

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 760

(By Mr. Vickers and Mr. Seibert)

PASSED March 12, 1965

In Effect ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BELL
SECRETARY OF STATE
THIS DATE 3-19-65

#760

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AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-b, relating to the creation of regional planning commissions and the prescribing of their powers and duties.

Be it enacted by the Legislature of West Virginia:

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article four-b, to read as follows:

Article 4-b. Regional Planning.

Section 1. Statement of Intent.—The Legislature rec-

2 ognizes the social and economic interdependence of the
3 people residing within a region of the state and the
4 common interest they share in its future development.
5 The Legislature further recognizes that plans and de-
6 cisions made by local governments within a region with
7 respect to land use, circulation patterns, capital improve-
8 ments and the like, affect the welfare of neighboring
9 jurisdictions and therefore should be developed jointly.
10 It is, therefore, the purpose of this article to provide a
11 means for: (1) Formulation and execution of objectives
12 and policies necessary for the orderly growth and de-
13 velopment of a region as a whole; and (2) coordination
14 of the objectives, plans and policies of the separate units
15 of government comprising the area.

Sec. 2. Creation of a Regional Planning Commission.—

2 A regional planning commission may be established pur-
3 suant to the following procedures and with the approval
4 of the commissioner of commerce:

5 (a) Two or more municipalities, two or more counties,
6 or one county or two or more counties and a municipality
7 or municipalities within the county or counties may, by

8 agreement among their respective governing bodies,
9 create or reorganize a regional planning commission: *Pro-*
10 *vided*, That a municipality or county not having a plan-
11 ning commission shall not participate in the creation or
12 reorganization of a regional planning commission: *Pro-*
13 *vided further*, That (1) in the case of municipalities, the
14 largest one within the region shall be a party to the agree-
15 ment; and (2) the total number of both counties and
16 municipalities participating in the agreement shall equal
17 fifty per cent or more of the total number of counties and
18 municipalities within the region. The agreement shall be
19 effected through the adoption by the governing body of
20 each participating government, acting individually, of
21 an appropriate resolution. A copy of such agreement
22 shall be filed with the commissioner of commerce.

23 (b) Any additional county or municipality within
24 the region may become a party to the original agreement
25 or a new agreement reorganizing the commission.

Sec. 3. Definition of Region.—"Region," as used in this
2 article, shall mean a specific geographic area in which a
3 regional planning commission shall have jurisdiction,

4 which area shall be fixed and determined by the commis-
5 sioner of commerce and be stipulated with his approval
6 in the agreement by which the commission is established
7 or reorganized: *Provided, however,* That no territory
8 within a municipality or county not having a planning
9 commission shall be included in the area except that
10 territory within a municipality having a planning com-
11 mission may be included even though the county in
12 which it is located does not have a planning commission.

Sec. 4. Membership and Organization.—Except as
2 provided below, membership of a regional planning com-
3 mission shall consist of representatives from each par-
4 ticipating government or stipulated combinations thereof,
5 in number to be specified in the agreement: *Provided,*
6 *however,* That at least one member of the planning
7 commission and one member of the governing body of
8 each participating government shall be members of the
9 commission, and all members of the commission shall
10 be qualified by knowledge and experience in matters
11 pertaining to the planning and development of cities,
12 counties or regions with the exception of the member or

13 members of the governing body of each participating
14 governmental unit. A commission may appoint not to
15 exceed two members from the general public, such mem-
16 bers to have demonstrated outstanding leadership in
17 community affairs. The terms of the members of a com-
18 mission, the manner of their appointment or removal,
19 and the filling of any vacancies on a commission, as well
20 as any additional qualifications for membership on a
21 commission, shall be specified in the agreement. A repre-
22 sentative of the state government may be designated by
23 the governor to attend meetings of a commission.

