

Building, Planning & Zoning
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Bath County Planning Commission

Bath County Courthouse – Room 115 – 7:00 P.M.

August 22, 2016

MEMBERS PRESENT: Chairman John Cowden, Vice-Chair Jason Miller, John Loeffler, Monroe Farmer

MEMBERS ABSENT: Trudy Woodzell

PUBLIC IN ATTENDANCE: Geoff Hamill (press), Mike Collins (County Attorney), Dereck W. Brinkley, Dennis W. Brinkley, Frances A. Brinkley, Phil Deemer

STAFF PRESENT: Sherry Ryder

CALL TO ORDER:

Chairman Cowden called the meeting to order at 7:00 p.m.

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS OR CORRECTIONS TO THE AGENDA: Land Use Regulation Section 902.04 - discussion to be placed after the Staff Report.

PUBLIC HEARING

Sherry Ryder:

- (a) Dereck W. Brinkley – Dennis W. Brinkley and Frances A. Brinkley – (TM#64-28) – Conditional Use Permit to operate a garage for the purpose of welding and fabrication and truck and equipment repair near 23905 Mountain Valley Road, Millboro, VA 24460. The property comprises 56.62 acres situate in the Williamsville Magisterial District and is zoned A-2 Agricultural General.

This use would be similar to 603.03-6. The majority of the repairs that would take place would be mobile, but there would be occasions that he would be working from the garage. He has not built the garage yet. He has only cleared land where the garage will be located. He is storing some of his tools, etc. in the garage that currently exists.

His mobile business does not need a permit since it is not land based and it does not fall under the conditional use permit, but rather a business permit if the County were to require those. The adjoining properties are zoned A-2 Agricultural General.

His hours would be Monday thru Friday, except for his mobile business which would be 24 hours a day, seven days a week. There is ample parking and adequate site distance at the entry of the garage area in both directions.

The property is not within a designated growth area. Relevant section(s): Bath County Use Regulations 603.03-6. Page 4-3 Economy Goal #3 and 8; Objective b of the Bath County Comprehensive Plan.

Mr. Brinkley will need a significant bank loan to construct the garage, He isn't sure if the bank would give a loan if the County proposed a five (5) year renewal. He is asking if the Planning Commission could extend his Condition Use permit for a longer, or even indefinite term. If he did violate, he could be brought back in. For the most part, he is not expecting many customers per day. In a five year time he expects to average five (5) customers per day. Ninety-five percent of his work will probably be mobile. Mr. Brinkley is here tonight to answer questions.

In your packet I have his zoning map, the aerial, photo showing the entrance, and where he is planning to build the garage. The property lines on my map, on here are not right. That's why I put a big red square and yellow note at the location. I will be glad to answer any questions.

Chairman Cowden: Would this Conditional Use go for the entire parcel? Or just a portion?

Sherry Ryder: For the garage.

Chairman Cowden: I mean, sixty five (65) acres is ...

Sherry Ryder: Most of it is wooded. Not much of it is open. You can impose that not more than two acres be used unless he comes back. Or even one acre.

Mike Collins: Or you could use the size of the garage.

Chairman Cowden: What size would that be?

Derek Brinkley: It's 40'x60' or 2400 sq. feet or so.

Chairman Cowden: So two (2) acres would be ample for parking and any projected needs, we might consider that. Would you like to add anything?

Derek Brinkley: Sherry did pretty good covering it.

Sherry Ryder: I haven't had any comments or objections.

Jason Miller: Would he need to cut in a new entrance?

Sherry Ryder: There is already a road there. Mr. Brinkley will you be using the existing road?

Derek Brinkley: Yes, I have already talked to VDOT about digging the culvert up and putting in a wider one for a bigger entrance for bigger equipment. I also talked to them about the old oak tree there that the sign is leaning against, I also spoke to VDOT about removing that tree so I can have a bigger culvert. They said they would get back to me as soon as they look at it. As far as the road, we will use the one that's there. If anything happens then it would just be a wider entrance and bigger culvert.

