

**A Report to the
Chairs of the Chairs of the House Committee on Counties, Cities and Towns
and the
Senate Committee on Local Government**

**A Review of Existing Provisions of the
Code of Virginia Related to the
Submission, Review, and Approval of
Subdivision Plats and Site Plans**

HB2660

**Prepared by the Virginia Code Commission on behalf of the
HB2660 Work Group**

November 1, 2025

Contents

Executive Summary	3
Meetings of the HB2660 Workgroup	4
Focus of the HB2660 Workgroup Recommendations	4
§15.2-2259 - Summary of Proposed Languages	4
1. Structure and Organization	4
2. New Definitions (Subsection A)	5
3. Submission Rules & Timing Simplification	5
4. Clarified Rules for What Can Be Re-Reviewed	5
5. Streamlined “Third Resubmission” Process	6
6. “Deemed Approved” Clause Moved & Clarified	6
7. Clarified “Notwithstanding Approval” Clause (Subsection B5)	6
8. Court Procedures Moved, Simplified, and Renumbered	6
§15.2-2260 - Summary of Proposed Languages	7
1. Definition of Preliminary Plat	7
2. A → B. Mandatory and Optional Submission	7
3. B → C. State Agency Review	7
4. C → D. Local Review & Timing	8
5. D → E. Failure to Act	8
6. E → F. Appeal of Disapproval	8
7. F → G. Duration and Revocation of Preliminary Approval	9
Topics Outside the Scope of HB2660 For Future Discussion	9
Conclusion	10
Appendices	11
Appendix A	12
Appendix B	13
Appendix C	15

A Review of Existing Provisions of the Code of Virginia Related to the Submission, Review, and Approval of Subdivision Plats and Site Plans

Executive Summary

This report is submitted pursuant to [House Bill 2660](#) passed during the 2025 Regular Session of the Virginia General Assembly, which required the Virginia Code Commission ("The Commission") to convene a work group to review provisions of the Code of Virginia related to the review of subdivision plats and site plans and develop recommendations to organize, clarify and standardize terminology, eliminate redundant provisions, and improve the Code's usability.

That the Virginia Code Commission shall convene a work group to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans, including any amendments adopted during the 2025 Session of the General Assembly. The work group shall consist of representatives from the Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association of Counties, Virginia Chapter of the American Planning Association, and other relevant stakeholders. The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or duplicative provisions to streamline the Code and improve its usability. The Virginia Code Commission shall submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government detailing any recommendations of the work group by November 1, 2025.

The legislation required the workgroup to include representatives from the the Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association of Counties, and the Virginia Chapter of the American Planning Association. Additional participating stakeholders included the Virginia Municipal Stormwater Association and the Local Government Attorneys of Virginia, Inc. A list of the *HB2660 Workgroup* members ("the Workgroup") is provided in Appendix A.

The Workgroup held its first meeting on May 12 and adopted the *HB2660 WorkGroup Work Plan* ("the work plan") which is provided in Appendix B.

Meetings of the HB2660 Workgroup

The full Workgroup convened seven (7) virtual meetings occurring on May 12, June 16, September 4, September 25, October 16, October 30 and November 12. At each meeting, the Workgroup worked to build consensus on proposed amendments to §15.2-2259 and §15.2-2260.

At the September 25 meeting, the full Workgroup agreed to form a Sub-Workgroup to meet in-person and develop consensus recommendations for amendments to §15.2-2259 and §15.2-2260.

The following Workgroup members volunteered to serve on the Sub-Workgroup: Courtney Sydnor, Andrew Clark, Michele Gowdy, Mary Zirkle, Phil Abraham and Sarah Thomas. The Sub-Workgroup met on October 6 at the VACO building in Richmond, VA. Joanne Maxwell, Director of Governance and Legislative Affairs at the Virginia Department of Transportation (VDOT), attended meeting to provide the Department's perspective on several relevant proposed amendments to Virginia Code §15.2-2259 and §15.2-2260.

Focus of the HB2660 Workgroup Recommendations

At its first meeting, the Workgroup agreed to focus on the two primary sections of Title 15.2 governing subdivision plat and site plan review: § 15.2-2259, applicable to final subdivision plats and site plans, and § 15.2-2260, applicable to preliminary subdivision plats and site plans.

