A Report to 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

HB 2660 (2025)/HB135 (2026)

Prepared by the Virginia Code Commission on behalf of the

HB2660 Workgroup

November 1, 2026

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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

House Bill 135, enacted by the 2026 General Assembly, amended the second enactment of Chapter 100 of the Acts of Assembly of 2025 to extend the deadline for the Virginia Code Commission's report on the workgroup's ("HB2660 workgroup" or "the workgroup") review of the statutory provisions governing the submission, review, and approval of subdivision plats and site plans from November 1, 2025, to November 1, 2026. HB 135 allowed for the continuation of the HB2660 workgroup's original charge to develop recommendations to organize procedural steps, clarify processes, requirements, and timelines, standardize terminology, and identify and eliminate redundant or duplicative provisions. Specifically, the HB2660 workgroup's charge was:

> *That the Virginia Code Commission shall convene a workgroup 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 workgroup 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 workgroup 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 workgroup by November 1, 2026.*

The HB2660 workgroup initially conducted its review during 2025 and developed proposed amendments primarily to §§ 15.2-2259 and 15.2-2260 of the Code of Virginia. The 2025 work focused on reorganizing the existing statutory provisions, clarifying terminology and procedures, and making the provisions easier to follow. The workgroup also identified several issues that warranted additional consideration and stakeholder review before final legislation was developed.

As a result of its continued review, the HB2660 workgroup developed a revised bill draft addressing §§ 15.2-2259 and 15.2-2260. The draft further organizes and clarifies the provisions governing final subdivision plats and site plans and preliminary subdivision plats, including provisions concerning official submission, state agency and public authority review, review timelines, deficiencies, resubmissions, deemed approval, disapproval, appeals, and the duration of preliminary subdivision plat approvals.

The bill draft also includes conforming amendments to §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269. These amendments update statutory cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260 and do not represent separate substantive recommendations of the workgroup.

This report summarizes the HB2660 workgroup's review in 2025, the continued work conducted in 2026, and the provisions contained in the resulting bill draft.

Meetings and Makeup of the HB2660 Workgroup

The additional time provided by HB 135 allowed the HB 2660 workgroup to continue its review during 2026. The workgroup met virtually on June 22, July 22, August 14, and September 17, 2026, and continued its consideration of the statutory language developed during 2025.

The makeup of the HB2660 workgroup remained the same. Robert Hofricter of the Virginia Department of Transportation (VDOT) attended several of the workgroup meetings to provide VDOT's perspective on several relevant proposed amendments to §§ 15.2-2259 and 15.2-2260.

The full list of HB 2660 workgroup members is attached to this report as Appendix A.

2025 Workgroup Review: Initial Review

During 2025, the workgroup focused its review on the two principal statutory provisions governing local review of subdivision plats and site plans: § 15.2-2259, concerning final subdivision plats and site plans, and § 15.2-2260, concerning preliminary subdivision plats.

The workgroup developed proposed amendments to those sections over the course of its 2025 meetings. The proposed amendments were intended to reorganize existing provisions, clarify procedures and terminology, and improve the readability and usability of the statutes.

For § 15.2-2259, the 2025 proposal reorganized the section into more clearly defined subsections addressing definitions, general procedures, commercial and residential plats and plans, other plats and plans, court petitions, and appeals. It also proposed clearer rules governing submission, resubmission, third and subsequent resubmissions, deemed approval, and the effect of approval when a plan contains a deficiency that would violate applicable law.

For § 15.2-2260, the 2025 proposal addressed the definition of a preliminary plat, mandatory and optional preliminary plat submissions, state agency review, local review and timing, failure to act, appeals of disapproval, and the duration and revocation of preliminary approval.

2026 Workgroup Review and Bill Draft

The 2026 workgroup continued to focus its review on §§ 15.2-2259 and 15.2-2260. The revised bill draft reorganizes and refines the provisions considered during 2025 and incorporates additional clarifications developed during the continued review.

The principal changes are summarized below.

§ 15.2-2259 — Final Subdivision Plats and Site Plans

1. Definitions and Organization

The bill draft continues the restructuring of § 15.2-2259 begun in 2025. The section establishes definitions for terms used in the review process, including "commercial real estate," "plat or plan," "public authority," "residential real estate," and "state agency."