Chairman Cowden: So it's vehicle repair. We should perhaps put a limit on inoperative vehicles. Do you anticipate any?

Derek Brinkley: My business is more of a heavy equipment, farming equipment. I don't have it in my plans to do automotive stuff. So it would be more equipment stuff. Tractors, dozers, balers, rakes, etc.

Chairman Cowden: There is certainly a need for that.

John Loeffler: Just repairs not sales?

Derek Brinkley: No sales.

Jason Miller: Did the bank give you any indication how long they would want, as far as funding the money? You asked for longer than five years. Or did you look into ten years? Fifteen?

Derek Brinkley: I haven't looked into it, that far.

Sherry Ryder: I think for a construction loan, fifteen is about the least they will go for, depending on how much money is involved.

Chairman Cowden: What is our experience with loan based Conditional Use?

Sherry Ryder: So that he knows, I told him when he came in that, we have done indefinite. Because they have made a decent financial commitment, and knowing that banks don't like giving loans for short terms, thinking they could be pulled. However, if we get a complaint we will come to Mr. Brinkley and he will have to clear it up. If he doesn't, then he will have to come to the BZA and they can pull his permit.

John Loeffler: I don't think we ever done an indefinite permit.

Sherry Ryder: Yes we have done several.

Jason Miller: Have they been similar to this one?

Sherry Ryder: The first one I remember is Timmy Black when he built his garage. There were others. The BZA has granted them before. It's on a case by case.

Derek Brinkley: Like she said its 56.62 acres and it's all been family property, for thirty years. That's why they asked for an indefinite Conditional Use, being family property.

Chairman Cowden: One of our concerns with a Conditional Use Permits are the comments and reactions of the neighbors. They seem to be practically all Brinkley's. Those that aren't, do you know them? Have you talked to them?

Frances Brinkley: We talked to Wanda Clark who lives right across the road and she was just fine with it. We talked to Grover Ford and he didn't have a problem with it. The Graham's and Mr. Godschalk live on top on the other side. They won't even see it. They touch on the top that goes to the ridge. The Howards live on the other side of me, so they couldn't even see it.

Chairman Cowden: Comments from the Public? None. I will close the Public Hearing. Any discussion? Or motion?

Mr. Loeffler: I would like to stay away from indefinite permit. I shy away from those. But I don't want to see the permit blamed for getting in the way of you doing business.

Jason Miller: Even if we put five or ten years on it. The regulations are still there. If there is a complaint, they are coming back. Even if it's fifteen or twenty years, they still have to abide by the regulations. Fix it or we can pull it. That's some comfort knowing that we aren't just walking away. The safety procedures for the public are still there and it would prevent him from having to come back in five years and another hundred dollars.

Mr. Loeffler: I don't want the length of the term to be detrimental concerning new business.

Sherry Ryder: If you had neighbors that was concerned about it, then yes. Since all the neighbors are family it seems like you wouldn't have that problem as much as other neighbors. I haven't had any calls. Trudy called this afternoon to make sure you guys knew she wouldn't be here. She basically said she supported the application, thought it was great that we had a young individual who wanted to plant feet in Bath County and stay grounded here and make a business and try to make a go of it. Because we are always wanting to have our kids stay here as they become adults. I asked her about the time, that he was asking for an indefinite. She said, well if he doesn't do what he is supposed to then he will have to come back to the BZA, right? So that was her conversation.

Mr. Loeffler: Does the Code define the length of time you can have inoperable equipment on the property? Does it need to be part of the motion?

Sherry Ryder: No, Code doesn't. Our Land Use Regulations and Zoning Code dictates how many inoperable vehicles you can have based on your zoning, but does not say a length of time. That would be part of your Conditional Use permit. Accumulation of parts, tires and stuff like that. He wouldn't have tires. Normally in garages, you have parts you have taken off, proper disposal of fluids, oil, that kind of thing.

