AGENDA

Wednesday, March 31, 2021

The Harrison County Courthouse will be opened with limited seating at the County Commission meeting due to the COVID – 19 requirements for social distancing. However, you may join and listen via Zoom Conference Call by the following steps. Public participation will be allowed during public comment period and/or scheduled appointments.

Join Zoom Meeting

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https://us02web.zoom.us/j/7628160712

Dial: 1-888-788-0099 US Toll-free

Meeting ID: 762 816 0712

Passcode: 270967

Appointments:

10:00 A.M. --- Call To Order --- Invocation --- Pledge of Allegiance

10:00 A.M. --- Bid Opening – Roof Project – Public Safety Building at Nutter Fort

10:00 A.M. --- Public Hearing --- Harrison County Subdivision & Land Development Ordinance Public Hearing is being held or conducted per the statutes of West Virginia. The purpose of this hearing is to gather comments related to the proposed Ordinance. Based upon information and/or comments presented at this hearing the County Commission may consider action to approve and adopt said Ordinance during this meeting or a future meeting. For this meeting the Ordinance will be considered for adoption and approval under New Business item #9

10:30 A.M. --- Special Funding Request --- Charles Lothes --- Marshville Community Center

NEW BUSINESS – Action Items for Consideration or Approval:

1. **Public Comment Period**
2. **Consent Agenda**
3. **Payroll Change Notices:**
   A) Kaitlyn Rollins --- New Hire --- Assessor's Office --- Effective 04-12-2021
4. **Exonerations --- Corrective Tickets --- Joint Property Application**
   A) --- PP-11 --- Macayla M. Sigley
5. **Consolidations of Land --- Segregations of Land**
6. **Consideration of approval of a Project Fund Requisition for the payment of costs associated with the project to be financed from proceeds of the Series 2019 Bonds issued for the Charles Pointe Economic Opportunity Development District, Series 2015 A & B (Development District No. 3 White Oaks Project No. 2) & Series 2008 A (Charles Pointe Project No. 2 – North Land Bay Improvements)**
   A. Requisition for Payment No. 28 --- MuniCap, Inc. - $1,993.75
   B. Requisition for Payment (03-31-2021) --- MuniCap, Inc - $887.50
   C. Requisition for Payment (03-31-2021) --- MuniCap, Inc. –$118.75

7. Consideration of Approval of Project Fund Requisitions for the payment of costs associated with the General Services Administration Building Project to be financed from proceeds of the Series 2020 Bonds issued for the Harrison County Building Commission --- NONE
8. Review – Discuss – Consider an Order Approving the Establishment of Fund #207 --- "American Rescue Plan Act – 2021 Fund"
9. Review – Discuss – Consider the Approval and Adoption of the Harrison County Subdivision and Land Development Ordinance
10. Commissioner Comments – Questions

CONSENT AGENDA - (NOTE: Items May Require Discussion, Review and/or Action)

A. Minutes and /or Amended Minutes of Previous Meeting
   1) March 11, 2021
   2) March 15, 2021
   3) March 16, 2021
   4) March 17, 2021
   5) March 18, 2021
   6) March 22, 2021

B. Requisitions --- Purchase Orders --- Invoices
   1) Vendor Requisition List

C. Weekly Fiduciary Report from the County Clerk

D. Monthly Fiduciary Commission Settlements

E. Monthly Minutes/Financial Information from Various Boards, Committees and Public Service Districts

F. Final Report of the Special Funding Request --- Homes for Harrison --- Mindi Scott

TABLED ITEMS - - Items May Require Discussion and /or Approval

1. Lester Pursley --- Wallace Property --- Donation

Harrison County
Subdivision and Land Development Ordinance

Draft

Enactment [Date]

WVULAW
LAND USE & SUSTAINABLE DEVELOPMENT LAW CLINIC

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Article 1. GENERAL PROVISIONS

Section 1.1 Title

This Ordinance shall be referenced and known as "The Harrison County Subdivision and Land Development Ordinance," and shall be referred to herein as "this Ordinance."

Section 1.2 Authority

The subdivision and land development standards for Harrison County, West Virginia, are established in accordance with West Virginia Code, Chapter 8A, Articles 4 and 5, as amended.

Section 1.3 Statement of Purpose

This subdivision and land development ordinance has been created and adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of Harrison County citizens.
B. To guide in the orderly and efficient growth and development of Harrison County, in accordance with the Harrison County Comprehensive Plan.
C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
D. To ensure that proper provisions are made for drainage, water supply, sewage, and other needed improvements.
E. To protect and conserve the value of land throughout Harrison County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
F. To prevent the pollution of air, streams, ponds, and all other water bodies to safeguard the water table and to encourage the proper use and management of natural resources throughout Harrison County.
G. To preserve the natural beauty and topography of Harrison County and to ensure appropriate development with regard to these natural features.
H. To ensure equitable processing of all subdivision and land development plans and plats by providing uniform procedures and standards for observance by both developers and the Harrison County Planning Commission.

Section 1.4 Statement of Intent

It is the intent of this Ordinance to provide reasonable control and regulations concerning subdivision plans and plats within Harrison County, West Virginia. The ordinance will control the division and development of land within the county for transfer, sale, development, or similar purpose.

Section 1.5 Jurisdiction

This Ordinance applies to all subdivision and development of land, as defined herein, only within the unincorporated portions of Harrison County, West Virginia, within the jurisdiction of the County Commission of Harrison County.

Section 1.6 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements to meet the objectives presented in Chapter 8A, Articles 4 and 5, of the West Virginia Code, as well as the purposes outlined herein. In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed the minimum requirements necessary for the promotion and protection of public health, safety, and welfare.

Where the provisions of this Ordinance and all implementing standards and specifications are more restrictive than those of any other law or any applicable subdivision or land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any law or applicable land development agreement impose greater restrictions upon land development or subdivision than this Ordinance, the provisions of such law or applicable land development agreement shall be controlling.

Section 1.7 Severability and Saving Provision

If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; as affecting the liability of any person, firm, or corporation; as waiving any right of Harrison County under any section or provision existing at the time of adoption of these regulations; or vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of Harrison County except as shall be expressly provided for in these regulations.

Section 1.8 Non-exclusionary Intent

It is not the intent of this Ordinance to exclude any persons or groups with differing economic status, race, color, religion, sex, national origin, disability, or familial status from enjoyment of a residence, land ownership, or tenancy within Harrison County; nor is it the intent of this Ordinance to use public powers in any way to promote the separation within Harrison County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purposes outlined in this Ordinance.

Section 1.9 Enactment

In order that land may be subdivided in accordance with the stated purposes and policies, these subdivision and land development regulations are hereby adopted and made effective as of [Insert DATE of Ordinance Enactment] and shall remain in effect until modified, amended, or rescinded by the Harrison County Commission.

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Section 1.10 Exemptions

The following are exempt from the provisions of this Ordinance:

A. *Agricultural Activity.* The subdivision of real estate or land development for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access and used solely for agricultural activity, as defined herein, referred to as an "agricultural subdivisions," are exempt from this Ordinance, provided that:
    1. Agricultural activity begins or continues within one (1) year of the approval of the agricultural subdivision and continues with not more than one (1) year of abandonment.
    2. All agricultural subdivisions shall contain a covenant on the final plan or plat and on any deed transferring such property that reads.

        This property has been subdivided through the agricultural subdivision provisions of the Harrison County Subdivision and Land Development Ordinance and shall continue in agricultural use unless complying with all applicable Harrison County Ordinances.

        Said covenant is revocable only by consent of the Harrison County Commission and the landowners.
B. *Conversion of a Single-family Dwelling.* The conversion of an existing single-family detached dwelling or single-family, semi-detached dwelling into not more than three (3) separate residential dwelling units, unless such units are intended to be part of a condominium.
C. *Accessory Buildings.* The addition of an accessory building, including farm structures, subordinate to an existing principal building on a lot or lots.
D. Subdivision or land development resulting from partition of land by order of an appropriate court of law.
E. The subdivision or land development is for public purposes such as public utilities, public schools, parks, and public streets.
F. Land owned by government entities.
G. Farm structures, as defined herein.
H. Cemetery development.

Article 2. DEFINITIONS

Section 2.1 Interpretation of Words

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense.
B. Words used in the singular number include the plural, and words used in the plural number include the singular.
C. Words in the masculine include the feminine and vice versa.
D. The word "person" includes a firm, association, organization, limited liability company, limited partnership, corporation, trust, company, as well as a natural individual.
E. The word "County" means Harrison County.
F. The word "shall" and "must" are used to indicate mandatory directives. The word "may" indicates a permissive directive.

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G. The terms "governing body" and "County Commission" shall both mean the County Commission for Harrison County, West Virginia.
H. The term "Planning Commission" shall mean the Planning Commission for Harrison County, West Virginia, pursuant to Chapter 8A of the West Virginia Code.
I. The term "Planning Department Staff" shall mean the Harrison County Planning Department.

Section 2.2 Definition of Terms

1. Abandonment: The cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or lessee to continue the use or without any intention to resume the use for a period of one (1) year. Abandonment shall be presumed if one (1) or more of the following conditions exists, indicating intent on the part of the property owner to abandon the nonconforming use:
    i. When the intent of the owner to discontinue the use is apparent;
    ii. Utilities, such as water, gas, and electricity to the property have been disconnected;
    iii. The property, buildings, and grounds have fallen into disrepair as evidenced by proper code violation documentation; or
    iv. The business license has expired.

2. Agent: Any person authorized by another to act for him or her.

3. Aggrieved or Aggrieved Person is a person who:
    i. Is denied by the Planning Commission, in whole or in part, the relief sought in any application or appeal; or
    ii. Has demonstrated that he or she will suffer a peculiar injury, prejudice, or inconvenience beyond that which other residents of the county may suffer.

4. Agricultural Activity: The practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food and other products.

5. Alley: A service roadway less than twenty (20) feet in width, providing a secondary means of access to abutting property and not intended for general traffic circulation.

6. Applicant: The owner of land proposed to be subdivided or developed or its representative who shall have express written consent to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

7. Application: The completed form or forms and all accompanying documents, exhibits, materials, and fees required of an applicant by the applicable department, board, or commission of the county for subdivision or land development review, approval, or permitting purposes.

8. Block: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or other natural boundaries.

9. Bollard: A short, vertical, and permanent post, usually ornamental in nature, used to inhibit trespass by persons or vehicles, or to prevent encroachment onto private property or other defined space.

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10. Boundary Line Adjustment: Also known as a lot line adjustment, accommodates a transfer of land between separate, but adjacent lots. Boundary line adjustments do not create additional lots or building sites. A boundary line adjustment allows legal transfer of ownership and minor relocation of property boundaries, or merging lots for any recorded or unrecorded, subdivided parcel. Changes in lot configuration are also included, provided that the building site remains within the original parent parcel. This process allows for corrections to created gaps or overlaps of property caused by erroneous occupation or legal description. Boundary line adjustments include transfer of parcels of real estate to achieve boundary line settlement or adjustment. Boundary line adjustments cannot involve more than 10% of the land in either parcel involved in the adjustment.

11. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

12. Building Setback The required minimum distance between any structure and an adjacent right-of-way or property line.
    i. Front Setback: The shortest distance between the building setback line and the front lot line.
    ii. Rear Setback: The shortest distance between the building set back line and the rear lot line.
    iii. Side Setback: The shortest distance between the building set back line and the side lot lines.

13. Buffer Area: An area of undeveloped land with regularly maintained plantings or vegetated space.

14. Campground: A site designed, designated, maintained, intended, or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents, or recreational equipment open to the public for free or for a fee. Temporary living purposes shall not, in any case, exceed 180 days in any calendar year.

15. Clear Sight Triangle: Also referred to as adequate sight distance. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the center lines of streets.

16. Clerk of the County Commission: The Clerk of the County Commission of Harrison County, West Virginia.

17. Cluster: A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural or built resources.

18. Common Area: Property held in common by mutual ownership or by an association of property owners within a development or held in corporate ownership for the benefit of each owner within a development.

19. Community Facilities: Existing, planned, or proposed parks, playgrounds, schools, and other public lands and buildings owned or maintained by a local government.

20. Comprehensive Plan: A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals, and objectives for all activities that affect growth and development in the governing body's jurisdiction.

21. Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon that would normally be used by all the occupants, together with individual ownership in fee, of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial buildings or on property.

22. Construction Plans. The engineering drawings showing the construction details and the types of material for the physical structures and facilities (excluding dwelling units) and infrastructure to be installed in conjunction with the development of the project.

23. Contiguous: Next to, abutting, and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads, or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine whether lots, parcels, municipal boundaries, or county boundaries are contiguous.

24. Covenant: An agreement, restriction, or condition placed on a parcel of land that remains attached to the land and entitles successive landowners to its benefits or obligations.

25. Cul-de-sac: A local street, one end of which is permanently closed to dedication to public use and consists of a circular turn around or other approved design, for the purpose of allowing vehicles to change their direction of travel within the improved right-of-way.

26. Curb: A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

27. Dedication: The deliberate setting aside and appropriation of land by its owner for any general or public uses, reserving to the owner only those rights that are compatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

28. Deed Restriction: A limitation placed within a deed that controls the use of the property. Deed restrictions run with the land and cannot generally be removed by new owners.

29. Density: The average number of dwelling units allowed on one (1) acre of land. It may also measure the number of families, housing units, or rental rooms.

30. Developer: The individual or entity undertaking the land development or subdivision in an application.

31. Drainage: Any ditch, gutter, pipe, culvert, stormwater management facility, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting diffused waters from or

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carrying surface waters off streets, public rights-of-way, parks, lots, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

32. Driveway: A privately owned vehicular access from a street to properties that abut the street and that serve no more than four (4) dwelling units. Any vehicular access that serves more than 4 dwelling units shall either be considered either a street or a private road.

33. Dwelling unit: Any dwelling or portion thereof used or intended to be used by one (1) family and providing complete housekeeping facilities.

34. Easement: A grant by a property owner of the use of a designated part of his or her land by another party for a specified purpose and for a specified time.

35. Factory-built Home includes manufactured and mobile homes as defined:
    i. "Manufactured Home" means a home that meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and the federal manufactured home construction and safety standards and regulations promulgated by the secretary of the United States department of housing and urban development.
    ii. "Mobile Home" means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and usually built to the voluntary industry standard of the American national standards institute (ANSI), A119.1 standards for mobile homes.

36. Factory-built Home Community: A parcel of land subdivided or developed for two (2) or more factory-built homes occupied on a continual, non-recreational basis, together with any structure, equipment, street, or facility intended for use incidental to the occupancy of the factory-built home or homes.

37. Family: An individual or two (2) or more persons related by blood, marriage, adoption, or foster relationship, or no more than three (3) unrelated individuals and individuals related by blood, marriage, adoption, or foster relationship to any of those three (3) unrelated individuals, living together on a non-profit basis as a single housekeeping unit and sharing common living, dining, and kitchen areas.

38. Farm Structure: Buildings and other structures used primarily for agricultural activities, as defined herein, including, but not limited to, garages, barns, coops, sheds, stables, silos, greenhouses, root cellars, pigpens, and slaughterhouses.

39. Fire Hydrant: A connection point, usually along a public right-of-way, where firefighters can connect into a water supply for purposes of fire suppression.

40. Frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines is the lot frontage.

41. Governmental Entity: Any federal, state, or local government, and any body, board, department, commission, court, tribunal, authority, agency or other instrumentality of any such government or otherwise exercising any executive, legislative, judicial, administrative, or regulatory functions of such government.

42. Grade: The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

43. Grading: Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

44. Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level.

45. Homeowner's Association (HOA) or Business Owner's Association (BOA): An incorporated nonprofit organization operating under a recorded land agreement through which (a) each lot owner is automatically a member and (b) each lot is typically subject to a proportionate share of the expense for the organization's activities, including, but not limited to, maintaining drives, streets, roads, and other common areas.

46. Immediate Family Members: With respect to a "family subdivision," means a spouse, any child or children, and any stepchild or stepchildren, grandchild or grandchildren, step-grandchild or step-grandchildren, and parent or parents.

47. Improvement Location Permit: A permit issued for the construction, erection, installation, placement, rehabilitation, or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.

48. Infrastructure: Facilities and services needed to sustain industrial, residential, commercial, and all other land use activities, including water, sewer lines, and other utilities; stormwater management facilities; streets and roads; communications facilities; emergency or public facilities such as fire stations, parks, and similar facilities; but not including solar or wind facilities utilized for electrical-generating purposes.

49. Land Development: The improvement of one (1) or more lots, tracts, or parcels of land by any means and for any purpose except the following: easements; rights-of-way; exemptions under Section 1.10; and construction of private roads for extraction, harvesting, or transporting of natural resources or agricultural products.

50. Land Development, Major: As defined in Section 3.4 in this Ordinance.

51. Land Development, Minor: As defined in Section 3.2 in this Ordinance.

52. Landscaping: The bringing of the soil surface to a smooth finished grade, installing trees, shrubs, ground cover, grass, and similar vegetation to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises.

53. Lot: A portion of a subdivision or land development or other parcel of land legally described or delineated as a unit.

54. Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.

55. Lot Width: The measure of frontage for lots and the distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less.

56. Metes and Bounds: A method of describing the boundaries of land by courses and distances.

57. Multi-family Development: A structure designed for or occupied exclusively as a residence with two (2) or more dwelling units, whether they have direct access to the outside or access to a common entrance.

58. Monument: A marker placed in the ground for delineating the survey of a subdivision or land development, the boundaries of a political subdivision, or to facilitate a geographic information system.

59. Official Submission Date: The date upon which an appropriate employee or agent of Harrison County receives an application for a subdivision or land development.

60. Off-tract Infrastructure: Facilities and systems created, maintained, and operated by a governmental or quasi-governmental entity that are not found on the parcel or parcels in question for a given application pursuant to this Ordinance. These facilities and systems include, but are not limited to, roads, wastewater facilities and collection lines, water facilities and distribution lines, and stormwater management facilities.

61. Open Space: Land area to be left undeveloped as part of a natural resource preservation, recreation, buffer yards, or other open space provision of this Ordinance. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents of the subdivision. Public open space is designed and intended for common use and the enjoyment of the residents of Harrison County.

62. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and to maintain proceedings to subdivide or develop the same under this Ordinance.

63. Parcel: Land that can be owned, sold, and developed. Parcels have legal descriptions that not only describe their boundaries but also contain information concerning rights and interests.

64. Parent Parcel or Tract: A parcel or tract of land prior to subdivision.

65. Plan: A written description for the development of land or subdivision.

66. Plat: The map, drawing, or chart on which the applicant's plan or layout of a land development or subdivision is shown, indicating the location and boundaries of individual properties, and that is submitted to the Planning Commission for approval as part of a major land development or subdivision plan or to staff for approval of minor land developments or subdivisions.

67. Plat, Final: The map, drawing, or chart, based upon the advancement of the preliminary plan, in which the applicant's plan is submitted to the Planning Commission for final approval and which, if approved, shall be recorded in the office of the Clerk of the County Commission in accordance with Chapter 39, Article 1, Section 13, of West Virginia Code, 1931, as amended.

68. Plat, Preliminary: The map, drawing, or chart on which the layout and design of a proposed subdivision or land development is shown and which is submitted to the Planning Commission for consideration and advancement as part of a preliminary plan.

69. Practicable, Not: When the physical characteristics of the terrain prevent meeting a standard of this Ordinance without incurring significant additional costs.

70. Professional Engineer: A person who has been duly registered or licensed as a professional engineer by the West Virginia State Board of Registration for Professional Engineers. The board may designate a professional engineer, based on education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence. Anywhere the term "engineer" is used, a professional engineer is required.

71. Public Improvement: Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.

72. Public Service District: A legally constituted public corporation created by the County Commission pursuant to Article 13a, West Virginia Code, authorized to acquire, construct, and operate water and sewer systems.

73. Public Sewer System: Any sewer, sewerage system, sewage treatment works or part thereof, designed, intended, or constructed for the collection, treatment, or disposal of liquid waste, including industrial waste, with a daily design flow greater than one thousand (1,000) gallons per day with subsurface discharge or greater than six hundred (600) gallons per day with surface discharge, serving one (1) or more dwellings or establishments. A single entity owns and performs maintenance on the system.

74. Public Utilities: All persons, firms, corporations, co-partnerships or municipal authorities providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

75. Public Water: A public water system:
    i. Shall include any water system or supply that regularly supplies or offers to supply piped water to the public for human consumption, if serving at least an average of twenty-five (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) service connections;
    ii. Shall include any collection, treatment, storage, and distribution facilities under the control of the owner or operator of such system and used primarily in connection with such system;
    iii. Shall include any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system; and
    iv. Shall not include a system that meets all of the following conditions:
        a. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
        b. Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;
        c. Does not sell water to any person; and
        d. Is not a carrier conveying passengers in interstate commerce.

76. Recreational Vehicle: Includes travel trailers, pickup coaches, motorized homes, and similar vehicles.
    i. "Travel Trailer" means a portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.
    ii. "Pickup Coach" means a structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation purposes.
    iii. "Motorized Home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

77. Recreational Vehicle Park: A location for recreational vehicles to park or locate overnight or longer in allotted spaces for temporary recreational purposes.

78. Reserve Strips: Also known as "spite strips," means a parcel of ground in separate ownership, separating a street from adjacent properties.

79. Re-subdivision: The subdivision of land that has been previously subdivided. Re-subdivisions may include, but are not limited to, combining of lots, dividing a lot between adjacent lots, and alterations or changes of lot lines.

80. Right-of-way: An area of land that is dedicated to be occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

81. Road Right-of-way Width: The distance between property lines measured at right angles to the centerline of the right-of-way.

82. Roadway: The portion of a street right-of-way that is paved, improved, designated, or intended for vehicular traffic.

83. Septic Tank: A multiple compartment, watertight receptacle that receives sewage from a building or structure and is designed and constructed to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

84. Sidewalk: A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

85. Single-family Dwelling: A detached structure designed for or occupied exclusively as a residence for only one family.

86. Slope: The change in the vertical measurement (rise) divided by the change in the horizontal measurement (run). Slope is written as a ratio or a percentage.

87. Special Flood Hazard Area (SFHA): Also referred to as a flood-prone area, the area that will be inundated by flood waters and having a one (1%) percent chance of being equaled or exceeded in any given year. The one (1) percent annual chance flood is also referred to as the base flood area or the one hundred (100) year flood area.

88. Stormwater Management: The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.
    i. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff that may be caused by land disturbing activities or activities upon the land; and
    ii. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

89. Street: Avenues, boulevards, highways, roads, lanes, alleys, and other public ways.

90. Street, Arterial: A street that serves, or is designed to serve, as a connection between uses that generates heavy traffic volumes or between other arterial streets.

91. Street, Collector: A street that serves or is designed to serve as the connection from local streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

92. Street, Local: A street that serves or is designed to serve primarily as access to abutting properties.

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93. Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels of land, or the recombination of existing lots, tracts, or parcels. For the purposes of this Ordinance a re-subdivision is considered a subdivision.

94. Subdivision, Major: As defined in Section 3.3 in this Ordinance.

95. Subdivision, Minor: As defined in Section 3.1 in this Ordinance.

96. Surety: A financial guaranty that the improvements proposed in the subdivision or land development application are made as planned. If improvements are not made by the applicant, the local government can use surety funds to complete the work as planned. Includes but is not limited to performance bonds, cash in escrow, a letter of credit, and similar collateral.

97. Tract: Means the same as and used interchangeably with the term "lot," particularly where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.

98. Utility Easement: Conveyance of a right-of-way for purposes of facilitating, metering, or transmission of water, sewer, electricity, gas, telephone, cable television services, internet, and similar services.

99. Waiver: The intentional deviation of a portion of the requirements of this Ordinance by the Planning Commission or Planning Department Staff.

100. Water Well: Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted that enters or passes through an aquifer for purposes that may include, but are not limited to a water supply, exploration for water, dewatering, or heat pump wells, but not including groundwater monitoring activities and all activities for the exploration, development, production, storage, and recovery of coal, oil, and gas, and other mineral resources regulated under Chapters 22, 22a, or 22b of the West Virginia Code.

101. Yard, Front: A space extending the full width of the lot between the architectural front of the principal building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line.

