



Minutes
Louisa County Planning Commission
Thursday, March 10, 2022
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Board of Supervisor Liaison	Present	
Gordon Brooks	Commissioner	Present	
Ellis Quarles	Commissioner	Present	
Garland Nuckols	Mayor/Louisa Town Representative	Absent	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Chairman	Present	
H. Manning Woodward	Vice Chairman	Present	
James Dickerson	Commissioner	Present	
Tony Henshaw	Mineral Town Representative	Absent	

Others present: Josh Gillespie, Director of Community Development; Helen Phillips, County Attorney; Tom Egeland, Senior Planner; Bridgette Bittle, Planning and Zoning Technician; Chris Coon, Deputy County Administrator; Linda Buckler, Deputy Zoning Administrator.

INVOCATION

Mr. Woodward gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Quarles.

APPROVAL OF AGENDA

Mr. Brooks motioned to approve the agenda, seconded by Mr. Weaver and opposed by none. One introduction item was added to the agenda; Mr. Josh Gillespie, the new Louisa County Director of Community Development. Mr. Goodwin motioned to approve the amended agenda, seconded by Mr. Brooks and opposed by none.

APPROVAL OF PLANNING COMMISSION MINUTES**Planning Commission - Regular Meeting - Feb 10, 2022 7:00 PM**

Mr. Goodwin motioned to approve the minutes, seconded by Mr. Brooks and opposed by none. Mr. Disosway requested 3 changes to the minutes. Mr. Goodwin motioned to approve the amended minutes, seconded by Mr. Brooks and opposed by none.

CONSENT AGENDA

None.

INTRODUCTION**JOSH GILLESPIE, DIRECTOR OF COMMUNITY DEVELOPMENT**

Linda Buckler, Deputy Zoning Administrator, introduced Josh Gillespie, the new Director of Community Development and he gave a brief background.

PRESENTATION**Presentation - Resolution of Appreciation - Holly Reynolds**

Mr. Disosway read the Resolution of Appreciation for Holly Reynolds; former Chairman of the Planning Commission; on to the record and presented Ms. Reynolds with her resolution.

PUBLIC ADDRESS

Mr. Disosway opened the public address period. There was no one present to speak and the public address period was closed.

UNFINISHED BUSINESS

None.

PUBLIC HEARINGS**LDR2022-06 Review Request for Parcel Withdrawal & District Amendment– Mountain Road AFD**

Mr. Egeland presented to the Planning Commission the request for removal from the Mountain Road Agricultural and Forestal District by Louis L. Kean Jr. LLC, c/o Louis L Kean & Cora Pennell, owners; requesting that TMP 81-15C be removed.

Mr. Goodwin reminded the Community Development Department (CDD) that the Planning Commission had requested maps of the AFD showing the core parcels during a removal/renewal period.

Mr. Disosway asked that CDD obtains maps showing the core parcels for the next presentation involving the AFDs.

Mr. Brooks mentioned the renewal period for this AFD is in August and stated that the applicants are only being removed a couple months early.

Mr. Egeland explained that the applicants are planning their estate and prefer to finish this sooner rather than later.

Mr. Disosway opened the public comment period.

Speaker 1- Applicant/Owner; Mr. Louis L Kean explained that he and his wife are planning their estate and wills. He stated that they were involved in a car accident recently which is what prompted the urgency.

Mr. Disosway closed the public comment period.

Mr. Goodwin asked Ms. Phillips (County Attorney) for clarification on why the LLC would need to be removed from the AFD if the AFD does allow for a family division.

Ms. Buckler was able to answer; advising that a family subdivision is possible in an AFD but a family subdivision cannot be completed on a property that is owned by an LLC. She continued to explain that the applicants would need to be removed from the district to do a regular subdivide or change the ownership of the property out of the LLC before they can divide the property as a family division.

Mr. Disosway expressed concern about what precedent might be set by allowing early removal.

Ms. Phillips asked for the state code reference of what's to be considered when voting for a removal from the AFD and read it aloud; "Good and reasonable cause."

Mr. Brooks moved to approve the request for removal and applicable amendments to Section 86-501 of the Land Development Regulations, seconded by Mr. Goodwin and voted 7:0 with no opposition.

