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HOUSE BILL NO. 1513

Offered January 20, 2006

A BILL to amend and reenact § 15.2-2223 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 22 of Title 15.2 a section numbered 15.2-2222.1, relating to coordination of state and local transportation planning.

Patrons—Frederick, Albo, Athey, Bell, Cole, Gilbert, Hugo, Jones, S.C., Lingamfelter, Marshall, R.G., May, McQuigg, Rust and Sherwood

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2223 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 22 of Title 15.2 a section numbered 15.2-2222.1 as follows:

§ 15.2-2222.1. Coordination of state and local transportation planning.

A. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, if, in the judgment of the locality, an amendment substantially affects transportation on state-controlled highways, the locality shall submit such plan or amendment to the Department of Transportation for review and comment. The Department shall provide written comment on the proposed plan or amendment within 45 days of receipt thereof. The Department's comments on the plan or amendment shall relate to its plans and capacities for construction of transportation facilities in the locality. Within 30 days of receipt of such plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment.

B. Upon submission to a locality of an application for rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit such application to the Department of Transportation within five business days of receipt thereof if, in the judgment of the locality, an amendment substantially affects transportation on state-controlled highways. Such application shall include a traffic impact statement if required by the locality by ordinance. Within 30 days of its receipt of such application, the Department shall either (i) provide written comment on the rezoning application, or (ii) schedule a meeting, to be held within 60 days of its receipt of the application, with the local planning commission or other agent and the applicant to discuss potential modifications to the application to address any concerns or deficiencies. The Department's comments on the application shall be based upon the comprehensive plan, where the locality has previously submitted its comprehensive plan to the Department pursuant to § 15.2-2223, and Departmental engineering and design considerations. At any time prior to or following submission of an application for rezoning, the applicant may request, and the Department shall agree to, a meeting between the applicant and the Department to discuss the application. The Department shall complete its initial review of the application within 45 days of receipt of the application, and its final review within 120 days of receipt of the application.

C. Upon submission to a locality of a subdivision plat pursuant to § 15.2-2258 or 15.2-2260, or a site plan or plan of development pursuant to subdivision A 8 of § 15.2-2286, the locality shall submit such plat or plan to the Department of Transportation in accordance with § 15.2-2260 within five business days of receipt of the plat or plan if, in the judgment of the locality, the plat or plan substantially affects transportation on state-controlled highways. Within 30 days of its receipt of such plat or plan, the Department shall either (i) provide written comment on the plat or plan, or (ii) schedule a meeting, to be held within 60 days of receipt of the plat or plan, with members of the local planning commission or other agent and the applicant to discuss potential modifications to the plat or plan in order to address any concerns or deficiencies. The Department's comments on the plat or plan shall be based upon the comprehensive plan, where the locality has previously submitted its comprehensive plan to the Department pursuant to § 15.2-2223, and Departmental engineering and design considerations. At any time prior to or following submission of a plat or plan pursuant to § 15.2-2260 and this section, the applicant may request, and the Department shall agree to, a meeting to be held within 30 days of the request between the applicant and the Department to discuss the plat or plan. The Department shall complete its final review of the plat or plan within 90 days of receipt of such plat or plan. The submission of the application to the Department shall toll all times for review set out in this article until the locality has received the Department's final comments.

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

INTRODUCED

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58 The local planning commission shall prepare and recommend a comprehensive plan for the physical
59 development of the territory within its jurisdiction and every governing body shall adopt a
60 comprehensive plan for the territory under its jurisdiction.

61 In the preparation of a comprehensive plan, the commission shall make careful and comprehensive
62 surveys and studies of the existing conditions and trends of growth, and of the probable future
63 requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of
64 guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which
65 will, in accordance with present and probable future needs and resources, best promote the health,
66 safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the
67 elderly and persons with disabilities.

68 The comprehensive plan shall be general in nature, in that it shall designate the general or
69 approximate location, character, and extent of each feature shown on the plan and shall indicate where
70 existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed,
71 abandoned, or changed in use as the case may be.

72 ~~The~~ As part of the comprehensive plan, each locality shall ~~include~~ develop a transportation element
73 plan that designates a system of transportation infrastructure needs and recommendations that support
74 the planned development of the territory covered by the plan and shall include, as appropriate, but not
75 be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges,
76 waterways, airports, ports, and public transportation facilities. The plan may also include the designation
77 of a planned system of new and expanded transportation facilities, including, but not limited to, roads
78 and highways and commuter rail lines, where appropriate. The plan should recognize and differentiate
79 among a hierarchy of roads such as expressways, arterials, and collectors. The Virginia Department of
80 Transportation shall, upon request, provide localities with technical assistance in preparing such
81 transportation element plan. Each locality shall submit its transportation plan, and any amendments
82 thereto, to the Department of Transportation pursuant to the provisions of subsection A of § 15.2-2222.1

83 The plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's
84 long-range recommendations for the general development of the territory covered by the plan. It may
85 include, but need not be limited to:

86 1. The designation of areas for various types of public and private development and use, such as
87 different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral
88 resources; conservation; recreation; public service; flood plain and drainage; and other areas;

89 2. The designation of a system of community service facilities such as parks, forests, schools,
90 playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities,
91 community centers, waterworks, sewage disposal or waste disposal areas, and the like;

92 3. The designation of historical areas and areas for urban renewal or other treatment;

93 4. The designation of areas for the implementation of reasonable ground water protection measures;

94 5. An official map, a capital improvements program, a subdivision ordinance, a zoning ordinance and
95 zoning district maps, mineral resource district maps and agricultural and forestal district maps, where
96 applicable;

97 6. The location of existing or proposed recycling centers; and

98 7. The location of military bases, military installations, and military airports and their adjacent safety
99 areas.

100 The plan shall include: the designation of areas and implementation of measures for the construction,
101 rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future
102 needs of residents of all levels of income in the locality while considering the current and future needs
103 of the planning district within which the locality is situated.