102. Yard, Rear: A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line.

103. Yard, Side: A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building façade.

Article 3. GENERAL REVIEW STANDARDS

Section 3.1 Minor Subdivisions

A. Minor subdivisions are those divisions of land that do not require the development of new off-tract infrastructure, do not require the extension of existing off-tract infrastructure, and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously-owned parcels of record, and include the consolidation of parcels of land, except that:
    1. In no case shall an applicant or applicants be permitted to pursue a series of minor subdivision processes when, in total, the parent tract to be subdivided would otherwise be subject to the major subdivision process.
    2. New lots created under the minor subdivision process may not be re-subdivided under the same minor subdivision process.
B. *Family Subdivisions.* Land transfers to immediate family members, as defined herein, are subject to the same standards as minor subdivisions and require the following:
    1. The deed shall identify the relationship between the Grantor and Grantee, describing the real estate and right-of-way center line being conveyed by use of plat and metes and bounds description prepared by a licensed West Virginia surveyor.
    2. Any rights-of-way deeded for ingress and egress shall have a width of not less than sixteen (16) feet if providing access to four (4) or fewer lots, If providing access to more than four (4) lots, the rights-of-way deeded for ingress and egress shall have a width of not less than twenty-four (24) feet. If a family subdivision ingress and egress is originally services four (4) or fewer lots but later additional lots subdivided under this section are created and are to be serviced by existing ingress and egress then the rights-of-way shall be widened to no less than twenty-four (24) feet. These rights-of-way widths are in addition to easements or rights-of way that may be required for drainage, construction maintenance, and placement or maintenance of public utilities.
    3. A family subdivision grantee may receive any number of lots resulting from family subdivision within Harrison County, so long as each transfer independently meets the requirements contained within this provision. When lots conveyed by family subdivision are subsequently conveyed to anyone other than an immediate family member, as defined herein, said lots shall not be transferred as a family subdivision and shall be subject to the provisions of this subdivision and land development ordinance as a minor or major subdivision without the benefits of the provisions applying to family subdivisions.
    4. Before any transfer by an immediate family member is recorded, the following language shall be included in the deed:

> *"The lot transferred is to be used for a single-family residence. Any further subdivision will be considered a major subdivision and will be subject to the major subdivision or equivalent county subdivision and land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years, except to an immediate family member, unless an exception under the Harrison County Subdivision and Land Development Ordinance applies. Any other transfer of this lot within the five (5) year period to anyone but an immediate family member shall place the lot in violation of the Harrison County Subdivision and Land Development Ordinance."*

5. Proof of immediate family member status shall be provided in the form of official documents, including, but not limited to, birth certificates, marriage licenses, and court documents finalizing adoption.
6. For the purposes of this subsection, "land transfers" shall not include:
    i. Deeds to trustees to secure a debt, except foreclosures not transferred at public auction, and provided the provision set out in Subsection 4. appears in the deed of trust;
    ii. Judicial sales or tax sales;
    iii. Mortgages;
    iv. Deeds of partition under or pursuant to a court order; or
    v. Real estate transferred by will or intestacy.

Section 3.2 Minor Land Development

Minor land development follows the same procedures as a minor subdivision and includes only the following, provided that public improvements are not required:

A. A residential improvement or development of two (2) or fewer dwellings on a lot (single family or stacked duplex); or
B. A commercial improvement or development with less than five thousand (5,000) square feet of gross floor area developed.
C. Merger or boundary line adjustment.

Section 3.3 Major Subdivisions

Major subdivisions are subdivisions that are (1) not a minor subdivision and (2) not exempt from this Ordinance under Section 1.10.

Section 3.4 Major Land Development

Major land development shall include all development not defined as minor land development, and shall follow the same procedures that a major subdivision follows.

Article 4. MINOR SUBDIVISION AND MINOR LAND DEVELOPMENT APPLICATION

Section 4.1 Purpose

The purpose of this Article is to enumerate the procedures, requirements, and criteria for the division of land and land development within Harrison County, West Virginia, that meet the definition of "Minor Subdivision" or "Minor Land Development" pursuant to Article 3 of this Ordinance.

Section 4.2 Criteria

The Planning Department Staff is responsible for determining whether a subdivision or land development application meets the criteria for a minor subdivision or minor land development process.

The Planning Department Staff shall approve a minor subdivision or land development application if all applicable requirements contained within this Ordinance are fulfilled. In order for a subdivision or land

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development to be classified as a minor subdivision or land development, the applicable criteria of Articles 3 and 4 of this Ordinance must be met. All minor subdivisions and land development shall be consistent with the comprehensive plan.

Section 4.3 Minor Subdivision and Minor Land Development Application Requirements

In addition to the requirements herein, all minor subdivisions and minor land development plans and plats shall have no less than the following before being considered complete:

A. A map showing the relative location of the land to be subdivided or developed, with roads, place names, and other identifiable landmarks.
B. All plans and plats should be printed on paper no less than eleven (11) by seventeen (17) inches in size.
C. All plans and plats shall have a north arrow, map legend, scale bar, date of completion, and title.
D. Harrison-Clarksburg Health Department approval for on-site well and septic system is required for minor subdivisions and land development.

Section 4.4 Minor Subdivision and Minor Land Development Procedures

The following procedures must be followed in accordance with the West Virginia Code, as amended:

A. *Application Meeting.* Within seven (7) days after the submission of the subdivision or land development plan and plat, the applicant and the staff of the Planning Department Staff shall meet to discuss the proposed subdivision or land development and the criteria used to classify the proposal as minor.
B. *Site Inspection.* Planning Department Staff may make a site inspection of the proposed subdivision or land development.
C. *Determination.* Within ten (10) days after the submission of the subdivision or land development plan and plat, Planning Department Staff shall notify the applicant in writing if the proposed subdivision or land development application has been classified as a minor subdivision or minor land development.
D. *Approval.* Within ten (10) days after a subdivision or land development application has been classified a minor subdivision or minor land development, the Planning Department Staff, shall approve or deny the plan and plat. If the Planning Department Staff approves the plan and plat, then the Staff shall affix its stamp on the plan and plat. If the Planning Department Staff approves the plan and plat with conditions, then the Planning Department Staff must state the conditions. If the Planning Department Staff denies the plan and plat, then the Planning Department Staff shall notify the applicant in writing of the reasons for the denial.
E. *Recordation.* After approval of a minor subdivision or minor land development plan and plat by the Planning Department Staff and before the subdivision or land development is commenced, the subdivision or land development plan and plat shall be recorded, within ninety (90) days of approval, by the applicant in the office of the Clerk of the County Commission where the land is located. Three (3) paper copies of the final plan and plat must be submitted to the Planning Department Staff.
F. *Appeals.* Appeals of any decision made by the planning department staff in regard to a minor subdivision or land development application shall follow Article 16 of this Ordinance.

Article 5. MAJOR SUBDIVISION AND MAJOR LAND DEVELOPMENT APPLICATION

Section 5.1 Purpose

The purpose of this Article is to enumerate the procedures, requirements, and criteria for the division of land and land development within Harrison County, West Virginia, that meets the definition of "Major Subdivision" and "Major Land Development" pursuant to Article 3 of this Ordinance.

Section 5.2 Criteria

The Planning Commission is responsible for determining whether a subdivision or land development application meets the criteria for a major subdivision or major land development process. The Planning Commission shall approve a major subdivision or major land development application if all applicable requirements contained within this Ordinance are fulfilled. All major subdivisions and land development shall be consistent with the comprehensive plan.

Section 5.3 Applicant's Election as to Process

A. An applicant for approval of a major subdivision or land development may elect, by appropriately indicating on the applicant's initial application, either to:
    1. Seek final plan and plat approval in the initial application and forgo the optional step of preliminary plan and plat approval; or
    2. Initially seek approval of the preliminary plan and plat and, after such approval has been obtained, later seek separate approval of the final plan and plat.
B. *Final Plan and Plat Approval as Initial Step.* If the applicant elects to seek final plan and plat approval in the initial application, the final plan and plat shall satisfy all the requirements under Section 6.5 of this Ordinance. Sections 5.6 and 5.7 of this Ordinance shall apply to the application for approval of the final plan and plat.
C. *Preliminary Plan and Plat Approval and Final Plan and Plat Approval as Separate Steps.* If the applicant elects to first seek approval of a preliminary plan and plat, followed by approval of a final plan and plat, the following provisions shall apply:
    1. Section 5.5 shall apply to both the application for approval of the preliminary plan and plat and the application for approval of the final plat. The Planning Commission may develop application forms specific to each process and, in such case, the appropriate form shall be submitted.
    2. Section 5.6 shall apply to both the application for approval of the preliminary plan and plat and the application for approval of the final plan and plat. In the case of the application separate preliminary and final approvals, the review for completeness shall include a determination of whether the final plan and plat conforms substantially to the preliminary plan and plat previously approved by the Planning Commission. If the Planning Commission determines by vote that the final plan and plat conform substantially to the approved preliminary plan and plat and that the application otherwise contains all required content, the application for approval of the final plan and plat shall be approved without further public hearing or action of the Planning Commission, such approval may include conditions if approved by vote of the Planning Commission. If the Planning Commission determines by vote that the final plan and plat fails to conform substantially to the approved preliminary plan and plat, the application shall be deemed

an application for approval of a revised preliminary plan and plat that must be reconsidered for approval by the Planning Commission after an additional public hearing.

3. Section 5.7 only applies to the application for approval of the preliminary plan and plat. The seal placed upon a preliminary plan and plat under subsection (F) shall clearly and legibly specify that only the preliminary plan and plat is approved and that the plan and plat may not be filed in the office of the Clerk of the Harrison County Commission.
4. The final plan and plat application must be submitted and completed within three (3) years of the approval of the preliminary plan and plat. The applicant may seek an extension in one (1) year increments, not to exceed two (2) in number. The Planning Commission, in reviewing the extension, shall take into consideration the status of the application from outside agencies and changes within the vicinity to better accommodate a changed level of service.

D. *Amendment of Approved Plans and Plats.* Approved final subdivision or land development plans and plats may be amended only if the proposed amendment is approved by the Planning Commission by vote. The Planning Commission shall require a public hearing, in accordance with Section 5.7, regarding the amendment if the Planning Commission determines by vote that the nature of the proposed amendment, and the degree to which it modifies the previously approved plan and plat, create a legitimate interest of the public.

E. *Amendments to Preliminary and Final Plans and Plats.* All amendments to preliminary or final plans and plats must be approved by the Planning Commission. Amendments considered by the Planning Commission to be major will require a new public hearing. Major changes include an increase in density or number of lots or units, increase in traffic impact, changes to the proposed uses or types of units (i.e. a change from single-family housing to townhouse units), or any other change the Planning Commission deems substantial in nature. Minor changes, such as layout within a subdivision or land development, that do not increase or reduce the number of lots, roads, or other such infrastructure may be approved by the Planning Department Staff on a case-by-case basis.

Section 5.4 Optional Pre-submittal Conference

In addition to the requirements of Section 5.3, and other applicable requirements, an applicant may request in writing a pre-submittal conference with the Planning Department Staff. The Planning Department Staff shall schedule and hold the pre-submittal conference within fifteen (15) business days of request receipt. The meeting can be held beyond fifteen (15) days if at the request of or due to inactivity by the applicant. The applicant should bring ideas and concepts for the proposed subdivision or land development to the pre-submittal conference. The purpose of the pre-submittal conference is for Staff to explain the SALDO process, application requirements, approval process, and key deadlines and to provide the applicant an opportunity to present ideas and concepts and receive comments and suggestions from the Planning Department Staff before an application is submitted.

Section 5.5 Application

A request for approval of a major subdivision or major land development by the Harrison County Planning Commission shall be made by filing an application for approval of a plan and plat, which shall be prepared in accordance with the regulations set forth in this Section. The application shall consist of the following:

A. A written application in the format developed and approved by the Planning Commission, completed and signed by the applicant;
B. A copy of the proposed subdivision or land development plan and plat, compliant with the requirements of this Ordinance; and
C. The appropriate fees, proportionate to the cost of checking and verifying proposed plan and plats, as established by the County Commission for the subject subdivision or land development and as set out in the Fee Schedule available at the County Office. Approval of the plan and plat by the Harrison-Clarksburg Health Department, the applicable Public Service District, applicable Utility Board, the 911 office, the applicable electric utility, the West Virginia Division of Highways, and all other applicable permitting authorities shall also accompany the application if the application is for final plat and plan approval. These approvals are required for consideration of final plat and plan approval.

Section 5.6 Determination of Completeness of Application

A. Upon written request of the applicant for a determination of completeness, and within forty-five (45) days after receipt of the application, the Planning Commission shall review the application for completeness. The Planning Commission shall determine by vote whether the application is complete based upon a finding that the application meets or does not meet the requirements for completeness as set forth in this Ordinance.
B. If the Planning Commission determines the application is complete and the subdivision or land development has been appropriately categorized as major or minor under Article 3, the application is accepted for further review.
C. If the application is not complete or if the Planning Commission determines the subdivision or land development has not been appropriately categorized as major or minor under Article 3, the Planning Commission shall deny the application and notify the applicant in writing the reasons for denial. Any such denial shall not prevent the applicant from re-submitting a complete application for the same project.

Section 5.7 Approval of Major Subdivision and Land Development Plan and Plat

A. In accordance with West Virginia Code Section 8A-5-8, at the meeting at which an application is determined to be complete, the Planning Commission shall set a date, time, and place for a public hearing and a meeting to follow the public hearing to vote on the application. The public hearing must be held within forty-five (45) days of the meeting at which the application is determined to be complete. The public meeting at which the vote on the application is made shall take place within fourteen (14) days of the public hearing.
B. The Planning Commission shall notify the applicant of the public hearing and meeting in writing unless notice is waived in writing by the applicant. The Planning Commission shall publish notice of the public hearing and meeting in a newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing.
C. The applicant must post, at least twenty-one (21) days prior to the public hearing, and thereafter maintain until the conclusion of the public hearing, a sign giving notice of the date, time, and place of the public hearing, which will be provided to the applicant and shall be placed by the applicant on the property such that the information is clearly legible from the public right-of-way. The applicant shall notify by certified mail the owners and homeowner's association of any abutting property owners at least fourteen (14) days prior to the public hearing.

D. At the meeting at which the vote on the application is made, the Planning Commission shall vote to approve, approve with conditions, deny, or hold the application. If the Planning Commission determines by vote that additional information is necessary to determine whether to approve or deny the application, the application may be held for up to forty-five (45) days for such additional information.
E. The Planning Commission shall approve the application if the Planning Commission determines by vote that the application is complete and meets the requirements of this Ordinance. Each application shall demonstrate compliance with all requirements set forth in this Ordinance specific to the applicable category of subdivision or land development, as well as all applicable general standards in this Ordinance.
F. If the Planning Commission approves the application, the Planning Commission shall place upon the subdivision or land development plan and plat the Planning Commission's seal and the date of approval, provided the seal placed upon a preliminary plan and plat shall clearly and legibly specify that only the preliminary plan and plat is approved and may not be filed in the office of the Clerk of the County Commission.
G. If the Planning Commission approves the application with conditions, the Planning Commission shall provide the conditions in writing to the applicant and attach the same to the plan and plat before placing the seal and date of approval.
H. If the Planning Commission denies the application, the Planning Commission shall notify the applicant in writing by certified mail of the reasons for the denial, postmarked not more than ten (10) days from the date of the meeting when the denial occurred. The applicant may request, one (1) time, a reconsideration of the decision of the Planning Commission, which request for reconsideration must be made in writing by mail, postmarked not more than ten (10) days after the decision of the Planning Commission is received by the applicant.

Section 5.8 Recording a Major Subdivision or Land Development Plan and Plat

After final approval of a major subdivision or land development plan and plat by the Harrison County Planning Commission, and after any conditions for such approval have been incorporated into the plan and plat, the subdivision or land development plan and plat shall be recorded by the applicant in the office of the Clerk of the Harrison County Commission within thirty (30) business days. No subdivision or development of land shall be commenced until the approved plan and plat is recorded in said office.

Article 6. PLAN AND PLAT REQUIREMENTS

Section 6.1 Purpose

The requirements contained in this Article shall govern the submission and processing of all applications for subdivision and land development in Harrison County.

Section 6.2 Plan and Plat Process Options

A. An applicant shall indicate on the application, pursuant to Section 5.3, whether the applicant is seeking (1) a preliminary plan and plat review approval, then a final plan and plat approval or (2) only final plan and plat approval.
    1. If the applicant chooses the preliminary plan and plat review process option, the application is subject to Sections 6.3 and 6.4 (not 6.5).

2. If the applicant chooses the final plan and plat review process only option, the application is subject only to Section 6.5 (not 6.3 and 6.4).

B. Re-platting any part of a major subdivision or land development project requires a new application and adherence to the same processes outlined herein.

Section 6.3 Preliminary Plan and Plat Requirements

Seven (7) copies of all required documentation in this section shall be provided by the applicant at the time of application submittal. No application shall be given preliminary plan and plat approval without having all required documentation.

A Preliminary Plan and Plat Application shall adhere to the following provisions:

A. A written plan shall be developed for a subdivision or land development that includes, but is not limited to:
   1. The name of the subdivision or land development;
   2. The names and addresses of all applicants and all property owners;
   3. The type of subdivision or land development and the number of uses to be conducted in the subdivision or land development;
   4. Total area (acres or square miles) of the proposed subdivision or land development;
   5. Provisions for obtaining water, sewer, utilities, and other services;
   6. An analysis of the soil type in the proposed subdivision or land development; and
   7. An erosion and sediment control plan developed pursuant to West Virginia Department of Environmental Protection Erosion and Sediment Control Best Practices Manual and applicable provisions of this ordinance.

B. Preliminary plats shall be drawn to a scale of one hundred (100) feet to the inch or larger on a sheet or sheets not less than nine (9) inches by fifteen (15) inches, nor more than twenty-four (24) inches by thirty-six (36) inches. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A blank space, three (3) inches by five (5) inches shall be reserved for use of the approving authority. The preliminary plat shall contain:
   1. The preliminary plat shall be labeled "Preliminary Plat" clearly and in large letters (not less than 1/10 of an inch tall);
   2. The name of the subdivision or land development;
   3. The names and addresses of the applicants;
   4. A north arrow;
   5. A map legend;
   6. An explanation of scale and a scale bar;
   7. A topographic map of the land to be subdivided or developed at the same scale as the plat;
   8. All existing pertinent features, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing buildings, historic areas, cemeteries, drainage structures, year-round springs and existing wells;
   9. Special Flood Hazard Areas;
   10. Boundary survey information with date of survey. A boundary survey shall have an error of closure within the limit of one in seventy-five hundred (1/7500) relating to the true meridian and show all monuments' location and type of material. The boundary survey may be related to United States Coast and Geodetic Survey (U.S.C. and G.S) and state grid north if the coordinates of two (2) adjacent corners of the subdivisions or land

development are shown. Bearing and distance ties to at least two (2%) percent tract corners or significant adjoining corners shall be indicated;

11. Number and layout of lots clearly marked with approximate dimensions and areas;
12. Proposed well locations and septic system reserve areas;
13. Approximate locations of existing and proposed sewer, water, and storm drainage signs;
14. Approximate location and type of streets, sidewalks, and landscaping;
15. Approximate locations for all existing and proposed easements and rights-of-way;
16. Areas dedicated to public use;
17. The approximate location and size information for any structures or structural developments that are planned to be constructed;
18. The name, address, and registration number of the surveyor or professional engineer licensed in the state of West Virginia who made the plan and plat; and
19. A survey or drawing showing any proposed land disturbances or grading.
20. All plans and plats shall be stamped by professional engineer licensed in the state of West Virginia or surveyor licensed by the State of West Virginia.

C. A proximity map that shows location of proposed subdivision or land development at a scale of not less than one (1) inch equals five thousand (5,000) feet indicating:

1. Adjoining roads' approximate location, names, and numbers;
2. Names and addresses of all adjoining property owners;
3. The type of land use existing on all adjoining properties;
4. Names of municipalities and subdivisions within five (5) miles of proposed subdivision or land development;
5. All existing pertinent features, within five hundred (500) feet of and including the proposed subdivision or land development, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing buildings, historic areas, cemeteries, drainage structures, year-round springs, and existing wells;
6. Special Flood Hazard Areas within five hundred (500) feet of and including the proposed subdivision or land development; and
7. Existing topography with five (5) foot contour intervals (or smaller) within five hundred (500) feet of and including the proposed subdivision or land development.

D. A letter from the property owner, if different from the applicant, authorizing the applicant to act as their agent with full authority.

E. A title letter signed by an attorney currently licensed in the State of West Virginia setting forth the source of title of owner of the land to be subdivided or developed, and the place of record of the last instrument in the chain of title. When the subdivision or land development consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

F. Copies of existing and proposed deed restrictions or protective covenants.

G. Topography, Geologic, and Soil Conditions. Topographic, soil, and geologic conditions must be suitable for the type of construction proposed. The Planning Commission may require the applicant to provide a report prepared by a professional engineer licensed in the state of West Virginia with supporting data sufficient to establish all pertinent surface and subsurface soil conditions that could adversely affect the development and showing proposed solutions.

H. *Utilities.*

1. The proposed location and size of all utilities.
2. Details regarding the material of water distribution and sewer collection lines.

3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.

I. *Streets.*
   1. The proposed location of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries.
   2. All site entrances, opposing entrances, and median breaks on adjacent streets.
   3. A proper connection to any existing or proposed public street shall be shown where appropriate.
   4. A typical cross section of each type of street shall be included.
   5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
   6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
   7. Projected Average Daily Traffic (ADT) counts for the development project at build out shall be shown at internal street intersections and all entrances to the site.

Section 6.4Final Plan and Plat Approval

Seven (7) copies of all documentation required in this section shall be provided by the applicant at the time of application submittal. The final plan shall conform substantially to the preliminary plan as approved by the Planning Commission. If substantive changes have been made, as determined by the Planning Commission, the plan shall be considered a revised preliminary plan, which must be re-approved by the Planning Commission and the permitting agencies indicated in Section 6.3.

The Final Plan and Plat Application shall include the following information:

A. The location of the proposed development on a vicinity map at a scale of one thousand (1,000) feet or more to the inch, indicating the location of the property with respect to surrounding property and roads;
B. The final plat shall have the words "Final Plat" printed clearly and in letters measuring at least one-tenth (1/10) of an inch in height;
C. The accurate location and dimensions by bearings and distance with all curve data of all lot lines;
D. Boundaries of all easements, parks, school sites, and public areas;
E. The number and area of building sites;
F. All dimensions shall be shown in feet and decimals of a foot to the closest one (0.01) hundredth (1/100th) of a foot and meters to the closest millimeter; all bearings in degrees in minutes and seconds to the nearest thirty (30) seconds.
G. Organizational papers for a homeowners association, including the proposed Articles and By-Laws;
H. Exact location and type of streets, sidewalks, and landscaping;
I. Exact locations for all existing and proposed easements and rights-of-way;
J. Areas dedicated to public use; and
K. The exact location and size information for any structures or structural developments that are planned to be constructed.
L. *Utilities.*
   1. The location and size of all utilities.

2. Details rega+rding the material of water distribution and sewer collection lines.
3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.
4. Show location of all utilities, including aboveground and underground lines and pipes. This provision shall include all utilities within or adjacent to the street right-of-way for those streets extending onto or adjacent to the subject property.

M. *Streets*.

1. The accurate location of all streets and street center lines, including all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. The accurate location and dimensions by bearings and distance with all cure data of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. Traffic control signage and structures (e.g. street delineators, barricades, and stop signs) and street signs shall be shown on the plans. Signage shall conform to the requirements of the County and WVDOH.
2. All site entrances, opposing entrances, and median breaks on adjacent streets.
3. A proper connection to any existing or proposed public street shall be shown, where appropriate.
4. A typical cross section of each type of street shall be included.
5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
7. Projected traffic for the development project at build out shall be shown at internal street intersections and all entrances to the site.
8. The data for all curves along street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearing.
9. For street sections consisting of more than two (2) lanes, pavement striping indicating the travelways, tapers, turn lanes, and directional markings (e.g. turn and through arrows, solid and dashed line delineators) shall be provided. Where appropriate, pedestrian crosswalks shall be included.

N. *Lighting*. Lighting shall utilize fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors such that the light does not project beyond the boundaries of the subdivision or land development.

