

The Local Powers Act

Learn easy access to WVCode-7-20 with its seven simple steps to impact fees:



FOLLOW THE WV-CODE

From
Chapter 8A-3-4 (Comprehensive Plan)
to Chapter 8A-7-4 (Zoning Ordinance)
to Chapter 7-20-6 (Local Powers Act)

A step-by-step guide to say it in your own words -

Discussion Co-sponsored by the Morgan County Public Library and the Morgan County Forum for Arts, Sciences & Technologies (**FAST**)

Checklists for three required phases

From
Chapter 8A-3-4 (Comprehensive Plan)
to Chapter 8A-7-4 (Zoning Ordinance)
to Chapter 7-20-6 (Local Powers Act)

A step-by-step guide

PHASE ONE = Update the Comprehensive Plan

A checklist for the thirteen required components defined in detail by the WV Code Chapter 8A -Article 3 -Section 4. The **Planning Commission will have a public hearing** on the updated Plan at the Warm Springs Intermediate School, 7pm Thursday evening, Jan.18, 2007.

WEST VIRGINIA CODE - Chap.8A - LAND USE PLANNING.

§8A-3-4. Mandatory components. . . .

(c) The comprehensive plan shall have, but is not limited to the following components:

- (1) **Land use.** -- Designate the current, and set goals and programs for the proposed general distribution, location and suitable uses of land
- (2) **Housing.** -- Set goals, plans and programs to meet the housing needs for current and anticipated future residents.....
- (3) **Transportation.** -- Consistent with the land use component, identify the type, location, programs, goals and plans to meet the intermodal transportation needs.....
- (4) **Infrastructure.** -- Designate the current, and set goals, plans and programs for the proposed locations, capabilities and capacities of all utilities, essential utilities and equipment, infrastructure and facilities.....
- (5) **Public services** -- Set goals, plans and programs, to ensure public safety, and meet the medical, cultural, historical, community, social, educational and disaster needs....
- (6) **Rural.** -- Identify land that is not intended for urban growth and set goals, plans and programs for growth and/or decline management in the designated rural area.

(7) **Recreation.** - Identify land, and set goals, plans and programs for recreational and tourism use in the area.

(8) **Economic development.** - Establish goals, policies, objectives, provisions and guidelines for economic growth and vitality for current and anticipated future residents

(9) **Community design.** - Set goals, plans and programs to promote a sense of community, character and identity.

(10) **Preferred development areas.** - Identify areas where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities and prevent sprawl.

(11) **Renewal and/or redevelopment.** - Identify slums and other blighted areas and set goals, plans and programs for the elimination of such areas

(12) **Financing.** - Recommend to the governing body short and long-term financing plans

(13) **Historic preservation.** - Identify historical, scenic, archaeological, architectural or similar significant lands or buildings, and specify preservation plans and programs

WITH THESE MANDATORY COMPONENTS IN PLACE, THE SECOND PHASE IS MAKING A ZONING ORDINANCE THAT FOLLOWS THE WV CODE.

Learn more information at these websites:

<http://www.legis.state.wv.us/WVCODE/masterfrm3Banner.cfm>
(search the entire WV Code)

<http://www.morgancountyeda.com/gov/comprehensiveplan.html>
(access the 2007 Comprehensive Plan Update)

<http://www.morgancountyeda.com/gov/planningcommission.html>
(access the: Morgan County Subdivision Regulations, Stormwater Management Regulations, Commercial and Industrial Improvement Location Permit Ordinance, Floodplain Ordinance, Salvage Yard Regulations, Exotic Entertainment Ordinance and the County Dog Leash Ordinance)

<http://www.fastlearner.org> (The file "Comprehensive Plan 2007 Update" (806KB) combines all thirteen chapters to allow searching throughout the Plan for any topic. WVC Chapter 8A (244KB) and The Local Powers Act (27KB) are also search-able files.)

PHASE TWO = Create a Zoning Ordinance

A checklist for WVC-8A-7-4

Who will work on wording the zoning ordinance??

When will each part be ready to move forward??

WV Code Chap.8A-Art.7 ZONING ORDINANCE.

§8A-7-1. Authority for zoning ordinance.

(a) The governing body of a municipality or a county may regulate land use within its jurisdiction by:

(1) Adopting a comprehensive plan; >>**DONE & UPDATED!!**

(2) Working with the planning commission and the public to develop a zoning ordinance; >>**TO DO!!**

(3) Enacting a zoning ordinance; >>**TO DO!!**

§8A-7-4. Study and report on zoning.

(a) **AFTER** adoption of a comprehensive plan and **BEFORE** enacting a zoning ordinance, a governing body with the applicable planning commission must study the land within its jurisdiction.

The study may include:

(1) Evaluating the existing conditions, the character of the buildings, the most desirable use for the land and the conservation of property values ..

(2) Holding public hearings and meetings with notice to receive public input.

(b) The planning commission must use the information from the study and the comprehensive plan and prepare a report on zoning. The report shall include the proposed zoning ordinance, with explanatory maps showing the recommended boundaries of each district, and the rules, regulations and restrictions for each district.

(c) No zoning ordinance may be enacted without a study and report.

WITH THE SECOND PHASE MANDATORY COMPONENTS IN PLACE, THE THIRD PHASE IS IMPLEMENTING THE LOCAL POWERS ACT TO FOLLOW THE WV CODE.

FOLLOW THE WV-CODE

From Chapter 8A-3-4 (Comprehensive Plan)
to Chapter 8A-7-4 (Zoning Ordinance)
to Chapter 7-20-6 (Local Powers Act)

Step-by-step - - - say it in your own words.