The revised organization separates general procedures from provisions applicable specifically to plats and plans involving solely commercial or solely residential real estate.

The definitions section includes the phrase, "Commercial real estate does not include mixed use." The workgroup debated the necessity to include this phrase in the definitions section during multiple meetings of the workgroup, with the Virginia Association of Commercial Real Estate representatives objecting most strongly to this phrase's inclusion; however, ultimately, the consensus was to leave the phrase in the definitions section.

Effect: Establishes a more consistent structure and terminology within the section and makes it easier to identify which review procedures apply to a particular submission.

2. Official Submission and Resubmission

The bill draft provides that an official submission or resubmission occurs when the plat or plan meets the applicable minimum submission requirements established by local ordinance or regulation and any required fee has been paid. It also provides that a designated agent may not delay official submission or resubmission by requiring a presubmission conference, meeting, or review.

Effect: Establishes a clearer point at which statutory review periods begin and separates official submission from optional presubmission discussions.

3. State Agency and Public Authority Review

The bill draft requires the designated agent to forward a plat or plan requiring state agency or public authority approval within five business days of official submission or resubmission. The applicable state agency or public authority generally must complete its review within 30 days, subject to other applicable statutory provisions.

The draft also identifies "public authority" and "state agency" for purposes of the section and incorporates those terms into the preliminary plat provisions of § 15.2-2260.

Effect: Places the state agency and public authority review requirements within a more clearly defined statutory framework.

4. Review of Commercial and Residential Plats and Plans

For a proposed plat or plan involving one or more parcels of solely commercial real estate or solely residential real estate, the bill draft establishes a 40-day period for initial review and a 30-day period for resubmissions, subject to the provisions addressing state agency review.

The draft provides that the designated agent's action on an initial submission must occur within the later of 40 days after official submission or 20 days after receipt of approvals or disapprovals from all pertinent state agencies.

For a resubmission, action must occur within the later of 30 days after official resubmission or 20 days after receipt of the applicable state agency responses.

Effect: Places the applicable review periods and their relationship to state agency review in one location rather than relying on multiple cross-references.

5. Scope of Resubmission Review

The bill draft more specifically identifies the deficiencies that may be considered when reviewing a resubmitted plat or plan. These include:

- deficiencies identified in the initial submission that remain uncorrected;
- deficiencies arising from corrections made in response to a prior submission;
- deficiencies arising from other changes made by the applicant;
- deficiencies identified through state agency or public authority review; and
- deficiencies that, if left uncorrected, would violate applicable local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

Effect: Provides a more specific description of the matters that may be considered during resubmission review.

6. Third and Subsequent Resubmissions

The bill draft establishes a specific procedure when a third or subsequent resubmission is disapproved. Except in localities where the planning commission is the designated agent, the designated agent must identify the deficiencies to both the applicant and the appropriate official having supervisory authority over the plat or plan reviewer. The supervisory official then has 14 days to approve the plat or plan, permit the applicant to address minor deficiencies, or disapprove the resubmission.

If minor deficiencies are identified and appropriately addressed, the supervisory official must complete approval within seven days of receiving the resubmission.

Effect: Provides a defined supervisory review process for repeated resubmissions while retaining an exception for localities in which the planning commission serves as the designated agent.

7. Deemed Approval and Legal Compliance

The bill draft retains the concept of deemed approval when the designated agent fails to act within the applicable statutory period. However, the draft also expressly provides that an approval or deemed approval does not include a deficiency that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory VDOT engineering and safety requirements.

Effect: Clarifies the relationship between statutory deadlines and the requirement that approved development comply with applicable law.

8. Review of Other Plats and Plans

For plats and plans not subject to the commercial or residential provisions, the bill draft retains a 60-day initial review period and a 45-day resubmission review period, subject to the provisions governing state agency review.

Effect: Maintains separate review periods for these submissions while organizing those provisions within the revised structure of § 15.2-2259.

9. Court Petitions and Appeals

The bill draft retains the procedures allowing an applicant to petition the circuit court following a failure by the designated agent to act within the applicable timeframe. It also retains the 60-day period for appealing a written disapproval.

