

1 **Senate Bill No. 621**

2 (By Senator Unger)

3 _____

4 [Introduced February 16, 2012; referred to the Committee on

5 Government Organization.]

6 _____

7

8

9

10 A BILL to amend and reenact §8A-5-6 and §8A-5-7 of the Code of West

11 Virginia, 1931, as amended, all relating to the approval of

12 major subdivisions by planning commissions.

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

14 That §8A-5-6 and §8A-5-7 of the Code of West Virginia, 1931,

15 as amended, be amended and reenacted, all to read as follows:

16 **ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PROCESS.**

17 PART II. MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

18 **§8A-5-6. Application for major subdivision or land development.**

19 (a) An applicant for approval of a major subdivision or land

20 development plan and plat shall submit written application, a copy

21 of the proposed land development plan and plat, a letter from the

22 Division of Highways indicating its concurrence that the plan

23 provides sufficient access to state highways, and the fees to the

1 planning commission having jurisdiction over the land.

2 (b) Within forty-five days after receipt of the application,
3 the planning commission shall review the application for
4 completeness and either accept or deny it.

5 (c) If the application is not complete, then the planning
6 commission may deny the application and must notify the applicant
7 in writing stating the reasons for the denial.

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

10 (a) A land development plan and plat must include everything
11 required by the governing body's subdivision and land development
12 ordinance.

13 (b) If a governing body does not have a subdivision and land
14 development ordinance or if a governing body's subdivision and land
15 development ordinance does not specify what may be included in a
16 subdivision or land development plan and plat, then the following
17 may be included, when applicable, in a subdivision or land
18 development plan and plat:

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

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

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

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

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

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

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

12 (8) The standards used for designating land which is subject
13 to flooding or subsidence, details for making it safe, or
14 information showing that such land will be set aside for use which
15 will not endanger life or property and will not further aggravate
16 or increase the existing menace;

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

18 (10) The coordination of streets, sidewalks and pedestrian
19 pathways in and bordering the land development. The applicant
20 shall provide a letter from the Division of Highways indicating the
21 division's approval and concurrence that sufficient access is
22 provided to state highways; and

23 (11) The design, construction and improvement measures to be

1 used for the streets, sidewalks, easements, rights-of-way,
2 drainage, utilities, walkways, curbs, gutters, street lights, fire
3 hydrants, water and wastewater facilities, and other improvements
4 installed, including the width, grade and location for the purpose
5 of accommodating prospective traffic, customers and facilitating
6 fire protection.

NOTE: The purpose of this bill is to require a major subdivision or land development to provide notice to a planning commission that the Division of Highways concurs that the development plan provides sufficient access to state highways.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.