Over its seven meetings, the Work Group and Sub-Workgroup developed and refined consensus amendments to these sections, consistent with the charge established in House Bill 2660. The recommendations are summarized below and incorporated into the draft legislation attached as Appendix C.

However, representatives from local governments and the development industry agreed that additional time is needed to consult with their constituencies to ensure the proposed amendments remain consistent with the Work Group's mandate to clarify, reorganize, and improve the readability of existing law without making material policy changes.

Therefore, the Workgroup recommends that additional time be provided to allow members to consult with their respective constituencies and submit final consensus recommendations to the Code Commission prior to the introduction of legislation.

§15.2-2259 - Summary of Proposed Languages

Below is a summary of the Proposed Languages, additions and structural reorganizations of §15.2-2259, broken down by theme:

1. Structure and Organization

Current Language: One long, complex section (A–D) with multiple subdivisions and embedded procedural rules.

Proposed Language: Rewritten in plain, organized subsections (A–F) with clear definitions, procedural separation, and consistent cross-references.

- Subsection A now defines key terms.

- Subsection B establishes general procedural rules for all plans.
- Subsection C governs commercial/residential plats and plans.
- Subsection D governs all other plats and plans.
- Subsections E–F address court petition and appeal rights, moved and clarified from old subsections C–D.

Effect: Simplifies readability and clarifies which procedures apply to which types of projects.

2. New Definitions (Subsection A)

- The revised version **adds a definitions section** for clarity:
 - “Commercial real estate” and “Residential real estate” are **defined explicitly** (excluding mixed-use).
 - “Designated agent,” “Plat or plan,” and “State agency” are **formally defined**, consolidating and clarifying references that were previously spread throughout.
- **Clarifies scope:** applies only to *proposed* plats/plans (not conceptual).

Effect: Reduces ambiguity and codifies terms used repeatedly throughout the section.

3. Submission Rules & Timing Simplification

- **Current Language:** Used different timeframes (60 days, 45 days, 40 days, 30 days) scattered across provisions with cross-references to other sections.
- **New law:** Harmonizes and simplifies:
 - **Initial review:** 40 days (commercial/residential); 60 days (other).
 - **Resubmission review:** 30 days (commercial/residential); 45 days (other).
 - **Each period may extend** if state agency review applies.
 - **Adds “whichever is later” clause** to clarify how state agency timelines interact with local deadlines.

Effect: Creates a clear, predictable timeline and eliminates confusing overlaps between subsections.

4. Clarified Rules for What Can Be Re-Reviewed

- **Current Language:** Long paragraphs describing which deficiencies could be reconsidered on resubmission (initial deficiencies, corrections, etc.).
- **Proposed Language (C2):**
 - Clearly lists what can be considered:
 - a. Deficiencies from initial submission not corrected
 - b. Deficiencies caused by corrections
 - c. Deficiencies from new applicant changes
 - d. Deficiencies from state agency review

Effect: Codifies scope of review in concise, enumerated form.

5. Streamlined “Third Resubmission” Process

- **Current Language:** Complex language requiring concurrent notice to the planning director and 14-day review with three possible outcomes.
- **Proposed Language:** Keeps same 3-step process but **condenses and clarifies**:
 - Applies only to third or later resubmissions.
 - Adds “appropriate official having supervisory authority” (broader than “director of planning”).
 - Uses consistent terms and deadlines (14 days + 7-day administrative approval).

Effect: Preserves intent but modernizes and generalizes oversight process.

6. “Deemed Approved” Clause Moved & Clarified

- **Current Language:** “Failure to act ... shall cause the plat or plan to be deemed approved.” (scattered)
- **Proposed Language:**
 - Consolidates and clarifies in **C(4)** and **D(2)**.
 - Adds explicit reference: “subject to subsection B5,” ensuring illegal or noncompliant plans are *not* automatically approved.

Effect: Makes the automatic-approval rule clearer and closes loopholes.

7. Clarified “Notwithstanding Approval” Clause (Subsection B5)

- Retains the concept that approval cannot legalize noncompliance (e.g., VDOT standards, laws).
- Rewritten in tighter, clearer syntax.

