



# Callen Property Project Project Design Document

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## INSTRUCTIONS

*Project Operators must complete and submit this Project Design Document (PDD) to request credits. City Forest Credits (CFC) then reviews this PDD as part of the validation process along with all other required project documents. An approved third-party verifier then does an independent check of all documents and compliance with the Protocol known as verification.*

*The Protocol Requirements at the end of this document are a list of eligibility requirements for informational purposes which are also found in more detail in the CFC Tree Preservation Protocol Version 12.40, dated February 22, 2023.*

*Project Operators should enter data and supporting attachments starting on page 3 under Project Overview where you find “[Enter text here]” as thoroughly as possible and provide numbered attachments for maps and other documentation (ex: 1 – Regional Map). Keep all instructions in the document.*

*Below is a list of documents that are needed to complete a successful project:*

- *Geospatial Location Map*
- *Regional Map*
- *Project Area Map*
- *Proof of Land Ownership or Agreement to Transfer Credits*
- *Preservation Commitment*
- *Land Use Regulations*
- *Land Use/Zoning Map*
- *Overlay Zones or Restrictions*
- *Threat of Loss Demonstration*
- *Attestation of No Double Counting and No Net Harm*
- *Attestation of Additionality*
- *Carbon Quantification Calculator*
- *iTree Canopy Report and raw data*
- *Forest Composition Report*
- *Forest Age Imagery*
- *Stand Map*
- *Co-Benefit Quantification Calculator*
- *Social Impacts*

## PROJECT OVERVIEW

**Project Name:** Callen Property Project

**Project Number:** 53

**Project Type:** Preservation Project (under the Tree Preservation Protocol – version 12.40, dated February 22, 2023)

**Credit Commencement Date:** April 23, 2024

**Project Location:** Monongalia County, WV

**Project Operator Name:** West Virginia Land Trust

**Project Operator Contact Information:**

Rick Landenberger, Science and Management Specialist

304-413-0945 (office) or 304-692-6172 (cell)

rick@wvlandtrust.org

**Project Description:**

*Describe overall project details and goals as summarized in application. Include information about where the Project is located, Project Area acreage and other relevant background. If the Project Area is part of a larger program or preservation effort, include one sentence with more information (2 paragraphs).*

West Virginia Land Trust (WVLT) is conserving 28.9 acres of forestland on the 36.56-acre Callen Property in Monongalia County, WV, as part of a carbon project. The property was donated in fee to the West Virginia Land Trust in October 2022 by the Callen family, well-known developers and land conservationists in West Virginia. Like much of unincorporated Monongalia County, the parcel is not zoned, and can be developed into any use; it is surrounded by industrial and residential development. Prior to the Project, it was entirely unencumbered, and had had a recent appraisal associated with the donation that estimated the current market value, based on potential residential development, at \$1.2 million.

The Project Area consists of a closed-canopy forest that is about 60 years old and is a mixture of red and sugar maple, tulip poplar, black cherry, northern red oak, sycamore, shagbark and bitternut hickory, American beech, and several other species. Preserving the property will provide important ecosystem services to the surrounding community and expand public access to nature-based recreation.

## DEFINING THE PROJECT AREA (Section 1.3 and 1.4)

**Project Area Location**

*Describe the city, town, or jurisdiction where the Project is located. State which urban location criteria is met from Protocol Section 1.3.*

The Project Area is in Monongalia County, WV, within an Urban Area as defined by the U.S. Census Bureau. The property boundary also lies alongside the boundary of the incorporated city of Morgantown, West Virginia.

Address: Hartman Run Rd, Monongalia County, WV (property centroid: 39°37'58"N 79°55'15"W)

### Project Area Parcel Information

List parcel(s) in the Project Area.