These websites have more detailed information:

<http://www.legis.state.wv.us/WVCODE/masterfrm3Banner.cfm>
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<http://www.brendahutchinson.org> (access the 2007 Comprehensive Plan Update, the Local Powers Act and Chapter 8A-Land Use Planning)

<http://www.fastlearner.org> (The file "Comprehensive Plan 2007 Update" (806KB) combines all thirteen chapters to allow searching throughout the Plan for any topic. The Local Powers Act (27KB), and Chapter 8A (244KB) are also search-able files.)

PHASE THREE = Implement the Local Powers Act A checklist for the Local Powers Act WVC-7-20-6

LOCAL POWERS ACT

WV -7 - 20 - FEES AND EXPENDITURES FOR COUNTY DEVELOPMENT

§7-20-2(b)(2) Affected counties in West Virginia are experiencing an increased demand for development which is causing strain on tax revenues and user charges at existing levels and impairing the ability of taxpayers, residents and users to bear the cost of increased demand for county facilities and services.....;

§7-20-2(b)(3) Equitable considerations require that future residents and users of existing county facilities and services contribute toward the investment already made in those facilities and services;.....

§7-20-3(g) "Impact fees" means any charge, fee, or assessment levied as a condition of the following: (1) Issuance of a subdivision or site plan approval; (2) issuance of a building permit; and (3) approval of a certificate of occupancy

§7-20-6. Criteria and requirements necessary to implement collection of fees.

(a) ...counties shall meet the following requirements:

(1) A demonstration that population growth rate history in excess of one percent annually averaged over a five-year period since the last decennial census count;; DONE #1

(2) Adopting a countywide comprehensive plan; DONE #2

(3) Reviewing and updating any comprehensive plan at no less than five-year intervals; DONE #3

(4) Drafting and adopting a comprehensive zoning ordinance; NEED TO DO #4

~~(5) Drafting and adopting a subdivision control ordinance;~~

DONE #5

~~(6) Keeping in place a formal building permit~~ and review system which ...shall adopt ...the state building code (CSR-87-04 effective May, 2006; see below) **NEARLY DONE #6;** and

~~(7) Providing an improvement program~~ **THE 2007 PLAN UPDATE DESCRIBES MUCH OF #7.** which shall include:

~~(A) Developing and maintaining a list within~~ the county of particular sites with development potential;

~~(B) Developing and maintaining standards~~ of service for capital improvements which are fully or partially funded with revenues collected from impact fees; and

~~(C) Lists of proposed capital improvements~~ from all areas, containing descriptions of any such proposed capital improvements, cost estimates, projected time frames for constructing such improvements and proposed or anticipated funding sources.

These websites have more detailed information:

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<http://www.wvsos.com/csrdocs/worddocs/87-04.doc>
Code of State Rules: TITLE 87,SERIES 4 = **STATE BUILDING CODE.**
Authority = WVCode 29-3-5b; Filing Date = April 26, 2006; Effective Date = May 15, 2006.

<http://www.fastlearner.org> (The file "Comprehensive Plan 2007 Update" (806KB) combines all thirteen chapters to allow searching throughout the Plan for any topic. The WVC-Local Powers Act (27KB) and WVC-Chapter 8A (244KB) are also search-able files.)

Curious about Curiosity? Join the Morgan County Forum for Arts, Sciences & Technologies (**FAST**).

In 1743, Benjamin Franklin started the country's first forum where people could communicate their **records and interpretations of "all philosophical Experiments that let Light into the Nature of Things, tend to increase the Power of Man over Matter, and multiply the Conveniences or Pleasures of Life."** Then, the study of Nature that we now call science and technology was called "natural philosophy" and the club was called the American Philosophical Society.

Its members included doctors, lawyers, clergymen, merchants, artisans and tradesmen like Franklin. They helped America's economic independence by improving agriculture, manufacturing, and transportation. They also helped prepare Lewis and Clark about scientific, linguistic, and anthropological aspects of their exploration of the Louisiana Territory.

In 2003, the Morgan County Forum for Arts, Sciences and Technologies (**FAST**) began community discussions to help all Morgan County residents find ways to **"let Light into the Nature of Things, tend to increase the Power of Man over Matter, and multiply the Conveniences or Pleasures of Life."**

This evening discussion of computer technology available for learning the rules of the West Virginia Code is one of a series of informal education events to advance the use of arts, sciences and technologies in daily life. **FAST** is a tax-exempt, non-profit charitable corporation under IRS Code, Section 501(c)(3). It is supported by grants, donations, membership dues, and other income related to its purpose. Its primary mission is informal education to advance the use of arts, sciences and technologies in the daily lives of individuals in Morgan County.

FAST supports community theater projects, radar speed signs, discussions of films and books on nutrition and health, the "*Morgan County Menus*" booklet, the Piano Laboratory, the Hands-On Room at the Morgan County Fair and the Fair Exhibit Contest Awards (see information at <http://www.fastlearner.org>) plus a wide range of informal learning experiences, including advanced training.

Families are invited to start planning ideas now for novel and informative exhibits for the 2007 County Fair Exhibit Contest when over \$1,000.00 in prizes will be awarded again.

People can send tax-exempt donations to **FAST**, P.O. Box 674, Berkeley Springs, WV 25411. Visit the **FAST** website at <http://www.fastlearner.org> or contact us at wemlands@att.net
Be a **FAST** learner!