

HB 1637 Boards of zoning appeals; when actions may be taken -

(Cole): Boards of zoning appeals; when actions may be taken. Allows local boards of zoning appeals to take action when a majority of those present and voting vote. Maintains the requirement that a quorum be present to initiate a hearing.

§ [15.2-2308](#). Boards of zoning appeals to be created; membership, organization, etc.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing ~~and the taking of any action~~, a quorum shall be not less than a majority of all the members of the board. **No action of the board shall be valid unless authorized by a majority vote of those present and voting.** The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

HB 1671 Derelict buildings and structures; locality authorized to require removal, repair, etc., thereof.

Derelict buildings. Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames.

HB 1680 Vested rights; defines term 'act of God' to include any natural disaster or

phenomena. (Orrock). Vested rights; Act of God. Provides that the term "act of God" includes a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or certain fires. Specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property. The bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent.

[15.2-2307](#). Vested rights not impaired; nonconforming uses.

A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § [15.2-2310](#). If such building ***is damaged greater than 50 percent and*** cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ [36-98](#) et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, ~~or rebuilt within two years of the date of the natural disaster~~ or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. ***For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § [18.2-77](#) or [18.2-80](#), and obtain vested rights under this section.***

HB 1681 Wells, private; requires site plan to be included in an application for permit to construct. (Lewis.) Construction of wells. Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also clarifies that it is the landowner's responsibility to ensure that the well is located on his property.

§ [32.1-176.3](#). Definitions.

As used in this article:

"Construction of wells" means acts necessary to construct wells, including the location of wells.

"Plat" or "survey plat" means the schematic representation of a parcel of land, showing the property boundaries, the proposed site of the water well, and any potential sources of contamination, prepared by an individual licensed by the Commonwealth to perform such services.

"Private well" means any water well constructed for a person on land which is owned or leased by that person and is usually intended for household, ground water source heat pump, agricultural use, industrial use or other nonpublic water well.

"Site plan" means a sketch of a parcel of land, showing the property boundaries, the proposed site of the water well, and any potential sources of contamination.

§ [32.1-176.5](#). Construction permit; local government authority to require analysis of water.

Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. **The permit application shall include a site plan. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property.** This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

HB 1788 Alternative on-site sewage systems; no locality shall prohibit use thereof. (Hull) Alternative on-site sewage systems. Clarifies the locality's power to regulate nonconventional sewage disposal systems by prohibiting localities from prohibiting the use of such systems. This bill is identical to [SB 1276](#).

§ [15.2-2157](#). Onsite sewage systems when sewers not available; civil penalties.

C. When sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating.

D. A locality shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health pursuant to § [32.1-164](#).

E. The State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit pursuant to § [32.1-164](#) to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the land that is the subject of the permit.

HB 1856 Residential Property Disclosure Act; disclosure of stormwater detention facilities. (Shannon) Virginia Residential Property Disclosure Act; disclosure of stormwater detention facilities. Provides that an owner of real property disclose that no representations are being made with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due

diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

HB 1975 Green roofs; authorizes counties, cities, and towns, by ordinance, to grant incentives, etc. (Ware) Local incentives for green roofs. Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to [SB 1058](#).

*Article 11.
Local Incentives for Green Roofs.*

§ [58.1-3852](#). *Incentives for green roofing.*

A. As used in this article, unless the context clearly shows otherwise, the term or phrase:

"Green roof" means a solar roof or a vegetative roof.

"Solar roof" means a solar roofing system that generates reusable energy, which reusable energy accounts for at least 2.5 percent of the total electric energy used by the building to which the solar roofing system is attached.

"Vegetative roof" means a roofing system designed in accordance with the Virginia Stormwater Management Program's standards and specifications for green roofs, as set forth in the Virginia Stormwater BMP Clearinghouse, in which at least 50 percent of the total roofing area is vegetative.

B. Any county, city, or town may, by ordinance, grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. Any such incentive or regulatory flexibility shall require that green roofs be used.

C. The incentives or regulatory flexibility may include, but shall not be limited, to (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance.

D. The extent and duration of the incentives or regulatory flexibility shall conform to the requirements of the Constitutions of Virginia and of the United States.

2. That until such time as standards and specifications for vegetative roofing systems are set forth in the Virginia Stormwater BMP Clearinghouse, this act shall not preclude the use of containerized vegetative roofing systems designed in accordance with other standards and specifications from qualifying for the incentives for green roofing.

HB 1991 Stormwater management programs; establishment by localities.