24 Members of a commission shall serve without com-
25 pensation, but shall be reimbursed for expenses incurred
26 in pursuit of their duties on the commission. A commis-
27 sion shall elect a chairman from among its members,
28 and shall establish its own rules and such committees as
29 it deems necessary to carry on its work. Such com-
30 mittees may have as members persons other than mem-
31 bers of the commission. A commission shall meet as
32 often as necessary, but not less than four times a year.

Sec. 5. Annual Budget; Appropriations; Expenditures.

2 —A regional planning commission shall adopt an annual
3 budget, to be submitted to the participating govern-
4 ments which shall each contribute to the financing of
5 the commission according to a formula specified in the
6 agreement, and each such government is hereby author-
7 ized to appropriate and expend funds for services ren-
8 dered it by the commission. Money received by a com-
9 mission shall be deposited in such depository as the com-
10 mission may determine in the agreement and be paid out
11 in such manner as the commission may determine.

Sec. 6. Financial Aid; Contracts; Reports.—A regional
2 planning commission is authorized to accept and expend
3 funds and grants provided for the purposes of this article
4 by the government of the United States or its depart-
5 ments or agencies, by departments and agencies of this
6 state or of any other state, or by one or more municipali-
7 ties, counties or other political subdivisions of this state
8 or of any other state, or by any other agency whose inter-
9 ests are in harmony with the purposes of this article,
10 including planning commissions, all in accordance with
11 any federal requirements and under any conditions state

12 laws may provide, and to contract with respect thereto,
13 either separately, jointly, or cooperatively, if the con-
14 tract is approved by the attorney general, and to provide
15 such information and reports as may be necessary to
16 secure such financial aid. In this connection, a commis-
17 sion is hereby expressly authorized to participate in any
18 federal planning assistance program.

Sec. 7. Cooperation by and with Planning Commis-
2 **sions.**—To effectuate the purposes of this article, a re-
3 gional planning commission and the planning commis-
4 sions of participating governments in the region may
5 cooperate with regional planning commissions for other
6 regions or the planning commissions of participating gov-
7 ernments therein, with the governing or administrative
8 bodies and officials of any municipality, county, or other
9 political subdivision, including those in other states, with
10 federal and state departments, agencies, and officials, in-
11 cluding those of other states, and with any other agency
12 whose interests are in harmony with the purposes of
13 this article, with a view to coordinating and integrating
14 the planning for the cooperating governmental units, and

15 may appoint such committees and may adopt such rules
16 as may be thought proper to effect such cooperation;
17 and, for the purpose of such coordination and integra-
18 tion, may contract with respect thereto with such bodies,
19 departments, agencies, and officials, all in accordance
20 with any federal requirements and under any conditions
21 state laws may provide, if the contract is approved by
22 the attorney general. Governing or administrative bodies
23 and officials of municipalities, counties, and other politi-
24 cal subdivisions within this state are authorized to co-
25 operate in this manner with such planning commissions
26 and with governing or administrative bodies and officials
27 of political subdivisions in other states for the purposes
28 of such coordination and integration.

29 Municipalities, counties, and other political subdivisions
30 within this state are authorized to appropriate and ex-
31 pend funds for services they obtain through cooperative
32 arrangements made pursuant to the provisions of this
33 section.

Sec. 8. Director and Staff.—A regional planning com-
2 mission may appoint a director, who shall be qualified

3 by training and experience and shall serve at the pleas-
4 ure of the commission. The director will be the chief
5 administrative and planning officer and regular technical
6 advisor of the commission, and will appoint and remove
7 the staff of the commission. When authorized by the
8 regional planning commission, such director may make
9 agreements with planning commissions of participating
10 governments for temporary transfer or joint use of staff
11 employees, and may contract for professional or con-
12 sultant services from other governmental and private
13 agencies.

14 In case no director is appointed, a commission may
15 exercise the powers granted a director by this section as
16 well as the other powers granted to it by this article.