O. *Approval in writing from all required agencies*. These agencies shall include the Harrison-Clarksburg Health Department, West Virginia Department of Environmental Protection, the West Virginia Health Department, the West Virginia Department of Transportation, the applicable Public Service District, appropriate utility service providers, Harrison County GIS/Addressing Office, and other applicable agencies certifying that the application meets all requirements of the applicable codes, ordinances, or standards when determined appropriate by Planning Commission. The Harrison County GIS/Addressing Office shall verify adequacy of proposed addresses, road names, and names of subdivisions and land development in accordance with Harrison-Taylor E 9-1-1 Center.

P. *Construction Plans.* Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.

Q. *Surety for Improvements.* Verification that the applicant has obtained an appropriate amount of surety for all subdivision or land development improvements permitted after preliminary and final plan and plat approval, in accordance with "6.6 Surety for Improvement."

Section 6.5 Final Plan and Plat Process and Approval Only Requirements

Section 6.5 only pertains to applicants that choose to forgo the preliminary plan and plat application process found in Sections 6.3 and 6.4. Seven (7) copies of all documentation required in this section shall be provided by the applicant at the time of application submittal. No application shall be given final plan and plat approval without having all required documentation.

A. A written plan shall be developed for the subdivision or land development that includes, but is not limited to:
    1. The name of the subdivision or land development;
    2. The names and addresses of all applicants and all property owners;
    3. A letter from the subdivision property owner, if different from the applicant, authorizing the applicant to act as their agent with full authority;
    4. A detailed description of the type of subdivision or land development and the type and number of uses to be conducted in the subdivision or land development;
    5. Total area (acres or square miles) of the proposed subdivision or land development;
    6. Provisions for obtaining water, sewer, utilities, and other services;
    7. An analysis of the type of soil in the proposed subdivision or land development; and
    8. An erosion and sediment control plan developed pursuant to West Virginia Department of Environmental Protection Erosion and Sediment Control Best Practices Manual and applicable provisions of this ordinance.

B. Final plans and plats shall be drawn to a scale of one hundred (100) feet to the inch or larger on a sheet or sheets not less than nine (9) inches by fifteen (15) inches, nor more than twenty-four (24) inches by thirty-six (36) inches. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A blank space, three (3) inches by five (5) inches shall be reserved for use of the planning commission. The final plat shall contain:
    1. The final plat shall be labelled "Final Plat" clearly and in large letters;
    2. The name of the subdivision or land development;
    3. The names and addresses of the applicants;
    4. A north arrow;
    5. A map legend;
    6. An explanation of scale, including a scale bar;
    7. A topographic map of the area at the same scale as the plat;
    8. Boundary survey information with date of survey. A boundary survey shall have an error of closure within the limit of one in seventy-five hundred (1/7500) relating to the true meridian and show all monuments' location and type of material. The boundary survey may be related to United States Coast and Geodetic Survey (U.S.C. and G.S) and state grid north if the coordinates of two (2) adjacent corners of the subdivisions or land development are shown. Bearing and distance ties to at least two (2%) percent tract corners or significant adjoining corners shall be indicated;
    9. Number and layout of lots clearly marked with dimensions and areas;
    10. Well locations and septic system reserve areas;

11. Exact location of existing and proposed sewer, water, and storm drainage systems;
12. Exact location and type of streets, sidewalks, and landscaping;
13. Location and descriptions for all existing and proposed easements and rights-of-way;
14. Areas dedicated to public use;
15. The location and size information for any proposed structures or structural developments; and
16. The name, address, and registration number of the surveyor or professional engineer licensed in the state of West Virginia who made the plan and plat.

C. Proximity map that shows location of proposed subdivision or land development at a scale of not less than one (1) inch equals five thousand (5,000) feet, indicating:
   1. Adjoining roads' location, names, and numbers;
   2. Names and addresses of all adjoining property owners;
   3. The type of land use existing on all adjoining properties to the proposed subdivision or land development;
   4. Names of municipalities and subdivisions within five (5) miles of proposed subdivision or land development;
   5. All existing pertinent features, within five hundred (500) feet of the proposed subdivision or land development, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing buildings, historic areas, cemeteries, drainage structures, year-round springs, and existing wells;
   6. Special Flood Hazard Areas within five hundred (500) feet of and including the proposed subdivision or land development; and
   7. Existing topography with five (5) foot contour intervals (or smaller) within five hundred (500) feet of and including the proposed subdivision or land development.

D. A letter from the property owner, if different from the applicant, authorizing the applicant to act as his agent with full authority.

E. A title letter signed by an attorney currently licensed in the State of West Virginia, setting forth the source of title of owner of the land to be subdivided or developed, and the place of record of the last instrument in the chain of title. When the subdivision or land development consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

F. A survey or drawing showing any proposed land disturbances or grading.

G. No construction, land disturbance, improvements, or grading shall begin prior to Final Plan and Plat approval. The applicant shall be required to obtain all permits and approval from appropriate governmental entities related to all construction, grading, development or land disturbance, prior to final plan and plat approval.

H. Building front setback lines with dimensions and rear and side setback distances stated for each lot.

I. Copies of existing and proposed deed restrictions or protective covenants related to the proposed subdivision or land development.

J. Approval in writing from all required agencies. These agencies shall include the Harrison-Clarksburg Health Department, West Virginia Division of Highways (WVDOH), West Virginia Department of Environmental Protection, the West Virginia Health Department, the West Virginia Department of Transportation, the applicable Public Service District, appropriate utility service providers, Harrison County GIS/Addressing Office, and other appropriate agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards when determined appropriate by Planning

Department Staff. The Harrison County GIS/Addressing Office shall verify adequacy of proposed addresses, road names, and names of subdivisions and land development in accordance with Harrison-Taylor E 9-1-1 Center.

K. *Topography, Geologic, and Soil Conditions.* Topographic, soil, and geologic conditions must be suitable for the type of construction proposed. The Planning Commission may require the applicant to provide a report prepared by a professional engineer licensed in the state of West Virginia with supporting data sufficient to establish all pertinent surface and subsurface soil conditions that could adversely affect the development and showing proposed solutions.

L. *Utilities.*

1. The location and size of all utilities.
2. Details regarding the material of water distribution and sewer collection lines.
3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.
4. Show location of all utilities, including aboveground and underground lines and pipes. This provision shall include all utilities within or adjacent to the street right-of-way for those streets extending onto or adjacent to the subject property.

M. *Streets.*

1. The accurate location of all streets and street center lines, including all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. The accurate location and dimensions by bearings and distance with all cure data of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. The data for all curves along street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearing.
2. All site entrances, opposing entrances, and median breaks on adjacent streets.
3. A proper connection to any existing or proposed public street shall be shown, where appropriate.
4. A typical cross section of each type of street shall be included.
5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
7. Projected Average Daily Traffic (ADT) counts for the development project at build out shall be shown at internal street intersections and all entrances to the site.
8. Traffic control signage and structures (e.g. street delineators, barricades, and stop signs) and street signs shall be shown on the plans. Signage shall conform to the requirements of the County and WVDOH.
9. For street sections consisting of more than two (2) lanes, pavement striping indicating the travelways, tapers, turn lanes, and directional markings (e.g. turn and through arrows, solid and dashed line delineators) shall be provided. Where appropriate, pedestrian crosswalks shall be included.

N. *Lighting.* Lighting shall utilize fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors such that the light does not project beyond the boundaries of the subdivision or land development. *Construction Plans.* Complete design and construction plans, profiles, cross-sections and engineering specifications

for roads, sidewalks, curbs and gutters to be installed. Construction plans shall be stamped by a West Virginia professional engineer licensed in the state of West Virginia.

O. *Surety for Improvements*. Verification that applicant has obtained appropriate amount of surety for all subdivision or land development improvements permitted after final plan and plat approval and in accordance with "6.6 Surety for Improvement."

Section 6.6 Surety for Improvements

A. *Purpose.* To obtain surety acceptable to guarantee of performance and to assure the timely construction and completion of public and other improvements in accordance with approved plans, current county standards and specifications, and relevant state code requirements.

B. *Surety for Improvements.* The applicant shall submit a written request for surety approval from the Harrison County Commission for subdivision or land development construction prior to final subdivision or land development approval. The Planning Commission shall retain an independent engineering firm, of its choice, at the cost of the applicant to study the development and provide a cost estimate for the completion of the project to meet the provisions of this Ordinance. Based on the estimate, the applicant shall present surety to the Planning Commission.

C. *Developers Agreement.* Upon receiving Planning Commission Final Approval and prior to the President signing the final plans, the developer shall complete a Developers' Agreement (Appendix B) and post financial security as required by the Agreement and this ordinance with the County Planning Commission. The bond shall provide satisfactory surety in the amount of one hundred fifteen percent (115 %) of the estimated construction cost of the ultimate installation of the public improvements at prevailing rates. The bond shall be subject to forfeiture to the County Council for the sole purpose of installation or completion of required improvements. The Planning Commission shall have authority on its own initiative and after thirty (30) days' notice to the principal, to increase the amount of surety at any time, over and above five percent (5%), if in its judgment and sole discretion, such increase is found to be appropriate. The Planning Commission must justify such decision by a demonstrable increase in costs, which must be disclosed to the principal.

D. Surety shall:
   1. Be forfeitable or payable to the County Commission;
   2. The principal sum shall be one hundred and fifteen (115%) percent of the estimated construction cost of the required improvements subject to subparagraph C.;
   3. Specify the time for completion of the improvements; and
   4. Specify the date or condition for when surety will be released.

E. Funds from any such surety shall be used by the County Commission only for the completion of the required improvements in the event they are not completed as contemplated in the approved plan and plat.

F. The following inspections shall be required:
   1. Installation of Sediment and Erosion Control Devices prior to beginning site grading;
   2. Roadway and parking lot subgrade proof roll prior to placing stone base;
   3. Roadway and parking lot stone base depth check prior to placing asphalt or concrete pavement;
   4. Water system and sanitary sewer system inspection and approval by the public service district or utility prior to backfilling of trenches;

5. Final inspection including, but not limited to, seeding and mulching, roadways and parking lot paving, sidewalks, storm drainage and stormwater management system, traffic control signs and paving markings, and landscaping.

The developer shall request county inspections a minimum of forty-eight (48) hours in advance. The Planning Commission may accept third-party inspection and certification reports in place of inspections performed by the Planning Commission upon prior approval. Third party inspection reports shall be submitted in the format specified by the Planning Commission.

G. When the construction is completed, an professional engineer licensed in the state of West Virginia shall submit a final as-built drawing and a certification that the stormwater management plan meets of the requirements of this Ordinance. The Planning Commission shall perform a post-construction certification review at the completion of the construction. Surety shall not be released until the Planning Commission approves the construction of the stormwater drainage system.

H. In the event required improvements are not constructed to the terms of the surety, the County Commission shall declare the surety in default and shall request funds from the surety sufficient to complete the unfinished construction. The surety shall, without delay, inspect the subdivision or land development and shall immediately thereafter release the funds requested. Improvements alleged by the applicant to have been made after inspection by the surety shall not be grounds for a re-inspection or for a reduction of the requested funds to be released.

I. All major subdivisions and land development shall be required to provide surety that meets the approval of the Harrison County Commission and Planning Commission.

1. *Improvements Requiring Surety*. Each of the following elements or systems requires surety:
    i. Clearing, grading, and site preparation.
    ii. Stormwater facilities.
    iii. Water and sewer utilities or facilities.
    iv. Streets, sidewalks, parking, curbs, street drainage, and lighting.
    v. Landscaping and recreation facilities.
    vi. Other utilities.
2. *Exceptions*. Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety pursuant to this Ordinance.
3. *Cost Estimates*. The applicant shall submit cost estimates from aprofessional engineer licensed in the state of West Virginia for the cost of such installation.
4. *Review and Approval*. An independent engineering firm of the county's choosing shall review the cost estimates and make upward adjustments if the cost estimates are below those the County currently expects.
5. *Amount*. The surety shall be in the amount of one hundred and fifteen (115%) percent of the approved estimate. This amount covers inflation, the cost of inspecting, and rebidding if the applicant defaults and the County must take over construction or construction supervision.

Section 6.7 Vacating All or Part of Plan and Plat

A. The Planning Commission may vacate a subdivision or land development plan and plat either in whole or in part if it is demonstrated that:

1. The persons making application for vacating a plan or plat own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plan and plat that is sought to be vacated;
2. Vacating the plan or plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or land development; and
3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) must provide written consent to the vacating of the plat.

B. The applicant shall record any approved vacation of all or part of a plan and plat in the office of the Clerk of the County Commission where the land is located within one hundred and twenty (120) days of final approval from the Planning Commission.

Article 7. SUBDIVISION AND LAND DEVELOPMENT DESIGN

Section 7.1 General Street Design

A. Streets shall be designed and constructed to properly connect with existing, platted, or planned streets. Such streets shall be designed and constructed so as to ensure coordination with regard to location, width, grade, and drainage of existing, platted, or planned streets within the general area.

B. The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan and shall be considered in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

C. Subdivision or land development streets that are continuations of existing subdivision or land development streets must meet the specifications of the existing streets or the requirements in this ordinance, whichever is more stringent as to the type of service, level of service, paved width, shoulders or curbs, etc.

D. Reserve strips (spite strips) controlling access to streets or utilities shall be prohibited.

E. Subdivision or land development street design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, ensure reasonable grades, and produce useable lots.

F. All stumps, downed trees, and other debris that have been displaced and accumulate as a result of street, ditch, and other construction, shall be properly disposed of by the applicant through approved means such as burning, burying, or suitably removing from the property.

G. No more than seventy-five (75) dwelling units in a subdivision or land development shall obtain their access from a single point of access.

H. The West Virginia Division of Highways (WVDOH) is responsible for all roads, except those intended to remain private or that are maintained by an HOA. WVDOH shall determine the safety of the roads, access locations, and off-site improvements. County staff shall coordinate with WVDOH to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOH. The Planning Commission may require the applicant to work with WVDOH to specifically address off-site or capacity issues or concerns prior to final approval.

I. *Access Management*. For state highways, including ingress and egress to state highways, an applicant must show compliance with the access management principles found in "Chapter 8. General Principals of Access Management, Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way" (WV DOH, 2004). Adjacent commercial or office properties shall provide a cross access drive and pedestrian access to allow circulation between sites. Wherever a proposed development abuts unplatted land or a future development phase of

the same development, street stubs shall be provided for access to abutting properties or to extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless exempted by the Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

J. *Street Lights*. Street lighting is typically required in concentrated areas of pedestrians or vehicles. Areas of potential need for lighting for the safety of pedestrians and motorists include, but are not limited to multi-family, commercial, and industrial development. Lighting shall be shielded and directed downward to prevent glare and to minimize light trespass.

K. *Blocks*.
   1. Block length generally shall not exceed sixteen hundred (1,600) feet, nor shall a block be less than four hundred (400) feet.
   2. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. Where this would require lots to front on a highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, single lots with necessary alterations may be used.
   3. Pedestrian access easements not less than ten (10) feet in width shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 7.2 Road Intersections and Clear Sight Triangle

A. Minor streets leading from the same subdivision or land development shall not intersect on the same side of a major street at intervals of less than eight hundred (800) feet.

B. Where any street intersection will involve topographic features or existing vegetation inside any lot corner that might create a traffic hazard through limited site distance visibility, such ground or vegetation shall be cut and kept cut to a height not exceeding three and one-half (3.5) feet in conjunction with the grading of the public right-of-way to a distance of seventy-five (75) feet from the point of intersection of two (2) or more road centerlines out to provide adequate sight distance.

C. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet, and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Minimum curb radius at the intersection of a street and alley shall be at least ten (10) feet.

D. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. The Planning Commission may approve the intersection of more than two (2) streets in a development where avoiding doing so is not practicable.

E. When streets parallel to the railroad right-of-way intersect a street that crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

Section 7.3 Fire Hydrants

A. Fire hydrants shall be required for all major subdivisions and land development if sufficient water pressure and volume are available. To be exempted from this requirement, a professional engineer licensed in the state of West Virginia is required to show how volume or water pressure are such that installing functional pressurized hydrants is not feasible. If water lines are not available or only existing water lines less than six (6) inches in width are available, this section does not apply.
B. Fire hydrants shall be connected to water lines that are at least six (6) inches in diameter.
C. If a new approved central water supply is utilized, the system shall be designed with adequate main sizes and fire hydrant water supply. Such system shall be approved by the public agency or authority operating the central water system and the fire marshal's office.
D. Fire Hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the applicable fire protection unit. This distance may be extended if structures are equipped with an automatic fire sprinkler system. Minor deviations to these distances may be allowed subject to the approval of the fire marshal's office or the local fire protection unit, if such deviations would not jeopardize the safety of building occupants or the ability to provide adequate fire protection.
E. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision or land development plan and plat.
F. Fire hydrants shall be located two (2) feet behind the back of the curb line, or eight (8) feet from the edge of the paved area on non-curbed roadways, unless otherwise approved by the local fire protection unit.
G. Fire hydrants shall be located or protected from possible mechanical damage. The means of protection shall not interfere with the connection to, operation of, or the maintenance of hydrants. Bollards used to protect hydrants shall be at least three (3) feet from the hydrant on all sides.
H. Fire hydrants shall be located, so as not to be obstructed by parking spaces, dumpsters, signs, mailboxes, utility poles, bushes, or any other structures or materials. The location of fire hydrants is subject to approval by the local fire protection unit.
I. Fire hydrants shall be installed at street intersections, where possible. Hydrants located mid-block shall be aligned with the extension of a property line, where possible. Hydrant spacing shall be measured parallel to approved vehicular access routes.
J. An auxiliary gate valve shall be installed at the main line tee to permit the repair and replacement of the hydrant without disruption of water service.
K. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
L. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the local fire protection unit with primary responsibility.
M. Fire hydrants set in the right-of-way shall be located two (2) feet back of the sidewalk or in accordance with the standards of the controlling Public Service District.
N. Fire hydrant colors shall comply with National Fire Protection Association (NFPA) standards.
O. Dry hydrants may be installed in lieu of pressurized hydrants. Where installed, dry hydrants shall meet NFPA standards. Dry hydrants must be within one thousand (1,000) feet of any structure within the proposed development. Subdivisions or land development with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.

Section 7.4 Easements

A. Design, signage, use, management, maintenance, and cost-sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of Harrison County Ordinances or other applicable law. For any subdivision or land development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on all plats and plans.
B. All easements for all public facilities (e.g. water, sewer, stormwater management, or drainage) or public service-type facilities (e.g. telephone, electric, gas, cable) that serve the subdivision or land development shall be set forth on the plan and plat or in the deed. Such easements shall be located in street rights-of-way, alleys, or side or rear yards, in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement.
C. *Utility Easements*. A utility easement shall be a minimum of fifteen (15) feet wide. Easements that fall on shared side or rear lot lines, unless specifically authorized by the County, shall be of equal dimensions on both lots involved. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.
    1. All subdivisions and land development shall grant easements to local utilities. The applicant shall consider these rights-of-way when planning the development. Future utilities that may affect the development shall also be considered. Utilities shall be designed to not infringe upon the Special Flood Hazard Area, unless necessary to provide service. All services shall be installed on each lot. Surety release will not be granted until rights-of-way agreements with all utility entities are filed with the Planning Department Staff and recorded in the office of the Clerk of the County Commission.
    2. Where possible, water and sewer lines that are installed parallel to subdivision or land development roads shall be laid within the road rights-of-way.
    3. Poles for electric service or telephone poles shall be placed in easements provided along rear or side lot lines, as agreed upon with the public utilities concerned, wherever practicable.
    4. Underground conduits for electric service shall be placed in easements provided along rear lot lines or alongside lot lines, or along subdivision or land development streets, as agreed upon with the public utilities concerned, wherever practicable.
D. *Stormwater Easements*. All stormwater management facilities shall be located on open space land, easements on the lots, or public rights-of-way. Easements shall run in favor of the homeowner's association, business owner's association, and any of the public service providers using the easement. Drainage easements shall be provided on all lots to ensure that stormwater channels remain clear of development. Where attached housing types are involved and yards are enclosed or very narrow, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces, as topography and grading dictate. Easements shall be designed for a ten (10) year storm event and in no case shall be less than fifteen (15) feet wide.
E. *Open Space Deed Restrictions and Covenants*. Deed restrictions and covenants can be established to preserve open space, protect natural resources, and protect land held in common or used for recreation or open space. All areas subject to deed restrictions or covenants shall be restricted from further development and shall run in favor of all lot owners in the development or the homeowner's association.
F. *Encroachments and Structures*. No permanent encroachments, structures, or fences shall be permitted within any easement area. The homeowner's association, business owner's association,

and any of the public service providers shall have the right to remove any encroachment, structures, fencing, or any other improvements placed upon such public easements.

G. *Maintenance Access Easements*. Maintenance access easements shall be a minimum of fifteen (15) feet wide and are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. Should the homeowner's association, business owner's association, any of the public service providers, or other agency with facilities in the easement need to do work in an easement, an attempt shall be made to notify the resident and owner. If time allows, the landowner shall be permitted to remove any structure or planting. However, because the work may involve an emergency, the homeowner's association, business owner's association, any of the public service providers, or other contractors may do the work, including removal or destruction of structures or landscaping. The only obligation the homeowner's association, business owner's association, public service provider, or contractors have is to restore the ground cover if disturbed in the process of the work. Any other costs shall be borne by the landowner. A maintenance easement of five (5) feet shall be designated on all lot lines adjacent to the zero lot line boundary to ensure ready access to the lot line wall at reasonable periods of the day for normal maintenance. This easement shall be recorded on the adjacent lot or parcel along the length of the zero lot line boundary.

H. In no case shall easements for individual septic or water systems or any easement or area designated as a septic reserve area be permitted to encroach on any building lot other than the lot that is served by the individual septic or water well system or which the septic reserve area is intended to serve.

I. Where a subdivision or land development is traversed by an open watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way of not less than ten (10) feet in width conforming substantially to the line of such watercourse or of such width needed to preserve the riparian zone.

J. For safety purposes and to facilitate pedestrian access, pedestrian access easements not less than ten (10) feet in width shall be required where essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

K. For lots fronting curvilinear streets, the rear easement must consist of straight lines with a minimum of deflections.

L. The construction of buildings or structures within easements shall be prohibited.

Section 7.5 Residential Lot Size and Access

A. All residential lots, including those located within a factory-built home community, shall be a minimum of one quarter (0.25) acres in size for lots with public sewer and water. For lots without public water or public sewer, a minimum lot size of one (1) acre is required.

B. All lots shall have sufficient width and depth to provide adequate open space, building area, and off-street parking. Minimum lot width at the front property line shall be fifty (50) feet.

Section 7.6 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer) and service lines within the subdivision or land development project shall be underground.

Section 7.7 Driveways and Parking, Materials

Driveways and parking provided from gravel roads may be constructed of gravel or paved. Driveways and parking provided from paved roads shall be paved.

Section 7.8 Landscaping, Screening, and Buffer Yard Requirements

A. Buffer areas required by this Ordinance are intended to separate different land uses from each other at a reasonable distance in order to minimize or eliminate potential nuisances such as dirt, litter, noise, odor, light, glare, danger from fire and explosions, signs, buildings, and parking areas.
B. A buffer area, when and if required by this ordinance, shall be provided along the perimeter of a lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
C. Buildings shall not be permitted in a buffer area.
D. Parking lots and parking spaces shall not be permitted in a buffer area.
E. Storage of any kind shall not be permitted in a buffer area.
F. Stormwater management facilities, public utility facilities, picnic areas, or pedestrian walkways and sidewalks shall be permitted in a buffer area.
G. A buffer area may be part of a front, rear, or side yard.
H. *Landscaped buffer areas.*
    1. Twenty-five (25) foot wide landscaped buffer areas are the preferred method of buffering between a commercial use and a residential use.
    2. Twenty-five (25) foot wide landscaped buffer areas are the preferred method of buffering between a multi-family residential use and a single-family or two-family residential use.
    3. Three hundred (300) foot wide landscaped buffer areas are the preferred method of buffering between an industrial use and any other use or public right-of-way.
    4. All species within a landscaped buffer area shall be indigenous or otherwise well-suited to the County, except that trees with large leaves that could clog storm drains; are brittle, disease prone, or have low, spreading branches or shallow root systems; drop large fruit or sap; or are otherwise unsightly shall also be avoided.
    5. Hedges shall be kept trimmed so that branches do not extend into the public road or upon the lands of an adjoining owner more than eighteen (18) inches over the dividing line.
    6. At least one (1) tree for each fifty (50) linear feet shall be planted in the buffer area in addition to other planting materials.
    7. Landscaping shall be at least five (5) feet wide and at least three and one half (3.5) feet high, along the entirety of the landscaped buffer area, subject to height limitations contained within this section.
I. Where a buffer area is considered to be impracticable or inappropriate, an opaque fence at least six (6) feet in height, in the rear or side yard or four (4) feet in height in the front yard so as to restrict a clear view beyond said buffer may be substituted in whole or in part for a natural buffer.
J. Landscaped buffer areas shall be continually maintained by the landowner. Any plant material that does not survive shall be replaced within six (6) months. All landscaping shall be kept free of refuse and debris.
K. Buffer areas shall not be required where the lot abuts an area of existing natural vegetation that effectively screens the lot from casual observation to a height of at least six (6) feet.