(Bulova) Establishment of stormwater programs by localities. Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.

HB 2029 Subdivision ordinances; bonding requirements. (Marshall) Subdivision ordinance; bonding requirements.

Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administrative allowance required from a developer. This provision will sunset in 5 years.

HB 2034 Plats; extends period of validity with phased developments.

(Lingamfelter) Plats; period of validity. Extends the period of plat validity with phased developments.

§ [15.2-2241](#). Mandatory provisions of a subdivision ordinance.

G. Once an approved final subdivision plat for all or a portion of the property of a multiple phase development is recorded pursuant to § [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 period of validity shall extend from the date of the last recorded plat.***

HB 2055 Development rights; makes extensive changes to provisions for making transfer process more usable. (Lohr) Transfer of development rights.

Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the

locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to [SB 1418](#)

HB 2077 Land use actions; extension of approvals to address housing crisis.

(Oder) Plats and site plans; period of validity. Extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014.

§ 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 of § 15.2-2260, any subdivision plat valid under § 15.2-2260 and outstanding as of January 1, 2009, and any recorded plat or final site plan valid under § 15.2-2261 and outstanding as of January 1, 2009, shall remain valid until July 1, 2014, 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, 2009, 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, 2014, 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, 2009, 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, 2014, 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 performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

HB 2096 Affordable housing; localities waive certain fee for organization with primary purpose of assisting. (Orrock) Waiver of certain fees; affordable housing. Allows localities to waive certain fees for 501(c)(3) organizations with a primary purpose of assisting with the provision of affordable housing.

§ 15.2-958.3. Waiver of certain fees for affordable housing.

A locality may by ordinance provide for the waiver of building permit fees and other local fees associated with the construction, renovation or rehabilitation of housing by a 501(c)(3) organization with a primary purpose of assisting with the provision of affordable housing.

HB 2165 Zoning; locality shall not require special use permit for certain small-scale conversion of biomass. (Lohr) Zoning; on-farm production of biofuels. Allows farmers to engage in the small-scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when (i) at least 50 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet; and (iii) the owner notifies the administrative head of the locality in which the processing occurs.

§ 15.2-2288.01. Localities shall not require a special use permit for certain small-scale conversion of biomass to alternative fuel.

A. As used in this section, unless the context requires a different meaning:

"Biomass" means agricultural-related materials including vineyard, grain or crop residues; straws; aquatic plants; and crops and trees planted for energy production.

"Small-scale conversion of biomass" means the conversion of any renewable biomass into heat, power, or biofuels.

B. A zoning ordinance shall not require that a special exception or special use permit be obtained for the small-scale conversion of biomass if: (i) at least 50 percent of the feedstock is produced either on site or by the owner of the conversion equipment; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet, not including the space required for storage of feedstock; and (iii) the owner of the farm notifies the administrative head of the locality in which the processing occurs. Localities may adopt reasonable requirements for setback, minimum lot area, and restrictions on the hours of operation and maximum noise levels applicable to the small-scale conversion of biomass. No setback, lot area, hours of operation or noise requirements may be more restrictive than similar provisions for other agricultural structures or activities.

HB 2168 Stormwater offsets; authorizes permit-issuing authorities to allow permit holders to comply. (Abbitt) Stormwater offsets. Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

HB 2171 Agricultural waste; excludes any farm, etc., that owns & operates facilities within State. (Vanderhye) Electrical generation from agricultural waste. Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission. The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia.

HB 2172 Renewable energy sources; location of facilities for distribution of electricity, steam, etc. (Hogan) Interconnection of renewable generation facilities. Establishes procedures for the operator of an eligible non-utility renewable energy facility that produces not more than 2 megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline or to customers, as applicable, by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a procedure that requires the payment of a public rights-of-way use fee to the affected locality or the Department of Transportation. The measure does not authorize the location of distribution facilities within public parks.

HB 2175 Small renewable energy projects; DEQ to develop procedure permitting construction and operation. (Hogan) Small renewable energy projects; penalty. Directs the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of 100 megawatts if they generate electricity from sunlight, wind, or falling water, wave motion, tides, or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. A small renewable energy project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Fees collected from owners and operators of small renewable energy projects will be paid into a special nonreverting fund in the state treasury. Violations are subject to civil and criminal penalties. [HB 2525](#) is incorporated. [SB 1347](#) is identical.

HB 2188 Onsite sewage system; Board of Health shall establish procedures for requiring survey plat. (Phillips) Onsite treatment works. Provides that the Board of Health shall establish procedures for requiring a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.