Sec. 9. Powers and Duties.—A regional planning com-
2 mission shall:

3 (a) Prepare, and from time to time revise, amend, ex-
4 tend or add to a plan or plans for the development of
5 the region. Such plans shall be based on studies of phys-
6 ical, social, economic and governmental conditions and
7 trends, and shall aim at the coordinated development of

8 the region in order to promote the general health, welfare,
9 convenience and prosperity of its people. The plans shall
10 embody the policy recommendations of the regional
11 planning commission, and may include, but shall not be
12 limited to:

13 (1) A statement of the objectives, standards and prin-
14 ciples sought to be expressed in the plan.

15 (2) Recommendations for the most desirable pattern
16 and intensity of general land use within the region in
17 the light of the best available information concerning
18 natural environmental factors, the present and prospec-
19 tive economic and demographic bases of the region, and
20 the relation of land use within the region to land use
21 in adjoining areas. The land use pattern shall include
22 provision for open as well as urban, suburban, and rural
23 development.

24 (3) Recommendations for the general circulation pat-
25 tern for the region, including land, water and air trans-
26 portation and communication facilities, whether used for
27 movement within the region or to and from adjacent
28 areas.

29 (4) Recommendations concerning the need for and
30 proposed general location of public and private works
31 and facilities, which by reason of their function, size, ex-
32 tent or for any other cause are of a regional, as distin-
33 guished from purely local, concern.

34 (5) Recommendations for the long-range program-
35 ming and financing of capital projects and facilities.

36 (6) Such other recommendations as it may deem ap-
37 propriate concerning current and impending problems
38 as may affect the region.

39 (b) Prepare, and from time to time revise, recom-
40 mended ordinances and regulations which would imple-
41 ment the regional plan.

42 (c) Prepare studies of the region's resources, both
43 natural and human, with respect to existing and emerging
44 problems of industry, commerce, transportation, popula-
45 tion, housing, agriculture, public service, local govern-
46 ments and any other matters which are relevant to
47 regional planning.

48 (d) Collect, process and analyze, at regular intervals,
49 the social and economic statistics for the region which

50 are necessary to planning studies, and make the results
51 of such collection, processing and analysis available to
52 the general public.

53 (e) Participate with other governmental agencies,
54 educational institutions and private organizations in the
55 coordination of regional research activities described un-
56 der paragraphs (c) and (d) of this section.

57 (f) Cooperate with, and provide planning assistance
58 to counties, municipalities, and county and municipal
59 planning commissions within the region, and coordinate
60 regional planning with the planning activities and plans
61 of the state and of the counties and municipalities within
62 the region, as well as neighboring areas, including those
63 in adjoining states, and the programs of federal depart-
64 ments and agencies.

65 (g) Provide information to officials, departments,
66 agencies, and instrumentalities of federal, state and local
67 governments, and to the public at large, in order to foster
68 public awareness and understanding of the objectives of
69 the regional plan and the functions of regional and local
70 planning, and in order to stimulate public interest and

71 participation in the orderly, integrated development of
72 the region.

73 (h) Receive and review for compatibility with re-
74 gional plans all proposed comprehensive land use, cir-
75 culation, and public facilities plans and projects, ordi-
76 nances and regulations, official maps and building codes
77 of local governments in the geographic area and all
78 amendments or revisions of such plans, regulations and
79 maps, and make recommendations for their modification
80 where deemed necessary to achieve such compatibility.

81 (i) Review applications of participating governments
82 for capital project financial assistance from state and
83 federal governments, and comment upon their consistency
84 with the regional development plan; and review and com-
85 ment upon state plans for highways and public works
86 within the area to promote coordination of all inter-
87 governmental activities in the region on a continuing
88 basis.

89 (j) Exercise all other powers necessary and proper
90 for the discharge of its duties.