LDR2022-05 Review. Renewal & Amendment Gold Mine Creek Agricultural and Forestal District

Mr. Egeland presented the Gold Mine Creek Agricultural and Forestal District renewal and amendment which will be expiring on May 4, 2022. He explained that the AFD committee met on February 23, 2022 and forwarded the recommendation of approval to renew the Gold Mine Creek AFD for 10 years, ending May 4, 2032. He stated that the renewal would include the following changes:

There are thirty-four (34) parcels that encompass the Gold Mine Creek Agricultural and Forestal District. A response was received on twenty-one (21) of those parcels. Twenty (20) of the responses received indicated a desire to remain in the Gold Mine Creek Agricultural and Forestal District. **Only one (1) parcel is requested to be removed from the district tax map parcel 14-62, Christopher & Racheal Yarrington.**

Staff has also identified two changes to the ordinance that should be updated during the review and public hearing process. Tax map parcel 13-80 (1.196 acres); which was part of the original district, was combined with parcel 13-81 (total 9.73 acres). The tax map parcel number will need to be updated to TMP 13-81 (1.196 ac portion of), as being located in the AFD. In addition, tax map parcel 16-23 is shown on the maps and prior records to be part of the AFD; however, it was not included in the parcel listing in the ordinance.

Gold Mine Creek District	6-18; 7-1; 13-80 81 (1.196 ac portion of) , 84, 101; 14-3, 6, 38, 40, 55, 62 , 77, (4)A; 15-3, 5, 9, 13, 21, 27, 28, 29, 32, 33, 35; 16-7, 8, 12; 23 26-50; 27-4-A, 6, 9, 22, 56
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Mr. Disosway opened the public comment period. There were no speakers so he then closed the public comment period.

Mr. Woodward moved to recommend approval of the Gold Mine Creek AFD renewal with removal of TMP 14-62, Christopher & Racheal Yarrington, and applicable amendments to section 86.501 of the Land Development Regulations as described, seconded by Mr. Brooks and voted 7:0 with no opposition.

LDR2022-04 Review, Renewal & Amendment - Ellisville Agricultural and Forestal District

Mr. Egeland presented the Ellisville Agricultural and Forestal District renewal and amendment which will be expiring on May 4, 2022. He explained that the AFD committee met on February 23, 2022 and forwarded the recommendation of approval to renew the Ellisville AFD for 10 years, ending May 4, 2032. He stated that the renewal would include the following changes:

There are currently eighteen (18) parcels that encompass the Ellisville Agricultural and Forestal District. A response was received on six (6) of these parcels. **Three (3) are being requested to be removed from the district; tax map parcels 25-37, JJP Land & Lumber LLC, 25-91, J D Land Holdings LC and 25-1-A, David M Purcell Trustee.** Removal of these parcels will not affect the core minimum. Staff has also identified one change that needs to be updated in the ordinance. Tax map parcel 26-5 was divided under the family subdivision provisions, creating parcel 26-5A. The ordinance will need to be amended to include this parcel.

Ellisville District	24-160; 25-2, 37, 89, 91, 92, (1)A; 26-1, 2, 3, 5, 5A , 43, 44, 45, 46, 47, 71
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Mr. Disosway opened the public comment period.

Speaker 1- Jerrell Purcell, 2507 Ellisville Dr. Louisa, VA 23093, Louisa voting district
Mr. Purcell requested to be removed from the district.

Mr. Disosway closed the public comment period.

Mr. Egeland identified the parcel as 25-37, which had already been identified for removal with receipt of the owner's request.

Mr. Woodward moved to recommend approval of the Ellisville AFD renewal with the removal of tax map parcels 25-37, JJP Land & Lumber LLC, 25-91, J D Land Holdings LC and 25-1-A, David M Purcell Trustee and applicable amendments to section 86.501 of the Land Development Regulations as described, seconded by Mr. Brooks and voted 7:0 with no opposition.

LDR2022-03. Proposed Amendment - Retention Period of Deeded Family Subdivision Parcels

Ms. Buckler explained to the Planning Commission that at the January 10, 2022 Board of Supervisors meeting, the Board requested staff and the Planning Commission to review the family subdivision regulations, specifically the minimum required 10 year retention period for parcels created under the family subdivision provisions.

Ms. Buckler stated that this topic was a discussion item at the February 10, 2022 Planning Commission meeting, where the Planning Commission asked staff to advertise an amendment to the retention period for a period of less than 10 years.

