

Building, Planning & Zoning
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Bath County Planning Commission

Bath County Courthouse – Room 115

December 9, 2015

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

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: Aimee & Andrew Watkins, Carol Cowden, Carl Behrens (Warm Springs), Kent Dougherty (Natural Retreat's General Manager)

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: None

PUBLIC HEARING(s): None

CHAIRMAN'S REPORT: Chairman Cowden discussed a Resolution requesting the Virginia Marine Commission to conduct a Public Hearing before designating streams as navigable as it pertains to the Bullpasture in Bath County.

Chairman Cowden expressed how important the rivers are to the County.

STAFF REPORT:

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

OLD BUSINESS:Moved to the bottom of the agenda (waiting on Buggs Phillips attendance).

NEW BUSINESS:

Discussion on Mobile Food Vendors.

Sherry Ryder: This subject was brought up at an earlier Planning Commission meeting. At the time, it was suggested to wait until someone complained and it could be dealt with. In the meantime, we have had a concern expressed on the validity of this business. It was questioned as to how this could be allowed without a Conditional Use Permit. The Farmers' Market had to have a CUP.

I have attended a zoning district meeting since our last meeting and it was a topic of their discussion as well. It seems that a CUP is required not for control but to ascertain what was happening and where. There needs to be some judgment in place in order to make it successful for the locality, as well as the vendor.

There needs to be some decision on whether this should be a CUP or if it should be an administrative approval. After some research, it appears that there are localities that allow it to be an administrative approval process. There is less application fee involved with an administrative permit due to not having to advertise public hearing, etc.

The decision I would ask the Planning Commission to make is whether they would want to see this as a CUP process or an administrative process. I think it needs to be to be one or the other. It should not be a permitted by right use.

Once that decision is made I can move forward with application and regulations that would be applicable.

Sherry Ryder: Mrs. Aimee Watkins has The Little Cheerful and is here to present her request for a mobile vending permit to operate her business.

Mr. Loeffler: What's the difference between Mrs. Watkin's business and the barbeque chicken done in Michelltown?

Sherry Ryder:That is done as a non-profit church event. It happens only a couple time a year. It's not a full time business, moving from site to site. If we aren't careful, we'd be getting into regulating yard sales and fund raisers.

The Farmers Market needs a Conditional Use Permit due to having many vendors in a set place and set day for the season. It is actually referenced in our regulations.

Right now, as our Land Use Regulations are written. If a Use is not specified, it's not permitted. However, you can ask, as the Regulations are now written, for a Conditional Use Permit.

If the Planning Commission wants to put this in as a permitted use, under a certain category like we do for signage, it would be an administrative signoff that would come through me. We would need to have it referenced somewhere in our ordinance.

If the Planning Commission wants to put this as a Conditional Use Permit and go through the Public Hearing permitting process then you can, it's up to you.

Sherry Ryder:I told Mrs. Watkins, who had started about a month before, she had the green light to continue until we had direction from the Planning Commission. After all, we do want to promote business in the County.

After the Planning Commission's decision, we would then edit the regulations appropriately.

Chairman Cowden: Can we recommend that they are required to have a letter from the land owners to park on their land?

Sherry Ryder: It would be a good plan just incase someone reported them, to the police (say a neighbor) then they could just show the officer the letter and it would clear things up.

Vice Chair Miller asked if there were any fees with the application from the Health Department.

Mrs. Watkins: Yes

Sherry Ryder:she has a Health Department permit and has passed all her inspections.The Health Department does annual and surprise inspections.

Chairman Cowden:I think we all want to encourage new businesses and work with you. We just want to guard ourselves against unforeseen problems.Do you have any comments?

Mrs. Watkins: When I first started out it was just a hobby. Maggie Anderson invited me to the Courthouse for the month of November and two weeks later I received the violation.She shared a copy of vending guide lines that Charlottesville uses with the Planning Commission.

Sherry Ryder: I have looked at other places,forms and fees.

Vice-Chair Miller: I make the motion to draft a section for Mobile Food Vendors as an administrative process for Business and Agricultural zoned properties with an annual permit fee of \$25.00 and have a public hearing at our next meeting.

Sherry Ryder:I will need to draft a definition and have it added to the Business and Agricultural zoned districts in the Land Use Regulations. Your recommendation will be presented as well, to the Board of Supervisors for their approval. Once approved by the Board of Supervisors it will become official and we will proceed from there.

VOTE: 5-0

OLD BUSINESS:

Gas Drilling & Hydrofracturing Ordinance – draft to be edited.

Chairman Cowden: Do you have anything from Mr. Collins?

Sherry Ryder: Mr. Collins said that he had the new opinion of the Attorney General at last month's meeting. He is researching the matter of bonding and will be advising us soon.

Conservation Easements – Infrastructure

Chairman Cowden:Buggs is still not here, so Sherry see if Buggs can come to the January 25, 2016 meeting with any information he may have of the county's infrastructure.

Architectural Standards

Chairman Cowden asked Sherry when Ms. Holberg would be coming.

Sherry Ryder:I will call and ask her to come to our January meeting.

NEW BUSINESS (Added on to Agenda)

Update on plans of Natural Retreat.

Sherry Ryder: Mr. Kent Daugherty is the new Natural Retreats General Manager and he is here tonight.Mr. Daugherty was asked to give the Planning Commission a brief update on plans of Natural Retreats.

Mr. Daugherty talked about the new plans on the downtown Hot Springs gravel lot. Then touched on the construction and upcoming construction on the Trails Community subdivision. The completion of the Gibson cottage and starting plans on The Village at Warm Springs Farm behind the Warm Springs Pools. The cottages will be similar to the craftsman’s style cottages already along Rt. 39.

Chairman Cowden thanked Mr. Daugherty.

MINUTES

Chairman Cowden: We have the minutes for October 26, 2015.

Trudy Woodzell: I make a motion to approve the Minutes of October 26,2015

Mr. Loefflerseconded the motion.

Vote:4-0-1(Vice-Chair Miller abstained, he was not at meeting.)

ADJOURN

Vice-Chair Millermade amotion to adjourn the meeting.

John Loeffler seconded the motion

Meeting adjourned

ChairmanJohn Cowden

Date