Municipality	Parcel Number	Notes <i>Include total acres and acres included in Project Area</i>
Monongalia County	08 8002700020000	36.56 acres total – 28.9 acres in Project Area
	<b>Total Project Area</b>	28.9 acres

### Project Area Maps

Provide three maps of the Project Area that illustrate the location: geospatial location, regional, and detailed. Maps should include project title, relevant urban or town boundaries, defined Project Area, and legend.

- Geospatial Location Map  
*Show the boundaries of the Project Area in a KML, KMZ, or shapefile format*  
Attachment: 1 Callen Shapefiles
- Regional Map  
*Show where the Project Area is located in relation to the state and/or region*  
Attachment: 2 Callen Regional Area Map
- Detailed map of Project Area  
*Show the Project Area and parcel boundaries.*  
Attachment: 3 Callen Project Area Map

## OWNERSHIP OR ELIGIBILITY TO RECEIVE POTENTIAL CREDITS (Section 1.5)

*Project Operator must demonstrate ownership of potential credits or eligibility to receive potential credits. If Project Operator is the landowner, attach a deed showing ownership and explanation of when the property was acquired. If the Project Operator is not the landowner, provide the Agreement between Project Operator and landowner authorizing Project Operator to execute this project.*

### Name of landowner of Project Area and explanation

The Project Operator, West Virginia Land Trust, is the landowner of the Callen property. The property was donated to WVLT in October 2022.

The deed references four appurtenance easements (an Access Easement, Utility Easement, Bridge Easement, and Drainage Easement), which are all on the adjoining property owned by Woodland Terrace MHC LLC, to provide access and amenities to the Callen parcel. The easements do not burden the Callen property and do not impact or restrict any uses on the Project Area.

Attachment: 4 Callen Special Warranty Deed

## PROJECT DURATION (Section 2.2)

*Project Operator commits to the 40- or 100-year project duration requirement through a signed Project Implementation Agreement with City Forest Credits and agrees to the statement below.*

Project Operator has committed to the 40-year project duration and signed a Project Implementation Agreement with City Forest Credits on March 11, 2024.

## PRESERVATION COMMITMENT (Section 4.1)

*Describe the Preservation Commitment terms and attach a complete copy of the recorded document. If Project Area does not have the same boundaries as Preservation Commitment, please state the reasons why.*

**Preservation Term:** 40 years

**Date recorded:** April 23, 2024

**Preservation Commitment Explanation:** The Project Operator recorded a deed restriction on April 23, 2024 to protect the trees on the Project Area from removal. Language specifically protecting the trees is found in Section 1 of the Declaration of Development Restrictions:

*“1. Removal of Trees. Declarant shall not cut down, destroy, or remove trees located on the Property, except as necessary to control or prevent hazard, disease, or fire or to improve forest health; recreational non-motor-use trails have negligible or de minimis impacts on biomass and carbon stock and are permissible.”*

Attachment: 5 Callen Declaration of Development Restrictions

## DEMONSTRATION OF THREAT OF LOSS (Section 4.2, 4.3, and 4.4)

*Demonstrating the Threat of Loss is shown in several ways: land use designation that allows a non-forest use, overlay zones, existing restrictions, and one of three conditions that illustrate pressure to convert the Project Area to a non-forest use.*

### **Land use designation**

*Describe the land use designation, including what types of non-forest use it allows. Attach a copy of the relevant land use designations, which may include development regulations such as zoning ordinances. Include a map depicting the designation of the relevant municipality, with the Project Area boundaries clearly indicated on the map.*

The Callen property is unzoned, like the majority of unincorporated Monongalia County (as shown in the County parcel viewer and clarified in the County planning office FAQ, Attachment 7). The County does have Subdivision Regulations (still in draft form, as of April 2024), which provide development standards for a range of subdivision types, including high density housing, low density residential, estate residential, agricultural residential, mobile home parks, commercial/industrial/manufacturing, combination (planned unit development), and mixed use. As clarified in the County Subdivision Regulations FAQ (Attachment 6), the regulations apply to all unzoned land in the County, and the planning commission may not block out and forbid subdivision of unzoned land. The Callen property is surrounded by a variety of developed uses on neighboring and nearby properties in unzoned, unincorporated Monongalia County, including industrial uses, single family homes, and mobile homes, demonstrating that the Property is at risk for a wide range of development types.