Effect: Same substantive protection, clearer language.

8. Court Procedures Moved, Simplified, and Renumbered

- **Current Language:**
 - Subsection C: Petition to circuit court after failure to act.
 - Subsection D: Appeal after disapproval.
- **Proposed Language:**
 - **Subsection E:** Petition to circuit court for failure to act.
 - **Subsection F:** Appeal of disapproval (clarified deadline, standard of review, and jurisdiction).

Effect: No substantive change, but easier to follow and consistently formatted.

§15.2-2260 - Summary of Proposed Languages

Below is a summary of the Proposed Languages, additions and structural reorganizations of §15.2-2260, broken down by theme:

1. Definition of Preliminary Plat

Current Language:

No definition provided for “preliminary plat.”

Proposed Language:

Adds a new subsection defining a preliminary plat as that currently used in § 15.2-2201 as a *schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241, 15.2-2242, and other applicable statutes will be achieved.*

Effect: Adds clarity and uniformity – Establishes an understanding of what constitutes a preliminary plat, reducing local interpretation differences.

2. A → B. Mandatory and Optional Submission

• **Current Language:**

- Localities *may require* preliminary plats for subdivisions involving **more than 50 lots**.
- Must allow *optional* submission for **50 or fewer lots**.
- Expressed in a long, formal sentence.

• **Proposed Language:**

- Keeps the same numerical thresholds (mandatory > 50; optional ≤ 50).
- Simplifies and restates the rule in plain, parallel language.
- Clarifies that localities may *allow* a landowner to submit a preliminary plat even where not required.

Effect: Simplifies and modernizes the rule without changing its substance. Improves readability and removes ambiguity but has no policy impact.

3. B → C. State Agency Review

• **Current Language:**

- Designated agent must forward plats needing state review within **5 business days**.
- State agencies must act within **30 days** of receipt.
- VDOT and service authorities may not unreasonably deny approval and must allow utility use of public rights-of-way when practical.

• **Proposed Language:**

- Retains the **5-day forwarding** and **30-day state review** rules.

- Explicitly adds the **Virginia Department of Health (VDH)** to the list of reviewing agencies.
- Incorporates all timing under a single **90-day total cap** (handled in the next subsection).

Effect: Streamlines coordination and deadlines.

4. C → D. Local Review & Timing

- **Current Language:**
 - Local agent acts within **30 days** after all state approvals.
 - All reviews (local + state) must conclude within **90 days** total.
 - Written disapproval must cite ordinances/policies and specify what corrections will allow approval.
- **Proposed Language:**
 - Local agent must act within **45 days** of submission if no state agency is involved.
 - If state review applies, agent acts within the later of:
 - (1) 45 days of submission, or
 - (2) 20 days after receiving all state responses.
 - Keeps a hard **90-day total limit**.
 - Softens disapproval requirement to identify corrections “**to the greatest extent practicable.**”

Effect: Clarifies sequencing and timing.

5. D → E. Failure to Act

- **Current Language:**
If no action within **90 days**, the subdivider may petition the circuit court after **10 days’ notice**; the court may order approval.
- **Proposed Language:**
Same rule retained, but:
 - Clarifies jurisdiction (“where all or most of the land is located”).
 - Updates language on court discretion.

Effect: No substantive change.

Improves clarity and consistency with modern drafting conventions.

6. E → F. Appeal of Disapproval

- **Current Language:**
Subdivider may appeal to circuit court within **60 days** if disapproval is improper, arbitrary, or capricious.
Court must hear the case “as soon as may be.”

- **Proposed Language:**
 - Keeps 60-day appeal window and same grounds.
 - Clarifies location of appeal.
 - Updates phrase to “as soon as reasonably possible.”

Effect: No change in substance or rights.
Only modernizes and clarifies language.

7. F → G. Duration and Revocation of Preliminary Approval

- **Current Language:**
 - Preliminary approval valid **5 years** if final plat is submitted within **1 year** (or longer by ordinance) and the subdivider “diligently pursues” approval.
 - Defines “diligent pursuit.”
 - Allows revocation after **3 years** with **90 days’ written notice** and specific findings.
- **Proposed Language:**
 - Retains the same duration, definitions, and standards.
 - Substitutes “applicant” for “subdivider.”
 - Clarifies wording on revocation findings.