Article 8. INFRASTRUCTURE AND GRADING

Section 8.1 Street Grade

A. No street shall exceed fifteen (15%) percent grade at any point.
B. Streets shall not have grades greater than three (3%) percent in the first fifty (50) feet leaving an intersection in any direction.
C. Street grades shall not be less than five tenths (0.5%) percent grade in order to prevent pooling of water in traveled areas.

Section 8.2 Curb and Gutter

A. Curb and gutters shall be required for all major subdivisions and major land development unless the applicant shows that curb and gutters are not practicable, in which case shoulder and ditches are required.
B. Curbs, when required, shall be constructed on both sides of the interior of streets.
C. Road curbs shall conform to West Virginia Department of Transportation (WVDOT) specifications as to materials utilized. The curb reveal shall be no less than six (6) inches in height above the finished road surface. The base of curbs shall be a minimum of seven and three eighths (7.375) inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1.5) inches or more. Alternative designs may be recommended by a professional engineer licensed in the State of West Virginia and approved by the Planning Commission.
D. Vertical curb height at driveway entrances may be reduced to a minimum of one and one half (1.5) inches for driveway entrances along streets where curbs are required.
E. Curb ramps must be installed in accordance with ADA requirements.
F. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a ten (10) year frequency storm occurring over the entire contributing watershed. Storm drain inlets on residential roads shall have bicycle-safe grates.

Section 8.3 Right-of-way Width

A. *General Provisions.*
    1. All requirements set forth in this Section are minimum requirements.
    2. The applicant shall be responsible for providing each lot within the proposed subdivision and land development access by deeded right-of-way and road that meets the standards set forth in this Ordinance. The applicant may be required to provide more than one access to a public road for the subdivision or land development.
    3. All subdivisions and land development with frontage on a state road shall dedicate twenty-five (25) feet from the centerline of the existing road to WVDOH. All required setbacks shall be measured from the edge of the dedication.
    4. Any proposed subdivision or land development that is not adjacent to a public highway shall be connected to a public highway by a deeded right-of-way and a road that meets the standards set forth in this Ordinance.
    5. Rights-of-way shall be maintained clear of all obstructions.
B. *Residential Rights-of-way.* All proposed residential vehicular rights-of-way shall be at least forty (40) or fifty (50) feet in width depending on the requirements set forth in Table 8.3(B). The improvements required in residential subdivisions, which include or involve any new street, easement, or right-of-way, whether public or private, shall be governed by the following table.

Table 8.3(B): Standards for Residential Subdivision Streets					
	Roads Serving				
Avg. Lot Size*	*1-4 lots*	*5-9 lots*	*10-19 lots*	*20-49 lots*	*50+ lots*
0-1 acre	A	B	B	B	C
1.01-2 acres	A	B	B	B	C
2.01-5 acres	A	A	B	B	B
5.01-10 acres	A	A	A	B	B
Road Types: A = Local street with rock base and forty (40) feet of right-of-way. B = Local street paved and forty (40) feet of right-of-way. C = May require local thoroughfare-paved and fifty (50) feet of right-of-way. *Rounded to nearest one-hundredth (0.01).					

C. *Commercial Rights-of-way.* All commercial streets or streets that will service any commercial development, even if combined with residential development, shall be paved with a fifty (50) foot right-of-way.

D. *Alleys.* Alley rights-of-way shall be at least fifteen (15) feet in width with at least twelve (12) feet surfaced travelway.

Section 8.4 Pavement, Materials, and Compaction Testing

A. *General Provisions.*
   1. All requirements set forth in this Section are minimum requirements.
   2. Streets shall be surfaced with gravel or paved with asphaltic or cement binder to provide for a durable surface and shall be graded and drained to dispose of water accumulation.
   3. Ingress and egress roads between a subdivision or land development and a public street shall be paved to a point no less than seventy-five (75) feet from the point of intersection.
   4. Curbs and gutters shall be installed and roadways surfaced only after sewer and water utilities have been installed.

B. *Gravel.* Rock-base streets shall consist of crushed aggregate no less than twenty-four (24) feet in width and six (6) inches in compacted depth with stabilized shoulders on each side consisting of crushed aggregate two (2) feet in width and four (4) inches in depth. Class I crushed aggregate base course shall be used in accordance with West Virginia Division of Highways (WVDOH), Specifications, Sections 307 and 704. This crushed aggregate shall be placed in two (2), three-inch lifts, each lift to be individually compacted to ninety-five (95%) percent of maximum density. The crushed aggregate base shall also be fully underlaid by engineering fabric in accordance with WVDOH Specifications, Section 715.11. See related requirements for compaction testing below.

C. *Paving.*
   1. Class I crushed aggregate base course in accordance with WVDOH Specifications, Sections 307 and 704, surfaced travelway shall be no less than twenty-four (24) feet in width and eight (8) inches in compacted depth. The crushed aggregate shall be placed in two (2), four-inch lifts and each lift shall be individually compacted to ninety-five (95%) percent of maximum density. A hot laid bituminous concrete wearing course eighteen (18) feet in width and two (2) inches in depth and in accordance with WVDOH Specifications, Sections 400 and 700, shall overlay the crushed aggregate base course. The base course shall be fully underlain by engineering fabric in accordance with WVDOH Specifications, Section 715.11; or

2. Portland cement concrete in accordance with WVDOH Specifications, Sections 501 and 701 (associated materials: welded wire fabric in accordance with WVDOH Specifications, Section 709.4, coated dowel bars in accordance with WVDOH Specifications, Section 709.15, and joint tie bolt assemblies in accordance with WVDOH Specifications, Section 709.7) shall be no less than twenty-four (24) feet in width and six (6) inches in depth with a roughened surface. The Portland cement concrete shall be fully underlain by engineering fabric in accordance with WVDOH Specifications, Section 715.11.
3. All other street construction materials shall meet the standards set forth in the current "West Virginia Division of Highways Standard Specifications - Roads and Bridges." All subdivision and land development approvals will be subject to the corresponding sections and procedures of subsequent editions of the Standard Specifications in effect at the time of approval.

D. *Compaction Testing.* The applicant shall be responsible for compaction testing on the subbase, base course, and pavement course in accordance with WVDOH Testing Procedures MP 207.07.20, MP 712.21.26, and MP 700.00.24. The testing shall be conducted by an independent material-testing firm experienced in this type of quality control. A copy of the compaction reports and test results shall be provided to the Planning Commission.

Section 8.5 Private Roads

Construction of private roads may be permitted, subject to the following requirements:

A. Private roads shall be constructed of the same material and with the same design characteristics as required in this Article, except that the minimum travel way surface width of a private drive may be fifteen (15) feet.
B. For minor subdivisions and land developments, common and joint maintenance by all owners, present and future, of the lots served by the private roads shall be made a part of the deed of each of the lots, stipulating adequate maintenance and ensuring ingress and egress.
C. For major subdivisions and land developments, for residential and commercial condominium-type developments, a Homeowners Association (HOA) or Commercial Owners Association (COA) shall be established to address maintenance of all roads and commonly owned land within the subdivision or land development. Developers shall dedicate all roads and common lands to the association once all improvements are completed, and membership in the association is mandatory for all property owners within the subdivision or land development. A Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia, Chapter 36B of the West Virginia Code.
D. When private roads are utilized, provisions shall be made on the lots for the off-street parking of at least two (2) automobiles for each lot served by the private roads. Such additional off-street parking may be provided in a common and shared lot on the premises.
E. When the Planning Commission approves the use of private roads in the subdivision or land development, such approval shall be entered in writing in the Planning Commission minutes, together with a copy of the deed restrictions required by subsection (C).

Section 8.6 Sidewalks

A. Where required in residential areas, sidewalks shall be four (4) feet wide and four (4) inches thick. Where required in commercial areas, sidewalks shall be seven (7) feet wide and four (4) inches thick.
B. All new sidewalks shall be compliant with all laws regarding accessibility.
C. Sidewalks shall be required in areas where the volume of pedestrian or automobile traffic make such facilities necessary for safety. These areas will typically be streets immediately surrounding and leading to a school or other traffic generator, such as a community center or shopping center.
D. Sidewalks may be paved with asphalt or Portland cement concrete. Other suitable materials for surfaces may be used as appropriate for local conditions or aesthetics.
E. Procedures for asphalt concrete mixing, proportioning, and placement shall be designed by a professional engineer licensed in the state of West Virginia acceptable to the Planning Commission.
F. Portland cement concrete sidewalk paving shall have expansion joints at all intersections with other sidewalks and structures.
G. Concrete sidewalks shall be at least four (4) inches thick, except under driveways for which at least six (6) inches of concrete must be used.

Section 8.7 Street Signage

A. *Street Signs*. All subdivision and land development streets shall be clearly identified by permanent street signs, in compliance with the Harrison County Addressing Ordinance.
B. *Street Names*. No street names shall be used that, in the opinion of the County, may be confused with the names of existing streets. Streets that are extensions of, or in alignment with, existing named streets shall bear the names of the existing streets.

Section 8.8 Dead Ends, Turnarounds, and Half Streets

A. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of sixty (60) feet, unless the Planning Commission approves an alternate "T" or "L" turnaround.
B. A temporary T- or L-shaped turnaround may be required on temporary deadend streets, and the land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
C. Half streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half street. Wherever there exists a half street adjacent to a tract to be subdivided or developed, the other half shall be platted within such tract.
D. Proposed streets shall be extended to the boundary lines of the tract to be subdivided or developed, unless prevented by topography or other physical conditions, or unless the Planning Commission determines such extension is not necessary or desirable for the coordination of the layout of the subdivision or land development with the existing layout.

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Section 8.9 Railroads and Limited Access Highways

Between residential subdivisions or land development and railroad rights-of-way or limited access highways, a buffer area at least twenty-five (25) feet in depth shall be provided adjacent to the railroad right-of-way or limited access highway. This buffer strip shall be part of the platted lots and shall be designated on the plat:

"This strip is reserved for screening. The placement of structures on this land is prohibited."

Section 8.10 Single-family Dwelling and Multi-family Residential Development Requirements

A. *Setbacks.* Structures shall be set back from front lot lines twenty (20) feet and from side and rear lot lines five (5) feet on lots with a single-family dwelling or multi-family development.
B. *Parking.* Two (2) parking spaces at least ten (10) feet by twenty (20) feet in size shall be provided for each single-family dwelling. One (1) space at least ten (10) feet by twenty (20) feet in size shall be provided per dwelling unit in multi-family development.

Section 8.11 Provisions for Maintenance and Operation

A. One purpose of a homeowner's association is to provide for the operation and maintenance of all public facilities within the subdivision, including roads, sidewalks, recreation facilities, and sewer and water systems, where central systems exist.
B. The applicant shall create, prior to approval of the final plan for a major subdivision or land development by the Planning Commission, a homeowner's association that will operate and maintain common facilities, as needed. Such homeowner's association shall be funded initially by the applicant and shall be sustained by assessment of the property owners. Provisions for the homeowners' association and the covenants in the proposed deed shall be reviewed and approved by the Planning Commission.
C. When a subdivision or land development contains park areas, tot lots, streets, or other physical facilities necessary or desirable for the welfare of residents that are of common use and benefit, the HOA shall be responsible for maintenance and upkeep of those facilities.
D. Membership is mandatory for all lot owners. The association shall have the power to place liens on properties and improvements in the subdivision if necessary, to collect delinquent assessments. The constitution, by-laws, and any other provisions of all homeowner's associations must be approved by the Planning Commission as part of final approval to ensure compliance with this Ordinance.
E. A homeowner's association or business owner's association must be established without delay as soon as fifty (50%) percent of properties are sold. The applicant shall dedicate all common lands (SWM Basin, roads, rights-of-way, etc.) to the association. A note to this effect is required on the final plan and plat.
F. A Common Interest Ownership Agreement must be established prior to final plan and plat approval to provide for the maintenance of commonly owned land, including, but not limited to the private road system within the subdivision or land development. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia.

Article 9. WATER AND WASTEWATER FACILITIES

Section 9.1 General Provisions for Water and Wastewater

A. *General Requirements*. If the subdivision is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Harrison County Health Department Subdivision septic system pre-approval for each proposed lot in the subdivision shall be obtained and submitted. Should central sewage collection & treatment be available or proposed, then one copy of the approved state permits and plans must be included with the application.

B. *Individual Water Wells.* In all subdivisions and land development to be served by individual wells, all such wells shall comply with the provisions of Title 64 of the West Virginia Code of State Rules, Series 19, Series 46, and Series 77, as applicable.

C. *Central Water and Sanitary Sewer Systems*.

i. A centralized water system shall be required for all subdivisions and land development that contain thirty (30) or more dwelling units.

ii. Nonresidential subdivisions and land development shall be served by central water systems with fire hydrants sufficient to meet all requirements of the West Virginia State Fire Marshal's regulations.

iii. For wastewater treatment plants, a copy of the West Virginia Department of Environmental Protection's waste load allocation and discharge permit shall be provided prior to approval of a plan and plat.

iv. If a central water or sanitary sewer system is required, then the applicant shall enter into a binding legal agreement with the appropriate Public Service District for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission.

v. Where centralized water or sanitary sewer systems are provided in a subdivision or land development, a note shall be placed on the final plan and plat stating:

> *"Private wells or private septic systems for domestic use are prohibited when central water or sanitary sewer service is available."*

vi. Where possible, water and sewer lines that are installed parallel to subdivision and land development roads shall be laid within the road rights-of-way. Otherwise, utility easements shall be provided as deemed necessary to provide for access and maintenance. A note shall be placed on the final plan and plat stating:

> *"An easement is granted to the appropriate Public Service District in all road rights-of-way for construction and maintenance of water and sanitary sewer lines."*

vii. A note shall be placed on plans and plats stating that:

> *"Any required service laterals to individual lots or sites shall be installed prior to construction of the finished road surface."*

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viii. The installation of water and sanitary sewer utility lines and appurtenances shall be inspected and certified by the Public Service District that will own and operate the system. In the event the Public Service District is not able to perform the inspections, an independent professional engineer licensed in West Virginia shall inspect and certify that the system is installed in accordance with the approved plans and permits.

ix. The plan and plat shall contain and show the following features and information: existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto with pipe sizes, fire hydrants, and grades. Plans and plats must be approved by the Harrison-Clarksburg Health Department and the Public Service District servicing the area for water and sewer.

Section 9.2 Water Supply Improvements

The following requirements shall govern water supply provisions and improvements:

A. All water supply sources and distribution systems, whether on a public or individual lot, shall meet or exceed the minimum requirements, in effect at the time of submitting a completed application, of Title 64 of the West Virginia Code of State Rules, Series 19, Series 46, and Series 77, as applicable.

B. The Planning Commission shall require written approval or a permit from the BED that the minimum requirements for water supply sources have been met.

C. If a proposed subdivision or land development is to utilize private wells and septic systems, the well shall be located and constructed according to standards that shall demonstrate the production of safe, potable drinking water, and in no case may be closer than fifty (50) feet from a septic tank, home aeration unit, vault privy, or drain fields.

D. The proposed location of the well on each individual lot shall be shown on the plans and plats. All proposed locations for well and septic systems shall be approved by the Harrison County Health Department.

E. *Mapping of Facilities*. The location of all fire hydrants, valves, all water supply improvements, and boundary lines, indicating all improvements proposed to be served, shall be shown on all subdivision and land development plans and plats.

F. *Construction Plans*. Construction plans for public water facilities shall be drawn to an appropriate scale. Plan and profile sheet shall include the water main, all valves, fire hydrants, and other appurtenances. Plan scale shall be one-inch equals fifty feet (1" = 50') or smaller; profile scale shall be one-inch equals ten feet (1" = 10') vertical or smaller and one inch equals fifty feet (1" = 50') horizontal or smaller. Variation to the scale may be approved in writing by authorized agent of Harrison County Planning Commission.

G. Construction plans shall also show existing and proposed topographic features along with existing and proposed utilities. Profiles must include all proposed and existing utility crossings, required casings, etc. Plans shall be certified as to their completeness and conformance with applicable regulations by a professional engineer licensed in the state of West Virginia.

H. The water lines shall be AWWA C-900, ASTM Class 250 pipe, or two (2) times the water pressure if more stringent. Bedding of crushed stone or sand shall be placed four (4) inches under the pipe in soil conditions to the spring line or mid-point of the pipe. In rock, the bedding shall be six (6) inches below the pipe to six (6) inches over the pipe. In no case shall any backfill larger than two (2) inches in diameter be placed within one (1) foot of the water main. A water main shall have a minimum of thirty-six (36) inches of cover to the top of the main and not more than sixty (60) inches unless shown as necessary by a professional engineer. If the water line is to be

extended more than one thousand (1,000) feet from an existing fire hydrant, the line shall be six (6) inches in diameter. Blue metallic caution tape shall be placed one (1) foot below finished grade for all water facilities.

I. *Required Permits*. If required, a permit to construct, alter, or renovate a public water supply system must be obtained from the West Virginia Bureau for Public Health prior to subdivision or land development approval.

J. *Design Requirements*.
   1. In general, the water system will be designed and installed in accordance with the West Virginia Bureau for Public Health.
   2. All end of line not connected, i.e. loop system, shall have a "blow-off" installed.
   3. Any water lines deeper than twelve (12) feet shall be constructed of ductile iron.
   4. All installation of water systems shall be in strict conformity with plans approved by necessary agencies.
   5. Upon completion, a set of "as-builts" for the project shall be delivered to the Planning Department Staff in paper and electronic format.

B. Every public water system in each subdivision and land development shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. The entire water system shall be designed to meet the approval of the West Virginia Health Department and the applicable Public Service District.

Section 9.3 Sanitary Sewer Improvements

The following requirements shall govern sanitary sewage disposal:

A. All sanitary sewage disposal systems, whether public or individual, shall meet the minimum requirements of the West Virginia's Environmental Engineering Division (EED) of the Office of Environmental Health Services.

B. Written approval or a permit from the EED stating that the minimum requirements for public or individual sanitary sewage disposal systems have been met must be submitted.

C. When a proposed development is within two hundred and fifty (250) feet of an existing public sanitary sewer system, connection may be required to the public sanitary system sewers.

D. When a public sanitary sewer system is not available, a water-carried sewage disposal system approved by the EED to serve the entire subdivision or land development may be installed.

E. If individual, on-lot sewage disposal systems are proposed, written approval from the Harrison-Clarksburg Health Department must be obtained. Sewage disposal systems, drain fields, and any required septic reserve areas shall be setback a minimum of one hundred (100) feet from any known sinkhole.

F. *Construction Plans*. Construction plans for sewerage facilities shall be drawn to an appropriate scale no larger than one-inch equals fifty feet (1"= 50') and shall include plan and profile of the sanitary sewer, all manholes, cleanouts, manhole invert elevations, and other appurtenances. Construction plans shall also include existing and proposed topographic features along with existing and proposed utilities. Profiles shall include all proposed and existing utility crossings, required casings, etc. Plans must be certified as to their completeness and conformance with applicable regulations by a professional engineer licensed in the state of West Virginia.

G. *Required Permits*. If required, a permit to construct a sanitary sewer system must be issued by the Office for Environmental Health Services, Bureau for Public Health for the state of West Virginia. For individual septic systems, permits must be issued by the Harrison-Clarksburg

Health Department. All permits must be issued prior to the subdivision or land development plan and plat approval by the county.

H. *Septic System Requirements*. If the subdivision or land development is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Harrison-Clarksburg Health Department subdivision or land development septic system pre-approval for each proposed lot in the subdivision or land development shall be obtained and submitted. This subdivision or land development pre-approval shall guarantee one (1) suitable area to establish a residence, well, and septic system, with reserve area within the boundaries of the lot. The size of the septic system and the on-site and reserve area shall meet the standards determined by the Harrison-Clarksburg Health Department. The on-site and reserve area shall be set aside for the installation of required septic tank, soil absorption system, and future expansion or replacement area if needed for a failing drain field. Each proposed lot shall be evaluated with a six (6) foot observation pit and percolation test, in accordance with West Virginia Health Department regulations. Should central sewage collection and treatment be available or proposed, then one (1) copy of the approved state permits and plans must be included with the subdivision or land development application.

Article 10. STORMWATER MANAGEMENT

Section 10.1 General Provisions for Stormwater Management

A. *Purpose and Findings*. The purpose of this Section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality.

B. *Stormwater and Surface Water Drainage*. The applicant shall provide the subdivision or land development with an adequate storm sewer system whenever the applicant fails to provide engineered evidence to the Planning Commission that the natural surface drainage is adequate or will continue to be adequate after development. When the surface drainage is adequate, easements for such surface drainage shall be provided. The plans for a stormwater sewer system must be approved by the Planning Commission prior to final subdivision or land development approval.

C. The applicant shall provide for adequate stormwater and surface water drainage giving particular attention to the protection of filled land, prevention of water ponding (except as approved by the Planning Commission), and protection of sewer and water conduits and structures from damage caused by improper drainage.

D. Wherever cuts and fills are to be made in a subdivision or land development, the applicant shall provide for the interception and diversion of surface waters away from the tops of the cuts and fills and into approved drainage ways.

E. Terraces shall not be permitted in subdivisions or land development when geological evidence shows the possibility of pressure heads developing in shale layers beneath the terrace surfaces; provided that the Planning Commission may approve, or require as a condition of approval, the construction of retaining walls where necessary to retain cut or fill slopes within rights-of-way or easements.

F. Drainage easements for primary runoff shall be a minimum of fifteen (15) feet in width. When a channel is provided, the width of the easement shall be the width of the channel plus ten (10) feet.

G. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way of not less than fifteen (15) feet conforming substantially to the line of such watercourse.

H. *Storm Drainage*. All subdivisions and land development shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development.

I. A West Virginia licensed professional engineer licensed in the state of West Virginia of the applicant's choosing shall show drainage systems showing the disposition of surface drainage with the following:
    1. Typical cross sections of all proposed stormwater management ponds and ditches.
    2. Drainage easements through onsite and offsite lots.
    3. Road culvert profiles.
    4. The location, size, and invert elevations of storm sewers and appurtenances thereto.

J. Where applicable, storm sewers shall be designed in accordance with West Virginia Department of Highways (WVDOH) criteria.

K. A licensed professional engineer licensed in the state of West Virginia shall certify that roads are designed or built not to exceed the maximum grade required and that all ditches, culverts, and other stormwater and erosion control measures are designed or built to meet West Virginia Department of Environmental Protection Stormwater Management requirements. Culverts must have a capacity to carry the runoff from a 1-year frequency drain as determined by West Virginia Erosion and Sediment Control Manual.

L. *Stormwater Permitting*. The West Virginia National Pollutant Discharge Elimination System (NPDES) Stormwater Program requires operators of construction sites that disturb one (1) acre or greater, including smaller sites that are part of a larger common plan of development, to obtain authorization to discharge stormwater under an NPDES Construction Stormwater General Permit (General Permit) through the West Virginia Department of Environmental Protection.

M. All major subdivision and land development shall:
    1. Not result in any new or additional expense to any person other than the applicant;
    2. Not increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the applicant;
    3. Degrade surface or sub-surface water quality; and
    4. Maintain an overland flow path or a storm sewer pipe and inlet sized for the base flood, at the downstream limit of the property, that will pass the base flood flow without increasing damage to structures or property.