Per the most recent appraisal of the Property (Attachment 7b), prepared in August 2022, the highest and best use of the property was determined to be residential development, with an estimated market value estimate of \$1.2 million. In 2018, about 7 acres on the property began to be partially developed, leading to the deforestation of these areas (which are excluded from the Project Area).

Attachment: 6 Callen Land Use Regulations Monongalia County  
7 Callen Zoning Maps  
7b Callen Appraisal 2022

### **Overlay zones or other restrictions**

*Describe any overlay zones that prohibit development or forest clearance such as critical areas, wetlands, or steep slopes and their protection buffers. Describe any legal encumbrances or other pre-existing tree/forest restrictions that may have hindered removal of the Project Trees (in the pre-Preservation Commitment condition). If present, attach a copy of the applicable restriction and a map depicting the overlay boundaries, with the Project Area boundaries clearly indicated on the map.*

There are no critical areas on the Property that prohibit development or forest clearance. There are no wetlands on the property, per the US Fish and Wildlife Service National Wetland Inventory (NWI). While there is a small stream on the property, depicted on the NWI map, Monongalia County does not have a riparian buffer ordinance. There are no floodplains or flood hazard areas on the Callen Property.

Attachment: Attachment 8 Callen Critical Areas

### **Threat of loss demonstration (Section 4.4 A, B, or C)**

*Describe one of the three threat of loss conditions that are applicable prior to the Preservation Commitment. Provide supporting evidence such as maps, sale or assessed value documentation, or appraisal information.*

- A) *Developed or improved uses surrounding at least 30% of perimeter of Project Area*
- *A map depicting the Project Area with parcel boundaries, perimeter of developed or improved uses, and calculation of the border with these uses*

- B) *Sold, conveyed, or assessed in past three years at value greater than \$8K/acre for bare land*
  - *A settlement statement, assessor statement, or other evidence of land transaction*
- C) *Fair market value higher after conversion to a non-forested use*
  - *A “highest and best use” study from a state certified general real estate appraiser stating that the Project Area would have a fair market value after conversion to a non-forested “highest and best use” greater than the fair market value after preservation]*

About 64% of the Callen property perimeter is surrounded by developed or improved uses, meeting Threat of Loss criteria A.

Attachment: 9 Callen Developed Perimeter Map

## **ATTESTATION OF NO DOUBLE COUNTING OF CREDITS AND NO NET HARM (Section 5)**

*Complete and attach the following attestation: Attestation of No Double Counting of Credits and Attestation of No Net Harm. Provide any additional notes as relevant. Provide a map that includes both the Project Area and the closest registered urban forest Preservation Project based on the registered urban forest preservation database KML/Shapefile provided by CFC to demonstrate that the Project does not overlap with any existing urban forest carbon preservation projects.*

Project Operator has mapped the Project Area against the registered urban forest preservation project database and determined that there is no overlap of Project Area with any registered urban forest preservation carbon project.

Project Operator has signed the Attestation of No Double Counting of Credits and No Net Harm on April 23, 2024.

Attachment: 10 Callen Attestation No Net Harm No Double Count  
10b Callen No Double Counting Map

## **ADDITIONALITY (Section 6)**

*Additionality is demonstrated by the Project in several ways, as described in the City Forest Credits Standard Section 4.9.1 and Tree Preservation Protocol.*

Project Operator demonstrates that additionality was met through the following:

- Prior to this project, the trees in the Project Area were not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees
  - See Demonstration of Threat of Loss section above
- The land use designation/zoning in the Project Area must currently allow for a non-forest use
  - See Demonstration of Threat of Loss section above
- The trees in the Project Area face some threat risk of removal or conversion out of forest

- See Demonstration of Threat of Loss section above
- The Project Operator records in the public land records an easement, covenant, or deed restriction specifically protecting the trees for the project duration of 40 years or 100 years (40 or 100 years depending on the Protocol version)
  - See Preservation Commitment section above

Taken together, the above elements allow crediting only for unprotected trees at risk of removal, which are then protected by a Project action of preservation, providing additional avoided GHG emissions.

