

**PRINCE EDWARD COUNTY
PLANNING COMMISSION**

March 14, 2022

A G E N D A

Due to the COVID-19 Emergency, the Prince Edward County Planning Commission is operating pursuant to and in compliance with its “EMERGENCY CONTINUITY OF OPERATIONS ORDINANCE.” Effective August 1, 2021, the Board has re-opened meetings to in-person participation by the public; however, there could still be limited available seating. Citizens are strongly encouraged to participate in meetings through in-person participation, written comments, and/or remote participation by calling: **1-844-890-7777, Access Code: 390313** (*If busy, please call again.*) Additionally, citizens may view the Board meeting live in its entirety at the County’s YouTube Channel, the link to which is provided on the County’s website.

Public Participation and Public Hearing comments for Planning Commission meetings will be subject to the “Citizen Guide for Providing Input During Public Participation and Public Hearings For Prince Edward County Government Meetings” effective August 1, 2021.

- 7:00 p.m.**
- 1.** The Chairman will call the March 14, 2022 meeting to order
 - 2.** Approval of Minutes 3
 - 3.** Public Hearing – Subdivision Ordinance Amendment 9
 - 4.** Review of Supervisors Actions
 - 5.** Old Business
 - 6.** New Business
- Next Meeting: April 18, 2022 at 7:00 p.m.

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**County of Prince Edward
Planning Commission
Agenda Summary**

Meeting Date: March 14, 2022
Item No.: 2
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Approval of Minutes

Summary:
For approval.

Attachments:
September 21, 2021 Draft Planning Commission meeting minutes.

Motion _____	Paige _____	Hunt _____	Jones _____
Second _____	Sandlin _____	Gilliam _____	Watson _____
Prengaman _____	Fuller _____	Leatherwood _____	Peery _____

agricultural/forestral exception, further define a family subdivision, and allow the Board of Supervisors to set the fee schedule by resolution. Notice of this hearing was advertised according to law in the Wednesday, February 2, 2022 and Wednesday, February 9, 2022 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

The Prince Edward County Subdivision Ordinance does not provide any agricultural exemption for perking a site for septic and drain field that is solely intended for Agricultural use. While the Comprehensive Plan encourages agriculture and forestry as an industry in the County, the Ordinance does not directly support the goals and objectives in order to preserve farmland for active farming activities as it pertains to large tract subdivisions. An exemption to perking a new lot meant for agricultural use not only reduces the cost to the owner but also the time it takes in order to obtain soil work and obtain Health Department approval prior to recordation. The suggested new language accomplishes this goal while preserving the intent of the Subdivision Ordinance.

At the January meeting, staff prepared a Draft with new language and description of development standards for consideration that will clearly allow for agricultural and forestal uses, more clearly define a Family Subdivision and other language to better clarify the standards in the Ordinance.

Mr. Love stated no comments were received prior to this public hearing. He added that Mr. Yates felt that the 50-acre lot as standard was too large.

Chairman Pregelman opened the public hearing.

Jesse Yeatts, Lockett District, stated that he purchased a 100-acre parcel with the intent to have a forest and had to pay to have it perked before he could record the deed. Mr. Yeatts said the same will be with a 50-acre lot and questioned why any size lot must perk if the purchaser only wishes to put trees on it. He asked why a lot must perk before the owner wants to build on it.

Commissioner Sandlin stated as a real estate agent, she sells land which someone might want to build on and it is contingent on a perk test. She wasn't aware that it must be perk tested.

Mr. Love stated the Code sets forth that any subdivision to create a new parcel "shall" be perked. Once a parcel is taken from a larger lot, the new parcel, currently as written, "shall be perk approved by the Health Department and VDOT." There are no exemptions to that. Mr. Yeatts was creating a new 100-acre tract with the intent to plant trees on it, and with no intent to put a home on it, in this instance. Discussion followed.

Chairman Pregelman said that is why the Planning Commission is looking at amending the Code; this came about because of some of these possible issues.

Mr. Yeatts questioned the proposed 50-acre lot size, stating that it still too large.