John Loeffler: What have we typically done for number of vehicles, pieces of equipment? How many and how long?

Sherry Ryder: Based on the application itself. He is doing most of his work outside and he is talking about two customers per day at the maximum. This is what he is thinking. I don't think the family wants a lot of stuff piled up neither. Being family property.

Frances Brinkley: We already have seven tractors and a few other pieces of farm equipment. But it is a working farm.

John Loeffler: We have put that provision in other permits.

Sherry Ryder: With it being heavy equipment, I don't know how many we would want sitting there. They would need to be on the other side of the building. Away from the view of the main, Rt. 39. Or put screening up. We have done that before. Trees, or wooden fence or whatever, just along Rt. 39 so people won't see a lot of clutter.

Jason Miller: Do you think in a year's time you will have more than five pieces of equipment on any given day in there.

Derek Brinkley:No. When people bring or I work on a piece of equipment, most of the time, it's a quick fix. It's not often it's something torn totally to pieces like you see from auto garages. They are mostly from car accidents and they aren't good anymore. Most farmers who have a piece of equipment, and it breaks so many times, it breaks in a different spot every time, most just go ahead and get rid of it. Farmers, just like a logger if they have a piece of equipment down, you are losing a pile of money. So if it keeps on breaking down then they are going to just get rid of it.

Chairman Cowden:The concern we spoke about isn't just on a piece you are parting out. It's not for screening. It's kind of, the gateway of the County, so our visual impact going down the mountain of the Mountain Valley is important to all of us, I think.

Derek Brinkley:Like she said, most of my business is ninety percent mobile. There is some jobs that might take a week or two week to complete. That is something I would take to my shop. But as far as something I can finish up in a day or two, out in the field. That's where it is going to happen. That is what my goal is. That's what has been going on. So far I haven't had hardly any calls or people asking to bring something to the shop.

John Loeffler: Do we need a provision on inoperable vehicles?

Chairman Cowden: We've got to have something.

Mike Collins: We've got the automobile grave yard provision, inoperable is already in the code. We have junk and trash and stuff like that, that accumulates. It's covered in a lot of other areas.

Sherry Ryder: I was thinking I would go by experience. If what he is working on is in there and no more than five outside at any given time, or three at any given time. He's got a twenty four hundred square foot building that he can have a couple inside there.

Mike Collins: You can also put it in there that if the permit is granted, you reserve the right to require screening if it became necessary. That wouldn't affect the bank. If someone would say you got to put up a natural or board fence to screen it from the highway, it wouldn't affect your loan. That would give you a little more comfort I think.

Sherry Ryder: Yes

Mike Collins: I wouldn't put that in there right now. I would just reserve the right to require it as far as screening goes. If you put it on the permit and he doesn't do it then he would be violating the permit.

Chairman Cowden: So you wouldn't put it in right now?

Mike Collins: I wouldn't require screening right now. Right now, I would say you reserve to have the right to do that as a condition of the permit, in the future.

Chairman Cowden: Do I hear any discussion? Do I hear a motion?

Jason Miller: I make a motion that we approve his application for a Conditional Use permit, TM# 64-28, Derek Brinkley to operate a garage for the purpose of fabrication and equipment repair. Comprising not more than two acres and that the permit be granted for an indefinite period of time. The Planning Commission reserve the right to require screening if deemed necessary with structure no larger than 40'x60' and with no excessive accumulation of parts.

Chairman Cowden: Do I have a second?

John Loeffler seconded the motion.

VOTE: 4-0

CHAIRMAN'S REPORT: None.

Chairman Cowden introduced the new Recorder reporter, Geoff Hamill, and all welcomed him to the County.

STAFF REPORT:

Sherry Ryder: A copy of my report is in your packet. If you have any questions let me know.

ADDITIONS TO AGENDA: Land Use Regulations Section 902.04 - Discussion.

