

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 621**

(By Senator Unger)

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[Originating in the Committee on Government Organization;  
reported February 23, 2012.]

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A BILL to amend and reenact §8A-5-6 and §8A-5-7 of the Code of West Virginia, 1931, as amended, all relating to the approval of major subdivision or land development plans and plats; and requiring a letter from the Division of Highways stating there is sufficient access to state roads.

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

That §8A-5-6 and §8A-5-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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

PART II. MAJOR SUBDIVISION OR

LAND DEVELOPMENT PROCESS.

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

1 (a) An applicant for approval of a major subdivision or  
2 land development plan and plat shall submit written appli-  
3 cation, a copy of the proposed land development plan and  
4 plat, a letter from the Division of Highways stating that the  
5 plan provides sufficient access to state roads and the fees to  
6 the planning commission having jurisdiction over the land.

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

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

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

1 (a) A land development plan and plat must include  
2 everything required by the governing body's subdivision and  
3 land development ordinance.

4 (b) If a governing body does not have a subdivision and  
5 land development ordinance or if a governing body's subdivi-  
6 sion and land development ordinance does not specify what  
7 may be included in a subdivision or land development plan

8 and plat, then the following may be included, when applica-  
9 ble, in a subdivision or land development plan and plat:

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

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

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

18 (4) Distribution of population and traffic in a manner  
19 tending to create conditions favorable to health, safety,  
20 convenience and the harmonious development of the munici-  
21 pality or county;

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

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

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

28 (8) The standards used for designating land which is  
29 subject to flooding or subsidence, details for making it safe,

30 or information showing that such land will be set aside for  
31 use which will not endanger life or property and will not  
32 further aggravate or increase the existing menace;

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

35 (10) The coordination of streets, sidewalks and pedes-  
36 trian pathways in and bordering the land development,  
37 including a letter from the Division of Highways stating that  
38 the plan provides sufficient access to state roads; and

39 (11) The design, construction and improvement measures  
40 to be used for the streets, sidewalks, easements, rights-of-  
41 way, drainage, utilities, walkways, curbs, gutters, street  
42 lights, fire hydrants, water and wastewater facilities, and  
43 other improvements installed, including the width, grade and  
44 location for the purpose of accommodating prospective  
45 traffic, customers and facilitating fire protection.