§ [32.1-164](#). (Effective July 1, 2009) Powers and duties of Board; regulations; fees; onsite soil evaluators; letters in lieu of permits; inspections; civil penalties

K. The Department shall establish procedures for requiring a survey plat as part of an application for a permit or letter for any onsite sewage or alternative discharging sewage system, and for granting waivers for such requirements. In all cases, it shall be the landowner's responsibility to ensure that the system is properly located as permitted.

HB 2216 Subdivision ordinance; delete City of Suffolk from locality that shall provide reasonable provision. (Jones) Provisions for subdivision of a lot for conveyance to a family member; City of Suffolk. Amends the law so the City of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to [SB 1354](#).

HB 2268 Renewable energy; definition thereof. (Poindexter) Definition of renewable energy. Provides that the term "biomass," as used in the definition of renewable energy for purposes of Chapter 23 of Title 56, includes both sustainable and non-sustainable biomass; and provides that the definitions thereof shall be liberally construed. The measure also provides that the term "renewable energy" shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

→HB 2326 Zoning appeals, board of; changes standard by which variance can be granted. (Athey) Boards of zoning appeals; variances. Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

§ [15.2-2309](#). Powers and duties of boards of zoning appeals.

2. To authorize upon appeal or original application in specific cases such variance as defined in § [15.2-2201](#) from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property or where the board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

HB 2429 Land development plans; adds Town of Leesburg to localities that may develop procedure for review. (May) Expedited land development review procedure.

Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill is identical to [SB 1095](#).

SB 975 Subdivision roadways; conveys through quitclaim any interest of Dept. of Conservation & Recreation. (Stuart) Property conveyance. Conveys through a quitclaim any interest that the Department of Conservation and Recreation may have in certain subdivision roadways in Stafford County.

SB 982 Stormwater; requires localities to regulate. (Wagner) Regulation of stormwater. Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit

has been obtained from either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits.

SB 1033 Licensed farm wineries; restrictions on activities. (Hanger, Jr.) Licensed farm wineries; local regulation. Amends the Commonwealth's policy regarding local restriction on activities and events held at farm wineries by requiring localities to take into account the agricultural nature of such activities and events. This bill is identical to [HB 2071](#).

§ [15.2-2288.3](#). Licensed farm wineries; local regulation of certain activities.

It is the policy of the Commonwealth to preserve the economic vitality of the Virginia wine industry while maintaining appropriate land use authority to protect the health, safety, and welfare of the citizens of the Commonwealth, and to permit the reasonable expectation of uses in specific zoning categories. Local restriction upon such activities and events of farm wineries licensed in accordance with Title 4.1 to market and sell their products shall be reasonable and shall take into account the economic impact on the farm winery of such restriction, ***the agricultural nature of such activities and events***, and whether such activities and events are usual and customary for farm wineries throughout the Commonwealth. Usual and customary activities and events at farm wineries shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public. No local ordinance regulating noise, other than outdoor amplified music, arising from activities and events at farm wineries shall be more restrictive than that in the general noise ordinance. In authorizing outdoor amplified music at a farm winery, the locality shall consider the effect on adjacent property owners and nearby residents.

SB 1064 Comprehensive plan; local planning commission to post plan being considered on their website. (Puller) Posting of comprehensive plans. Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission or on any other website on which the commission generally posts information and that is available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body on any other website on which the governing body generally posts information and that is available to the public.

1. That §§ [15.2-2225](#) and [15.2-2226](#) of the Code of Virginia are amended and reenacted as follows:

§ [15.2-2225](#). Notice and hearing on plan; recommendation by local planning commission to

governing body.

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall **(i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii)** give notice in accordance with § [15.2-2204](#), and **(iii)** hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. **Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.**

§ [15.2-2226](#). Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body, ~~after~~ **shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After** a public hearing with notice as required by § [15.2-2204](#), the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. **Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.**

SB 1114 Stormwater management; emerging technology. (Ticer) Stormwater management; emerging technology. Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

SB 1128 Wells; issuance of an express geothermal permit for construction thereof. ([Petersen](#)) Construction of wells; geothermal heating systems. Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed loop geothermal heating systems. Such regulations shall include a provision that a single application and a single fee shall be required for any geothermal well system, and that the fee shall be equal to the fee for a single private well.

SB 1276 Alternative on-site sewage systems; no locality shall prohibit use thereof. ([Martin](#)) Alternative on-site sewage systems. Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. This bill provides that the State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the court for the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the property that is the subject of the permit.

