Although it’s hard for us to believe, the West Virginia University Land Use and Sustainable Development Law Clinic is celebrating six great years! Is it possible to have a banner year for six years in a row?

Managing attorney Nathan Fetty started gearing things up in the fall of 2011 and one year later we were fully staffed. I came on board in summer 2012.

2012 - Hired Christy, Jason, Jared, and Jesse.
2013 - Held the inaugural Mountain State Land Use Academy Leadership Conference.
2015 - Launched the WV LEAP Toolkit to address neglected properties.
2016 - Assisted several flood-impacted communities after the historic and devastating June 2016 flood.
2017 - Trained local government leaders, public service district operators, and board members in the area of sustainable water and wastewater utility management.

In the last six years, the clinic has:

- Protected or began the process of protecting over 15,000 acres of iconic West Virginia landscape.
- Supported over 50 local government clients with the drafting of comprehensive plans; the development of zoning ordinances and ordinances to address dilapidated buildings; and the creation of planning commissions, Urban Renewal Authorities, and Land Reuse Agencies.
- Facilitated over 500 public meetings to encourage stakeholder engagement in local planning efforts.
- Trained 87 students in real estate and land use law.

We’re excited about our future projects and helping move West Virginia forward. If you have any questions about the Land Use and Sustainable Development Law Clinic, please don’t hesitate to contact me.

Katherine Garvey
Director, Land Use and Sustainable Development Law Clinic
The Land Use and Sustainable (LUSD) Law Clinic was established at the WVU College of Law to provide legal services to local governments, landowners and nonprofit organizations to develop land conservation strategies and practices.

**Comprehensive Planning**

Early on, the Clinic identified a strong need throughout the state for comprehensive plans. With public and local government input, comprehensive planning determines a community’s goals and aspirations. Once adopted, a plan and its policies can be a road map to prosperity.

One such case involves the neighboring communities of Montgomery, Smithers, and Gauley Bridge in southern West Virginia.

After WVU Tech relocated from Montgomery to Beckley, the three cities became worried about their economic outlook, and they turned to the LUSD Law Clinic for help.

The Clinic helped the cities establish planning commissions and then began work on comprehensive plans that addressed areas such as tourism, infrastructure and transportation. The plan also identified other problems, including dilapidated buildings, and offered long-term solutions.

This provided the LUSD Law Clinic with a unique and complex opportunity to create the state’s first regional strategic plan.

When completed, the strategic plan will encompass the entire Upper Kanawha Valley (UKV), including Montgomery, Smithers, Gauley Bridge, and unincorporated communities in Fayette and Kanawha counties.

“What we kept hearing from residents in public meetings is that a lot of the assets and the challenges in their communities are similar, and they showed interest in having some kind of regional plan so they could work together,” said Jesse Richardson, a land use attorney with the clinic.

The UKV regional strategic plan project is set for completion by the end of 2018. After that, the Clinic will continue to work with the municipalities and the regional planning commission to help the area move forward and thrive.

**Conservation**

An important aspect of the Clinic’s work is land preservation. In a state known worldwide for its inspiring scenery, saving that iconic landscape has a positive economic impact. To date, the clinic has preserved approximately 15,000 acres of land.

In Fayette County, the LUSD Law Clinic recently worked with the West Virginia Land Trust and the City of Oak Hill to purchase 283 acres of land. It will be the future site of Oak Hill Needleseye Boulder Park.

The new park will greatly enhance the region’s tourism industry by offering public recreational use, including hiking and mountain biking trails and miles of natural rock formations for climbers to learn and practice their skill.

Cara Tomey ’18 and Claire Swauger ’18, and 2017 graduates Charlie Russell and Kyle Maynard, played key roles in preparing all the legal and financial documents needed to make the project a reality. They also provided guidance to the West Virginia Land Trust to protect its best interests over the course of the transaction. These key roles helped them refine their skills as lawyers.