Section 10.2 Site Runoff Requirements

A. The applicant shall make adequate provisions for storm and floodwater runoff, including the installation of drainage improvements and dedicated drainage easements. Such easements shall be at least fifteen (15) feet in width.

B. Stormwater facilities shall be required and designed so that runoff exits the site at a point where it existed prior to the subject development and in a manner such that flows will not increase flood damage to adjacent property.

C. Stormwater systems shall be sized to carry the base flood without causing additional flood damage.

D. Design runoff rates shall be calculated using acceptable event hydrograph methods.

Section 10.3 Site Runoff Storage Facilities

A. The design for all stormwater detention facilities shall be in accordance with professionally accepted hydraulic engineering practices and meet all state and federal agencies' erosion and sedimentation control standards and requirements.
B. The facilities shall be located in perpetual, unobstructed public easements of appropriate width and shall be accessible and easily maintained. Stormwater facilities shall be shown on the subdivision or land development plan and plat.
C. The applicant must provide documentation that the property owners will assume all liability for the maintenance and operation of the stormwater facilities.
D. The facility shall provide two (2) feet of freeboard for water surface depths above the base flood.
E. All design detention volume shall be provided above the seasonal high groundwater table or invert elevation of the groundwater control system.
F. Storage facilities shall facilitate sedimentation and catchment of floating material.
G. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating best management practices.
H. Storage facilities shall maximize the distance between inlets and outlets, to the extent possible.
I. Storage facilities shall be designed to provide an emergency spillway in the event that the existing pre-development peak runoff rate from the 100-year, 24-hour duration rainfall is exceeded, assuming the primary restrictor is blocked, and the design detention volume is not effective (basin filled).
J. Storage facilities with single-pipe outlets shall have a minimum inside diameter of twelve (12) inches.
K. If design release rates necessitate a smaller outlet, structures such as perforated risers, or flow control orifices shall be used. Outlets shall be designed for peak runoff rate using the 25-year, 24-hour duration rainfall.
L. Appropriate treatment for ditch lines shall be applied as required by the West Virginia Division of Highways.

Section 10.4 Hydrology

The following table shall be used in determining average 24-hour precipitation for the various frequencies:

	Frequencies (years)						
Years	1	2	5	10	25	50	100
Inches	2.4 inches	2.77 inches	3.56 inches	4.10 inches	4.75 inches	5.25 inches	5.68 inches

Section 10.5 Stormwater Peak Flow Basis

A. Stormwater drainage and erosion controls shall be provided based on peak flows resulting from the year frequencies occurring over the contributing watersheds as noted:
    1. Control - Use 10-year frequency and entire contributing watershed.
    2. Floodplains - Use 100-year frequency and the entire contributing watershed.
    3. Storm Drain Pipes and Ditch lines - Use 10-year frequency and the entire contributing watershed.

B. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of surface water without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Harrison County Planning Commission.

C. All drainage facilities shall be of such design to adequately handle the surface runoff and carry surface water to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface water away from buildings, they shall be sodded, planted, or laden with shot rock or riprap, as required, and shall be of such slope, shape, and size as to conform to the requirements of this Ordinance.

D. Every subdivision and land development shall be provided with a stormwater sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the Planning Commission.

1. The stormwater drainage system shall be provided with inlets or catch basins constructed normally in pairs, one (1) on each side of the street, not more than four hundred (400) feet apart. Inlets or catch basins shall be constructed of an approved size and material.
2. Storm sewers shall be provided with manholes, not more than four hundred (400) feet apart. Storm sewer manholes shall be constructed of ASTM approved pre-cast concrete or equivalent.
3. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
4. A ditch or brook right-of-way shall be offered for dedication for drainage purposes. Such right-of-way shall be shown on the drainage plan and in the final plan and plat and shall be of sufficient width to include a ten (10) foot access strip in addition to the width of the ditch or brook as measured from bank top to bank top. Where a subdivision or land development is traversed by a watercourse, drainage-way, or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both.

E. All applicants shall show how stormwater will be conveyed. The Stormwater Management Plan shall include how the applicant is going to control and convey including:

i. Pre- and post-development runoff calculations using a twenty-five (25) year storm, twenty-four (24) hour duration storm event.
ii. Drawings showing the layout of stormwater retention and conveyance system.
iii. Elevations of intake and outfall of pipes.
iv. Details of retention system, including elevations, emergency spillway design, and stage storage requirements.
v. Any applicable permits that may be necessary for outfall structures into drainage-ways.
vi. A narrative with a construction sequence to ensure proper installation of the system.
vii. A maintenance plan for the retention and conveyance system.

F. The following requirements shall apply to all land development that proposes a total lot coverage by all impervious surfaces in excess of seventy-five hundred (7,500) square feet and to all major subdivisions and factory-built home communities.

1. The applicant shall prepare a Stormwater Management Plan in accordance with the standards of the publication "Urban Hydrology for Small Watersheds," Technical

Release No. 55, U.S. Department of Agriculture, Soil Conservation Service, June 1986, as amended, or another equivalent engineering or technical design program.

2. The stormwater management plan for a subdivision or land development plan shall be designed to assure that post-development stormwater does not leave the property at a greater velocity or volume per second than pre-development stormwater.

G. *Required Drainage Systems*. The Planning Commission shall not approve any plan or plat that does not make adequate provisions for stormwater or flood water runoff by use of channels or basins based on whether the stormwater analysis shows stormwater detention is necessary. Detention structures shall be designed in such a manner that the post-construction peak runoff rate of flow shall be equal to or less than the pre-construction peak runoff rate of flow for 2-year/24-hour and 10-year/24-hour storms.

H. When an analysis indicates stormwater detention is necessary for an expansion to an existing subdivision or land development that has no detention structures, a peak runoff reduction of ten (10%) percent from the preexisting peak runoff rate of flow must be achieved. However, no reduction shall be required for the expansion beyond the peak runoff rate of flow that would occur from the parcel in its natural, undeveloped state.

I. Stormwater detention structures shall have a maximum of a ten (10) foot total water depth. Stormwater detention system and structure shall be designed by an professional engineer licensed in the state of West Virginia. A licensed engineer shall submit a written certification that the construction of the stormwater detention system and structure meets the requirements and standards of this Ordinance as well as the current edition of the United States Natural Resource Conservation Service's manual for ponds.

J. If a detention structure that exceeds a ten (10) foot total water depth is necessary, the structure shall be designed by an professional engineer licensed in the state of West Virginia with geotechnical experience and shall be constructed to meet the requirements and standards of this Ordinance as well as the current edition of the United States Natural Resource Conservation Service's current manual for ponds.

K. The current edition of the West Virginia Department of Transportation Standard Specifications for Roads and Bridges and Supplemental Revisions is hereby referenced for material and construction specifications for activities governed by this Ordinance. The current edition of the West Virginia Department of Transportation Drainage Manual is hereby referenced as the Stormwater Design Manual in its entirety.

L. A stormwater management facility shall be constructed in a common area in the subdivision or land development and shall be maintained by the applicant until the common area becomes the responsibility of the homeowners' association.

M. The Planning Commission may require a third-party professional engineer licensed in the state of West Virginia of its choice to review the stormwater management plans submitted by the applicant and must approve the plans prior to the Planning Commission granting major subdivision or land development approval and prior to the start of construction. When the construction is completed, an professional engineer licensed in the state of West Virginia shall submit a final as-built drawing and a certification that the stormwater management plan meets the requirements of this Ordinance. The third-party professional engineer licensed in the state of West Virginia shall perform a post-construction certification review at the completion of construction. Final plan and plat approval shall not be granted until the third-party professional engineer licensed in the state of West Virginia approves the construction drawing and/or plan of the stormwater drainage system and the certifications submitted by the professional engineer licensed in the state of West Virginia.

N. *Stormwater Analysis*. A stormwater analysis by an professional engineer licensed in the state of West Virginia shall be conducted to determine the accommodation of upstream drainage areas and the effect on downstream drainage areas.

Section 10.6 Nature of Stormwater Facilities

A. If a public storm sewer is currently in the planning stages, the applicant shall make arrangements for future stormwater disposal by a public utility system at the time the plan and plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the surety required for the subdivision or land development plan and plat.
B. *Effect on Downstream Drainage Areas*. The applicant shall also study the effect of each subdivision or land development on existing downstream drainage facilities outside the area of the subdivision or land development. Where it is anticipated that the additional runoff from the subdivision or land development may overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision or land development until provisions have been made for the improvement of said potential condition as the Planning Commission shall determine. No subdivision or land development shall be approved unless drainage will be provided to an adequate drainage watercourse or facility as determined by the Planning Commission.
C. *Areas of Poor Drainage and Floodplain Areas*. Where the major subdivision or land development lies partially or completely in the 100-year flood zone area, the plan and plat shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites; the Base Flood Elevation; and the delineation of the floodplain areas as depicted on the Federal Emergency Management Agency (FEMA) map.
D. Development of areas of extremely poor drainage shall be discouraged. The applicant or their professional engineer licensed in the state of West Virginia shall design the subdivision or land development so that drainage from undeveloped lots shall not be directed onto developed lots.

Article 11. RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS STANDARDS

Section 11.1 General

Recreational vehicle parks and campgrounds shall comply with the requirements as set forth in this Ordinance and applicable sections of this Article.

Section 11.2 Recreational Vehicle Parks

The following design standards shall apply to all recreational vehicle parks:

A. The area of each site shall be a minimum of two thousand (2,000) square feet not to include road rights-of-way. Each site shall have a minimum road frontage width of twenty (20) feet along a platted road right-of-way.
B. Each site shall provide an adequate stand for the placement of a unit. A site stand shall be at least fifteen (15) feet by twenty-five (25) feet in size, shall be evenly surfaced, and shall not exceed a three (3%) percent slope in any direction. No more than one (1) unit shall be placed on or above a site.
C. Setbacks shall be a minimum of fifteen (15) feet for each site in all directions.

D. All recreational vehicle parks must comply with the Harrison County Department of Health requirements.
E. Water and sewerage connections must be provided at each site and each recreational vehicle in use on the site must hook up to the water and sewerage at all times while on the site.
F. Streets within recreational vehicle parks shall be at least twenty-four (24) feet in width with a maximum grade of ten (10%) percent for collector streets, at least twenty-two (22) feet in width with a maximum grade of ten (10%) percent for local streets, and at least twenty (20) feet in width with a maximum grade of twelve (12%) percent for other internal roads. All streets in recreational vehicle parks shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for recreational vehicle parks.
G. Convenient off-street parking (on each site or in designated parking areas) shall be provided at the rate of two (2) spaces per site. Each parking space shall have a minimum dimension of ten (10) feet by twenty (20) feet. Designated parking areas may not be used for overnight camping or occupancy.
H. Each site shall be provided with a sanitary, covered garbage receptacle.
I. All power lines to individual lots shall be underground. The installation of overhead main lines may be allowed.

Section 11.3 Campgrounds

A. The area of each campsite shall be a minimum of two thousand (2,000) square feet, not including road rights-of-way. Each campsite shall have a minimum road frontage (width) of twenty (20) feet along a platted road right-of-way.
B. Setbacks shall be a minimum of fifteen (15) feet for each campsite.
C. All streets within campgrounds shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for campgrounds.
D. Convenient off-street parking (on each campsite or in designated parking areas) shall be provided at the rate of two (2) spaces per campsite. Each parking space shall have a minimum dimension of ten (10) feet by twenty (20) feet. Designated parking areas may not be used for overnight camping or occupancy.
E. Each campsite shall be provided with a sanitary, covered garbage receptacle.
F. A tent may be placed on any campsite. In addition, however, a special tent area may be set aside and marked in a campground for the random location of tents. The number of tents allowed in a tent area shall be limited to twenty-five (25%) percent of the number of designated campsites (including the maximum number of such tent sites) within a campground. A tent area need not be served directly by water or sanitary facilities, provided a comfort station is located nearby. The size of a tent area shall be based on five hundred (500) square feet per eligible tent.
G. A campground shall provide at least one (1) sanitary sewerage dump station, one (1) water refill station, and one (1) solid waste disposal collection facility.
H. All power lines to individual lots must be underground. The installation of overhead main lines may be allowed.

Article 12. FACTORY-BUILT HOME COMMUNITY REQUIREMENTS

Section 12.1 General

Factory-built home communities, whether the individual lots are to be leased or sold, shall comply with the requirements set forth in this Ordinance.

Section 12.2 Design Standards

The following design standards shall apply to all factory-built home communities.

A. Each factory-built home community shall contain a minimum of five (5) acres, including open space.
B. Each factory-built home community shall have a minimum buffer area of twenty-five (25) feet around the perimeter of the property. Such buffer area shall not be occupied by or counted as part of any individual site for a single factory-built home.
C. Each factory-built home community shall provide a common entrance or entrances. Access to all homes within a factory-built home community shall be from streets within the factory-built home community. Homes within a factory-built home community shall not have individual, direct access to a public street or highway.
D. Each individual site for a single factory-built shall abut a street. Side site lines laid out in rectangular blocks shall be diagonal to the street at an angle no greater than thirty (30) degrees from perpendicular. Front and rear slot lines in rectangular blocks shall be straight and continuous. In cul-de-sac arrangements, the side lot lines shall be radial to the street.
E. Factory-built homes on corner sites site be situated to permit the required building setback from both streets and allow adequate sight distance.
F. Each factory-built home site shall be a minimum of six thousand (6,000) square feet. Minimum site width shall be sixty (60) feet. Each site shall be clearly defined by monuments or markers in accordance with the requirements of this Ordinance.
G. Each site shall be designed to fit the dimensions of the factory-built homes anticipated, as well as provide all public utilities, pads, hookups, appurtenant structures, and other appendages.
H. Factory-built home setbacks shall not be less than twenty-five (25) feet from any street, common parking area, common area, or built structure within the factory-built home community.
I. Side and rear setbacks shall be a minimum of ten (10) feet in width for each designated site. If the rear of an individual site abuts the twenty-five (25) foot perimeter buffer area, the rear setback may be reduced to five (5) feet.
J. All streets in a factory-built home community shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for factory-built home communities.
K. Off-street parking shall be provided in accordance with Section 8.10(B).
L. Each factory-built home site shall be provided with a connection to a water and sewer system approved by the applicable Public Service District.
M. All telephone, electrical, and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers, and drainage structures installed in streets shall be constructed prior to the surfacing of such streets.
N. Accessory structures may be permitted in the rear yard no closer than five (5) feet from the rear or side site lines of individual site

O. Outdoor collection stations shall be provided for garbage and trash removal when curbside collection is not provided. Collection stations shall be located to avoid emitting offensive odors and shall be screened from view with fencing or landscaping.

Article 13. FLOOD-PRONE AREAS

Section 13.1 Flood-prone Areas

The purpose of establishing special requirements for flood-prone areas is to reduce the public cost and personal damage caused by flood events. Flood-prone areas are encouraged to remain undeveloped or as open space, whenever possible.

Section 13.2 Flood-prone Area Requirements

A. Areas within the Special Flood Hazard Area (SFHA) including the regulatory floodway, as determined by the Federal Emergency Management Agency (FEMA), shall be delineated on all subdivision and land development plans and plats.
B. Construction of structures and septic and well facilities shall adhere to the current Harrison County Floodplain Ordinance requirements.
C. Planning Department Staff shall verify that a proposed subdivision or land development plan and plat complies with the current Harrison County Floodplain Management Ordinance.
D. In SFHAs, an improvement location permit is required prior to the erection, relocation, or alteration of a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and prior to any land altering activity.
E. If a proposed subdivision or land development lies in the SFHA, the applicant shall examine the FEMA flood insurance rate maps (FIRM maps) for the area and provide each prospective purchaser, before any commitment to purchase is made, and an identical provision shall appear or be referenced in every deed by which any such lot is conveyed, either by the applicant or by a future owner, a reference to the Harrison County Floodplain Ordinance and a written statement stating the following:

> *"All or some of this real estate lies within an officially designated flood zone. The legal ramifications of this are significant and use of this land may be limited. Details may be obtained from the Harrison County Planning Commission."*

F. All Special Flood Hazard Areas, including the regulatory floodway, must be shown on the final plans and plats before final approval and recording, based on the most recent FEMA flood maps.
G. The applicant of a subdivision or land development shall submit a site plan to the Harrison County Floodplain Administrator and shall include the following information:
    1. Names of professional engineer licensed in the state of West Virginia, surveyor, or other qualified person responsible for providing the information required in this section.
    2. A map showing the location of the proposed subdivision or land development with respect to the county's floodplain areas; proposed lots and sites; fills; flood or erosion protective facilities; and areas subject to special deed restriction. In addition, all subdivision and land development proposals and other proposed new development with property located in a FEMA designated SFHA greater than fifty (50) lots or five (5) acres, whichever is less, shall include base flood elevation data. The applicant shall have the base flood elevations certified by a registered professional professional engineer

licensed in the state of West Virginia or surveyor, based on hydrologic and hydraulic studies.

3. Where the subdivision or land development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites.
4. Subdivision and land development lots shall be designed in a manner so that, where possible, a portion of the lot will be located outside the SFHA.

Article 14. HILLSIDE DEVELOPMENT

Section 14.1 Hillside Development General

Hillsides with slopes of fifteen (15%) percent or more are sensitive areas that are not as suitable for development as flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features, such as views, can best be preserved if subdivision and land development are allowed to be flexible and creative. In general, the integrity and durability of a hillside are inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

Section 14.2 Hillside Development Review Standards

Planning Commission review of hillside subdivision and land development proposals shall be guided by the following considerations:

A. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
B. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas are left undeveloped. Utilize the cluster development concept.
C. Create narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
D. Install roadside parking bays.
E. Design and construct roads that are parallel to contour lines. Preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls to minimize cuts and fill.
F. Lot layouts that minimize on-lot grading and earthwork for access, parking, and building construction.
G. Design, engineer, and construct entrances to individual lots before lots are sold.
H. Select building sites and areas for the construction of septic system drain fields before lots are sold.
I. Include provisions within deeds of sale that require property owners to protect the hillside, woodlands, etc., from destruction.
J. Special measures shall be taken to provide safe and adequate building sites with proper access and reliable utilities.
    1. All graded slopes adjacent to a roadway shall be a maximum of two (2) horizontal units of measurement to one (1) vertical unit of measurement, excluding existing topography or slopes constructed in rock. Manufactured slopes of less than two (2) horizontal units of measurement to one (1) vertical unit of measurement may be permitted where adequate slope control measures are utilized, such as retaining walls, riprap, sodding, or other protective embankments. The slope shall not exceed the natural angle of repose of the material. Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with the natural topography to the maximum possible extent.

2. Terracing with manufactured slopes or suitable retaining walls is preferable to stilted dwellings. Such terraces shall be designed to impede runoff.
3. All manufactured or disturbed natural slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of erosion and shall be benched or terraced as required to provide for adequate stability.
4. The design of storm drainage facilities shall ensure the acceptance and disposal of storm runoff (based on a 10-year frequency) without damage to the street or to adjacent properties. The use of special structures to accept storm runoff shall be incorporated into the street design where appropriate.
5. All streets shall be constructed to carry the anticipated traffic load without deterioration over the design life of the roadway.
6. Driveways shall be designed to a grade and alignment that will provide maximum safety and in a manner that will not interfere with drainage or public use of the street or street area.

Article 15. WETLANDS

Comprehensive plan maps related to floodplains and other general soils and hydric soils information may be used as a reference for determining the general location of major wetland areas. Final wetland delineations shall be through a Jurisdictional Determination by the U.S. Army Corps of Engineers. At the time of applications, wetlands shall be verified through a Jurisdictional Determination by a U.S. Army Corps of Engineers representative, and all wetlands boundaries surveyed. If no wetlands are present on-site, a letter stating such shall be submitted by a qualified third party. Wetland boundaries shall be established with a buffer area of fifteen (15) feet along any delineated wetland. Wetland disturbance shall be permitted, provided the U.S. Army Corps of Engineers has permitted any such disturbance.

Article 16. ADMINISTRATION AND ENFORCEMENT

Section 16.1 Administration

A. The Planning Department Staff shall be responsible for the daily administration of these regulations.
B. The Planning Commission and the Planning Department Staff may, if necessary, seek the advice of professionals or state agencies regarding proposals for subdivision and land development.
C. The Planning Commission and the Planning Department Staff shall cooperate and coordinate with other governmental agencies affected by the subdivision and development of land. A final plan and plat shall not be approved by the Planning Commission in the case of major subdivisions and land development or by the Planning Department Staff in the case of minor subdivisions and land development until the final plan and plat has been stamped or certified as approved by all regulatory agencies whose jurisdiction involves items related to the proposed subdivision or land development.
D. In order to effect a timely and orderly processing and review of any plan or plat, prior to advancement of a final plan or plat, the Planning Department Staff and representatives of other agencies shall review the project and make recommendations regarding approval to the Planning Commission.

Section 16.2 Improvement Location Permit Process

Any person, corporation, association, or other owner of real property shall apply for an improvement location permit in writing to the Planning Department Staff prior to the commencement of the construction of new structures, land altering activities, floodplain development, or improvements to or changes in use of land and existing structures.

Section 16.3 Waivers

A. Waivers from the minimum standards in this Ordinance, including process and procedural waivers, may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:
    1. The design of the project will provide public benefit in the form of a reduction in County maintenance costs, greater open space or park land, or a benefit of a similar nature;
    2. The waiver, if granted, will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents;
    3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and
    4. The waiver, if granted, will result in a project of better quality or character.
B. *Applicant.* An application for a waiver may be made by anyone with a legal interest in a property, or their authorized agent. The owner is responsible for providing all information and justification for the waiver request.
C. *Application.* An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
    1. Plat and plan for the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.
    2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these provisions, and any known prior uses.
    3. A description of the specific portions of these provisions for which relief is being sought.
    4. A narrative describing how the proposed waiver will increase public benefits.
    5. Any application to vary technical requirements of this Ordinance shall include sufficient evidence for making the required determinations under subsection 16.3(A).
D. *Public Notice for Waiver Request.* The applicant must post, at least twenty-one (21) days prior to the public hearing, and thereafter maintain until the conclusion of the public hearing, a sign giving notice of the date, time, and place of the public hearing, which will be provided to the applicant, and shall be placed by the applicant on the property such that the information is clearly legible from the public right-of-way. The applicant shall notify, by certified mail, the owners and homeowner's association of any abutting property owners at least fourteen (14) days prior to the public hearing.
E. *Approval.* All waiver requests shall be reviewed by the Planning Department Staff, with recommendations made to the Planning Commission. The Planning Commission shall make a decision within forty-five (45) days of the receipt of a completed request for waiver.
F. *Conditions of Approval.* In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with this Ordinance. All waivers and conditions of approval associated with the waiver shall be documented on all subsequent plats or plans. Granting of a waiver does not abrogate the applicant of any

requirements found in this ordinance other than that which was explicitly granted through the waiver process.

Section 16.4 Enforcement and Penalties

The Planning Commission, County Commission, and the Planning Department Staff may enforce this Ordinance in the manner provided for in this section and by applicable law, including but not limited to West Virginia Code Section 8A-6-3 and West Virginia Code Section 8A-10-1 et seq.

A. Upon learning of a potential violation of this Ordinance, the Planning Department Staff shall investigate to determine whether a violation has occurred.
B. If a violation has occurred, the Planning Department Staff shall notify the violator by means of a written violation notice. The violation notice shall specify the nature of the violation and request that the violation cease or be corrected within fifteen (15) days from the date appearing on the notice. Failure to terminate or correct the violation within this time period shall be cause for the Planning Commission, County Commission, or the Planning Department Staff to:
    1. Seek an injunction in the Circuit Court of Harrison County to restrain the violator from continuing the violation, including but not limited to requests for the removal of structures or land uses from the property involved; and
    2. Seek a misdemeanor conviction in magistrate court or circuit court.
C. A person who violates any provision of this ordinance is guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars, plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. Each day that a violation continues shall constitute a separate violation.
D. The circuit court, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
E. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this Section.

Section 16.5 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or land development decisions shall be taken directly to Circuit Court of Harrison County, West Virginia, within 30 days after the date of the denial. The petition must specify the grounds of the appeal in writing.