Commissioner Fuller questioned if dividing land into two 15-acre parcels, would each tract have to perk. Chairman Pregelman stated that the way the Code is written currently, they would.

There being no one further wishing to speak, Chairman Pregelman closed the public hearing.

Commissioner Sandlin stated she agrees that for certain agricultural reasons, the land shouldn't need to perk, but for a family subdivision, a perk test should be done.

Commissioner Watson questioned a perk site being chosen when someone hasn't chosen where they would like to build their house. Discussion followed.

Mr. Stanley reviewed an example of a developer in northern Virginia that subdivided land into 3,000 lots and did not perk them; hundreds of the lots did not perk and could not be sold to build a home on. He said part of the Code is so subdivisions do not have lots that will not perk. He said what needs to be decided is the exemption for agricultural uses.

Chairman Prengaman stated that this public hearing is talking about agricultural, not residential, subdivisions. He said the amendment it to set the limit at 50 acres.

Mr. Love stated a property deemed for agricultural use has it marked on the plat that it is for agricultural use and not for residential use until it is perked.

Commissioner Jones stated it should be a lower acreage if purchased for agricultural [use].

Mr. Love stated the County does not want to give developers a loophole; perking needs to be done at the time of the subdivision. He said in Prince Edward County, the smallest a lot can be is 1.5 acres, with a density of a home every four acres. This is based on the A-1, Agricultural Conservation zone.

Commissioner Jones said he would recommend changing the size to 20 acres; people buy a 50-acre lot for agriculture to build on, make sure they build on it.

Mr. Love stated this [amendment] is for agricultural use.

Commissioner Fuller said anything under 25 acres wouldn't be operable for a forestry operation.

Mr. Love said this applies to new stand-alone lots.

Following some discussion, Commissioner Watson made a motion, seconded by Commissioner Fuller, to table this issue and re-advertise for a public hearing on an Ordinance Amendment to amend Appendix A – Subdivision of the Prince Edward County Code, to provide for an agricultural/forestral exception with a minimum lot size of 25 acres, further define a family subdivision and allow the Board of Supervisors to set the fee schedule by resolution; the motion carried:

Aye:	Brad Fuller	Nay:	(None)
	Preston Hunt		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Whitfield M. Paige		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	Teresa Sandlin		
	Cannon Watson		
	Henry Womack		

Mr. Love stated he will re-advertise the public hearing which will be held during the Planning Commission meeting on Tuesday, March 15, 2022.

In Re: Review of Supervisors Actions

Mr. Love stated the Board of Supervisors tabled the Special Use Permit to Construct and Operate a Meat Processing Facility, to allow the residents of Darlington Heights to work with the applicant in finding a different location for the facility.

In Re: Old Business

Mr. Love stated the application by Carolyn and Sam Martin for a Special Use Permit to operate a commercial campground has been withdrawn by the applicants.

New Business

(None.)

Commissioner Womack asked if the Board of Supervisors is going to look into the procedures for advertising for public hearings. Mr. Love stated the Code of Virginia states that at minimum, the locality must advertise in the locally circulated newspaper for two weeks prior to the hearing and send letters to all adjoining property owners. Mr. Love stated Prince Edward County Code goes a step further, adding that a sign is placed on the property ten days in advance of any hearing, but it is not a State requirement. He said there will be new signs made with additional language. Mr. Love said in addition to being on the County's website, the announcement of public hearing will now also be added to the County's Facebook page.

Chairman Prengaman said the State requirements are followed, and some public hearings have been delayed because we were not able to post it properly or have it in the newspaper for two subsequent weeks. He said the County follows the guidelines.

Mr. Stanley stated [public hearings] are posted on the County's website. He said posting these on Facebook will be another avenue to get the information out to the public. Mr. Love said public notices are posted on the County website with the entire application or amendment for review. Mr. Love said the signs are posted and have been using the same signs for probably a decade, but we will redesign the signs.

Commissioner Womack said he spoke to a landowner to the west of the property, who received a letter and forwarded it on to the former owner as it was addressed to that person. Mr. Love said the letters are sent to the landowner of record, that is on the tax records; if the tax information has not been updated, Staff has no way of knowing.

