

**WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2012**



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 621

(SENATOR UNGER, ORIGINAL SPONSOR)

[PASSED MARCH 8, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 621

FILED
2012 MAR 20 PM 4: 01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 621

(SENATOR UNGER, *original sponsor*)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §8A-5-7 of the Code of West Virginia, 1931, as amended, relating to the approval of major subdivision or land development plans and plats; and requiring a letter from the Division of Highways stating there is sufficient access to state roads.

Be it enacted by the Legislature of West Virginia:

That §8A-5-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PLAN AND PLAT.

§8A-5-7. Contents of a major subdivision or land development plan and plat.

1 (a) A land development plan and plat must include
2 everything required by the governing body's subdivision and
3 land development ordinance.

4 (b) If a governing body does not have a subdivision and
5 land development ordinance or if a governing body's subdivi-

6 sion and land development ordinance does not specify what
7 may be included in a subdivision or land development plan
8 and plat, then the following may be included, when applica-
9 ble, in a subdivision or land development plan and plat:

10 (1) Show that the subdivision or land development
11 conforms to the governing body's comprehensive plan;

12 (2) A method of payment to cover the cost of the water
13 and sewer service infrastructure, which can include, but is
14 not limited to, bonds, impact fees, escrow fees and proffers;

15 (3) Coordination among land development with adjoining
16 land owners, including, but not limited to, facilities and
17 streets;

18 (4) Distribution of population and traffic in a manner
19 tending to create conditions favorable to health, safety,
20 convenience and the harmonious development of the munici-
21 pality or county;

22 (5) Show that there is a fair allocation of areas for
23 different uses, including, but not limited to, streets, parks,
24 schools, public and private buildings, utilities, businesses
25 and industry;

26 (6) Show that there is a water and sewer supply;

27 (7) Setback and lot size measures were used;

28 (8) The standards used for designating land which is
29 subject to flooding or subsidence, details for making it safe,
30 or information showing that such land will be set aside for
31 use which will not endanger life or property and will not
32 further aggravate or increase the existing menace;

33 (9) The control measures for drainage, erosion and
34 sediment;

35 (10) The coordination of streets, sidewalks and pedes-
36 trian pathways in and bordering the land development,
37 including a letter from the Division of Highways stating that
38 the plan provides sufficient access to state roads; and

39 (11) The design, construction and improvement measures
40 to be used for the streets, sidewalks, easements, rights-of-
41 way, drainage, utilities, walkways, curbs, gutters, street
42 lights, fire hydrants, water and wastewater facilities, and
43 other improvements installed, including the width, grade and
44 location for the purpose of accommodating prospective
45 traffic, customers and facilitating fire protection.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

FILED

2012 MAR 20 PM 4:02

OFFICE WEST VIRGINIA SECRETARY OF STATE

The within *is approved* this the *20th* Day of *March*, 2012.

Governor

PRESENTED TO THE GOVERNOR

MAR 15 2012

Time 1:50 pm