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Appendix A

DEVELOPERS AGREEMENT

MADE this _____ day of _____, 20__ by and between _____ (hereinafter "Developer") and the Planning Commission of Harrison County, West Virginia (hereinafter "the County").

WHEREAS, Developer is the owner of a certain parcel of land situated within the County, said parcel of land being more particularly described in Exhibit "A" attached hereto; and

WHEREAS, Developer desires to develop said land under a Land Development Plan captioned _____ and dated _____, 20___, (hereinafter "Plan"), as the same was approved by the Harrison County Planning Commission on _____, copies of which Plan are marked Exhibit "B" and attached hereto; and

WHEREAS, in the application to the County for approval of the Plan, the Developer indicated intention to construct at Developer's sole cost and expense, including, but not limited to, engineering inspection and review expenses incurred by the County in connection with the Plan, all those improvements required by the Plan or by any conditions attached thereto, more particularly described in Exhibit "C" attached hereto; and

WHEREAS, Developer has agreed to deliver to the County a bond, renewable Irrevocable Letter of Credit or other form of surety (in form and substance to be approved by the County) from an institution licensed to do business in West Virginia in the amount of $_____ to guarantee the installation of the improvements and reimbursement of the County for expenditures that may be directly incurred in connection with the completion of the improvements should the Developer default.

NOW, THEREFORE, IT IS AGREED:

1. Developer shall build, construct, and install all improvements in accordance with the specifications of the County and in the manner provided and approved by the County, on or before the _____ day of _____, 20__.

2. Developer shall enter into contract(s) with such person or persons necessary to construct the improvements. Developer shall provide the County with a construction schedule for all required public improvements which shall satisfy the completion date agreed upon in Paragraph 1, immediately above; a schedule of job site meetings; and the name and address of the supervisory point of contact for the contractor. Construction or installation of the improvements shall be subject to the inspection and approval of the County.

3. Developer concurrently shall deliver to the County surety in the amount of $_____. The amount of surety required shall be in the amount of 115% of an estimated cost of completing required improvements, based upon the prevailing wage rates, submitted by the Developer, and prepared by a professional engineer licensed as such in the state of West Virginia and certified by said engineer to be a fair and reasonable estimate of such cost. The County may refuse to accept such estimate for good cause

shown. Exhibit C of this Developers Agreement may be used for the purpose of documenting the needed surety, as may any other form prescribed by the County.

The surety shall be posted as security for performance of this agreement, including the construction of the improvements as shown on the approved Final Plan. The term of such surety shall be for the period agreed upon for the completion of construction of the improvements. The term of such surety may, if required by the County, include an "evergreen" clause allowing for an automatic extension of term to cover any extended period of construction. In the event of an extension of the term of surety occurs or otherwise as the County's sole discretion, the County may, after thirty (30) days' notice to Developer, increase the amount of surety provided such decision is justified by a demonstrable increase in costs; said justification shall be disclosed to Developer.

In the event Developer shall fail to construct the improvements in a manner acceptable to the County or within the time agreed upon in this Developers Agreement, or amendment thereto, the County shall notify the Developer of said circumstance in writing and, when possible, allow forty-five (45) days from the date of said notification to correct the deficiencies.

In the event that Developer fails to correct said deficiencies to the satisfaction of the County, the County may call the surety and construct said improvements at Developer's expense. In such case, any surety balance remaining after construction shall be returned to the surety.

In the event the funds secured by said surety are not sufficient to satisfactorily construct the improvements or reimburse the County for its cost and expense to construct the same, the County may file an appropriate legal action against Developer based upon this Developers Agreement for the balance of the funds required to so construct the improvements or reimburse the County for the same.

4. As the work of installing the required improvements proceeds, the party posting the surety may request that the County release or authorize the release, from time to time of such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the County, and the County shall have 60 days from receipt of such request to certify in writing that the portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the County may authorize a reduction in the surety by the lending institution by an amount as estimated by the County fairly representing the value of the improvements completed.

5. All construction shall be in accordance with the construction plans, County Ordinances, and other applicable regulation. Unless otherwise specified by applicable regulation, if a conflict exists between the plans and ordinances, the stricter of the two shall apply. Developer is responsible, as necessary, to correct any unforeseen conditions that are caused by the installation of these improvements.

6. Developer shall grant and convey, to third parties if appropriate, by Deed of Dedication all easements for rights-of-way, including maintenance, shown on the Preliminary, if applicable, and Final Plans. In the event easements are required from third parties, Developer shall obtain said easements at Developer's sole expense.

7. When the County's report indicates approval of all required improvements, the surety may be reduced to an amount not less than fifteen percent (15%) of the total cost of all required improvements at

the inception of the project. Upon completion of the one (1) year period, a performance inspection shall be performed. If all is acceptable, the surety shall be released in full.

8. In addition to the aforesaid requirements, Developer shall:

A. Pay to the County any fees required by outside or third party agencies hired by the County and as agents thereof hired for inspecting construction of public improvements and for fees and other expenses such as, but not limited to, the payment for engineers and costs associated with additional applications and approvals, as may be required by the ordinances and regulations of the County or other government entities.

B. Connect any underground springs or other waters encountered during construction to the proposed storm sewers or to a proper outlet as designated by the Harrison County Planning Commission.

C. Upon completion of the construction, Developer shall ensure removal from the site and disposal of all brush, rubbish, refuse, and debris, leaving the area free and clear of same.

D. Remove all temporary buildings or structures within one month after final acceptance of the improvements by the County.

THIS AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of Developer and the County.

DEVELOPER

_____ _____ ATTEST

HARRISON COUNTY, WEST VIRGINIA

_____ _____ ATTEST Chairman (or Designee)

Draft

10.30AM

Charles Lothes 03/31/21

HARRISON COUNTY COMMISSION
SPECIAL FUNDING REQUEST

Thank you for the opportunity to suport your project. Please complete this application and return it to the Harison County Commission, 301 West Moin Street, Clarksburg, WV 26301 by fax or email: Facsimile: 304-624-8673; Email: wparker@harrisoncountywv.com ; Question: 304-624-8500 Funding is derived from the State of West Virginia/Video Lottery Funding.

Date of Request: _____

Organization Name: MARSHVILLE COMMUNITY CENTER

Name and Title of Requester: CHARLES LOTHES – BOARD OF TRUSTEES – PRESIDENT

Mailing Address of Organization and Responsible Person: 1671 INDIAN RUN Rd, SALEM, WV 26426

If approved, this is where the check will be sent

Telephone: 304-783-5271 Fax: _____ E-mail: _____

FEIN# _____ Is your organization an IRS 501(c) 3 not-for-profit? ○ Y ● N

If yes, attach IRS Status Letter

If no, please explain: WE ARE A COMMUNITY CENTER, NOT A BUSINESS

TOTAL Cost of ~~Project~~/Activity: $ _____

Dollar Amount REQUESTED - Grant: $ 3000.00 Loan: $ _____

Was project funded previously by HCC? Y ○ N ● If so, when _____; how much: $ _____

Have you previously received funds from the Harrison County Commisson: Y N

If Yes, how much? If funded multi years - list by fiscal year?

When: 2017 ; how much: $ $000.00 → FOR NEW ROOF

When: _____ ; how much: $ _____

When: _____ ; how much: $ _____

Purpose of request (one sentence): TO COVER 1 YEAR OF UTILITIES & INSURANCE

If for a fair/festival/event, give dates and location: N/A Date: _____ Location: _____

Describe the proposed activities with dollar amounts to be funded by this request:

** NOTE - THIS IS A REQUEST FOR FUNDS TO COVER UTILITIES & INSURANCE FOR ONE YEAR, DUE TO RENTAL & EVENT COVID STATE GUIDELINES. STOPPING OUR ABILITY TO RAISE FUNDS.

Are your financial statements audited by an outside accounting firm? ○ Y ● N

If Yes, by whom:

Do you plan to recognize the Harrison County Commission 's contribution? ● Y ○ N

If Yes, how?

* HISTORICALLY, A NEWS CLIP GIVEN TO THE PAPER FOR PRINT RECOGNITION FOR LARGE PROJECTS SUCH AS OUR NEW ROOF IN 2019

ALSO! THE COMMISSION HELP IS RECORDED IN OUR MINUTES.

HARRISON COUNTY COMMISSION **SPECIAL FUNDING REQUEST**

(Name of Applicant) CHARLES LOTHES agrees that in the event of any embezzlement, theft or misappropriation of funds or property of any kind or nature or in the event of any alleged embezzlement theft or misappropriation of funds or property of any kind or nature from (Name of Applicant) CHARLES LOTHES, the recipient of funding from the Harrison County Commission hereunder, that (Name of Applicant) CHARLES LOTHES shall immediately report said incident(s) to the proper police agency having jurisdiction over such matters and, further, shall immediately report said incident(s) along with a writing describing said incident(s) have been reported to the police agency having jurisdiction, to the Harrison County Commission. Further, that (Name of Applicant) CHARLES LOTHES agrees to fully cooperate with the police and the Prosecuting Attorney's Office toward the successful prosecution of such activity.

Please attach to this Request the following:

1. IRS Letter of Tax Exemption, if you have one
2. Current List of Board of Directors with addresses
3. List other contributors with dollar amounts to your project/event —NONE
4. Balance sheet and income statement for immediate prior year, or reason why no available
5. Any additional information about your organization THE CENTER IS A POLING PLACE FOR VOTING

FINAL REPORT REQUIRED: If approved, you ~~agree~~ No to submit within 15 days of the event or end of project the "Final Report for Special Funding Request", on page 3 of this application ~~OR~~ a detailed statement of revenues and expenditures. THIS MONEY IS USED THROUGHOUT THE FISCAL YEAR.

On behalf of the Applicant, I certify that all required information in this request is attached and correct, that we ~~agree~~ NO to the above terms, and that a Final Report (on attached Final Report or by Internal Financial Report detailing substantially same information) will be submitted within 15 days of the end of the project/event. ??

Signature and Title of Applicant Marla Lothes BOARD OF TRUSTEES PRES **Date** MARCH 16, 21

For Official Use:

This funding request is: APPROVED NOT APPROVED TABLED

Amount Approved: $ _____ Paid Date: 1 _____

With the following notations:

_____

_____

_____

Action taken at Harrison County Commission meeting on: _____

Name of Organization/Applicant MARSHVILLE COMMUNITY CENTER

FINAL REPORT OF THE SPECIAL FUNDING REQUEST

AMOUNT RECEIVED FROM THE HARRISON COUNTY COMMISSION: $ 3000.00

ITEMIZED EXPENSES FOR THE AMOUNT RECEIVED FROM THE HCC (ATTACH EXTRA SHEETS IF NECESSARY OR DETAILED STATEMENT OF REVENUED AND EXPENSES RELATED THERETO):

SEE ENCLOSED MONTHLY	$
BILLS WHICH HAVE BEEN	$
AVERAGED & MULTIPLIED BY	$
12 MONTHS	$
	$
TOTAL	$ 3000.00

NAME OF ~~PROJECT~~/EVENT: ANNUAL UTILITY & INSURANCE COSTS

TOTAL PROJECT/EVENT INCOME AND EXPENSES: (ATTACH EXTRA SHEETS IF NECESSARY OR A DETAILED STATEMENT OF REVENUES AND EXPENSES RELATED THERETO):

INCOME SOURCE:

N/A

	$
	$
	$
TOTAL	$

EXPENSE ITEM:

	$
	$
	$
TOTAL	$

LIST ALL CONTRIBUTORS TO THIS PROJECT/EVENT: (ATTACH EXTRA SHEETS IS NECESSARY)

COUNTY COMMISSION	$ 3000.00
	$
	$
	$
TOTAL	$

I CERTIFY THAT THE ABOVE INFORAMTION IS CORRECT

Marlen Fisher — Applicant

MARCH 16, 21 — Date

(Revised 8/19/14)

Submit Form | Print Form | Reset Form

RATING

CREDIT LIMIT

TERMS

NAME Marshville community center

ADDRESS

MADE IN U.S.A.

FORM N1-D

	DATE	2021 ITEMS	FOLIO	DEBITS	CREDITS	BALANCE
5116	1/4-21	Short Line PSD		36 12		
5117	1/15-	HREA		66 80		
5118	1/26	Dominion Energy		84 22		
5119	2/9	Short Line		36 12		
5120	2/9	HREA		110 13		
5121	2/22	Farmers Insurance		600 00		
5122	3/2	Dominion Energy		91 05		
5133	3/15	HREA		60 69		
5134	3/15	Short Line PSD		36 12		
*	3/4	Deposited			75 00	

** BILLS VARY THROUGH THE YEAR. WE AVERAGED THEM.

* GAS DOMINION - $80.00/MONTH
* ELEC HREA — $70.00 "
* WATER SHORTLINE - $40.00 "
* INSURANCE-FARMERS - $60.00 "

250.00 MONTH X 12 = 3000.00

ACCOUNT NO. _____ SHEET NO. _____

NAME Summit Bank RATING

ADDRESS New Checks CREDIT LIMIT

TERMS

DATE	ITEMS	FOLIO	DEBITS	CREDITS	BALANCE 1865.09
9/1	5101 Dominion ENERGY		22 14		1842.95
	Auto withdrawl Checks		26 80		1816.15
5102	9/10 HREA		63 40		1752 75
5103	9/10 Short Line PSD		36 12		1716 63
*	9/14 Deposited			405 00	
	BANK				2121 63
5104	10/5 Dominion Energy		21 45		2100 18
5105	9/15 Rodney Sinclair (3 cuttings)		135 00		1965 18
5106	10/6 Short Line PSD		36 12		1929 06
5107	10/6 HREA		47 87		1881 19
5108	Dominion		21 45		1859 74
	Bank				1844 51
5109	11/8 HREA		46 66		
5110	11/24 Short Line PSD		36 12		
	12/1 Deposited from Harrison Co. Poling			140 00	
5111	12/2 Short Line PSD		36 12		
5112	12/2 Reynoldsville Fire Dept. Sign		25 00		
5113	12/2 Dominion		34 52		
5114	12/17 HREA		53 15		
5115	12/28 Dominion		64 41		

SHEET NO. _____ ACCOUNT NO _____

RATING NAME

CREDIT LIMIT ADDRESS

TERMS

MADE IN U.S.A.

FORM N1-D

	DATE	ITEMS	FOLIO	DEBITS	CREDITS	BALANCE
						2315.91
1903	4/9/20	Short Line PSD		36 12		2279.79
1904	4/9/20	HREA		50 53		2229.26
1905	4/27/20	Rainey Sinclair (2 cuttings)		90 90		2139.26
1906	4/28/20	Domenion Energy		32 57		2106.69
1907	5/12	HREA		44 10		2062.59
1908	5/12	Short Line PSD		36 12		2026.47
1909	6/4	Rodney Sinclair 2 cuttings		90 00		1936.47
1910	6/4	Domenion Energy		36 74		1899.73
1911	6/4	HREA		43 25		1856.48
1912	6/4	Short Line PSD		36 12		1820.36
1913	6/23	Dominion		21 45		1798.91
1914	7/3	Short Line PSD		36 12		1762.79
*	7/3	Deposited			65 00	1827.79
1915	7/7	HREA		57 54		1770.25
1916	7/27	Dominion		21 45		1748.80
*	5/19/20	Deposited			290 00	2038.80
1917	8/7	Rodney Sinclair (2 cuttings		90 00		1948.80
1918	8/7	HREA		47 59		1901.21
1919	8/7	Short Line PSD		36 12		1865.09

PAYROLL CHANGE NOTICE

DATE OF CHANGE	EMPLOYEE #	SOCIAL SECURITY NO
		| | |-| | |-| | | | |

NAME	ADDRESS
Kaitlyn Rollins	

PHONE	CITY/STATE/ZIP	DEPARTMENT	SHIFT

THE CHANGE(S):

✓ All Applicable Boxes	FROM	TO
☐ DEPARTMENT		
☐ JOB		
☐ SHIFT		
X RATE	new hire	4-1
☐ ADDRESS/PHONE		
☐ BENEFIT PLAN	EFFECTIVE	04-12-2021
☐ OTHER _____		
☐ OTHER _____		

THE REASON FOR THE CHANGE(S):

X HIRED	☐ PROBATIONARY PERIOD COMPLETED
☐ RE-HIRED	☐ LENGTH OF SERVICE INCREASE
☐ PROMOTION	☐ RE-EVALUATION OF EXISTING JOB
☐ DEMOTION	☐ RESIGNATION
☐ TRANSFER	☐ RETIREMENT
☐ MERIT INCREASE	☐ LAYOFF
☐ WAGE SCALE CHANGE	☐ DISCHARGE

☐ LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)

TYPE OF LEAVE _____

X OTHER (Explain) _____

Data Entry

AUTHORIZATION:

EMPLOYEE SIGNATURE	DATE
SUPERVISOR SIGNATURE Joseph A Romano	DATE 3/25/21
HUMAN RESOURCES MANAGER	DATE 03-25-2021

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Toll Free 1-866-466-1438 or online www.amsterdamforms.com
Amsterdam

PP-11

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

PERSONAL PROPERTY

4-A

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of March**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***C Boggus, Deputy*** for **SIGLEY MACAYLA M** whose address is, PO BOX 353 REYNOLDSVILLE WV 26422-0353, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **2,505** on **2008 FORD ESCAPE**, Class 3/4 in **COAL OUTSIDE** District, Harrison County, West Virginia, should have been assessed at **0,** in and for the year **2019**, resulting in a difference in assessed value of **2,505.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2019, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The above mentioned taxpayer in error reported the 2008 Ford. The vehicle was assessed and paid by her parents on account #3068912. Cancel this ticket and mark improper for the 2019 tax year.

District	**COAL OUTSIDE 7**	Amount Exonerated:	***57.80***
Account No.	**3068912** ***TIF #***		
Ticket No.	**711344**		
Tax Year	**2019**		

_____ _____

PRESENT: Prosecuting Attorney APPROVED: President, County Commission

(or)

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR

Joseph G. Romano

ORDER ENTERED TO STATE AUDITOR

_____

6-A

FORM OF REQUISITION FOR PAYMENT FROM
ADMINISTRATIVE EXPENSE FUND

$36,500,000
The County Commission of Harrison County
Special District Excise Tax Revenue and Improvement Bonds
Series 2019 A
(Charles Pointe Economic Opportunity Development District)

$12,280,000
The County Commission of Harrison County
Subordinate Special District Excise Tax Revenue and Refunding Bonds
Series 2019 B
(Charles Pointe Economic Opportunity Development District)

REQUISITION FOR PAYMENT NO. 28 (3/31/21)

The County Commission of Harrison County, a public corporation and governing body of Harrison County, a political subdivision of the State of West Virginia (the "Issuer"), by its Authorized Officer, hereby certifies in connection with this Requisition for Payment from Administrative Expense Fund (the "Requisition") pursuant to an Indenture of Trust (the "Indenture") for the above captioned Bonds (the "Series 2019 Excise Tax Bonds"), dated as of August 16, 2019, by and between the Issuer and Wilmington Trust, N.A., as trustee (the "Trustee") and agreed to by the Charles Pointe Economic Opportunity Development District Board (the "District Board") and pursuant to a Development Agreement for the Series 2019 Excise Tax Bonds, dated as of August 16, 2019 (the "Development Agreement") by and among the Issuer, the District Board, Genesis Partners, Limited Partnership, a West Virginia limited partnership (the "Developer") and Charles Pointe Crossing, LLC, a West Virginia limited liability company (the "Site Developer") that:

1. Terms used herein and not otherwise defined herein shall have the meanings given such terms in the Development Agreement or the Indenture for the Series 2019 Excise Tax Bonds.

2. The amount requested to be disbursed by this Requisition: (a) is a portion of the Administrative Expenses authorized for funding under the Indenture and Development Agreement, (b) is an authorized expenditure under the Project Plan and the EODD Act, and (c) such requested expenditures, when combined with previous disbursements from the Administrative Expense Fund during the current Bond Year do not exceed $80,000 in the aggregate for such Bond Year.

3. The total amount requested to be disbursed pursuant to this Requisition is **$ 1,993.75**. As set forth in the invoices attached hereto, of the total amount of such disbursement:

(a) $ -0- is to be paid to the Issuer, the District Board, the Developer or Site Developer as reimbursement to the Issuer, the District Board, the Developer or Site Developer

for an invoice or statement previously paid by the Issuer, the District Board, the Developer or the Site Developer; and

(b) **$ 1,993.75** is to be paid to a third party payee that is not affiliated with the Issuer, the District Board, the Developer or the Site Developer or on a joint basis to the Issuer, the District Board, the Developer or the Site Developer and such a third party payee with respect to an expense previously incurred.

In either event, the amount set forth herein is supported by the attached copies of invoices, statements or proof of payment.

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer by its Authorized Officer this 31st day of March, 2021.

THE COUNTY COMMISSION OF
HARRISON COUNTY

By: _____
Its President

Schedule I
to Requisition

Copies of Invoices, Statements or Proof of Payment
(Attached)

MuniCap, Inc.	Invoice #032021-083	Dated: 3/22/21	$1,993.75
	Total		**$1,993.75**

INVOICE

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Invoice Date	Invoice #
3/22/2021	032021-083

Balance Due $1,993.75

Remit check to: MuniCap, Inc.
8630 M Guilford Road #263
Columbia, MD 21046

or

Wire Instructions:

Our banking info has changed:
Fulton Bank, N.A.
9151 Baltimore National Pike
Ellicott City, MD 21042
(410) 418-8500

ABA Routing No.: 031 301 422
To the account of: MuniCap, Inc.
Account No.: 00 082 362 31

Bill To:

Gina Jones
Director of Grants and Special Proj.
Harrison County Commission
301 West Main St., Fifth Floor
Clarksburg, WV 26301

2019 A+B

Project: Charles Pointe 2019 2024

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

Invoice Date 3/22/2021

Invoice # 032021-083

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Terms: Net 30 | Client #: 2024

Project: Charles Pointe 2019

Item	DATE	Description	Hrs	Amount
Sr Assoc (SAM)	2/5/2021	Update semiannual continuing disclosure report.	0.25	43.75
Sr Assoc (OO)	2/9/2021	Prepare account statements for updating account reconciliation and file.	0.25	43.75
Sr Assoc (OO)	2/10/2021	Prepare January journal entries.	0.5	87.50
Sr Assoc (MMM)	2/12/2021	Update account reconciliation with December 2020 and January 2021 account activity. Confirm debt service payments amount. Prepare Series 2019B debt service schedule.	2	350.00
Sr Assoc (SAM)	2/16/2021	Update developer's semiannual report.	0.5	87.50
Vice Pres (MD)	2/17/2021	Review January journal entries.	0.5	112.50
Manager (JJ)	2/17/2021	Review 3rd quarter 2020 account reconciliation.	0.25	50.00
Vice Pres (MM)	2/19/2021	Review semi-annual developer's report.	0.25	56.25
Manager (JJ)	2/22/2021	Review 4th quarter 2020 account reconciliation.	0.25	50.00
Sr Assoc (SAM)	2/22/2021	Update developer's semiannual report. Prepare issuer's semiannual report.	1.5	262.50
Manager (JLA)	2/23/2021	Assist with identification and provision of material information related to on-going compliance.	0.5	100.00
Sr Assoc (SAM)	2/23/2021	Review the Indenture. Correspond with the developer.	0.75	131.25
Vice Pres (MM)	2/23/2021	Review issuer's semi-annual report. Review developer's semi-annual report.	0.5	112.50
Sr Assoc (SAM)	2/25/2021	Update developer's semiannual report. Correspond with the underwriter's council.	1.5	262.50
Sr Assoc (SAM)	2/26/2021	Discuss and prepare semiannual reports to post. Correspond with the developer.	0.75	131.25
Vice Pres (CK)	2/26/2021	Prepare semi-annual continuing disclosure reports for posting and post on EMMA.	0.5	112.50

EIN: 03-0461891. Overdue accounts are subject to 1% monthly finance charge.