Sherry Ryder: This discussion is on a Variance request. In your Land Use Regulations under session 902.04 it says a parcel of land that has been previously subdivided can't be further subdivided again until a period of not less than three years has lapsed. This restriction shall not apply to family divisions. In other words, a parcel may be subdivided for a family member without waiting a three year time. However the parcel created for that family member can't be divided till three years have lapped.

When we had the hearing last Monday, Mr. Collins was here and questioned if that had any legal basis according to the Code of Virginia. We did find a case in Orange County. Strong vs. Orange County and the circuit court there ruled that with us being a Dillon ruled state we did not have the authority to put a time provision on subdivisions. The way I read it.

Mike Collins: I know a little bit about the history of that. There are certain things you can do and not allowed to do in a subdivision. In cases where people subdivide one lot into two, then take the bigger lot and divide it, one lot into two and divide it into two again. Pretty soon they have ten lots and they never come under the ordinance. So these statutes were enacted to try to avoid that. I think. I'm not sure why this one was challenged, but apparently they haven't had much challenges. I told the BZA and Sherry that I thought that if you read the State Code, they say what is permissible to put into a zoning ordinance. It didn't say you can just put in arbitrary time limit. The reason this came up in front of the BZA was at the last meeting was because it was an arbitrary time limit. Somebody had deeded off a lot to a, like a family member but wasn't, so he could build a home, now he wants to sell a good portion of that sixty (60) some acres track. Wants to sell twenty five (25) acres off to someone else and that's fine. If you had done that at the same time, one lot for two acres, one he is keeping and one twenty five (25) acres he wants to sell. It would have passed the subdivision ordinance without any objections. But because it was done at two different times, the strict reading of the ordinance said a three year waiting period after he subdivided one lot off before he could do the other two. So that made me to look at it a little closer and I said I thought it was an arbitrary statute without the authority of the State Code to allow it. Even if the State Code allowed it, in this case, I would say it would be unconstitutional, it wasn't for any purpose whatsoever, so it is an arbitrary thing to say you have to wait three years. We were asked by the applicant and the BZA, who tabled it for a while, to go back and reconsider. Whether we want to amend the Zoning Ordinance in some way to allow them to address this type of situation on a case by case basis. So it wouldn't be arbitrary. So that's where we left it.

After the meeting, Sherry found this Orange County case for me. It's not, the law, like the Supreme Court but a Circuit Court judge. It's very likely that this judge here would come to the same conclusion. And he ruled exactly what I had said, it wasn't authorized under the State Code. The Dillon Rule said you can't do what you aren't authorized to do. So they said it was void.

So we are now thinking to ask the Board of Supervisors to try to amend it so to give more authority to the BZA. Or ask them to appeal it. But that's up to the Board of Supervisors, but we were hoping to get this board's input to give to the Board of Supervisors in an advisor way. If you had any strong objections to that or strong feeling for that, or any questions to bounce around tonight. We need guidance to report to the Board of Supervisor next month.

Chairman Cowden: Sounds like to me it's a waste of time and money to keep it on the books, if someone is going to challenge it and eventually be appealed anyway.

Jason Miller: Are we the only locality that has a zoning violation like that?

Mike Collins: I have run into it before, but don't remember when. It's not my first time addressing it. We know Orange County had it and now Bath County has it. I am sure it's elsewhere but maybe it's not worded as broad of ours. If at the beginning it said something like, if

the effect of the division of the second subdivision would in any way be contrary to the subdivision ordinance, you have to wait three years. If you said something like that, but not to say it arbitrarily like ours does. No matter what, you have to wait three years. I don't think that would stand up in court. I don't think anybody else's is worded quite that way.

Jason Miller: What happens if someone comes in, as an example, they take thirty (30) acres and subdivided based on landscape, some lots are five (5), some are four (4), or six (6) or two (2) and they start selling them. Then this guy comes in and said that he wants a bigger one. I want ten (10). So does he have to go back in? Or if wanting a smaller lot?