Effect: Terminology update only.
No change in timeframes or substantive obligations.

Topics Outside the Scope of HB2660 For Future Discussion

In addition to the recommendations presented by the work group, members also identified several issues within §§ 15.2-2259 and 15.2-2260 that they believe extend beyond the scope of the group’s charge under HB2660. While the work group offers no formal recommendations on these matters in this report, members wish to highlight them as potential areas for further study by the relevant stakeholders. Some of these issues reflect differing perspectives between local government and development industry representatives, while others have been identified as matters arising from the passage of HB2660.

1. **Review Timeline:** The reduction of the review window from 60 days to 40 days presents challenges, particularly for larger localities managing high volumes of plats and plans, and for small localities with limited staff not dedicated to reviews. This compressed timeframe often forces localities to expedite reviews and may conflict with timelines required by external agencies beyond the reviewing office’s control. In addition, the review timeframes under the Virginia Erosion and Stormwater Management Act are 60 days and 45 days compared to the 40 days and 30 days, respectively, of this section of the code. These differing timelines along with VDOT differing timelines create local and state conflicting and bureaucratic review timeframes that unintentionally drag the plan approval process out longer, rather than simplify and shorten development plan approval.

2. **Designated Agent Provision:** The removal of the Planning Commission as a “Designated Agent” creates difficulties for some localities that rely on that body regardless of population size. The 5,000-population threshold does not align with the governance structure of all localities.
3. **Disapproval Process:** There remains ambiguity regarding the process by which a plat or plan may be formally “disapproved.” Current provisions under §§ 15.2-2259.E and 15.2-2260.F provide remedies for delayed reviews, both of which could ultimately lead to the directive “approving” of a plan or plat.
4. **Resetting the Review Clock:** Consideration could be given to allowing the review timeline to “reset” to the original 40 (or 60) days when a developer voluntarily makes significant changes late in the review process. As it stands, a substantial modification may only trigger a 14-day turnaround, even when the revisions approach the scale of a new project.

Conclusion

The *HB2660 Workgroup*, convened by the Virginia Code Commission, has made substantive progress in refining key provisions of the Code of Virginia governing subdivision plat and site plan review, developing proposed amendments to §§ 15.2-2259 and 15.2-2260 that clarify procedures, standardize terminology, and improve organization to enhance consistency and usability without altering existing law.

Recognizing the importance of these provisions to the administration of land development and construction approvals, the Work Group determined that additional time for stakeholder review and collaboration is warranted to ensure the proposed amendments remain consistent with the Code Commission’s directive under House Bill 2660.

Appendices

Appendix A

Virginia Association of Counties

Joe Lerch
Director of Local Government Policy
jlerch@vaco.org

Virginia Municipal League

Michelle Gowdy
Executive Director
mgowdy@vml.org

Home Builders Association of Virginia

Andrew Clark
Vice President of Government Affairs
aclark@hbav.com

Virginia Municipal Stormwater Association

Scott Smedley, P.E.
Director of Environmental Engineering
Chesterfield County
smedleys@chesterfield.gov

Jerry Stonefield
Site Code Research and Development
Land Development Services
Fairfax County
jerry.stonefield@fairfaxcounty.gov

Virginia Chapter of the American Planning Association

Mary A. Zirkle
Director of Planning and Community Development
Town of Bedford
mzirkle@bedfordva.gov

Local Government Attorneys of Virginia, Inc.

Courtney Sydnor
Hampton City Attorney
Courtney.sydnor@hampton.gov

Virginia Association of Commercial Real Estate

Phil Abraham, Director and General Counsel
Sarah Thomas, Manager, State & Federal
Government Relations
Vectre Corporation
pabraham@vectrecorp.com

Alternate: Sarah Thomas

Virginia REALTORS

Erin Kormann
Legislative Counsel
ekormann@virginiarealtors.org

Appendix B
**Virginia Code Commission
HB 2660 Work Group**

Overview of Proposed Work Plan

House Bill 2660 provides for the Code Commission ("the Commission") to convene a work group to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans, including any amendments adopted during the 2025 Session of the General Assembly. The legislation lists six entities to serve on the work group, but also provides for the participation of other relevant stakeholders.

