



agricultural/forestal 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/forestal 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.**