Total **$1,993.75**

MM

Billing Inquiries? Call (443) 539-4104

M

6-B

FORM OF REQUISITION
FOR PAYMENT FROM SERIES A
ADMINISTRATIVE EXPENSE FUND

The County Commission of Harrison County
(West Virginia)
Tax Increment Revenue and Refunding Bonds
(Charles Pointe Project No. 2- North Land Bay Improvements)
Series 2008 A

To: UMB Bank
120 South Sixth Street Suite 1400
Minneapolis, MN 55402

REQUISITION FOR PAYMENT NO. (3/31/21)

THE COUNTY COMMISSION OF HARRISON COUNTY (the "Issuer"), by its duly Authorized Representatives, hereby certifies, in connection with this Requisition for Payment from Series A Administrative Expense Fund (the "Requisition") under a Development Agreement for the above captioned bonds (the "Series 2008 A Bonds"), dated March 5, 2008 (the "Development Agreement") between the Issuer and the Developer, that:

1. Terms used herein and not otherwise defined herein shall have the meanings given such terms in the Development Agreement or the Indenture of Trust for the Series 2008 A Bonds, dated March 5, 2008 as supplemented and amended (the "Series 2008 A Trust Indenture") between the Issuer and UMB Bank as substitute trustee under the Series 2008 A Trust Indenture.

2. The amount requested to be transferred from the Revenue Fund to the Series A Administrative Expense Fund is necessary to pay Administrative Expenses incurred during the preceding six month period.

3. The amount requested to be disbursed from the Series A Administrative Expense Fund by this Requisition: (a) is a portion of the Administrative Expenses authorized for funding under the Series 2008 A Trust Indenture and Development Agreement, and (b) is an authorized expenditure under the Project Plan and the Act.

4. The total amount requested to be transferred from the Revenue Fund to the Series A Administrative Expense Fund pursuant to this Requisition is **$887.50.**

5. The total amount requested to be disbursed from the Series A Administrative Expense Fund pursuant to this Requisition is **$887.50.** As set forth in the invoices attached hereto, of the total amount of such disbursement:

(a) $ -0- is to be paid to the Developer as reimbursement to the Developer for an invoice or statement previously paid by the Developer to an entity that is not affiliated with the Developer; and

(b) **$887.50.** is to be paid to a third party payee that is not affiliated with the Developer or on a joint basis to the Developer and such a third party payee with respect to an expense previously incurred.

In either event, the amount set forth herein is supported by the attached copies of invoices or statements.

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer by its duly Authorized Representative this 31st day of March, 2021.

THE COUNTY COMMISSION OF
HARRISON COUNTY

By: _____
Its President

Schedule I
to Requisition

Copies of Invoices or Statements
(Attached)

MuniCap, Inc.	Invoice #032021-118	Dated 3/22/21	$887.50
		Total	**$887.50**

INVOICE

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

RECEIVED
MAR 2 2 2021
HARRISON COUNTY COMMISSION

Invoice Date	Invoice #
3/22/2021	032021-118

Balance Due $887.50

Remit check to: MuniCap, Inc.
8630 M Guilford Road #263
Columbia, MD 21046

or

Wire Instructions:
Our banking info has changed:
Fulton Bank, N.A.
9151 Baltimore National Pike
Ellicott City, MD 21042
(410) 418-8500

ABA Routing No.: 031 301 422
To the account of: MuniCap, Inc.
Account No.: 00 082 362 31

Bill To:
The County Commission of Harrison County
301 West Main Street
Clarksburg, WV 26301
ATTN: Ron Watson, President

2008A

Project: Charles Pointe Series 2008 1394

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

Invoice Date	Invoice #
3/22/2021	032021-118

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Project: Charles Pointe Series 2008

Terms	Client #
Net 30	1394

Item	DATE	Description	Hrs	Amount
Sr Assoc (MMM)	2/5/2021	Update account reconciliation with December account activity.	0.75	131.25
Sr Assoc (OO)	2/9/2021	Prepare account statements for updating account reconciliation and file.	0.25	43.75
Sr Assoc (SAM)	2/11/2021	Review developer's quarterly reports.	1	175.00
Sr Assoc (SAM)	2/12/2021	Prepare developer quarterly reports for posting on EMMA.	0.25	43.75
Vice Pres (CK)	2/13/2021	Prepare fourth quarter developer's continuing disclosure report for posting and post on EMMA.	0.5	112.50
Manager (JLA)	2/15/2021	Verify quarterly posting to EMMA.	0.25	50.00
Sr Assoc (MMM)	2/15/2021	Update account reconciliation with January account statements.	0.75	131.25
Manager (JJ)	2/17/2021	Review 3rd quarter 2020 account reconciliation.	0.25	50.00
Manager (JJ)	2/22/2021	Review 4th quarter 2020 account reconciliation.	0.25	50.00
Manager (JLA)	2/23/2021	Assist with identification and provision of material information related to on-going compliance.	0.5	100.00

EIN: 03-0461891. Overdue accounts are subject to 1% monthly finance charge.

Total **$887.50**

MM

Billing Inquiries? Call (443) 539-4104

M

6-C

REQUISITION FOR PAYMENT
FROM ADMINISTRATIVE EXPENSE FUND

$15,575,000
The County Commission of Harrison County
Senior Tax Increment Refunding Revenue Bonds
Series 2015 A Tax-Exempt
(Development District No. 3 – White Oaks Project No. 2)

$8,764,000
The County Commission of Harrison County
Subordinate Tax Increment Revenue Bonds
Series 2015 B Taxable
(Development District No. 3 – White Oaks Project No. 2)

REQUISITION FOR PAYMENT - 3/31/21

The County Commission of Harrison County, a public corporation and governing body of Harrison County, a political subdivision of the State of West Virginia (the "Issuer"), by its duly Authorized Officer, hereby certifies, in connection with this Requisition for Payment from Administrative Expense Fund (the "Requisition") under a Indenture of Trust, dated as of September 3, 2015 (the "Indenture") between the Issuer and United Bank, Inc., as bond trustee thereunder, that:

1. Terms used herein and not otherwise defined herein shall have the meanings given such terms in the Indenture.

2. The amount requested to be disbursed by this Requisition: (a) is a portion of the Administrative Expenses as that term is defined in the Indenture, and (b) is an authorized expenditure under Project Plan No. 2 and the Act.

3. The total amount requested to be disbursed pursuant to this Requisition is **$118.75.** As set forth in the invoices attached hereto, of the total amount of such disbursement:

(a) $ -0- is to be paid to the Issuer as reimbursement to the Issuer for an invoice or statement previously paid by the Issuer to an entity that is not affiliated with the Issuer; and

(b) **$118.75** is to be paid to a third party payee that is not affiliated with the Issuer or on a joint basis to the Issuer and such a third party payee with respect to an expense previously incurred.

In either event, the amount set forth herein is supported by the attached copies of invoices.

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer by its duly Authorized Officer this 31st day March, 2021.

THE COUNTY COMMISSION OF HARRISON COUNTY

By: _____
It's President

Schedule I
to Requisition

Copies of Invoices or Statements
(Attached)

MuniCap, Inc.	Invoice #032021-013	Dated: 3/22/2021	$118.75
		Total	**$118.75**

INVOICE

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Invoice Date	Invoice #
3/22/2021	032021-013

Balance Due $118.75

Remit check to: or Wire Instructions:

MuniCap, Inc.
8630 M Guilford Road #263
Columbia, MD 21046

Our banking info has changed:
Fulton Bank, N.A.
9151 Baltimore National Pike
Ellicott City, MD 21042
(410) 418-8500

ABA Routing No.: 031 301 422
To the account of: MuniCap, Inc.
Account No.: 00 082 362 31

Bill To:

Gina Jones
Director of Grants & Special Proj.
Harrison County Commission
301 West Main St., Fifth Floor
Clarksburg, WV 26301

20/5 A+B

Project: Harrison County-WhiteOak Admin 1676

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

Invoice Date 3/22/2021

Invoice # 032021-013

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Terms	Client #
Net 30	1676

Project: Harrison County-WhiteOak Admin

Item	DATE	Description	Hrs	Amount
Sr Assoc (MMM)	2/17/2021	Update account reconciliation with December account statements. Confirm debt service payment.	0.5	75.00
Manager (JJ)	2/23/2021	Review 4th quarter 2020 account reconciliation.	0.25	43.75

EIN: 03-0461891. Overdue accounts are subject to 1% monthly finance charge.

Total **$118.75**

MM

Billing Inquiries? Call (443) 539-4104

M

County Commission of Harrison County, West Virginia

8

ORDER

American Rescue Plan Act of 2021--- Fund Number 207

Whereas, the Harrison County Commission is hereby establishing and authorizing a special fund to be named the "American Rescue Plan Act of 2021 Fund" (Fund # 207); and,

Whereas, the American Rescue Plan Act Fund will be restricted for revenues and expenditures as authorized by federal legislation known as the "American Rescue Plan Act of 2021"; and,

Whereas, the Harrison County Commission, by this Order, does hereby adopt the guidelines and regulations as set forth for the administration of said fund; and,

Whereas, the Harrison County Commission is of the current understanding the County is expected to receive approximately $13.04 million dollars; and,

Whereas, the Harrison County Commission will expend such funds in accordance with the regulations and guidelines of said legislation which includes, but may not be limited to the following, purposes:

1. For the provision of government services to the extent of the reduction in revenue due to the public health emergency relative to revenues collected in the most recent full fiscal year of the County prior to the emergency, and/or;
2. Make necessary investments in water, sewer or broadband infrastructure, and/or;
3. Respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay (an additional amount up to $13.00 per hour that is paid to an eligible worker for work during the COVID-19 pandemic being capped at $25,000 for said employee) to eligible workers of the County that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work, and/or;
4. Respond to the public health emergency with respect to the COVID-19 or its negative economic impacts, including assistance to households, small businesses and nonprofits, or aid to impacted industries such as tourism, travel and hospitality, and/or;
5. Any other eligible expenditure as authorized by the legislation or as amended by future action of Congress and/or the Courts; and,

Whereas, such revenues and expenditures shall have the required documentation supporting receipts to and disbursements from this fund in accordance with federal and state law, including transfers to other funds and/or agencies or component units of the County; and

Whereas, unless amended or modified by legislative action, the deadline to spend such funds would be December 31, 2024;

Now, therefore be it resolved, the Harrison County Commission does hereby authorize the establishment of a fund to be known as "American Rescue Plan Act 2021 Fund," and that all checks evidencing payment from said fund be signed by the President of the Harrison County Commission, the Clerk of the County Commission, and the Sheriff and Treasurer of Harrison County.

Order is hereby approved and entered this the _____ day of _____, 2021.

By: _____
Susan J. Thomas, President

Attest:

_____
John R. Spires, Clerk of the County Commission

RECEIVED
MAR 22 2021
HARRISON COUNTY
COMMISSION

Office of the State Auditor
Chief Inspector Division
State Capitol, Building 1, Suite W-100
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

State of West Virginia
John B. McCuskey
State Auditor and
Chief Inspector

Toll Free: (877) 982-9148
Telephone: (304) 558-2251
Fax: (304) 558-6414
www.wvsao.gov

ADVISORY MEMORANDUM

TO: County Commissioners in the State of West Virginia
County Clerks in the State of West Virginia
Sheriffs in the State of West Virginia

FROM: Samantha Woods, Assistant Director
Office of the Chief Inspector

DATE: March 17, 2021

RE: **Accounting and Recordkeeping Requirements for Certain Federal Funding**

The *"American Rescue Plan Act of 2021"* became law on March 11, 2021. A portion of this $1.9 trillion coronavirus relief package provides federal funding for States and local governments (including county commissions).

Many local West Virginia governments have been receiving federal funding over the past year from the *"CARES Act"* (Coronavirus Aid, Relief, and Economic Security Act) which is administered by the Governor's Office. With this CARES Act funding, the Governor's Office is the primary recipient of the grant with the local governments as sub-recipients. Any government which expends over $750,000 of federal financial assistance in a fiscal year is subject to federal single audit requirements.

The new *"American Rescue Plan Act of 2021"* provides an allocation formula that authorizes federal payments to local governments (including County Commissions) based, in part, on population. The 1st half of the payment is expected to be made within 60 days of certification by an authorized official of the State of West Virginia. The State of West Virginia will then have up to 30 days (barring an extension approval) to disseminate the appropriate allocation to each County. While both the *"CARES Act"* and the *"American Rescue Plan Act of 2021"* are federal financial assistance programs available to local governments, the allowable costs for each are considerably different.

West Virginia Code Section Two, Article Nine, Chapter Six (§6-9-2) authorizes the State Auditor, as Chief Inspector, to formulate, prescribe and install a system of accounting for local governments. The Chief Inspector is also charged with the responsibility of overseeing and conducting audits (including federal single audits) on local governments. In order to facilitate both the record keeping and audit process associated with this federal assistance program, we are requiring the following:

1. A new special revenue fund **(Fund #207 – American Rescue Plan Act -2021)** and separate checking account shall be created by the County to segregate any federal financial assistance received pursuant to the *"American Rescue Plan Act of 2021"*. No other funds should be intermingled with this account (including *"CARES Act"*). While our office recommended that local governments establish a separate fund for the *"CARES Act"* funds in the past, this new fund for the *"American Rescue Plan Act of 2021"* is **mandatory**.

2. Revenue received in the form of federal financial assistance shall be recorded under the revenue line item 322.

3. Documentation supporting disbursements from this fund must be maintained in accordance with federal and state law. This includes transfers to other funds and/or agencies or component units of the County.

4. Counties must utilize an online reporting system detailing the activity of this fund until all federal assistance received has been expended. The law stipulates a period of availability through December 31, 2024. The *American Rescue Plan Act Reporting System* is in the development stage and will be available soon. We will be conducting virtual training sessions for the platform in the near future.

The system, when complete, will provide information on the allowable uses of this federal financial assistance. We will provide further guidance as it becomes available from the appropriate federal agencies. We strongly encourage you to check our website for updates by clicking on the link at the top of the page for "COVID-19 information and resources". This is a very dynamic situation with the funding being disseminated quickly and the guidance not fully formulated. Furthermore, we have a group email account at COVID19@wvsao.gov that you may utilize to obtain guidance on the allowability of COVID related disbursements or assist you in any other way.

It is important to point out that the failure to properly administer these federal funds and/or follow the instructions provided by our office could result in audit findings for your government. It is our goal to provide you with the resources necessary to ensure compliance and promote transparency while meeting community needs in expending this federal financial assistance. Your service to the citizenry of this State has been and is vital during these unprecedented times, and we will continue to support you in that honorable endeavor.



HARRISON COUNTY COURT HOUSE

Harrison County Commission

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX 304-624-8673

A-1

COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the special meeting of the County Commission of Harrison County held on Thursday, March 11, 2021, Commissioners Susan Thomas, David Hinkle and Patsy Trecost II were present. Also present were John Spires, County Clerk, and William A. "Willie" Parker, County Administrator. Commissioner Thomas opened the meeting.

1. Review – Discuss – Consider FY 2021-2022 Budget & Related Matters for County Commission of Harrison County, West Virginia
   Willie Parker offered to review the handout to the Commission. Mr. Parker explained the overall budget. Mr. Parker advised that the valuations are down one hundred ninety million dollars. Mr. Parker went over the budget page by page. There was discussion of why there is a decrease in minerals. Joseph Romano, Assessor, spoke on standing with the current values. Commissioner Hinkle asked how much the State took from the County regarding values. There was discussion of the County being down this much in valuations in previous years. Mr. Parker reviewed the levy rates for the County. There was discussion on state and federal grant funds. Willie Parker explained that some coal severance was used for COVID expenses. Commissioner Thomas asked if there should be a COVID specific fund. Mr. Parker gave an overview of General County budget expenditures. There was discussion of workers comp budgeted amount. Commissioner Thomas asked for clarification on the County property located off of 279. Other tabs within Mr. Parker's presentation were reviewed. Commissioner Thomas asked how the payroll step increase is calculated. Willie Parker recommends keeping the pay step increase and states that it has been in place for fifteen years. There was discussion of where cuts in costs can be made. Willie Parker recommends a 1.75 percent raise across the board. Commissioner Hinkle wants to look at options before a decision is made. Commissioner Thomas agrees. Willie Parker explained the Vital Service Levy section of the budget. There was discussion of increasing, decreasing or a step increase regarding the levy. Commissioner Hinkle thinks the County can get funds back in the General County fund with diligent work. More tabs of the budget presentation were reviewed. Commissioner Thomas does not want to see employees penalized due to Commission spending. There was discussion of how much money will be reclaimed from the Vital Service Levy.

With no further business to come before the Commission, meeting adjourned until Monday March 15, 2021.

_____ _____

Susan Thomas, President Date

A-2


HARRISON COUNTY COURT HOUSE

Harrison County Commission

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COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the special meeting of the County Commission of Harrison County held on Monday, March 15, 2021, Commissioners Susan Thomas, David Hinkle and Patsy Trecost II were present. Also present were William A. "Willie" Parker, County Administrator and John Spires, County Clerk. Commissioner Thomas called the meeting to order. The Purpose of the Meeting was to review FY 2021-2022 budget matters.

Gregg Dale, Director of Maintenance, spoke of the need for a truck for the county garage and snow removal. Thomas asked if a plow could be fit to existing trucks and if a smaller truck would work. Trecost recommended smaller truck for county garage. Dale also stated they needed a new tire balancing machine to maintain the county fleet. Thomas asked if funds were currently available in the budget. Mr. Parker stated funds could be moved between existing accounts. Mr. Parker discussed maintenance staffing and possible restructuring. Trecost stated he would like to see $20,000-$25,000 for smaller trucks. Trecost stated he approved the purchase of a tire machine.

Mike Book, Director of Parks and Recreation, stated their proposed budget is based on past two "regular" budget years (November-COVID). Book stated he hopes to open 6-7 parks this year and plans include using the trails. Book mentioned the potential for men's /adult leagues. Book summarized line items of the Park and Recreation budget. Doug Comer, Deputy Director, spoke on trails being expanded and future projects. Comer stated a truck and/or ATV is needed. Trecost asked when Parks and Recreation will hire summer help. Comer stated it would be June - July. They will be starting the interview process soon. Hinkle asked about $8,000 line item to City Parks. Hinkle stated to Mr. Parker that he does not feel the budget is complete. The budget does not include several county parks. Trecost agreed. Hinkle asked about amount budgeted to Parks and Recreation. Staff was asked to re-visit with budget amounts with funding included for other parks. Hinkle asked about Quiet Dell school plans and the future of plans in that area.

Rocky Romano, County Assessor, clarified that he's asking for a 3% raise for his employees. Trecost asked why travel expenditures have increased over the past months. Thomas asked for clarification on dues and subscriptions that were paid and from which fund they were being paid. Mr. Parker summarized his suggestions with Assessor budget revisions. Hinkle pointed out the difference of requested budget amounts versus Mr. Parker's revised budget amounts.

Hinkle made a motion to recess until 1:00 pm. Motion carried. Thomas made a motion to reconvene.

Laura Pysz, Director of Office of Emergency Management, spoke about budget. Thomas asked about existing funds in the budget. Hinkle asked if Sheriff and others could possibly use signs that are being requested. Hinkle asked about the amount of money brought in through grants. Ms. Pysz explained grant time-frame and the process. Trecost commended Ms. Pysz on job performance through the COVID pandemic. Trecost asked who used to do Laura Pysz's job before she was hired. Mr. Parker explained the history of director's role and the past structure.

Gary Hamrick, Director Community Corrections and Day Report Center, spoke about the budget. Hamrick gave an overview of the revenue. The revenue is down over $800,000 due to COVID-19. Hamrick states the department is self-sufficient and does not need general county funds.

Hinkle made a motion to recess. Motion carried. Thomas made a motion to reconvene. Motion carried.

Robert Matheny, Sheriff, spoke on the law enforcement budget and his request for a 5% raise for his employees, a 6% raise for civil service deputies because they aren't part of the pay grade step program. Matheny spoke on two additional line items within his budget. Matheny clarified that not all money spent from overtime is actual overtime costs. Matheny requested more sub accounts in order to track spending more accurately. Matheny would like to change the current procedure of purchasing vehicles to spread out the costs over several years. Matheny would like to see a total of 8 cars purchased every 7 years. Hinkle asked about insurance policies on cruisers. Thomas questioned monies from line items where money was still present. Matheny spoke on the tax office budget. Matheny said there is a 5% increase in revenue collected. Matheny stated that they had received 1.1 million in delinquent taxes. Matheny summarized previous year and past year tax collections and tax budget. Matheny went over process server budget and also requested a 5% increase in salaries for this department. Matheny spoke about the fleet for process servers and the funding for vehicle replacement. Trecost asked about various line items and training costs for courthouse security. Matheny gave an overview of the staging area budget. Hinkle asked if security could be trained to move prisoners and if cross-training could be available. Matheny asked for a 5% increase in salaries for security personnel. Matheny spoke about the night shift security and his desire to seek a full-time person for that position.

Hinkle made a motion to adjourn.

With no further business to come before the Commission, meeting adjourned.

_____ _____

Susan Thomas, President Date

A-3



HARRISON COUNTY COURT HOUSE

Harrison County Commission

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COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the special meeting of the County Commission of Harrison County held on Tuesday, March 16, 2021, Commissioners Susan Thomas, David Hinkle and Patsy Trecost II were present. Also present were William A. "Willie" Parker, County Administrator and John Spires, County Clerk. Commissioner Thomas called the meeting to order.

Rachel Romano, Prosecuting Attorney, presented her budget for 2021. She stated the only item that is different is line item 223 – professional services. She said the increase is due to transcripts. Romano asked for a 3% salary increase for her employees.

Paul Bump, Director of E911, and Jim Copenhaver, Deputy E911 Director, presented their budget for 2021. Mr. Bump said he doesn't anticipate any changes. NexGen911 is an unknown expense that will be upcoming in a few years. Hinkle asked about computer arms for work stations that were in the budget request. Hinkle asked about back-up radios expense. Discussion was held on landline fees.

John Spires, County Clerk, presented his budget for 2021, which included a 3% raise for his employees. Overtime budget in voters was discussed. An increase in printing for voters was discussed due to absentee. Spires stated he will be financially responsible with taxpayers' money. Spires would like to see supplies and other line items cut rather than cutting step pay grade increases. Hinkle asked for feedback as to if Paycom has saved the county money.

Trecost made a motion to recess. Motion carried.

Hinkle made a motion to reconvene. Motion carried. Trecost was absent from afternoon meetings.

Charlie Curkendall, Director of the IT Department, presented his budget for 2021. Curkendell stated a new fiber line will need to be installed at the new Sheriff's office building. Curkendell talked about the need to replace switches. Brian Hayes, Deputy Director of the IT Department, outlined potential future expenses of replacing computers and servers.

Michelle Tonkin – Deputy Director of the Grants and Special Project Department presented their budget for 2021 – Ms. Tonkin discussed the need for a new copier. Discussion was held on leasing a copier. Ms. Tonkin discussed upcoming training classes. Thomas asked about searching for new grants.

Charlotte Shaffer, Director of Planning, presented her budget for 2021. Ms. Shaffer spoke in regards to the difficulty of locating out-of-state delinquent property owners. Hinkle asked about the process for finding the owners. Ms. Shaffer stated she has asked legal counsel to help locate the parties. Ms. Shaffer stated Mr. Simmerman may assist her in meeting property owners. Hinkle asked Ms. Shaffer what her goals were for delinquent properties for 2021. Shaffer stated she would like to tear town 10 properties a year, some possibly by court action. Hinkle asked what cost was for court action per case. Mr. Shaffer stated it was about $3,500.00. Cost to demolish properties is between $10,000 and $15,000. Ms. Shaffer spoke about the rail trail expenditures year-to-date. Mr. Parker explained the grant process for federal grants. Ms. Shaffer would like to purchase additional rails from CSX and others.

Elizabeth Keough, Director of Animal Control, discussed vehicle issues and the need for repairs to the existing building. Ms. Keough said they need additional space, but there is no room for expansion. Ms. Keough spoke of the need to carry a firearm for protection against animals and people. She stated neighboring counties allow their animal control people to carry firearms. Liability issues were discussed.

Hinkle made a motion to recess. Motion carried.

Hinkle made a motion to reconvene. Motion carried.

