

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 621**

5 (SENATOR UNGER, *original sponsor*)

6 _____
7 [Passed March 8, 2012; in effect ninety days from passage.]
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9

10 AN ACT to amend and reenact §8A-5-7 of the Code of West Virginia,
11 1931, as amended, relating to the approval of major
12 subdivision or land development plans and plats; and requiring
13 a letter from the Division of Highways stating there is
14 sufficient access to state roads.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §8A-5-7 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PLAN AND PLAT.**

19 **§8A-5-7. Contents of a major subdivision or land development plan**
20 **and plat.**

21 (a) A land development plan and plat must include everything
22 required by the governing body's subdivision and land development
23 ordinance.

24 (b) If a governing body does not have a subdivision and land

1 development ordinance or if a governing body's subdivision and land
2 development ordinance does not specify what may be included in a
3 subdivision or land development plan and plat, then the following
4 may be included, when applicable, in a subdivision or land
5 development plan and plat:

6 (1) Show that the subdivision or land development conforms to
7 the governing body's comprehensive plan;

8 (2) A method of payment to cover the cost of the water and
9 sewer service infrastructure, which can include, but is not limited
10 to, bonds, impact fees, escrow fees and proffers;

11 (3) Coordination among land development with adjoining land
12 owners, including, but not limited to, facilities and streets;

13 (4) Distribution of population and traffic in a manner tending
14 to create conditions favorable to health, safety, convenience and
15 the harmonious development of the municipality or county;

16 (5) Show that there is a fair allocation of areas for
17 different uses, including, but not limited to, streets, parks,
18 schools, public and private buildings, utilities, businesses and
19 industry;

20 (6) Show that there is a water and sewer supply;

21 (7) Setback and lot size measures were used;

22 (8) The standards used for designating land which is subject
23 to flooding or subsidence, details for making it safe, or
24 information showing that such land will be set aside for use which

1 will not endanger life or property and will not further aggravate
2 or increase the existing menace;

3 (9) The control measures for drainage, erosion and sediment;

4 (10) The coordination of streets, sidewalks and pedestrian
5 pathways in and bordering the land development, including a letter
6 from the Division of Highways stating that the plan provides
7 sufficient access to state roads; and

8 (11) The design, construction and improvement measures to be
9 used for the streets, sidewalks, easements, rights-of-way,
10 drainage, utilities, walkways, curbs, gutters, street lights, fire
11 hydrants, water and wastewater facilities, and other improvements
12 installed, including the width, grade and location for the purpose
13 of accommodating prospective traffic, customers and facilitating
14 fire protection.