WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 766
(By Mr. Vickers and Mr. Sheehart)

PASSED March 12, 1965

In Effect ninety days from Passage

FILED IN THE OFFICE OF
JOSEPH F. DOLAN
SECRETARY OF STATE
85 W. MAIN STREET
MARTINSVILLE 3, WEST VIRGINIA

3-19-65
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-
recognizes the social and economic interdependence of the
people residing within a region of the state and the
common interest they share in its future development.
The Legislature further recognizes that plans and de-
cisions made by local governments within a region with
respect to land use, circulation patterns, capital improve-
ments and the like, affect the welfare of neighboring
jurisdictions and therefore should be developed jointly.
It is, therefore, the purpose of this article to provide a
means for: (1) Formulation and execution of objectives
and policies necessary for the orderly growth and de-
velopment of a region as a whole; and (2) coordination
of the objectives, plans and policies of the separate units
of government comprising the area.

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

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

(a) Two or more municipalities, two or more counties,
or one county or two or more counties and a municipality
or municipalities within the county or counties may, by
agreement among their respective governing bodies, create or reorganize a regional planning commission: Provided, That a municipality or county not having a planning commission shall not participate in the creation or reorganization of a regional planning commission: Provided further, That (1) in the case of municipalities, the largest one within the region shall be a party to the agreement; and (2) the total number of both counties and municipalities participating in the agreement shall equal fifty per cent or more of the total number of counties and municipalities within the region. The agreement shall be effected through the adoption by the governing body of each participating government, acting individually, of an appropriate resolution. A copy of such agreement shall be filed with the commissioner of commerce.

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

Sec. 3. Definition of Region.—"Region," as used in this article, shall mean a specific geographic area in which a regional planning commission shall have jurisdiction,
which area shall be fixed and determined by the commis-

dioner of commerce and be stipulated with his approval

in the agreement by which the commission is established

or reorganized: Provided, however, That no territory

within a municipality or county not having a planning

commission shall be included in the area except that

territory within a municipality having a planning com-

mission may be included even though the county in

which it is located does not have a planning commission.

Sec. 4. Membership and Organization.—Except as

provided below, membership of a regional planning com-

mission shall consist of representatives from each par-

ticipating government or stipulated combinations thereof,

in number to be specified in the agreement: Provided,

however, That at least one member of the planning

commission and one member of the governing body of

each participating government shall be members of the

commission, and all members of the commission shall

be qualified by knowledge and experience in matters

pertaining to the planning and development of cities,

counties or regions with the exception of the member or
members of the governing body of each participating governmental unit. A commission may appoint not to exceed two members from the general public, such members to have demonstrated outstanding leadership in community affairs. The terms of the members of a commission, the manner of their appointment or removal, and the filling of any vacancies on a commission, as well as any additional qualifications for membership on a commission, shall be specified in the agreement. A representative of the state government may be designated by the governor to attend meetings of a commission.

Members of a commission shall serve without compensation, but shall be reimbursed for expenses incurred in pursuit of their duties on the commission. A commission shall elect a chairman from among its members, and shall establish its own rules and such committees as it deems necessary to carry on its work. Such committees may have as members persons other than members of the commission. A commission shall meet as often as necessary, but not less than four times a year.

Sec. 5. Annual Budget; Appropriations; Expenditures.
Sec. 6. Financial Aid; Contracts; Reports.—A regional planning commission is authorized to accept and expend funds and grants provided for the purposes of this article by the government of the United States or its departments or agencies, by departments and agencies of this state or of any other state, or by one or more municipalities, counties or other political subdivisions of this state or of any other state, or by any other agency whose interests are in harmony with the purposes of this article, including planning commissions, all in accordance with any federal requirements and under any conditions state
laws may provide, and to contract with respect thereto, either separately, jointly, or cooperatively, if the contract is approved by the attorney general, and to provide such information and reports as may be necessary to secure such financial aid. In this connection, a commission is hereby expressly authorized to participate in any federal planning assistance program.

Sec. 7. Cooperation by and with Planning Commissions.—To effectuate the purposes of this article, a regional planning commission and the planning commissions of participating governments in the region may cooperate with regional planning commissions for other regions or the planning commissions of participating governments therein, with the governing or administrative bodies and officials of any municipality, county, or other political subdivision, including those in other states, with federal and state departments, agencies, and officials, including those of other states, and with any other agency whose interests are in harmony with the purposes of this article, with a view to coordinating and integrating the planning for the cooperating governmental units, and
may appoint such committees and may adopt such rules
as may be thought proper to effect such cooperation;
and, for the purpose of such coordination and integra-
tion, may contract with respect thereto with such bodies,
departments, agencies, and officials, all in accordance
with any federal requirements and under any conditions
state laws may provide, if the contract is approved by
the attorney general. Governing or administrative bodies
and officials of municipalities, counties, and other politi-
cal subdivisions within this state are authorized to co-
operate in this manner with such planning commissions
and with governing or administrative bodies and officials
of political subdivisions in other states for the purposes
of such coordination and integration.