The revised language also uses "applicant" more consistently in place of "subdivider" in provisions applicable to both subdivision plats and site plans.

Effect: Improves consistency in terminology and organizes the judicial remedies within the overall review process.

§ 15.2-2260 — Preliminary Subdivision Plats

1. Preliminary Plat Submission

The bill draft retains the existing distinction between subdivisions involving more than 50 lots and those involving 50 or fewer lots. A locality may require preliminary subdivision plats for subdivisions involving more than 50 lots and must provide for optional submission for subdivisions involving 50 or fewer lots.

Effect: Retains the existing threshold while presenting the requirement within the reorganized statutory framework.

2. State Agency and Public Authority Review

The bill draft establishes procedures for forwarding preliminary subdivision plats to state agencies and public authorities when their approval is required. The designated agent must forward the preliminary

plat within five business days of official submission or resubmission, and the reviewing state agency or public authority generally must complete its review within 30 days, subject to applicable exceptions.

Effect: Coordinates the preliminary plat review process with the state agency and public authority procedures established in § 15.2-2259.

3. Local Review and Overall Timing

For preliminary subdivision plats that are not forwarded to a state agency or public authority, the designated agent must complete its review within 45 days of official submission.

For plats requiring state agency or public authority review, the designated agent must act within the later of 45 days after official submission or 20 days after receiving the applicable state agency responses. The bill draft also retains a maximum overall period of 90 days for completion of the review.

Effect: Establishes a consistent relationship between local and outside-agency review periods while retaining the overall 90-day limit.

4. Disapproval

The bill draft requires the designated agent, when disapproving a preliminary subdivision plat, to identify the deficiencies that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and, to the greatest extent practicable, identify modifications or corrections that would permit approval.

For preliminary plats involving solely commercial real estate or solely residential real estate, the bill draft incorporates the applicable review process established in § 15.2-2259.

Effect: Aligns the disapproval and review procedures for preliminary plats with the corresponding procedures applicable to final plats and site plans.

5. Failure to Act and Judicial Review

The bill draft retains the procedure allowing an applicant to petition the circuit court when the designated agent fails to approve or disapprove a preliminary subdivision plat within the applicable 90-day period. The applicant must provide 10 days' written notice to the designated agent before filing the petition.

The draft also retains the 60-day period for appealing a written disapproval of a preliminary subdivision plat.

Effect: Retains the existing judicial remedies while presenting the procedures in a more consistent format.

6. Duration and Revocation of Preliminary Approval

The bill draft retains the five-year validity period for an approved preliminary subdivision plat, subject to the requirements concerning submission and diligent pursuit of a final subdivision plat. It also retains the provisions allowing revocation after three years upon the required notice and findings.

The draft generally substitutes "applicant" for "subdivider" in these provisions.

Effect: Retains the existing duration and revocation framework while making terminology more consistent with the broader provisions governing plats and plans.

Conforming Cross-Reference Amendments

The bill draft also amends §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269.

These amendments are included to make corresponding changes to statutory cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260. They do not represent separate substantive recommendations concerning the subjects addressed by those sections.

Effect: Keeps cross-references throughout Title 15.2 consistent with the revised numbering and organization of the subdivision plat and site plan provisions.

Conclusion

The HB 2660 Workgroup's work began in 2025 with a comprehensive review of the Code of Virginia provisions governing the submission, review, and approval of subdivision plats and site plans. The workgroup developed proposed amendments to §§ 15.2-2259 and 15.2-2260 intended to improve the organization, clarity, consistency, and usability of those provisions.

The 2025 report also identified several issues requiring additional stakeholder consideration. The General Assembly's extension of the reporting deadline provided the workgroup with additional time to continue its review and refine the statutory language.

In 2026, the workgroup reconvened on June 22, July 22, August 14, and September 17, and continued its consideration of the statutory provisions and proposed amendments. The workgroup developed a revised bill draft addressing §§ 15.2-2259 and 15.2-2260 and refining provisions concerning definitions, official submission, state agency and public authority review, review timelines, resubmissions, deficiencies, deemed approval, disapproval, appeals, and the duration of preliminary subdivision plat approvals. The bill draft also includes conforming amendments to §§ 15.2-2208.1, 15.2-2209.1, and 15.2-2269 to update cross-references resulting from the revisions to §§ 15.2-2259 and 15.2-2260.