Chairman Prengaman declared the meeting adjourned at 7:36 p.m.

Next Meeting: Tuesday, March 15, 2022 at 7:00 p.m.

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**County of Prince Edward
Planning Commission
Agenda Summary**

Meeting Date: March 14, 2022
Item No.: 3
Department: Planning and Community Development
Staff Contact: Robert Love
Issue: Public Hearing - Subdivision Ordinance Amendments

Summary:

The Prince Edward County Subdivision Ordinance does not provide any agricultural exemption for perking a site for septic and drain field that is solely intended for Agricultural use. While the Comprehensive Plan encourages agriculture and forestry as an industry in the County, the Ordinance does not directly support the goals and objectives in order to preserve farmland for active farming activities as it pertains to large tract subdivisions. An exemption to perking a new lot meant for agricultural use not only reduces the cost to the owner but also the time it takes in order to obtain soil work and obtain Health Department approval prior to recordation. The suggested new language accomplishes this goal while preserving the intent of the Subdivision Ordinance.

At the February meeting, the Commission held a Public Hearing on the amended new language and description of development standards for consideration that will clearly allow for agricultural and forestal uses, more clearly define a Family Subdivision and other language to better clarify the standards in the Ordinance. After public comments were heard, it was decided that the matter be readvertised with a revised lower threshold of 25 acres instead of the proposed 50 acre minimum. Attachment (1).

The public hearing notice was published in the March 2, 2022 and March 9, 2022 editions of the Farmville Herald, Attachment (2).

Attachments:

- 1. Subdivision Ordinance Amendment
- 2. Public Notice Advertisement

Recommendations:

- 1. Conduct the Public Hearing and render a decision on the Ordinance Amendment.

Recommended Motions:

I move that the Planning Commission recommend approval of the Ordinance Amendment to amend and re-ordain of the Prince Edward County Code, Appendix A - Subdivisions.

OR

I move that the Planning Commission table the proposed Ordinance Amendment to amend and re-ordain the Prince Edward County Code, Appendix A - Subdivisions for further discussion at a work session.

Motion _____	Paige _____	Hunt _____	Jones _____
Second _____	Sandlin _____	Womack _____	Watson _____
Prengaman _____	Fuller _____	Leatherwood _____	Peery _____

AN ORDINANCE TO AMEND APPENDIX A OF THE PRINCE EDWARD COUNTY CODE (SUBDIVISIONS) TO AMEND THE DEFINITION OF SUBDIVIDE

BE IT ORDAINED BY THE PRINCE EDWARD COUNTY BOARD OF SUPERVISORS that the Price Edward County Code - Appendix A (Subdivisions) be amended as follows:

7-32. *Subdivide.* To divide any tract, parcel or lot of land into two or more parts, except:

7-32-1. The administrator may, however, permit the separation of one parcel from a tract of land without complying with all requirements of this ordinance if it is:

- (1) Not in conflict with the general meaning and purpose of the ordinance;
- (2) No new streets are required to serve the parcel;
- (3) At least 1½ acres in area; and
- (4) Not less than 200-foot frontage.

7-32-2. The division of land solely for agricultural or forestal purposes and not for building or occupancy. The minimum lot size for such a division shall be 25 acres. Such division shall not be for the purpose of circumventing this chapter. Any plat with lots approved under this section shall contain restrictions as to the uses allowed on the lots suitable to the Administrator. Such restrictions shall also be placed by the subdivider in any deed of transfer for a lot approved under this section. Such restrictions shall run with the land until a valid Health Department approval is received for an individual sewage disposal system or a sanitary sewer is extended to serve the property.