Speaker 1- Jack Matthews, 185 Matthews Ter. Mineral, VA 23117, Mineral voting district
In favor of lowering the retention period for family subdivisions.

Speaker 2- Jerrell Purcell, 2507 Ellisville Dr. Louisa, VA 23093, Louisa voting district
In favor of lowering the retention period for family subdivisions but not to a point where it could become a way of circumventing the full subdivision process.

Speaker 3- Email from Simon Core read by Mr. Disosway
In favor of lowering the retention period for family subdivisions to 5 years.

Speaker 4- Email from Adam Rorer read by Mr. Disosway
In favor of lowering the retention period for family subdivisions to 5 years.

Speaker 5- Email from Michael & Ashley Relvis read by Mr. Disosway
In favor of lowering the retention period for family subdivisions to 5 years.

Mr. Disosway closed the public comment period.

Mr. Weaver recalled a conversation with a board member who had voted on raising the retention period to 10 years. He stated that it was with the thought in mind that family subdivisions were for families to be able to share the land and help each other while keeping the land within the family. Not for speculation.

Mr. Goodwin recalled several facts regarding the topic that could be taken into consideration, including the fact that maintaining the rural integrity of the county might not be of importance to surrounding counties with lower retention periods. He asked, 'if circumvention is a problem, is there another way to prevent that without hindering families that might want to divide?'

Mr. Goodwin stated that he would be receptive to adding medical hardship to the ordinance as an acceptable reason for being able to sell early.

Mr. Woodward stated that he believed the county overreached when they raised the retention period from 5 to 10 years. He stated that coming up with extra exceptions might be a sign of overreach and that he believes 5 years is a reasonable amount of time for everybody.

Mr. Quarles agrees with being in line with surrounding counties is reasonable and that 10 years might be excessive.

Mr. Brooks stated that the family subdivision intent is for the family and he would prefer to see a medium between the 5 year and 10 year retention period, however he stated that he is more concerned about the wellbeing of the citizens of Louisa County. The fear of health being a valid concern for people, resulting in the need to sell compels him to favor moving the retention period to 5 years.

Mr. Barlow suggested adding medical hardship to the list of reasons for terminating the retention period regardless of what the retention period is, as a medical hardship can happen at any time.

Mr. Dickerson stated that he is in favor of adding medical hardship to the list of reasons for terminating the retention period but he does not see any reason for changing the retention period if medical hardship is added.

Mr. Disosway asked Ms. Phillips if 'medical hardship' is definable and understood by the Community Development Department.

Ms. Phillips stated that she believed it was, and that a medical professional would have to provide a note to attest to the hardship. It is already used in other parts of the Louisa County code and the legal language can be provided prior to going to the Board.

Mr. Disosway stated that there has not been any known hardship brought to the attention of the CDD that would suggest a need for changing the retention period but he would be in favor of adding medical hardship to the list of reasons for terminating the retention period.

Discussion continued regarding medical hardship and how it would be defined and/or determined. Pros and cons regarding the medical hardship and changing the retention period were discussed at length.

Mr. Woodward motioned to recommend approval of amending section 86-531 of the Land Development Regulations to reduce the family subdivision retention period from 10 years to 5 years. The motion was seconded by Mr. Quarles and passed with a vote of 4:3. Roll call vote as follows:

Brooks- Yes

Disosway- No

Dickerson- No

Quarles- Yes

Goodwin- No

Woodward- Yes

Weaver- Yes

NEW BUSINESS

Mr. Coon presented recommendations from the Board appointed working group on utility scale solar. The Board voted for a public hearing to be advertised for the April 14, 2022 Planning Commission public hearing.

DISCUSSION**Discussion Comprehensive Plan Update - Example Ferncliff Small Area Plan**

Mr. Coon presented the concept draft of the appendices needed to finalize the Comprehensive Plan update, using the Ferncliff Small Area Plan as an example of how he plans to have the appendices quickly articulate the current state and future vision for those areas. He also stated that his memo did not address the housing plan because an outside agency, Thomas Jefferson Planning District, will be addressing a majority of the housing plan information.

REPORTS

None.

ANNOUNCEMENTS AND ADJOURNMENT

On motion by Mr. Brooks, seconded by Mr. Weaver, the regular meeting of the Louisa County Planning Commission was adjourned at 8:20PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA