

2006 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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SENATE BILL NO. 699

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 a section numbered 15.2-2222.1, relating to coordination of state and local transportation planning.

Patrons—Houck, Chichester, Colgan, Edwards, Hawkins, Herring, Lambert, Puckett, Rerras, Reynolds, Saslaw, Wagner and Whipple

Referred to Committee on Local Government

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 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, 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. 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 § 15.2-2280, § 15.2-2297, § 15.2-2298, or § 15.2-2303, the locality shall submit such application to the Department Of Transportation within five days of receipt thereof. 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 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 days of receipt of the plat or plan. 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 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 § 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.

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

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

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health,

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58 safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the
59 elderly and persons with disabilities.

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

64 *As part of the* The comprehensive plan, *each locality* shall ~~include~~ *develop* a transportation ~~element~~
65 *plan* that designates a system of transportation infrastructure needs and recommendations that *support*
66 *the planned development of the territory covered by the plan* and shall include, as appropriate, but not
67 be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges,
68 waterways, airports, ports, and public transportation facilities. *The plan may also include the designation*
69 *of a planned system of new and expanded transportation facilities including, but not limited to, roads*
70 *and highways and commuter rail roads such as expressways, arterials and collectors.*The Virginia
71 Department of Transportation shall, upon request, provide localities with technical assistance in
72 preparing such transportation ~~element~~ *plan*. *Each locality shall submit its transportation plan, and any*
73 *amendments thereto, to the Department of Transportation pursuant to the provisions of subsection A of*
74 *§ 15.2-2222.1.*

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

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

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

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

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

86 5. An official map, a capital improvements program, a subdivision ordinance, a zoning ordinance and
87 zoning district maps, mineral resource district maps and agricultural and forestal district maps, where
88 applicable;

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

90 7. The location of military bases, military installations, and military airports and their adjacent safety
91 areas.

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