Beyond comprehensive planning and land preservation, the LUSD Law Clinic is focusing its efforts on issues such as wastewater treatment and affordable housing.
HIGHLIGHTS FROM 2017-18

Mountain State Land Use Academy
In the spring, the Clinic hosted the third annual statewide Mountain State Land Use Academy, this time at Adventures on the Gorge in Lansing. Attendees included members of planning commissions, boards of zoning appeals and land use leaders. The keynote speaker was Anne Hazlett, Assistant to the Secretary for Rural Development at the USDA. She discussed how to stem the opioid epidemic with federal, state and local partnerships. Another highlight of the day came from Claire Swauger, a 2018 Land Use Clinician. Claire shared her experiences at the Clinic incorporating the opioid epidemic into comprehensive plans, such as one for Mercer County. Attendees also participated in breakout sessions that focused on a variety of topics, including broadband Internet, rural tourism, affordable housing, and dilapidated buildings.

Wastewater Treatment
Effective wastewater treatment continues to be a pressing issue of environmental and public health in West Virginia. In December 2017, the Clinic, with its partners, was awarded a $25,000 grant from the Greater Sum Foundation to research and recommend best practices for alternative wastewater treatment.

Affordable Housing
The Clinic expanded its work to support a new type of non-profit, namely affordable housing agencies. For example, the Land Use Clinic aided the Fairmont Community Development Partnership with due diligence for a number of prospective real estate acquisitions.

Public Access for Outdoor Recreation
The Clinic aided a land trust client in greatly expanding a nature preserve in Monongalia County and establishing a new preserve in Fayette County.

Flood Recovery
The Clinic has continued efforts to support communities impacted by the summer floods of 2016 and 2017 including:

- Developing comprehensive plans for the City of White Sulphur Springs and Town of Clendenin.
- Rendering various legal services on behalf of the Town of Hundred, the City of Richwood and on behalf of Appalachian Service Project for flood-impacted properties in Rainelle.

Total Pro Bono Hours and Value
- 14,000+ hours
- $1,065,000+

New Faces 2017-18

Whitney Morgan works closely with the planning team drafting and editing zoning ordinances and is working to formulate a comprehensive zoning template for the state of West Virginia. Whitney also works with LUSD Law Clinic students to strengthen legal writing skills.

Staci Thornsbury recently joined the Clinic, primarily supporting the land conservation group with real estate services as a title services professional. Staci brings years of real estate experience to support land conservation, dilapidated building and flood recovery work.

Zach Beard is an AmeriCorps VISTA and an AICP certified planner. Zach will be assisting communities with development and implementation of their land use plans out of the Clinic’s Beckley office.

Four Public Interest Advocate Fellows for the summer of 2018, Kaitlyn Powers, Lauren Payne, Bob Gardner, and Logan Mantz will work on a variety of community development and watershed planning projects.

Helping facilitate the land purchase to establish Oak Hill Needleseye Boulder Park in Fayette County is one of the LUSD Law Clinic’s many conservation success stories.
The Land Use and Sustainable Development Clinic provides legal services to local governments, landowners, and nonprofits to develop land conservation strategies and practices.

WEST VIRGINIA COUNTIES AND MUNICIPALITIES served since 2012

Alderson
Athens
Beckley
Beverly
Bluefield
Bolivar
Boone County
Calhoun County
Clendenin
Cowan
Davis
Doddridge County
Dunbar
Elkins
Fairmont
Fayette County
Fayetteville
Gassoway
Glen Dale
Grant County
Granville
Greenbrier County
Hampshire Conty
Hardy County
Harper's Ferry
Harrison County
Hinton
Hundred
Lewisburg
Marlinton
Martinsburg
McDowell County and municipalities
Mercer County
Monongalia County
Monroe County
Moorefield
Moundsville
Mount Hope
Philippi
Pocahontas County
Randolph County
Rainelle
Ravenswood
Richwood
Ronceverte
St. Albans
Sophia
Spencer
Thomas
Tucker County
Wardensville
Wellsburg
Weirton
Weston
Whitesville
White Sulphur Springs
Wyoming County

The Clinic staff before a recent hike (left to right): Bob Gardner, Public Interest Advocates (PIA) Fellow; Kat Garvey; Christy DeMuth; Jared Anderson; Zach Beard, AmeriCorps VISTA; Claire Swauger, 2018 Land Use Clinician; Carrie Tanner, AmeriCorps VISTA; Jesse Richardson; Logan Mantz, PIA Fellow.