7-32-3. A single division of a lot or parcel for the sale or gift to a member of the immediate family of the property owner, including the family member's spouse. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this chapter. A member of the immediate family is defined as any person who is a natural or legally defined offspring, spouse, sibling, grandchild, parent or grandparent of the property owner; provided, however, that only one conveyance of land shall be permitted to each set of parents of each one of the individual property owners, and provided further that a maximum of two conveyances of land

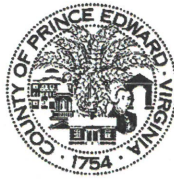
shall be permitted to a maximum of two different sets of parents where there is more than one individual property owner. No person who has previously received a conveyance of land as a grantee under § 15.2-2244 of the Code of Virginia or any local ordinance enacted pursuant thereto shall be eligible to be a grantee of a lot or parcel created pursuant hereto.

7-32-4. The division of land for dedication for widening or straightening the rights-of-ways for roads within or eligible for inclusion within the state highway system or the division of land for dedication for public utilities.

~~The term "to subdivide" shall not include a bona fide division or partition of land for members of a family owning any such lands or a bona fide partition of land between or among cotenants, in the partition of such land ordered by a court of competent jurisdiction.~~

Any person proposing to divide land who contends that such division is exempted from the provisions of this chapter under Subsection (1), (2), (3) or (4) above shall submit to the Administrator a plat and/or other evidence satisfactory to the Administrator to enable him to determine if the proposed division is exempt. If, in the opinion of the Administrator, the division is exempted, he shall so certify on the plat or deed of conveyance by which the property is to be divided. No person shall record a plat or conveyance for a division of land without complying with the provisions of this chapter or without obtaining the Administrator's certificate of exemption.

Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is underlined.



Please publish the following public hearing notice in **THE FARMVILLE HERALD** on Wednesday, March 2, 2022 and Wednesday, March 9, 2022.



NOTICE OF PUBLIC HEARINGS

The Prince Edward County Planning Commission will hold PUBLIC HEARINGS on Monday, March 14, 2022, commencing at 7:00 p.m. in the Board of Supervisors Meeting Room located on the 3rd Floor of the Prince Edward County Courthouse, 111 N. South Street, Farmville, Virginia, to receive citizen input prior to considering the following:

1. An Ordinance Amendment to amend Appendix A – Subdivisions of the Prince Edward County Code, to provide for an agricultural/forestral exception, further define a family subdivision, and allow the Board of Supervisors to set the fee schedule by resolution.

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Citizen input for Public Hearings of the Planning Commission will be received by Karin Everhart, Deputy Clerk to the Planning Commission, using one of the following methods:

1. **In-Person Participation:** While county meetings have re-opened to the public, there is still limited seating. To enter the Prince Edward County Courthouse, individuals are required at all times to wear a mask and to socially distance. The Planning Commission appreciates the public's patience as the County continues to adapt to the public safety recommendations and guidelines of the Virginia Department of Health and the CDC.
2. **Written Comments:** Please limit word count to no more than 500 words. Comments must be received by 2:00 p.m. the day of the meeting.
  - a. **Mailed:** Planning Commission  
P.O. Box 382, Farmville, VA 23901.
  - b. **E-Mailed:** [info@co.prince-edward.va.us](mailto:info@co.prince-edward.va.us)
3. **Remote Participation:** Citizens may participate remotely during the meeting. To call in to the meeting, please dial: **1-844-890-7777**. When prompted for an Access Number: **390313**. Citizens are encouraged to pre-register with the County Administrator's Office at 434-392-8837 by 2:00 p.m. the day of the meeting. Callers must be on the line and ready to speak when called upon by the Chair. Please state your name and district of residence. Based upon the # of speakers, the Chair will determine the time allotted to each speaker.
4. **County YouTube Channel:** Citizen may also view the monthly Planning Commission meeting live (no public input) at the County's YouTube Channel: (link is also on County website under Meetings & Public Notices.) <https://www.youtube.com/channel/UCyfpsa5HEjIWejBSc5XwplA/featured> .

A copy of the proposed Ordinance Amendment is available for public review on the County's web site at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us) or in the Prince Edward County Administrator's Office, 111 N. South Street, 3<sup>rd</sup> Floor, Farmville, VA. It is the County's intent to comply with the Americans with Disabilities Act. Should you have questions or require special accommodations, please contact the County Administrator's Office at 434-392-8837.

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