The resulting proposed legislation reflects the continued workgroup's effort to organize the applicable statutory provisions in a clear and logical manner, clarify the processes and timelines governing different types of plats and plans, standardize terminology, and reduce duplication and ambiguity within the Code of Virginia.

The Virginia Code Commission submits this report and accompanying bill draft to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government in fulfillment of the requirements of House Bill 2660, as extended by the General Assembly in 2026.

Appendices

Appendix A: HB2660 Workgroup Members

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
Vectre Corporation
pabraham@vectrecorp.com
Alternate: Sarah Thomas, Manager, State & Federal Government Relations

Virginia REALTORS
Erin Kormann
Legislative Counsel
ekormann@virginiarealtors.org

Appendix B: Work Plan

Virginia Code Commission
Subdivision Plats and Site Plans Work Group (HB 2660/HB 135)

Overview of Proposed Work Plan

Chapter 41 of the 2026 Acts of Assembly (HB 135) extends for one additional year the work group convened by the Virginia Code Commission to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans. The extension recognizes the need for additional stakeholder review and consensus-building regarding recommendations to improve the organization, clarity, and usability of these provisions of the Code.

The work group shall continue to consist of representatives of the organizations and stakeholders that participated during the 2025 work group process and may include other relevant stakeholders as appropriate.

The legislation further provides that 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, 2026.

I. Scope of Work Group Review and Recommendations

The legislation from 2025 (HB2660) provided 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

D. Identification and elimination of redundant or duplicative provisions to streamline the Code and improve its usability.

Core code sections for review include:

§ 15.2-2241. Mandatory provisions of a subdivision ordinance
§ 15.2-2242. Optional provisions of a subdivision ordinance
§ 15.2-2259. Designated agent to act on proposed final plat
§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid

§ 15.2-2261. Record plats or final site plans to be valid for not less than five years

The work group's efforts during 2026 will build upon the discussions, analyses, and draft recommendations developed during the 2025 work group process.

II. Composition of Work Group

The HB2660 Workgroup members will remain the same for 2026:

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

Additional stakeholders may participate as determined by the Virginia Code Commission.

III. Schedule of Work Group Meetings and Submission of Recommendations

III. Schedule of Work Group Meetings and Submission of Recommendations

It is anticipated that three meetings of the work group will be sufficient to complete its review and recommendations; with a fourth meeting reserved if additional discussion is necessary to resolve outstanding issues or finalize legislative language. Meetings will be conducted virtually unless otherwise determined by the Commission. The objective will be to build upon the work completed during 2025, finalize recommendations, and allow sufficient time for consideration by the Virginia Code Commission at its September or October 2026 meeting (still to be scheduled) and submission of the final report by November 1, 2026.

First Meeting

- Confirm work group membership and participation
- Review work completed during 2025, including areas of consensus and unresolved issues
- Reaffirm scope of work and core code provisions under review
- Review draft organizational framework for subdivision plat and site plan provisions
- Continue discussion of procedural steps, timelines, and terminology
- Identify issues requiring further stakeholder discussion and direction for revisions

Second Meeting

- Review revised discussion draft legislation
- Continue stakeholder discussion of unresolved issues
- Review proposed revisions relating to procedures, timelines, and terminology

- Consider recommendations for eliminating duplicative or redundant provisions
- Establish consensus positions and identify any remaining areas of disagreement

Third Meeting

- Review near-final draft legislation and accompanying recommendations
- Resolve remaining policy and drafting issues
- Approve recommendations for submission to the Virginia Code Commission
- Review and approve the final report of the work group

Fourth Meeting (if necessary)

- Consider revisions resulting from stakeholder comments received after the third Meeting
- Resolve any remaining issues that prevent consensus
- Review and approve final legislative recommendations and report Virginia Code Commission Meeting – October 2026
- Authorization of final report

Report submitted to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government on or before November 1, 2026.

