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SENATE BILL NO. 1095

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact § 15.2-2263 of the Code of Virginia, relating to procedures for expedited review of land development plans.

Patron—Herring

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2263 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2263. Expedited land development review procedure.

A. The Counties of Hanover, Loudoun, Montgomery, Prince William, and Roanoke, *and the Town of Leesburg*, may establish, by ordinance, a separate processing procedure for the review of preliminary and final subdivision and site plans and other development plans certified by licensed professional engineers, architects, certified landscape architects and land surveyors who are also licensed pursuant to § 54.1-408 and recommended for submission by persons who have received special training in the ~~county's~~ *locality's* land development ordinances and regulations. The purpose of the separate review procedure is to provide a procedure to expedite the ~~county's~~ *locality's* review of certain qualified land development plans. If a separate procedure is established, the ~~county~~ *locality* shall establish within the adopted ordinance the criteria for qualification of persons and whose work is eligible to use the separate procedure as well as a procedure for determining if the qualifications are met by persons applying to use the separate procedure. Persons who satisfy the criteria of subsection B below shall qualify as plans examiners. Plans reviewed and recommended for submission by plans examiners and certified by the appropriately licensed professional engineer, architect, certified landscape architect or land surveyor shall qualify for the separate processing procedure.

B. The qualifications of those persons who may participate in this program shall include, but not be limited to, the following:

1. A bachelor of science degree in engineering, architecture, landscape architecture or related science or equivalent experience or a land surveyor certified pursuant to § 54.1-408.

2. Successful completion of an educational program specified by the ~~county~~ *locality*.

3. A minimum of two years of land development engineering design experience acceptable to the ~~county~~ *locality*.

4. Attendance at continuing educational courses specified by the ~~county~~ *locality*.

5. Consistent preparation and submission of plans which meet all applicable ordinances and regulations.

C. If an expedited review procedure is adopted by the board of supervisors *or town council* pursuant to the authority granted by this section, the board of supervisors *or town council* shall establish an advisory plans examiner board, which shall make recommendations to the board of supervisors *or town council* on the general operation of the program, on the general qualifications of those who may participate in the expedited processing procedure, on initial and continuing educational programs needed to qualify and maintain qualification for such a program and on the general administration and operation of the program. In addition, the plans examiner board shall submit recommendations to the board of supervisors *or town council* as to those persons who meet the established qualifications for participation in the program, and the plans examiner board shall submit recommendations as to whether those persons who have previously qualified to participate in the program should be disqualified, suspended or otherwise disciplined. The plans examiner board shall consist of six members who shall be appointed by the board of supervisors *or town council* for staggered four-year terms. Initial terms may be less than four years so as to provide for staggered terms. The plans examiner board shall consist of three persons in private practice as licensed professional engineers or land surveyors certified pursuant to § 54.1-408, at least one of whom shall be a certified land surveyor; one person employed by the ~~county~~ government *of the locality*; one person employed by the Virginia Department of Transportation who shall serve as a nonvoting advisory member; and one citizen member. All members of the board who serve as licensed engineers or as certified surveyors must maintain their professional license or certification as a condition of holding office and shall have at least two years of experience in land development procedures of the ~~county~~ *locality*. The citizen member of the board shall meet the qualifications provided in § 54.1-107 and, notwithstanding the proscription of clause (i) of § 54.1-107, shall have training as an engineer or surveyor and may be currently licensed, certified or practicing his profession.

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D. The expedited land development program shall include an educational program conducted under the auspices of a state institution of higher education. The instructors in the educational program shall consist of persons in the private and public sectors who are qualified to prepare land development plans. The educational program shall include the comprehensive and detailed study of ~~county~~ *local* ordinances and regulations relating to plans and how they are applied.

E. The separate processing system may include a review of selected or random aspects of plans rather than a detailed review of all aspects; however, it shall also include a periodic detailed review of plans prepared by persons who qualify for the system.

F. In no event shall this section relieve persons who prepare and submit plans of the responsibilities and obligations ~~which~~*that* they would otherwise have with regard to the preparation of plans, nor shall it relieve the ~~county~~ *locality* of its obligation to review other plans in the time periods and manner prescribed by law.