

# 2025 SESSION

INTRODUCED

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**HOUSE BILL NO. 2148**

Offered January 13, 2025

Prefiled January 7, 2025

*A BILL to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to proposed plat, site plan, or plan of development or preliminary subdivision plat; time period for action by local planning commission.*

Patron—Milde

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2259 and 15.2-2260 of the Code of Virginia are amended and reenacted as follows:**  
**§ 15.2-2259. Local planning commission to act on proposed plat.**

A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 30 days after the first time the plat has been modified, corrected, and resubmitted for approval and within 15 days after the second or any subsequent time the plat has been resubmitted for approval. However, in any instance in which an initial review determines that the resubmitted application contains solely technical changes requiring less than 60 minutes of review, a locality's approved agent shall approve such application within five business days.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a local planning commission or other agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.

3. The local planning commission or other agent shall act on any proposed plat, site plan, or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan, or plan of development that has been previously disapproved, the local planning commission or other agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that

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59 will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the  
60 local planning commission or other agent's review shall be limited solely to the previously identified  
61 deficiencies that caused its disapproval.

62 The local planning commission or other agent shall act on any proposed plat, site plan, or plan of  
63 development that it has previously disapproved within 45 30 days after *the first time* the plat or plan has been  
64 modified, corrected, and resubmitted for approval *and within 15 days after the second or any subsequent time*  
65 *the plat has been resubmitted for approval. However, in any instance in which an initial review determines*  
66 *that the resubmitted application contains solely technical changes requiring less than 60 minutes of review, a*  
67 *locality's approved agent shall approve such application within five business days.* The failure of a local  
68 planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time  
69 periods required by this section shall cause the plat or plan to be deemed approved.

70 Notwithstanding the approval or deemed approval of any proposed plat, site plan, or plan of development,  
71 any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law,  
72 regulations, mandatory Department of Transportation engineering and safety requirements, and other  
73 mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been  
74 approved by the local planning commission or other agent. Should any resubmission include a material  
75 revision of infrastructure or physical improvements from the earlier submission or if a material revision in the  
76 resubmission creates a new required review by the Virginia Department of Transportation or by a state  
77 agency or public authority authorized by state law, then the local planning commission or other agent's  
78 review shall not be limited to only the previously identified deficiencies identified in the prior submittals and  
79 may consider deficiencies initially appearing in the resubmission because of such material revision.

80 B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it  
81 under this article, including, without limitation, the Virginia Department of Transportation and authorities  
82 authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat  
83 upon first submission and within 45 30 days of *the first resubmission and 15 days of the second and any*  
84 *subsequent resubmission* for any proposed plat that has previously been disapproved, provided, however, that  
85 the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The  
86 Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall  
87 allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit  
88 when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized  
89 by state law does not approve the plat, it shall comply with the requirements, and be subject to the  
90 restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of  
91 the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

92 C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been  
93 officially submitted for approval, or within 45 30 days, 15 days, or five business days, as applicable, after it  
94 has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency  
95 response pursuant to subsection B, the subdivider, after 10 days' 10 days' written notice to the commission, or  
96 agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is  
97 located, to decide whether the plat should or should not be approved. The court shall give the petition priority  
98 on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§  
99 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems  
100 proper, which may include directing approval of the plat.

101 D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was  
102 not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the  
103 circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may  
104 be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the  
105 commission or other agent.

106 **§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.**

107 A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its  
108 ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats  
109 involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary  
110 subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The  
111 local planning commission, or an agent designated by the commission or by the governing body to review  
112 preliminary subdivision plats shall complete action on the preliminary subdivision plats within 60 days of  
113 submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency  
114 or public authority authorized by state law is necessary, the commission or agent shall forward the  
115 preliminary subdivision plat to the appropriate state agency or agencies for review within 10 business days of  
116 receipt of such preliminary subdivision plat.

117 B. Any state agency or public authority authorized by state law making a review of a preliminary  
118 subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of  
119 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review

120 within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any  
 121 proposed plat that has previously been disapproved, provided, however, that the time period set forth in §  
 122 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of  
 123 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public  
 124 rights-of-way for public street purposes for placement of utilities by permit when practical and shall not  
 125 unreasonably deny plat approval. If a state agency or public authority authorized by state law does not  
 126 approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in  
 127 subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the  
 128 approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within 35 days.  
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130 C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public  
 131 hearing, it shall act on the plat within 45 35 days after receiving approval from all state agencies. If the local  
 132 agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall  
 133 set forth in writing the reasons for such denial and shall state what corrections or modifications will permit  
 134 approval by such agent or commission. With regard to plats involving commercial or residential property, as  
 135 those terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same  
 136 as provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no commission or agent shall be required  
 137 to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the  
 138 commission or agent, and all actions on preliminary subdivision plats shall be completed by the agent or  
 139 commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or  
 commission.

140 D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within  
 141 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the  
 142 commission, or agent, may petition the circuit court for the locality in which the land involved, or the major  
 143 part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing  
 144 approval of the plat.

145 E. If a commission or other agent disapproves a preliminary subdivision plat and the subdivider contends  
 146 that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or  
 147 capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and  
 148 determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of  
 149 the written disapproval by the commission or other agent.

150 F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the  
 151 subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such  
 152 approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues  
 153 approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred  
 154 extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications  
 155 thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon  
 156 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such  
 157 approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final  
 158 subdivision plat.

159 G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to §  
 160 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the  
 161 latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date  
 162 of the last recorded plat.