91 In making a comprehensive plan, the plan may be for

92 all or part of the territory in the region, or for all or
93 part of the territory in the region and any territory adja-
94 cent to the region, including that without the state, which,
95 in the opinion of the commission, bears a substantial re-
96 lation to the planning for territory within the region:
97 *Provided*, That any plan for a part of the region shall be
98 for territory which does not begin and terminate within
99 the boundaries of any single participating government.
100 In making a plan, a commission shall give consideration
101 to any comprehensive or general development plan exist-
102 ing in any participating government.

103 During the preparation of the plan, a commission shall
104 periodically consult with the planning commissions of
105 the various participating governments involved in the
106 plan and make every effort to develop a plan which will
107 meet with the approval of the planning commissions of
108 such governments.

Sec. 10. Certification and Implementation of Regional

2 **Plans.** — All comprehensive regional plans, including
3 zoning ordinances and subdivision regulations, prepared
4 pursuant to this article, after adoption by the regional

5 planning commission shall be certified by the commission
6 to all planning commissions of participating governments
7 within the region.

Sec. 11. Adoption of Plan by Local Planning Com-
2 **missions and Governing Bodies.**—A plan shall not be
3 considered the comprehensive plan or a part thereof for
4 any participating government until it has been adopted
5 by its governing body in accordance with the provisions
6 of sections eighteen through twenty-two of article five
7 of this chapter, and when so adopted it shall supersede
8 any previous comprehensive plan or any part of such
9 plan inconsistent therewith of the participating govern-
10 ment. Before rejecting or amending a plan as certified
11 by the commission, the planning commission or the gov-
12 erning body of the participating government shall refer
13 the plan to the regional planning commission which pre-
14 pared it for its recommendations in regard to such re-
15 jection or amendment, but any report of such commission
16 after such a reference shall be advisory only.

17 Amendments to a regional plan, including ordinances
18 and regulations, shall be adopted in the same manner

19 as provided herein for the adoption of the original plan,
20 except that if the planning commission or governing body
21 of a participating government desires an amendment it
22 may request the regional planning commission to pre-
23 pare an amendment and certify it to the local planning
24 commission as herein provided.

25 After the adoption or rejection of a regional plan, a
26 commission shall from time to time re-examine the plan
27 with the view of keeping it up to date.

28 After the adoption of such plan by a participating gov-
29 ernment, its planning commission shall thereafter act in
30 effectuating the plan in that jurisdiction.

Sec. 12. Cooperation by Local Governments.—Any

2 county or municipality within the geographic area of
3 the region may, and all participating governments and
4 their planning commissions shall, file with the regional
5 planning commission all current and proposed plans,
6 zoning ordinances, official maps, building codes, subdi-
7 vision regulations, and project plans for capital facilities
8 and amendments to and revisions of any of the foregoing,
9 as well as copies of their regular and special reports

10 dealing with planning matters. Each county or municipal-
11 ity within the geographic area of the region shall afford
12 the regional planning commission having jurisdiction
13 therein a reasonable opportunity to comment upon any
14 such proposed plans, zoning and subdivision ordinances,
15 regulations and capital facilities projects and shall con-
16 sider such comments, if any, prior to adopting any such
17 plan, ordinance, regulation or project.

Sec. 13. Annual Report.—A regional area planning
2 commission shall submit an annual report to the commis-
3 sioner of commerce and to the governing bodies and plan-
4 ning commissions of all participating governments in the
5 region.

Sec. 14. Separability.—If any part or parts of this
2 article shall be held invalid, such invalidity shall not
3 affect the validity of the remaining parts of this article.
4 The Legislature hereby declares that it would have passed
5 the remaining parts of this article if it had known that
6 any part or parts thereof would be declared invalid.

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


Chairman Senate Committee



Chairman House Committee

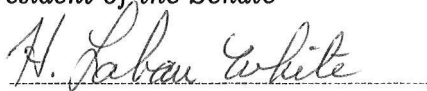
Originated in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 19
day of March, 1965.


Governor