Appendix C: Proposed Summary and Bill Draft

SUMMARY

Final and preliminary plat approval by localities. Provides various changes to organize, clarify, and standardize terminology of the existing provisions of the Code of Virginia relating to the submission, review, and approval of subdivision plats and site plans. This bill is a recommendation of the Virginia Code Commission

SENATE BILL NO. _____ HOUSE BILL NO. _____

A BILL to amend and reenact §§ 15.2-2208.1, 15.2-2209.1, 15.2-2259, 15.2-2260, and 15.2-2269 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 §§ 15.2-2208.1, 15.2-2209.1, 15.2-2259, 15.2-2260, and 15.2-2269 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2208.1. Damages for unconstitutional grant or denial by locality of certain permits and approvals.

A. Notwithstanding any other provision of law, general or special, any applicant aggrieved by the grant or denial by a locality of any approval or permit, however described or delineated, including a special exception, special use permit, conditional use permit, rezoning, site plan, plan of development, and subdivision plan, where such grant included, or denial was based upon, an unconstitutional condition pursuant to the United States Constitution or the Constitution of Virginia, shall be entitled to an award of compensatory damages and to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition and may be entitled to reasonable attorney fees and court costs.

B. In any proceeding, once an unconstitutional condition has been proven by the aggrieved applicant to have been a factor in the grant or denial of the approval or permit, the court shall presume, absent clear and convincing evidence to the contrary, that such applicant's acceptance of or refusal to accept the unconstitutional condition was the controlling basis for such impermissible grant or denial provided only that the applicant objected to the condition in writing prior to such grant or denial.

C. Any action brought pursuant to this section shall be filed with the circuit court having jurisdiction of the land affected or the greater part thereof, and the court shall hear and determine the case as soon as practical, provided that such action is filed within the time limit set forth in subsection ~~C~~ E or

~~D~~ F of § 15.2-2259, subsection ~~D~~ E or ~~E~~ F of § 15.2-2260, or subsection F of § 15.2-2285, as may be applicable.

§ 15.2-2209.1. Extension of approvals to address housing crisis.

A. Notwithstanding the time limits for validity set out in § 15.2-2260 or 15.2-2261, or the provisions of subsection ~~F~~ G of § 15.2-2260, any subdivision plat valid under § 15.2-2260 and outstanding as of January 1, 2017, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of January 1, 2017, shall remain valid until July 1, 2020, or such later date provided for by the terms of the locality's approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality. Any other plan or permit associated with such plat or site plan extended by this subsection shall likewise be extended for the same time period.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project or to incur significant expenses related to improvements for the project within a certain time, shall be extended until July 1, 2020, or longer as agreed to by the locality. The provisions of this subsection shall not apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit, or other agreement or zoning action be terminated or ended by a certain date or within a set number of years.

C. Notwithstanding any other provision of this chapter, for any rezoning action approved pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, valid and outstanding as of January 1, 2017, and related to new residential or commercial development, any proffered condition that requires the landowner or developer to incur significant expenses upon an event related to a stage or level of development shall be extended until July 1, 2020, or longer as agreed to by the locality. However, the extensions in this subsection shall not apply (i) to land or right-of-way dedications pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303, (ii) when completion of the event related to the stage or level of development has occurred, or (iii) to events required to occur on a specified date certain or within a specified time period. Any proffered condition

included in a special exception, special use permit, or conditional use permit shall only be extended if it satisfies the provisions of this subsection.

D. The extension of validity provided in subsection A and the extension of certain deadlines as provided in subsection B shall not be effective unless any unreleased performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force; however, if the locality has enacted a bonding moratorium or deferral option, the performance bonds and agreements or other financial guarantees of completion may be waived or modified by the locality, in which case the extension of validity provided in subsection A and the extension of certain deadlines provided in subsection B shall apply. The landowner or developer must comply with the terms of any bonding moratorium or deferral agreement with the locality in order for the extensions referred to in this subsection to be effective.

§ 15.2-2259. Designated agent to act on proposed final 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.

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

"Public authority" means an authority authorized by Chapter 51 (§ 15.2-5100 et seq.).

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

"State agency" means a state agency authorized by state law. "State agency" includes the Department of Transportation and the Department of Health.