Mike Collins: That is different. That would be vacating a lot line between two lots to make it bigger. We have an ordinance that allows for that, or we would be re-subdividing one lot into two to make it smaller. We have an ordinance that allows for that. That really wouldn't be the situation that would come back to bite you.

Chairman Cowden: We already have, where you can subdivide certain zoned residential areas anyway, right? Correct or no?

Sherry Ryder: You can subdivide as long as you meet your minimum lot size, your setbacks and frontage.

Mr. Farmer: What is the minimum lot size with no water and sewage?

Sherry Ryder: It depends on what you are zoned. Agricultural is eighty thousand square feet or 1.84 acres. This particular track had access to water, but I think he was putting in his own water. If it had no water and no sewage it is 1.84 and they were conveying twenty five (25) acres. Unknown to the applicant that there was this provision when he conveyed off the two acres. He had already lined up contractors. He had everybody. He had put deposits down. He had people ready to pull building permits and dig footers as soon as it had been recorded. And we put a halt on everything. So when it does get released, whenever that might be, he will need to get in line with the contractors again.

Mr. Farmer: What if somebody has a farm in an Agricultural Zone, and a family member wants to have a house. They cannot give them less than 1.84 acres?

Sherry Ryder: Right.

Mr. Farmer: Does that change if you have water and sewage?

Sherry Ryder: It does.

Chairman Cowden: When I think of a subdivision, I think of putting twenty (20) houses on it. But you are also saying any size parcel of land. I could have one hundred and eighty (180) acres and sell twenty (20) to a stranger, I would have to wait three (3) years before selling more?

Sherry Ryder: Yes

Chairman Cowden: Why so restrictive? I don't think that's appropriate. I don't quite understand what you are trying to avoid by that.

Mike Collins: Like I said before, what you are trying to avoid is, like, I could subdivide a lot into two lots, without getting subdivision approval. I could take a lot that is four (4) acres and I deed off one (1) acre to somebody and I say I don't have to get approval because I have only taken my one lot and made it into two. One with three acres and one with one acre. Then a month later I come back with my three acres and subdivide one acre off beside the other one acre. Pretty soon I got four (4) one acre lots. Which if I had brought that plat in to Sherry, it would have been turned down. That would have been an illegal subdivision. But by doing it one lot at a time, it would have slipped by. So in order to try to avoid that and without thinking it through, we put on an ordinance that said that you can try to buffalo us that way but you will be able to do it only one time every three years. In order for you to make those four lots, it's going to take you twelve years.

Mr. Farmer: I thought you said you had to have 1.84 acres? Can they still get around the 1.84?

Sherry Ryder:No, you would still need to meet the minimum lot size. What he was saying is, rather than coming in with a plat with four parcels and having me say, you got to go through the subdivision process and go before the Planning Commission and Board of Supervisors. If they had brought each one in separately, I would be signing off on them administratively, but they would still need to meet the lot size.

Mike Collins: I didn't do my example very well but there are other ways of breaking the subdivide rule. When they come in to get a building permit, it would be caught, being too small to build on that lot. But there are other violations they could get away with by using small lots. By doing two lots at a time.

Chairman Cowden:If using larger tracts, I came in with a hundred fifty (150) acres and wanted to subdivide, thirty, thirty, thirty lots. Can I get an exemption from zoning or I just couldn't do it?

Sherry Ryder: If you came in to me, I couldn't sign off on it. It would have to come through the Planning Commission and Board of Supervisors. Anything over one split goes through the process.

Chairman Cowden:We need to find another way.

Sherry Ryder: We will be redoing our Regulation soon, so when we get to the subdivisions session. I'm sure other localities have added stipulations in there to prevent that. We will just have to find the right language.

