for bed and breakfast in R2 by special use permit. Ms. Kyle stated she thinks they did not restrict it. There was discussion on whether or not to continue to allow Air BNB rentals in R2 as they can be rentals where the owner still lives in the home with the guests. Planning commission would like an example to be presented to them at the next meeting of how lodging homes would be written up in the ordinance.

Other Business

There being no further business, the meeting adjourned at 8:44 p.m.



Bryan T. Chrisman
Acting Town Manager

ATTEST: 
Prepared by: Brooke Newman
Planning & Zoning Administrative Assistant