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 or public authority 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 or public authority for review. The state agency or public authority shall complete its review within 30 days of receipt of the submitted or resubmitted plat or plan, except as otherwise provided by general law. If a state agency or public authority does not approve a plat or plan, such state agency or public authority shall comply with the requirements and restrictions applicable to the local designated agent except for time periods for review.

3. State agencies and public authorities 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 plat or plan and make a good faith effort to identify all deficiencies. If the plat or plan is not approved upon the initial 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 designated agent, with the concurrence of applicable local reviewing agencies, may approve any resubmitted plat or 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 solely commercial real estate or solely 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 the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities.

2. The designated agent shall act on any resubmitted plat or plan within the later of (i) 30 days after the official resubmission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities. 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; (d) deficiencies identified as a result of a state agency or public authority review; and (e) deficiencies that, if left uncorrected, would violate local, state, or federal law, regulations, or mandatory Department of Transportation engineering and safety requirements.

3. Except in localities where the planning commission is the designated agent, if the designated agent disapproves a third or subsequent resubmission of any plat or plan, the designated 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 approval. If all of the identified minor deficiencies have been appropriately addressed, the supervisory official shall complete the 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 subject to the provisions of 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 the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities.

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

~~C.~~ E. If the designated agent fails to approve or disapprove the plat or plan within the timeframes prescribed in this section, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which all or most of the land ~~involved, or the major part thereof,~~ subject to the plat or plan 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 applicable 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 practicable.

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

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats 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 involving 50 or fewer lots. ~~The designated agent shall complete action on the preliminary subdivision plats within 45 days of submission. However, if~~

B. 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 those terms are 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 public 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 subdivision plat, ~~it~~ such state agency or public authority 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 for time periods for review.

C. ~~The designated agent shall act on the plat within 30 days after receiving approval from all state agencies.~~ For any preliminary subdivision plat that is not forwarded to a state agency or public authority under subsection B, the designated agent shall review and complete action on a preliminary subdivision plat within 45 days of official submission. For any preliminary subdivision plat that is forwarded to a state agency or public authority pursuant to subsection B, the designated agent shall complete action within the later of (i) 45 days after the official submission or (ii) 20 days after receipt of approvals or disapprovals from all pertinent state agencies and public authorities. Notwithstanding the deadlines established in clauses (i) and (ii), action on a preliminary subdivision plat shall be completed by the designated agent and all state agencies within no more than 90 days of the official submission or resubmission to the designated agent.

D. 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 subdivision 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 subdivision plat. ~~With regard to plats~~ For any preliminary subdivision plat involving one or more parcels of solely commercial real estate or solely 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.~~ E. If the designated agent fails to approve or disapprove ~~the~~ a preliminary subdivision plat within 90 days after it has been officially submitted or resubmitted for approval, the ~~subdivider~~ applicant, after 10 days' written notice to the designated agent, may petition the circuit court for the locality in which all or most of the land ~~involved, or the major part thereof,~~ subject to the preliminary subdivision plat is

located to enter an order ~~with respect thereto~~ as it deems proper, which may include directing approval of the preliminary subdivision plat.

~~E.~~ F. 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~~ 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 subdivision 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 ~~case~~ 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 practicable.

~~F.~~ G. 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 subdivision 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.~~ H. 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~~ five-year period of validity shall extend from the date of the last recorded plat.

§ 15.2-2269. Plans and specifications for utility fixtures and systems to be submitted for approval.

A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the designated agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § 15.2-2248, such plans and specifications shall be presented for approval to the designated agent, if the county has not adopted a subdivision ordinance. The designated agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any designated agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the locality, to the circuit court for such locality for its approval or disapproval, and its approval thereof shall, for all purposes of this article be treated and considered as approval by the designated agent.

B. Any state agency or public authority authorized by state law making a review of any 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 45 days of receipt of the plans, 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 plan approval. If a state agency or public authority by state law does not approve the plan, it shall comply with the requirements~~,~~ and ~~be subject to the~~ restrictions~~,~~ applicable to the designated agent except for time periods for review set forth in subsection ~~A~~ B of § 15.2-2259~~, with respect to 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 35 days.

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