Mike Collins:I know we can do it.I thinkwe should get rid of this right now and study on putting one back that would say, if any subsequent subdivision of that land was taken as a

whole, previous and current requests would violate the ordinance, then you can't do it. That's what we are trying to avoid. Giving someone a way around the ordinance.

Chairman Cowden: So the request at this point is our recommendation to the Board of Supervisors, to repeal 902.04 of the Land Use Regulations.

Sherry Ryder: It only deals with the time, the three (3) year provision between subdivisions. When it is presented to the Board of Supervisors, we will make sure they understand that we are going to be editing in this particular chapter.

Chairman Cowden: What do you need a motion or a recommendation?

Sherry Ryder: A motion recommended by the Planning Commission to the Board of Supervisors to repeal the 902.04. That's all.

Mike Collins: I'm going to have to explain this to them anyway.

John Loeffler: I would like to move that the Planning Commission recommend to the Board of Supervisors to repeal 902.40 of the Bath County Land Use Regulation.

Mr. Farmer seconded the motion.

Chairman Cowden: Any discussion? None. Do I have a vote?

VOTE: 4-0

OLD BUSINESS:

- **Architecture Review Guidelines–On Revised Draft**

Chairman Cowden read the recommendations from the Board of Supervisors. (See agenda)

The Board discussed the wishes of the Board of Supervisors on inserting a disclaimer that states, the guide is for guidelines only and for reference and not binding by law. They all approved.

The Board discussed the suggested word changes, "should" to "may" so as to not be confused with the word "shall" for the revised draft and agreed that it would help to ensure that people would know suggestions were not regulatory.

Chairman Cowden: Thanked Phil Deemer and his group for all the work they did on the draft.

Mr. Deemer passed out updated sheets for pages 3 & 4. He also suggested that reference be made to the Signage and Lighting Regulations, and be included in the guideline. So everyone will know what they are.

He also asked, if the guidelines are approved, for permission to insert an acknowledgement session at the end to list all those who had helped them from other cities and townships. He felt that his group did their best.

Chairman Cowden: The supervisors raised the issue that this is not a requirement. Well, the verbiage of this document is quite clear to anyone who might pick up this document that they are recommendations.

Jason Miller: Is this page 11, we have in our packet, is it new or what was presented originally to the Board of supervisors? The conclusion page.

Sherry Ryder: It's the disclaimer page.

Chairman Cowden: It's new, a disclaimer, and I think it is clear, very clear.

The Board thought it was written clearly.

Mr. Deemer said that the only thing they didn't do is the cover page. Also the additional disclaimer that Mr. Harrison asked for is not there for the cover page. He felt that wasn't for them to do.

Chairman Cowden: This pertains to new construction and renovations, not just new. There was some discussion that this would be restricted to only small business, getting started, and I don't think that is the case. It's for more of a pleasing and appealing streetscape to help all businesses get started.

Sherry Ryder: It's to give them direction.

Chairman Cowden: We need a motion.

Jason Miller: I make a motion to resubmit as corrected/amended to the Board of Supervisors for consideration.

John Loeffler: What about the acknowledgement page? Does it need to be part of the motion?

Jason Miller: I said with amended, that covers that.

John Loeffler: The acknowledgement page isn't here.

Mike Collins: I think it's in there and clear.

John Loeffler seconded the motion.

VOTE: 4-0

NEW BUSINESS:

- **Dominion Gas Pipeline – Nothing new to report**
- **Sign Ordinance – Review and input.**

Sherry Ryder: I have had this on the agenda for about six months. We discussed it at the conference I went to a while back on how important it was to have one as soon as possible to keep from getting into trouble, since the new state regulations have already been passed.

Chairman Cowden: Do I hear a motion for a Public Hearing?

John Loeffler: I make a motion to schedule a Public Hearing for the Sign Ordinance with the September 24th Planning Commission meeting.

Jason Miller seconded.