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

Sec. 8. Director and Staff.—A regional planning com-
mission may appoint a director, who shall be qualified
by training and experience and shall serve at the pleasure of the commission. The director will be the chief administrative and planning officer and regular technical advisor of the commission, and will appoint and remove the staff of the commission. When authorized by the regional planning commission, such director may make agreements with planning commissions of participating governments for temporary transfer or joint use of staff employees, and may contract for professional or consultant services from other governmental and private agencies.

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

Sec. 9. Powers and Duties.—A regional planning commission shall:

(a) Prepare, and from time to time revise, amend, extend or add to a plan or plans for the development of the region. Such plans shall be based on studies of physical, social, economic and governmental conditions and trends, and shall aim at the coordinated development of
the region in order to promote the general health, welfare, convenience and prosperity of its people. The plans shall embody the policy recommendations of the regional planning commission, and may include, but shall not be limited to:

(1) A statement of the objectives, standards and principles sought to be expressed in the plan.

(2) Recommendations for the most desirable pattern and intensity of general land use within the region in the light of the best available information concerning natural environmental factors, the present and prospective economic and demographic bases of the region, and the relation of land use within the region to land use in adjoining areas. The land use pattern shall include provision for open as well as urban, suburban, and rural development.

(3) Recommendations for the general circulation pattern for the region, including land, water and air transportation and communication facilities, whether used for movement within the region or to and from adjacent areas.
(4) Recommendations concerning the need for and proposed general location of public and private works and facilities, which by reason of their function, size, extent or for any other cause are of a regional, as distinguished from purely local, concern.

(5) Recommendations for the long-range programming and financing of capital projects and facilities.

(6) Such other recommendations as it may deem appropriate concerning current and impending problems as may affect the region.

(b) Prepare, and from time to time revise, recommended ordinances and regulations which would implement the regional plan.

(c) Prepare studies of the region's resources, both natural and human, with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public service, local governments and any other matters which are relevant to regional planning.

(d) Collect, process and analyze, at regular intervals, the social and economic statistics for the region which
are necessary to planning studies, and make the results of such collection, processing and analysis available to the general public.

(e) Participate with other governmental agencies, educational institutions and private organizations in the coordination of regional research activities described under paragraphs (c) and (d) of this section.

(f) Cooperate with, and provide planning assistance to counties, municipalities, and county and municipal planning commissions within the region, and coordinate regional planning with the planning activities and plans of the state and of the counties and municipalities within the region, as well as neighboring areas, including those in adjoining states, and the programs of federal departments and agencies.

(g) Provide information to officials, departments, agencies, and instrumentalities of federal, state and local governments, and to the public at large, in order to foster public awareness and understanding of the objectives of the regional plan and the functions of regional and local planning, and in order to stimulate public interest and
participation in the orderly, integrated development of
the region.

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

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

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

In making a comprehensive plan, the plan may be for
all or part of the territory in the region, or for all or part of the territory in the region and any territory adjacent to the region, including that without the state, which, in the opinion of the commission, bears a substantial relation to the planning for territory within the region:

Provided, That any plan for a part of the region shall be for territory which does not begin and terminate within the boundaries of any single participating government.

In making a plan, a commission shall give consideration to any comprehensive or general development plan existing in any participating government.

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

Sec. 10. Certification and Implementation of Regional Plans. — All comprehensive regional plans, including zoning ordinances and subdivision regulations, prepared pursuant to this article, after adoption by the regional
planning commission shall be certified by the commission
to all planning commissions of participating governments
within the region.

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

Amendments to a regional plan, including ordinances
and regulations, shall be adopted in the same manner
as provided herein for the adoption of the original plan, except that if the planning commission or governing body of a participating government desires an amendment it may request the regional planning commission to prepare an amendment and certify it to the local planning commission as herein provided.

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

After the adoption of such plan by a participating government, its planning commission shall thereafter act in effectuating the plan in that jurisdiction.

Sec. 12. Cooperation by Local Governments.—Any county or municipality within the geographic area of the region may, and all participating governments and their planning commissions shall, file with the regional planning commission all current and proposed plans, zoning ordinances, official maps, building codes, subdivision regulations, and project plans for capital facilities and amendments to and revisions of any of the foregoing, as well as copies of their regular and special reports.
dealing with planning matters. Each county or municipality within the geographic area of the region shall afford the regional planning commission having jurisdiction therein a reasonable opportunity to comment upon any such proposed plans, zoning and subdivision ordinances, regulations and capital facilities projects and shall consider such comments, if any, prior to adopting any such plan, ordinance, regulation or project.

Sec. 13. Annual Report.—A regional area planning commission shall submit an annual report to the commissioner of commerce and to the governing bodies and planning commissions of all participating governments in the region.

Sec. 14. Separability.—If any part or parts of this article shall be held invalid, such invalidity shall not affect the validity of the remaining parts of this article. The Legislature hereby declares that it would have passed the remaining parts of this article if it had known that 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 19th day of March, 1965.

Governor