Additionality is also embedded in the quantification methodology. Projects cannot receive credits for trees that would have remained had development occurred, nor can they receive soil carbon credits for soil that would have been undisturbed had development occurred. Leakage is prevented by a deduction for displaced development in Protocol Section 11.4.

Additionality is also reflected in the project financing. The revenue from the sale of carbon credits will play a material role in the successful and durable preservation of the Project Area’s carbon stock by providing funding for stewardship and maintenance that ensure the forest’s long-term health and resilience. The Project Operator has no guaranteed source of long-term maintenance funding for the project outside of the carbon revenues. The Callen Property was donated, and came with legal protection funding, but no funding to support the long-term and daily management and stewardship. Typically, the Land Trust fundraises locally for land management support, but the carbon revenues relieve the Land Trust from that burden, and frees up staff for additional land preservation activities. The Project Operator intends to use the carbon revenues for daily management and stewardship and trail maintenance.

The Project Operator started considering carbon revenues for stewardship of its properties about two years ago. Their first outreach to City Forest Credits was in May 2023.

The Project Operator has signed an Attestation of Additionality on April 23, 2024.

Attachment: 11 Callen Attestation of Additionality

## CARBON QUANTIFICATION DOCUMENTATION (Section 11)

*Follow detailed instructions in the Protocol for conducting quantification and use the Carbon Quantification Calculator to show calculations. CFC will provide the Carbon Quantification Calculator and Forest Composition Report Template. Ensure that your requested credit issuance schedule (issuance dates) is accurate and complete in the calculator. Project Operators should describe and appropriately reflect in their carbon quantification any and all planned future activities that may affect the percent canopy or carbon stocking.*

### Summary numbers from Carbon Quantification Calculator

Project Area (acres)	<b>28.9</b>
Percent tree canopy cover within Project Area	<b>93%</b>
Project stock (tCO <sub>2</sub> e)	<b>6,244</b>



Accounting Stock (tCO <sub>2</sub> e)	4,996
On-site avoided biomass emissions (tCO <sub>2</sub> e)	4,496
On-site avoided soil carbon emissions (tCO <sub>2</sub> e)	1,735
Deduction for displaced biomass emissions (tCO <sub>2</sub> e)	823
Deduction for displaced soil emissions (tCO <sub>2</sub> e)	526
Credits from avoided biomass emissions (tCO <sub>2</sub> e)	3,673
Credits from avoided soil emissions (tCO <sub>2</sub> e)	1,209
Total credits from avoided biomass and soil emissions (tCO <sub>2</sub> e)	4,882
Credits attributed to the project (tCO <sub>2</sub> e), excluding future growth	4,882
Contribution to Registry Reversal Pool Account	488
<b>Total credits to be issued to the Project Operator (tCO<sub>2</sub>e)</b> <i>(excluding future growth)</i>	<b>4,394</b>

**GHG Assertion:**

Project Operator asserts that the Project results in GHG emissions mitigation of 4,394 tons CO<sub>2</sub>e issued to the project.

**Approach to quantifying carbon**

*Describe the forest conditions and general approach used to quantify carbon (e.g. 11.1.A with the US Forest Service General Technical Report NE-343 Tables). Attach the Carbon Quantification Calculator.*

Following the Preservation Protocol Section 11.1.A method for carbon quantification, the Project Operator used Tables B2 Maple Beech Birch and B3 Oak Hickory from the US Forest Service (USFS) General Technical Report (GTR) NE-343 to estimate carbon stock on the Project Area. The Project Operator used historical imagery to estimate forest age and delineated stands according to forest composition.