VOTE: 4-0

- **Section 6-1 Bath County Code “Removal of Trash” revised to “Trash and Weeds”**

Sherry Ryder: I have given you pictures of only two properties that I have gotten complaints on by Planning Commission members, Board of Supervisors members and the members of the Public. Asking can't you do something about this? There could be properties worse than those, but these are along the road and people can see them. Complain that trash goes over into the neighbor's yard and our County Code is pretty small and doesn't give us a lot of room for enforcement. Then I have had people complain about, as you see in one picture, the back yard has four to five foot tall weeds. In a residential subdivision, I've had a complaint about a tree that has grown through the middle of the deck and the weeds are over the windows because they are not cutting them. Everyone else does cut theirs. The snakes and the rodents, it's constant from spring time to fall it just keeps going. Can't you do something to somebody about their grass? The other thing that was put in here, The Health department thought this was a great idea with the Zika virus and getting control. Other areas have this in place and as you see, it's a class 4 misdemeanor. People leave old tires laying around and they get water in it and it goes stale or stagnant then mosquitoes come in. There was West Nile then another disease that mosquitoes carry. Now there are at least three different kinds that mosquito carry that causes concern. The existing County Code says very little as far as the trash. It says, the County can appoint somebody to come out to look at your property and if it looks like a landfill than you have trashed up your property.

Mike Collins: It was a pain in the neck to get any help on it. We had to take one matter to court three different times to get this guy to clean up his property.

Sherry Ryder: Judge Franklin told me that we had do something about that ordinance.

Mike Collins: The only thing we can do about the weed thing is to have the County cut the weeds and bill them.

Sherry Ryder: We would bill them and if they don't pay it then a lien will be put on their property.

Jason Miller asked how many years you would wait before seizing the property.

Mike Collins: You would have to file a lawsuit and ask the court.

Sherry Ryder: It would be just like the Treasurer and levies and taxes. It's imposed just like the real estate tax. This draft came from another locality, I believe these are from Rockingham County, and I took some stuff out that I didn't like.

Jason Miller asked if the required weed height was standard or random. He thought it was too tall.

Sherry Ryder said it depended on the locality and zoning. It covers residential, platted subdivision, commercial, business and industrial sites even if it is zoned agricultural. Not for farm land, hay fields.

For the most part it will be your residential properties you will get calls on and will go on the same route as other zoned issues and be complaint based.

Mike Collins: It will put a little teeth into it. It will be a criminal penalty.

Chairman Cowden: will it be enforced through your department?

Sherry Ryder: Yes. Zoning will go check it out or the County Administration could go out to it. If found noncompliant with the regulations, you would go through the steps of sending them a letter, giving them time to correct it, then if they don't then the County or lawn service would go out there to mow it.

Mike Collins: You can also get a warrant, summons, give them a fine.

Sherry Ryder: With the trash its self, it gives you more about litter, not just trash. Ours kind of says litter and trash. And if it is a public nuisances, that could be a neighbor who has trash thrown on their yard and has blown over into the neighbor's yard

Jason Miller: The existing one? If trash is piled up and not strewed around it's ok?

Sherry Ryder: Yes, and if there weren't hazardous materials like oil, antifreeze, things that could be deadly to the environment or animals or a child could get into, then you couldn't tell them that they were breaking the law or Bath County Code. It was really hard.

The Board discussed when they would like to set a Public Hearing for this issue.

Chairman Cowden: Ask if there were any more discussion, hearing none, he asked for a motion.

John Loeffler: I move to schedule a Public Hearing for the Chapter 6 - Article 1, Trash and Weeds for the September 24th Planning Commission meeting.

Mr. Farmer seconded the motion.

VOTE: 4-0

MINUTES

Jason Miller made a motion to approve minutes of June 27, 2016 & June 30, 2016 CIP.

Mr. Farmer seconded the motion

VOTE: 4-0

ADJOURN

Mr. Farmer made a motion to adjourn the meeting. **John Loeffler** seconded the motion
Meeting adjourned @ 8:30 p.m.

Chairman, John Cowden

Date