§ [15.2-2157](#). Onsite sewage systems when sewers not available; civil penalties.

C. When sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating.

D. A locality shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health pursuant to § [32.1-164](#).

E. The State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit pursuant to § [32.1-164](#) to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to

the property upon the sale or transfer of the land that is the subject of the permit.

SB 1295 Silvicultural activities; State Forester to inspect land to determine if activity causing pollution. (Reynolds) Silvicultural activities. Authorizes the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution.

SB 1416 Preservation of historical sites and architectural areas; local governing bodies may include. (Blevins) Preservation of historical sites and architectural areas. Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such areas will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

§ [15.2-2306](#). Preservation of historical sites and architectural areas.

1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § [15.2-2201](#), and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.1, including § [33.1-41.1](#) of that title) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. **A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources.** An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ [15.2-2280](#) et seq.) of this chapter. The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

SB 1450 Cemeteries; those on private property may be required to register. (Colgan) Registration of cemeteries. Allows localities to set forth a register of cemeteries located on private property.

§ [15.2-977](#). **Registration by locality of cemeteries, graveyards, or other places of burial on**

private property.

Any locality may adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association. The official local register may include an official map.

SB 1473 Forestry permits; State Forester require person who fishes, rides mountain bikes, etc., to obtain.([Puckett](#)) **Department of Forestry permit.** Authorizes the State Forester to require a person to obtain a permit to fish, or ride mountain bikes or horses on lands under the control of the Department of Forestry. Currently, the Department requires a permit to hunt or trap on such lands.

SB 1487 Comprehensive plan; requires urban development areas to provide for mix of residential housing, etc. ([Vogel](#)) **Comprehensive plans; urban development areas.** Requires urban development areas to provide for a mix of residential housing types, including affordable housing, to meet projected family income distributions of future residential growth.

§ [15.2-2223.1](#). Comprehensive plan to include urban development areas; new urbanism.

Every county, city, or town that has adopted zoning pursuant to Article 7 (§ [15.2-2280](#) et seq.) of Chapter 22 of Title 15.2 and that (i) has a population of at least 20,000 and population growth of at least 5% or (ii) has population growth of 15% or more, shall, and any county, city or town may, amend its comprehensive plan to incorporate one or more urban development areas. For purposes of this section, population growth shall be the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. For purposes of this section, an urban development area is an area designated by a locality that is appropriate for higher density development due to proximity to transportation facilities, the availability of a public or community water and sewer system, or proximity to a city, town, or other developed area. The comprehensive plan shall provide for commercial and residential densities within urban development areas that are appropriate for reasonably compact development at a density of at least four residential units per gross acre and a minimum floor area ratio of 0.4 per gross acre for commercial development. **The urban development areas may provide for a mix of residential housing types, including affordable housing, to meet the projected family income distributions of future residential growth.** The comprehensive plan shall designate one or more urban development areas sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Future growth shall be based on official estimates and projections of the Weldon Cooper Center for Public Service of the University of Virginia or other official government sources. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the update of the comprehensive plan and in accordance with

the most recent available population growth estimates and projections. Such districts may be areas designated for redevelopment or infill development.

SB 1524 Zoning ordinances; broadens administrator's authority to determine vested rights. (Watkins) Permitted provisions in zoning ordinances. Broadens the zoning administrator's authority to determine vested rights in certain circumstances.

§ [15.2-2286](#). Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § [15.2-2311](#); and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § [15.2-2307](#) **or subsection C of § 15.2-2311**.

(§ 15.2-2307. Vested rights not impaired; nonconforming uses.)

(§ [15.2-2311](#) “C. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.”)

SB 1530 Subdivision streets; acceptance into state secondary highway system.

(Norment) Subdivision streets; acceptance into state secondary highway system.

Provides that no secondary street can be taken into the state secondary highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatsoever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction

SB 1533 Special use permits; extension of expiration dates. (Saslaw) Special use permits; extension of validity. Extends the expiration of special use permits that were valid

and outstanding as of January 1, 2009, to July 1, 2011.

§ 15.2-2288.4. Extension of expiration dates for special use permits.

Notwithstanding any other provision of law, any special use permit that was valid and outstanding as of January 1, 2009, is extended to July 1, 2011, regardless of whether such expiration or schedule exists by operation of statute, proffer, permit, local ordinance, or local custom. Nothing in this section shall impair the ability of any person to apply for additional extensions of time beyond the period specified in this section where permitted by other law.