The legislation further provides for the Commission to submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government detailing any recommendations of the work group by November 1, 2025.

I. Scope of Work Group Review and Recommendations

The legislation provides a scope of review for the Work Group consisting of four lines of inquiry.

- 1) Organization of procedural steps in a clear, logical, and sequential order to enhance ease of reference;
- 2) Clarification of the processes, requirements, and timelines applicable to each type of plat or plan;
- 3) Standardization of terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and
- 4) Identification and elimination of redundant or duplicative provisions to streamline the Code and improve its usability.

The core code sections for review shall consist of §§ 15.2-2259 and 15.2-2260. Additional sections may be included for purposes of clarity of process, consistency of terms, and amending cross references, as needed.

II. Composition of Work Group

Virginia Association of Counties	Virginia Chapter of the American Planning Association
Virginia Municipal League	Local Government Attorneys of Virginia, Inc.
Home Builders Association of Virginia	Virginia Association of Commercial Real Estate
Virginia Municipal Stormwater Association	Virginia REALTORS

III. Schedule of Work Group Meetings/Submission of Recommendation

It is anticipated that four to five meetings of the work group will be necessary. These meetings will be virtual. The overall objective will be to have any recommendations finalized to allow review and approval by the Commission by October 2025 meeting for review and submittal to the two legislative committees. Here is a broad outline of the anticipated schedule:

First Meeting- May 12, 2025

- Introduction of members; determine additional members
- Affirm scope of work; core code provisions
- Approval of proposed work plan
- Determine methodology of review

Second Meeting- June 16, 2025

- Review outline of procedural steps and timelines
- Overview of processes and requirements for types of plats and plan
- Begin review of terms and definitions used in the process
- Establish points of consensus

Third Meeting- June/July 2025

- Begin to discuss structure of draft legislation
- Continue stakeholder discussions; areas of disagreement

Fourth Meeting- July/August 2025

- Initial review of discussion draft

Fifth meeting- August/September 2025

- Review of final draft to be recommended
- Approve final report to Commission

Code Commission Meeting - October 2025

Report submitted to the Chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before November 1, 2025.

Appendix C

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to final and preliminary plat approval by localities.

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. Designated agent to review and act on proposed plat or plan.

~~A. 1. Except as otherwise provided in subdivisions 2 and 3, the designated 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 designated 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 designated agent shall forward the plat to the appropriate state agency or authority for review within 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 designated agent, as set forth in subsection B. Specific reasons for disapproval shall be provided to the applicant either in a separate document or on the plat itself and shall (i) identify all deficiencies in the plat that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (ii) identify all modifications or corrections as will permit approval of the plat. The designated agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been 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 designated 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 designated agent shall act on any proposed plat, site plan or plan of development within 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 designated 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 designated 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 designated agent shall forward the plat or plan to the appropriate state agency or agencies for review within 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 designated agent, as set forth in subsection B. Specific reasons for disapproval shall be provided to the applicant either in a separate document or on the plat or plan itself and shall (i) identify all deficiencies in the plat or plan that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (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 designated agent shall consider only deficiencies 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 designated agent shall (i) identify all deficiencies with the proposed plat or plan that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and (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 designated 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 development shall be provided concurrently to the applicant and the director of planning or the equivalent official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent official shall either:~~

- ~~1. Approve the plat, site plan, or plan of development as submitted;~~
- ~~2. Permit the applicant to address any deficiencies deemed minor by the director or equivalent official, and resubmit the plat, site plan, or plan of development for administrative approval. The director or equivalent official shall complete the administrative approval within seven days of receipt of the resubmission; or~~

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

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

~~Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and~~

~~safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the designated agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the designated agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.~~

As used in this section:

"Commercial real estate" means all real property proposed for commercial or industrial use. "Commercial real estate" does not include mixed use.

"Designated agent" means the same as that term is defined in § 15.2-2201.

"Plat or plan" means a proposed subdivision plat, site plan, or plan of development, but not a conceptual plan.

