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HOUSE BILL NO. 2660

House Amendments in [] - February 3, 2025

A BILL to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to subdivision ordinance; local approvals.

Patron Prior to Engrossment—Delegate Simon

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:

§ 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~~ five [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~~ provided to the applicant either in a separate document or on the plat itself: ~~The reasons for disapproval~~ and shall (i) identify all deficiencies in the plat that ~~cause~~ caused the disapproval by ~~reference to~~ referencing specific duly adopted ordinances, regulations, or policies and shall (ii) identify all 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 days after the plat has been ~~modified, corrected and~~ resubmitted for approval.

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~~ 40 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~~ five [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~~ provided to the applicant either in a separate document or on the plat or plan itself: ~~The reasons for disapproval~~ and shall (i) identify all deficiencies in the plat or plan that caused the disapproval by ~~reference to~~ referencing specific duly adopted ordinances, regulations, or policies and shall (ii) 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 (i) identify all deficiencies with the proposed plat or plan that caused the disapproval by ~~reference to~~ referencing specific duly adopted ordinances, regulations, or policies and shall (ii) identify all modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

All deficiencies identified during a third or subsequent resubmission of any plat, site plan, or plan of

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59 *development shall be provided concurrently to the applicant and the director of planning or the equivalent*
 60 *official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent*
 61 *official shall either:*

62 *1. Approve the plat, site plan, or plan of development as submitted;*

63 *2. Permit the applicant to address any deficiencies deemed minor by the director or equivalent official,*
 64 *and resubmit the plat, site plan, or plan of development for administrative approval. The director or*
 65 *equivalent official shall complete the administrative approval within seven days of receipt of the*
 66 *resubmission; or*

67 *3. Disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing*
 68 *specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that*
 69 *will permit approval of the plat, site plan, or plan of development.*

70 The local planning commission or other agent shall act on any proposed plat, site plan or plan of
 71 development that it has previously disapproved within ~~45~~ 30 days after the plat or plan has been modified,
 72 corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve
 73 or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or
 74 plan to be deemed approved. *Notwithstanding any other provision of this section, the locality's designated*
 75 *agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any*
 76 *resubmitted site plan or subdivision plat that the designated agent deems to be in compliance with local*
 77 *ordinances and state law.*

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

88 B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it
 89 under this article, including, without limitation, the Virginia Department of Transportation and authorities
 90 authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within ~~45~~ 30 days of receipt of the
 91 plat upon first submission and within ~~45~~ 30 days for any proposed plat that has previously been disapproved,
 92 provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the
 93 applicability of said section. The Virginia Department of Transportation and authorities authorized by
 94 Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes
 95 for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state
 96 agency or public authority authorized by state law does not approve the plat, it shall comply with the
 97 requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time
 98 period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local
 99 agent shall act upon a plat within ~~35~~ 20 days.

100 C. If the commission or other agent fails to approve or disapprove the plat within ~~60 days after it has been~~
 101 ~~officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous~~
 102 ~~disapproval or within 35 days of receipt of any agency response pursuant to subsection B the timeframes~~
 103 ~~prescribed in this section,~~ the subdivider, after ~~10 days'~~ 10 days' written notice to the commission, or agent,
 104 may petition the circuit court for the locality in which the land involved, or the major part thereof, is located,
 105 to decide whether the plat should or should not be approved. The court shall give the petition priority on the
 106 civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§
 107 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems
 108 proper, which may include directing approval of the plat.

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

114 **§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.**

115 A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its
 116 ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats
 117 involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary
 118 subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The
 119 local planning commission, or an agent designated by the commission or by the governing body to review

120 preliminary subdivision plats shall complete action on the preliminary subdivision plats within ~~60~~ 45 days of
 121 submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency
 122 or public authority authorized by state law is necessary, the commission or agent shall forward the
 123 preliminary subdivision plat to the appropriate state agency or agencies for review within ~~40 business five~~ [
 124 *business*] days of receipt of such preliminary subdivision plat.

125 B. Any state agency or public authority authorized by state law making a review of a preliminary
 126 subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of
 127 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review
 128 within ~~45~~ 30 days of receipt of the preliminary subdivision plat upon first submission and within ~~45~~ 30 days
 129 for any proposed plat that has previously been disapproved, provided, however, that the time period set forth
 130 in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of
 131 Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public
 132 rights-of-way for public street purposes for placement of utilities by permit when practical and shall not
 133 unreasonably deny plat approval. If a state agency or public authority authorized by state law does not
 134 approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in
 135 subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the
 136 approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within ~~35~~ 20
 137 days.

138 C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public
 139 hearing, it shall act on the plat within ~~45~~ 30 days after receiving approval from all state agencies. If the local
 140 agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall
 141 (i) set forth in writing ~~the reasons for such denial and shall state what corrections or modifications will permit~~
 142 ~~approval by such agent or commission~~ *all deficiencies in the plat that caused the disapproval by referencing*
 143 *to specific duly adopted ordinances, regulations, or policies and (ii) identify modifications or corrections that*
 144 *will permit approval of the plat.* With regard to plats involving commercial or residential property, as those
 145 terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as
 146 provided in subdivisions A 2 and A 3 of § 15.2-2259. ~~However, no commission or agent shall be required to~~
 147 ~~approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the~~
 148 ~~commission or agent, and all~~ All actions on preliminary subdivision plats shall be completed by the agent or
 149 commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or
 150 commission.

151 D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within
 152 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the
 153 commission, or agent, may petition the circuit court for the locality in which the land involved, or the major
 154 part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing
 155 approval of the plat.

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

161 F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the
 162 subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such
 163 approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues
 164 approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred
 165 extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications
 166 thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon
 167 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such
 168 approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final
 169 subdivision plat.

170 G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to §
 171 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the
 172 latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date
 173 of the last recorded plat.

174 **2. That the Virginia Code Commission shall convene a work group to review existing provisions of the**
 175 **Code of Virginia related to the submission, review, and approval of subdivision plats and site plans,**
 176 **including any amendments adopted during the 2025 Session of the General Assembly. The work group**
 177 **shall consist of representatives from the Home Builders Association of Virginia, Virginia Association**
 178 **for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association**
 179 **of Counties, [Virginia Chapter of the American Planning Association,] and other relevant**
 180 **stakeholders. The work group shall develop recommendations to (i) organize procedural steps in a**

181 clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes,
182 requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to
183 ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate
184 redundant or duplicative provisions to streamline the Code and improve its usability. The Virginia
185 Code Commission shall submit a report to the Chairs of the House Committee on Counties, Cities and
186 Towns and the Senate Committee on Local Government detailing any recommendations of the work
187 group by November 1, 2025.