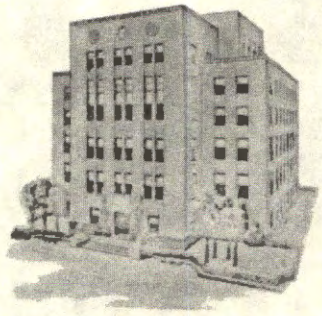
Albert Marano, Circuit Clerk, reviewed his budget for 2021. Marano stated his budget included a 3% raise for full-time employees and a $1.00 raise for part-time employees. Marano discussed increase in the printing/supply line item. Marano asked for increase in dues/subscription line item. Marano talked about the need to replace a couple of scanners and two-way radios. Marano asked that the pay grade step be maintained.

Hinkle made a motion to adjourn.

With no further business to come before the Commission, meeting adjourned.

_____ _____

Susan Thomas, President Date



HARRISON COUNTY COURT HOUSE

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A-4

COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the regular meeting of the County Commission of Harrison County held on Wednesday March 17, 2021. Commissioners Susan J. Thomas, David Hinkle and Patsy Trecost II were present. Also present were John Spires, County Clerk and William A. "Willie" Parker, County Administrator. Commissioner Thomas opened the meeting and led those present in prayer. Thomas led in the Pledge of Allegiance to the Flag. All motions passed unanimously unless otherwise noted.

Appointments:

10:00 A.M. --- Call To Order --- Invocation --- Pledge of Allegiance

10:00 A.M. --- Estate of Helen E. Cantarelli - Agreed Order Referring Matter to Fiduciary Commissioner Gary Morris, Esquire
Mr. Parker stated that there is an agreed upon order. Hinkle made a motion to approve and affix signature. Motion carried.

10:30 A.M. --- Hearing --- Estate of Laura Mitchell – No one was present – no action taken. Attorney who submitted petition will be notified.

10:45 A.M. --- Public Nuisance Hearing --- Timothy Michael Kendall --- Mount Clare – Charlotte Shaffer, Director of Planning, stated that since the hearing, nothing has been done to improve the conditions of property. Trecost made a motion to move to circuit court. Motion carried.

11:00 A.M. --- Special Funding Request --- Jason Keeling --- American Red Cross – Jason Keeling, Director of Allegheny Highland Chapter of the American Red Cross commented on the history of the Red Cross and the services provided during emergencies. Mr. Keeling spoke of $2,000 funding request. Trecost made a motion to move forward. Motion carried.

11:00 A.M. --- Proclamation Presentation --- American Red Cross --- Jason Keeling – Thomas read the proclamation declaring March as American Red Cross month.

NEW BUSINESS – Action Items for Consideration or Approval:

1. Public Comment Period – Rocky Romano, County Assessor, spoke in regards to a letter from his employees, with his full support, in regards to the step pay grade program and to the county parking lot being utilized by county employees. Albert Marano, Circuit Clerk, spoke about a letter that his employees drafted in regards to keeping the step pay

grade program and their desire that the county parking lot remain utilized by county employees only. Rachel Romano, Prosecuting Attorney, spoke in regards to a letter that had been drafted by her employees in regards to the continuance of the step pay grade program. John Spires, County Clerk, spoke in regards to a letter that his employees drafted in regards to their concerns. Albert Marano stated that he had talked with Sheriff Matheny, who couldn't attend today, but that Sheriff Marano supports the letter as well.

2. Consent Agenda – Trecost asked Jim Copenhaver, Deputy Director of 911, about the need for additional headsets that were requested. Mr. Copenhaver stated they are replacements as they have no surplus stock. Trecost asked about a requisition for an installation of a wall mount. Trecost asked about cost of deeds with Thrasher Engineering in regards to the Harvest Care property. Thomas asked about the recording of the PSD's minutes. Trecost made a motion to move forward. Motion carried.

3. Payroll Change Notices: None

4. Exonerations --- Corrective Tickets --- Joint Property Application – None

5. Consolidations of Land --- Segregations of Land – None

6. Consideration of approval of a Project Fund Requisition for the payment of costs associated with the project to be financed from proceeds of the Series 2019 Bonds issued for the Charles Pointe Economic Opportunity Development District, Series 2015 A & B (Development District No. 3 White Oaks Project No. 2) & Series 2008 A (Charles Pointe Project No. 2 – North Land Bay Improvements) -

   A. Requisition for Payment No. (03-09-2021) --- UMB Bank ---$3575.66 – Hinkle made a motion to approve. Motion carried.

7. Consideration of Approval of Project Fund Requisitions for the payment of costs associated with the General Services Administration Building Project to be financed from proceeds of the Series 2020 Bonds issued for the Harrison County Building Commission – None

8. Review – Discuss – Consider Modifications to Parking Policy --- Procedure on County Owned Lot – Trecost asked Gary Hamrick, Director of Day Report Center, about the progress of assigning individuals to available slots in the county parking lot. Hamrick asked for direction of the Commission as their direction. Thomas asked about Olymbec employees parking in the county lot. Mr. Parker stated that 10 parking spots were secured in an agreement with Olymbec due to the construction of the county annex. Trecost asked for the slots to be seniority driven. Thomas asked how many state employees were told that they needed to find another location to park. Mr. Parker stated there were 12-13 state employees affected. Hinkle discussed a tax map showing an available state parking lot with available spots. Trecost made a motion to back fill 20 spots based on the seniority list, including four spots for family court employees.

Hamrick asked Hinkle for a copy of the tax map that was referenced earlier. Hinkle asked if Hamrick was using any of Olymbec's parking. Motion carried.

9. Review – Discuss Legislative Analysis for Counties --- Coronavirus State & Local Fiscal Recovery Fund – Mr. Parker summarized analysis for the recovery fund. One check will be issued within 60 days of enactment for half of the funding. The remainder payment will be issued 12 months after the first one.

10. Review – Discuss Correspondence from the Office of Senator Manchin Related to Funding for West Virginia in Covid-19 Bill – Hinkle made a motion to make the correspondence part of today's record. Motion carried.

11. Review – Discuss – Consider a Resolutions Authorizing the Acceptance of Procedure Related to Hatch Act & Grant Administration – Mr. Parker summarized the Hatch Act and the consequences of violations. Trecost made a motion to move forward and affix signatures. Motion carried.

12. Review – Discuss – Consider Harrison County Courthouse Operations Plan COVID – 19 Pandemic – Mr. Parker summarized current COVID-19 policy that is in place. Trecost spoke of shifting policy back to normal operating hours and closing Third Street entrance. Hinkle discussed temperature taking devices. Rachel Romano, Prosecutor, offered to call the Health Department to find out their most recent recommendations. Rocky Romano, Assessor, asked about limits on the number of people allowed in the office at a given time. Trecost will find out more information and get back next week.

13. Review – Discuss – Consider Meeting Schedule Submission Time Lines for 2021 – Trecost made a motion to move forward with the timeline. Motion carried.

14. Review – Discuss – Consider Fiscal Year 2020-2021 Budget & Related Matters – this will be discussed on Thursday, March, 18, 2021 at 10:00 am.

15 Commissioner Comments – Questions

Trecost asked for a proclamation to be done for the Health Department and the Office of Emergency Management.

Thomas asked about an update on the CCC vehicle title and asked if the Commission could help obtain the lost title.

Hinkle will be attending the Commission meeting on March 31st by zoom.

Hinkle made a motion to adjourn. Motion carried.

With no further business to come before the Commission, meeting adjourned.

_____ _____

Susan J. Thomas, President Date

A-5



HARRISON COUNTY COURT HOUSE

Harrison County Commission

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COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the special meeting of the County Commission of Harrison County held on Thursday, March 18, 2021, Commissioners Susan Thomas, David Hinkle and Patsy Trecost, II were present. Also present were William A. "Willie" Parker, County Administrator and John Spires, County Clerk. Commissioner Thomas called the meeting to order.

Thomas would like to discuss Commission budget line item by line item. Hinkle suggested they start with Brian Hayes, Deputy IT Director. Hayes spoke of the needs for the new Sheriff's office. Charlie Curkendall, IT Director, spoke of potential cost and issues with the new Sheriff's office building.

Thomas asked purpose of 401 budget for part-time. Thomas asked why there was a decrease in this line item. Thomas asked about the PEIA cost and budget. Mr. Parker stated that he anticipates postage rates to increase. Thomas asked about amount budgeted for professional services. Thomas asked about worker's compensation expenditures. Mr. Parker explained claim process. Thomas asked about bond payment for annex building. Thomas asked about increase in airport line item.

Trecost commented on revenue figures for January and February for 2021. He stated there is a negative of about $500,000. Trecost summarized the budget shortfall. Trecost detailed plan on cutting various line items in the 401. Hinkle and Trecost discussed turn-key items on the new Sheriff's office building.

Hinkle wants to drop Mike Pizzino out of the Commission payroll to save $36,982.00. Hinkle discussed mapping needs and who would handle that. Hinkle wants to drop county engineer of $100,000.00. Hinkle discussed various personnel changes and a cap on professional services line item.

402 Budget – Trecost proposes cutting record book line item $2,500.00.

403 Budget – Trecost proposes cut of $3,500.00. Thomas asked about cutting capital equipment of $1,500.00.

404 Budget – Thomas suggested training and education line item be cut. Hinkle suggested the line item be cut $3,000.00. Thomas and Hinkle discussed cuts to various line items.

405 Budget – Trecost presented cuts in travel and training. Hinkle discussed cuts in dues and subscriptions and supplies/materials. Thomas and Hinkle discussed $2,500.00 cut in capital outlay

406 Budget - Trecost proposed cut to travel and training.

408 Budget – Hinkle proposed cut of $3,500.00 to supplies/materials.

412 Budget – Trecost proposed cut to travel. Hinkle asked about cutting $3,000.00 from contracted services. Vacant position was discussed and it will not be filled at this time. Hinkle asked about cutting capital outlay $3,000.00. Hinkle proposed cutting supplies and materials $1,500.00.

413 Budget – Trecost proposed cutting Janitorial Services. Hinkle asked about capital outlay and proposed expenses to that line item. Hinkle recommended dropping that line item $7,500.00.

415 Budget – Thomas asked for clarification on the line item. Mr. Parker explained the worthless check fund and that it can only be spent for certain items.

424 Budget – Maintenance and Janitorial salaries. Thomas asked if they were down a position. Mr. Parker stated the line item includes an individual that is considering retirement. Thomas questioned about budget amount for phone bills. Hinkle asked if we back-charge to other funds if needed. Thomas would like to cut cost of phone bills. Hinkle asked for Mr. Parker to look for savings.

Maintenance and Repair – IT Budget - Mr. Parker and Hinkle discussed needs of IT that are not included in today's figures. Hinkle discussed cuts in equipment rental.

Trecost discussed the need for a hiring freeze. Hinkle discussed building and equipment rentals. Thomas asked about contracted services. Thomas asked about supplies and inventory line item for code books and law books. Trecost recommend cutting $2,500.00 from record book line item. Thomas asked about professional services line item. Mr. Parker stated those include engineering fees, surveying fees, etc. Rachel Romano, Prosecuting Attorney, thinks her office can take on delinquent properties to save money. Cross-training and moving personnel was discussed. Hinkle would like to postpone decision until further information is received.

424 Budget - Law Enforcement – Trecost recommended revising current fiscal year budget for cruisers. Hinkle states vests and guns have already been purchased.

701 Budget – Hinkle stated that this line item could be moved to purchase cruisers in next year's budget.

703 – Thomas asked why supplies and materials were so high. Trecost recommended reducing supplies and materials to $500.00. Thomas suggested they reduce uniforms to $1,500.00.

705 – This line item is all wages.

Mr. Parker discussed required contributions and donations to libraries.

Trecost discussed cutting overtime unless approved on a daily basis. Trecost discussed eliminating debt through payoff and draining down coal severance tax. Thomas asked what coal severance tax fund was typically used for. Trecost discussed rail trails and where funding could possibly be obtained from. Mr. Parker explained carryover funding and how it is allocated for next year's budget. Trecost and Thomas suggested a 2% cost-of-living raise. Mr. Parker asked for a special business meeting on Monday, March 22, 2021 at 1:00 pm to finalize numbers. Hinkle asked about cost-of-living raise for deputies. Mr. Parker will prepare proposed budget for 2.5% for deputies.

Trecost made a motion to adjourn. Motion carried.

With no further business to come before the Commission, meeting adjourned.

_____ _____

Susan Thomas, President Date

A-6



HARRISON COUNTY COURT HOUSE

Harrison County Commission

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX 304-624-8673

COMMISSIONERS
DAVID L. HINKLE
SUSAN J. THOMAS
PATSY TRECOST II

At the special meeting of the County Commission of Harrison County held on Monday March 22, 2021, Commissioners Susan Thomas, David Hinkle and Patsy Trecost II were present. Also present were John Spires, County Clerk, and William A. "Willie" Parker, County Administrator. Commissioner Thomas opened the special meeting regarding the FY 2021-2022 budget.

Commissioner Hinkle asked if the budget will be approved today. Willie Parker advised that it is on the agenda for the meeting Wednesday for final approval. Commissioner Hinkle questioned if all three Commissioners can submit budgets individually at the meeting on Wednesday. Willie Parker discussed revisions and reductions within the proposed budget. Mr. Parker explained the Commission's request to move an employee from parks to OEM and a General County employee to Parks. Commissioner Hinkle clarified the meaning of hiring freeze. Commissioner Trecost discussed the agenda item regarding hiring freeze. Willie Parker explained that he moved one year of capital improvements from General County funds to Coal Severance. There was discussion on the West Pike Street property and the Elliott Thrasher property. Commissioner Trecost asked for clarification on Willie Parker's proposals. Commissioner Trecost advised that he wants to pay off the Sheriff's building located on West Main Street. Commissioner Hinkle asked if each Commissioner can sit down with Mr. Parker to submit a budget. Commissioner Thomas advised that she is tired of the arguments with each other. Willie Parker stated that the proposed budget is based on the Commissioner's ideas and revised based on the County's budget. Commissioner Trecost advised to hold off on the hiring of an engineer at this time. Commissioner Hinkle advised that he has no problem not hiring an engineer and that he never thought it was a good idea. Commissioner Thomas concurred. Joseph Romano, Assessor, spoke on Mike Pizzino's role with the Commission. All three Commissioners decided to split the Commission' share fifty percent to E911 and fifty percent to General County regarding salary. Commissioner Trecost discussed Paul Bump's role and future plans. Commissioner Thomas asked Mr. Parker if position could be eliminated or duties changed. Commissioner Trecost asked if cell phones could be eliminated. Willie Parker gave an overview of the cell phone bill and the number of lines. Mr. Parker outlined the lack of cost savings. Commissioner Hinkle asked if the Commission had received the email from Parks and

Recreation regarding the other parks within the County. Commissioner Hinkle discussed maintenance budget regarding Parks and Recreation projects. Assessor Romano spoke on the hiring freeze.

With no further business to come before the Commission, meeting adjourned.

_____ _____

Susan Thomas, President Date

Purchase Requisitions - March 31, 2021

B-1

Date of Meeting	March 31, 2021		
Work Order Number	**Vendor Name**	**Amount of Invoice-Quote**	**Description**
33090	Mon Power	$390.76	Service/Salem Tower
33091	Dominion Energy West Virginia	$489.92	Service/Animal Control
33092	John Deere Financial	$57.16	LP Fuel for Front Entrance
33094	Ace Aggregates, LLC	$5,407.40	North View Rail Trail Project
33095	Global Industrial	$595.94	Compartment Lockers/DRC
33096	Lowe's Home Center	$99.58	Maint.Supplies/Probration
33098	Sandy's True Value	$125.52	Maint.Supplies/609/Probation
33099	WV Outdoor Power-Bridgeport	$85.98	Maint. Supplies /Parks/Trails
33102	Tygart Valley Conservation District	$15,645.00	Northern Rail Trail
33103	Robin's Perfect Fit	$36.00	Alterations for Miller
33107	BSN Sports	$4,025.24	Benches/Dugouts/Playground
33112	Ace Aggregates, LLC	$4,996.05	Gravel North View Rail Trail
33114	A-1 Exterminating Co.Inc	$173.25	Pest Control/Annex/Sheriff
33116	Foster Supply	$1,044.00	Woven Roll North Rail Trail
33120	Advanced Network Systems,Inc.	$10,845.00	2021 Watchguard/ Firewall/all
33121	Woodford Oil Company	$5,520.50	2500.0 Gallons of Fuel
33125	NCWV Media	$360.00	HC Farmland Protection Appl.
33126	Old Cars Report Price Guide	$49.96	1 Year Subscription/Asssessor
33127	Hart Office Solutions	$79.17	Mono Correction Tape
33132	Mon Power	$395.73	Service at Shinnston Tower
33133	Mon Power	$721.99	Service at Park & Rec.Complex
33134	Mon Power	$224.53	Service at Animal Control
33135	Mon Power	$151.78	Service at Extension Office
33137	Continental Coffee & Water Service	$69.90	Coffee Supplies for HC Comm
33138	Central Supply Company	$368.45	Park & Rec./Volleyball
33139	Michel, Inc.	$262.70	Repairs at Park & Rec. Center
33140	Ace Aggregates, LLC	$4,433.08	North View Rail Trail Project
33141	Trapuzzano's Uniforms	$530.00	External Vest Carriers
33142	Sirchie	$158.78	Evidence Bags
33143	Enterprise Sanitation Inc.	$163.47	Service at Animal Control
33144	Clarksburg History Museum	$2,000.00	Special Funding Request
33145	Derek Hotsinpiller Fallen Star Mem. Run	$3,000.00	Special Funding Request
33148	Shinnston Soccer Association	$1,000.00	Special Funding Request
33149	Clarksburg Visitiors' Bureau	$3,000.00	Special Funding Request
33153	Kustom Signals Inc.	$4,026.00	Radar Units
33155	BB&T	$1,106.45	Various Supplies
33156	All Pets Animal Clinic	$398.25	K-9 Wellness Examinations
33158	Continental Coffee & Water Service	$65.90	Coffee Service
33159	Casto & Harris	$7,160.00	File Folders/Circuit Clerk
33161	Cannon Financial Services	$198.19	Copier Rental OEM
33162	Cannon Financial Services	$198.19	Copier Rental Home Confine
33163	Cannon Financial Services	$1,783.74	Copier Rental Courthouse

Purchase Requisitions - March 31, 2021

33164	Hosty Equipment Company	$276.55	Repairs to Pressure Washer
33165	Hart Office Solutions	$578.97	Black Toner County Clerk Off.
33167	Hart Office Solutions	$445.00	Copier Rental Assessor's Off.
33169	Hart Office Solutions	$192.70	Copier Rental Day Report
33170	Mon Power	$337.90	609 W. Main St. Property
33172	R.D. Wilson	$22.20	Supplies for Maint. Dept.Cage
33173	R.D. Wilson	$1,414.72	Maitenance Supplies/Cage
33174	Hart Office Solutions	$193.10	Copier Rental 911
33175	CDWG	$36.99	Speakers/ I.T. Department
33180	Foster Supply	$711.80	North View Rail Trail Project
County Clerk	Casto & Harris	$1,100.00	Election Supplies
County Clerk	The Exponent Telegram	$249.34	Advertising Invoices
	Total	$87,002.83	

United States of America

State of West Virginia

County of Harrison, ss:

Clerk's Fiduciary Report

Estate from Wednesday, March 17, 2021, through Tuesday, March 23, 2021

The County Commission of Harrison County this day proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before his during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to -wit:

On, Wednesday, March 17, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **MELVAN VERNON LANTZ**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

LARRY O LANTZ, who was named in the last will and testament of **MELVAN VERNON LANTZ**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

On, Thursday, March 18, 2021, the following matters were disposed of in the presence of the Clerk:

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **CHAR STOUT** was appointed and qualified as ADMINISTRATRIX of the estate of **CHARLES BURTON STOUT**, deceased. No bond was required.

On, Friday, March 19, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **PATRICIA ANN SHEPHERD**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

RICHARD MICHAEL SHEPHERD, who was named in the last will and testament of **PATRICIA ANN SHEPHERD**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.
ROBERT PATRICK SHEPHERD, who was named in the last will and testament of **PATRICIA ANN SHEPHERD**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.
JAMES JOSEPH SHEPHERD, who was named in the last will and testament of **PATRICIA ANN SHEPHERD**, deceased, as CO EXECUTOR thereof, qualified as such. No bond was required.

On, Monday, March 22, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **LORETTA JEAN MATHENY**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SHARMAN DENISE BURNSIDE, who was named in the last will and testament of **LORETTA JEAN MATHENY**, deceased , as EXECUTRIX thereof, qualified as such. No bond was required.

The last will and testament of **ELIZABETH ANN FULTINEER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SHARON E RECKART, who was named in the last will and testament of **ELIZABETH ANN FULTINEER**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **LARRY TOBIN WAGNER** was appointed and qualified as ANCILLARY ADMINISTRATOR of the estate of **LENORA JEANE WAGNER**, deceased. No bond was required.

On, Tuesday, March 23, 2021, the following matters were disposed of in the presence of the Clerk:

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **TERRY BRIAN FOLEY** was appointed and qualified as ADMINISTRATOR of the estate of **JULIA ANN KNIGHT FOLEY**, deceased. No bond was required.

The last will and testament of **THELMA MADELINE BLARE**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

MARY ELIZABETH KUHENS, who was named in the last will and testament of **THELMA MADELINE BLARE**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **DAVID LEE LAMP** was appointed and qualified as ADMINISTRATOR of the estate of **ROBERT WARREN LAMP**, deceased. Bond was 6,500.00.

The last will and testament of **CAROL LEE DUDASH**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

ANDREW NICHOLAS DUDASH, who was named in the last will and testament of **CAROL LEE DUDASH**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

A duly exemplified copy of the last will and testament of **ORA LEE LEVY**, deceased, late a resident of Lucas, Ohio, was admitted to record.

A duly exemplified copy of the last will and testament of **CLARA MATTIE WOLFE**, deceased, late a resident of Beaver, Pennsylvania, was admitted to record.

A duly exemplified copy of the last will and testament of **JAMES T DOUGLAS**, deceased, late a resident of Summit, Ohio, was admitted to record.

A duly exemplified copy of the last will and testament of **CAROL BURR CORNISH**, deceased, late a resident of Hampshire, Massachusetts, was admitted to record.

The last will and testament of **WANONA BELLE LANCASTER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

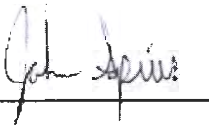
DEANNA L HOSKINSON, who was named in the last will and testament of **WANONA BELLE LANCASTER**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

The last will and testament of **ORPHA JEAN FREEMAN**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

BRADLEY ENOC FREEMAN, who was named in the last will and testament of **ORPHA JEAN FREEMAN**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

The last will and testament of **ROBERT CHRISTIAN DOERSCHNER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

ROBERT P DOERSCHNER, who was named in the last will and testament of **ROBERT CHRISTIAN DOERSCHNER**, deceased, as ANCILLARY ADMINISTRATOR thereof, qualified as such. No bond was required.



Wednesday, March 31, 2021

John R Spires
Clerk of the Harrison County Commission

Confirmed

RECEIVED

MAR 23 2021

HARRISON COUNTY COMMISSION

Name of Organization/Applicant: North Central WV Coalition for the Homeless, DBA Homes For Harrison

F

FINAL REPORT OF THE SPECIAL FUNDING REQUEST

AMOUNT RECEIVED FROM THE HARRISON COUNTY COMMISSION: $ 500.00

ITEMIZED EXPENSES FOR THE AMOUNT RECEIVED FROM THE HCC (ATTACH EXTRA SHEETS IF NECESSARY OR DETAILED STATEMENT OF REVENUED AND EXPENSES RELATED THERETO):

Rent	$ 230
ID referral to get into housing	
Background check for housing	
Partial payment on Security deposit	
TOTAL	

Appvd 2/10/21
CK 2/18/21

Homes for Harrison

NAME OF PROJECT/EVENT:

TOTAL PROJECT/EVENT INCOME AND EXPENSES: (ATTACH EXTRA SHEETS IF NECESSARY OR AND EXPENSES RELATED THERETO):

INCOME SOURCE:		
		$
		$
	TOTAL	$
EXPENSE ITEM:		$
		$
		$
	TOTAL	$

LIST ALL CONTRIBUTORS TO THIS PROJECT/EVENT: (ATTACH EXTRA SHEETS IS NECESSARY)

	$
	$
	$
	$
TOTAL	$

I CERTIFY THAT THE ABOVE INFORAMTION IS CORRECT

Applicant

Date: 3/22/2021

(Revised 8/19/14)

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