"Residential real estate" means all real property proposed for single-family or multifamily use but does not include mixed use.

"State agency" means a state agency or public authority authorized by state law. "State agency" includes the Department of Transportation, the Department of Health, and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.).

~~B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 30 days of receipt of the plat upon first submission and within 30 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall~~

~~allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the designated agent shall act upon a plat within 20 days.~~

For any plat or plan submitted or resubmitted for review:

1. The designated agent shall not delay the official submission or resubmission of any plat or plan by requiring a presubmission conference, meeting, or review. A plat or plan is officially submitted or resubmitted when it is deemed to meet all minimum submission requirements established by local ordinance or regulation and when any applicable fee is paid.

2. If approval of any feature of a plat or plan by a state agency is necessary, the designated agent, within five business days of official submission or resubmission, shall forward the plat or plan to the appropriate state agency for review. The state agency shall complete its review within 30 days, unless otherwise provided by general law, of receipt of the submitted or resubmitted plat or plan. If a state agency does not approve a plat or plan, it shall comply with the requirements, and be subject to the restrictions, applicable to the local designated agent except as to time periods for review.

3. A state agency shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat or plan approval.

4. The designated agent shall thoroughly review the plan and make a good faith effort to identify all deficiencies. If the plat or plan is not approved upon first submission, the designated agent shall, on the plat or plan itself or in a separate document, (i) identify all deficiencies in the submission that caused the disapproval by referencing specific duly adopted ordinances,

regulations, or policies and (ii) to the greatest extent practicable, identify modifications or corrections, if any, that will permit approval of the plat or plan upon resubmission.

5. Notwithstanding the approval or deemed approval of any proposed plat or plan, the approval shall not be considered, treated, or deemed to include any deficiency in any proposed plat or plan, that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

6. Notwithstanding any other provision of this section, the locality's designated agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any resubmitted plan that the designated agent deems to be in compliance with all applicable local ordinances and state law.

C. In addition to the provisions of subsection B, for any proposed plat or plan involving one or more parcels of commercial real estate or residential real estate:

1. The designated agent shall act on the initial submission by approving or disapproving the plat or plan within the later of (i) 40 days after its official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 30 days after its official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies. The designated agent shall consider only (a) deficiencies identified in the initial submission that have not been corrected in such resubmission, (b) deficiencies that arise as a result of the corrections made to address deficiencies identified in a prior submission, (c) deficiencies that arise from other changes made by the applicant in the resubmitted plat or plan, and (d) deficiencies identified as a result of a state agency review.

3. If the designated agent disapproves a third or subsequent resubmission of any plat or plan, the agent shall identify all the deficiencies concurrently to the applicant and the appropriate official having supervisory authority over the plat or plan reviewer. Within 14 days of receipt of the identified deficiencies, the supervisory official shall either:

a. Approve the plat or plan as submitted;

b. Permit the applicant to address any deficiencies deemed minor by the supervisory official and resubmit the plat or plan for administrative approval. The supervisory official shall complete the administrative approval within seven days of receipt of the resubmission; or

c. Disapprove the resubmission and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the plat or plan.

4. If the designated agent fails to approve or disapprove any resubmission within the time periods required by this section, the plat or plan shall be deemed approved, subject to subdivision B 5.

D. For a designated agent's review of and action on any proposed plat or plan not governed by subsection C:

1. The designated agent shall act on the initial submission by approving or disapproving the plat or plan within the later of (i) 60 days after its official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 45 days after its official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

~~C.~~E. If the designated agent fails to approve or disapprove the plat or plan within the timeframes prescribed in this section, the subdivider, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat or plan should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat or plan.

~~D. F.~~ If the designated agent disapproves a plat ~~and the applicant contends~~ or plan, the applicant may appeal to the circuit court for the locality in which all or most of the land subject to the plat or plan is located. The appeal shall be filed within 60 days of the written disapproval and shall be based on a contention that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, ~~he may appeal to the~~. The circuit court having jurisdiction of such land and the court shall hear and determine the case such an appeal as soon as may be, ~~provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent~~ reasonably possible.

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

A. ~~Nothing in~~ As used in this section "preliminary plat" means a schematic representation of a development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242 and other applicable statutes will be achieved.

B. ~~Notwithstanding any other provision of this article shall be deemed to prohibit the, any local governing body from providing in its~~ may by ordinance for the mandatory submission of allow a landowner to submit a preliminary subdivision plats plat for tentative approval for plats. Any governing body may by ordinance require the submission of a preliminary plat for any subdivision involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats. Any such ordinance shall allow a landowner the option to submit a preliminary plat for any subdivision involving 50 or fewer lots.

~~The designated agent shall complete action on the preliminary subdivision plats within 45 days of submission. However, if~~ C. If approval of a any feature or features of the a preliminary subdivision plat by a state agency or public authority authorized by state law, as defined in § 15.2-2259, is necessary, the designated agent, within five business days of official submission or

resubmission, shall forward the preliminary-subdivision plat to the appropriate state agency-or authority for review-within five business days of receipt of such preliminary subdivision plat.

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

D. For any preliminary plat that is not forwarded to a state agency under subsection C, the designated agent shall review and complete action on a preliminary plat within 45 days of official submission. For any preliminary plat forwarded to a state agency pursuant to subsection C, the designated agent shall complete action within the later of (i) 45 days after official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies. Notwithstanding the deadlines established in clauses (i) and (ii), action on a preliminary plat shall be completed by the agent and all state agencies within no more than 90 days of official submission or resubmission to the agent.

~~C. The designated agent shall act on the plat within 30 days after receiving approval from all state agencies.~~ E. If the designated agent does not approve ~~the~~ a preliminary subdivision plat, the designated agent shall (i) set forth in writing all deficiencies in the preliminary plat that caused the disapproval by referencing ~~to~~ specific duly adopted ordinances, regulations, or policies and (ii) to the greatest extent practicable, identify modifications or corrections that will permit approval of the preliminary plat. ~~With regard to plats~~ For any preliminary plat involving one or more parcels of commercial real estate or residential property real estate, as those terms are defined in subdivision subsection A-2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A-2 and A-3 subsections B and C of § 15.2-2259. ~~All actions on preliminary subdivision plats shall be completed by the designated agent and, if necessary, state agencies, within a total of 90 days of submission to the designated agent.~~

~~D.-F.~~ F. If the designated agent fails to approve or disapprove ~~the~~ a preliminary subdivision plat within 90 days after it has been officially submitted for approval, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which ~~the land involved, or the major part thereof,~~ all or most of the land subject to the preliminary plat is located to enter an order ~~with respect thereto~~ as it deems proper, which may include directing approval of the preliminary plat.

~~E.-G.~~ G. If ~~a~~ the designated agent disapproves a preliminary subdivision plat ~~and, the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he~~ and, the applicant may appeal to the circuit court having jurisdiction of such land and the for the locality in which all or most of the land subject to the preliminary plat is located. The appeal shall be filed within 60 days of the written disapproval and shall be based on a contention that the disapproval was not properly based on the applicable ordinance or was arbitrary or capricious. The court shall hear and determine the ease appeal as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the designated agent reasonably possible.

~~F.-H.~~ Once a preliminary ~~subdivision~~ plat is approved, it ~~shall be~~ is valid for a period of five years, ~~provided if~~ the ~~subdivider~~ applicant (i) submits a final ~~subdivision~~ plat for all or a portion of the property within one year of such approval or ~~such any~~ longer period ~~as may be~~ prescribed by local ordinance; and (ii) ~~thereafter~~ after submission of a final plat, diligently pursues approval of ~~the final subdivision~~ such plat. "Diligent As used in this subsection, "diligent pursuit of approval" means that the ~~subdivider~~ applicant has incurred extensive obligations or substantial expenses relating to the submitted final ~~subdivision~~ plat or modifications thereto. However, no sooner than three years following such preliminary ~~subdivision~~ plat approval, and upon 90 days' written notice by certified mail to the ~~subdivider~~ applicant, the designated agent may revoke ~~such the preliminary~~ approval upon a specific finding of facts that the ~~subdivider~~ applicant has not diligently pursued approval of the final ~~subdivision~~ plat.

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

#