Attachment: 12 Callen Carbon Quantification Calculator

**Accounting Stock Measurement Method**

*Provide an overview to describe quantification methods, including which method was used to assess canopy cover (e.g. i-Tree, inventory, other), forest type, and data sources.*

Accounting Stock was estimated according to Protocol Section 11.1.A, using USFS GTR NE-343 tables for forest types maple-beech-birch (Table B2) and oak-hickory (Table B3) in the Northeast climate zone. Forest composition was determined by the Project Operator through five site visits to the property to identify forest types and assess forest health and stand density using basal area factor (BAF) point sampling on thirteen random plots. Canopy cover was assessed using i-Tree Canopy, and historical imagery dating back to 1938 was used to estimate forest age.

Per Protocol Section 11.1.A.iv, because the carbon stock was estimated using the USFS GTR reference tables, a 20% deduction was made to calculate the Accounting Stock for non-soil carbon.

### **Canopy Cover**

*Describe which method was used to assess canopy cover (e.g. i-Tree Canopy, LiDAR, or other method approved by Registry). Provide the i-Tree Canopy report or other canopy cover assessment that shows estimated percentage of tree cover for the Project Area.*

i-Tree Canopy was used to estimate canopy cover. 100 random points were sampled from high-resolution imagery and manually classified for land cover type. The Project Area was conservatively determined to have 93% tree canopy cover.

Attachment: 13 Callen i-Tree Canopy Report  
13 Callen i-Tree Canopy data points

### **Forest Composition**

*Summarize the forest composition and attach the Forest Composition Report.*

Based on an assessment drawing from five site visits to the property and thirteen random plot samples, the Project Area is composed of two stands. Stand 1 is a 19.18-acre maple-beech-birch forest, with mature sugar maple, large beech, and some oak trees. Stand 2 is a 9.73-acre oak-hickory forest that is relatively uniform, with mostly mature stands of hickories and black cherry. The majority of the forest is in relatively good health, though there are encroaching invasives, particularly around the edges of the deforested section of the property outside of the Project Area.

Attachment: 14 Callen Forest Composition Report

### **Forest Age**

*Describe the forest age and how it was determined. Provide historical imagery or other materials as supporting evidence.*

Historical imagery was used to estimate the forest age conservatively at 60 years old. Historical photos show that sections of the forest already had continuous canopy as far back as 1938; however, given the site's history of use and disturbance (mining and logging) in the early 20<sup>th</sup> century, as well as the property's small size, it was considered more conservative to estimate the entire Project Area at 60 years old. In 2018, over 7 acres of the site were deforested; this section was excluded from the Project Area.

Attachment: 15 Callen Historical Age Imagery

### **Stand Maps**

*Describe the methods used to determine forest stands (e.g. GIS) and provide a map.*

The Project Area stands were determined using GIS, and informed by aerial imagery and random plot samples that assessed species, DBH, and basal area. The Project Area was found to have two stands, a maple beech birch stand making up the majority of the Project Area (19.18 acres) and an oak hickory stand making up the last third (9.73 acres).

Attachment: 16 Callen Stand Maps

**Area Expected to Remain in Trees after Potential Development (11.2)**

*Describe the land use designation, any restrictions, and the method used to determine the area expected to remain in trees after potential development (fraction at risk of removal). If residential land use, follow 11.2.B. and provide the calculation showing which percentage of accounting stock at risk of removal is appropriate to include.*

The Callen property is not zoned. Because it lies within unincorporated Monongalia County (the majority of which is not zoned), development is regulated by the Monongalia County Subdivision Regulations, which provide development standards for different land use types, such as high density housing, low density residential, estate residential, agricultural residential, mobile home parks, commercial/industrial/manufacturing, combination (planned unit development), and mixed use development. The most recent appraisal of the Callen property determined that its highest and best use would be residential development; based on the surrounding development trends, the low-density residential subdivision development standards were used to determine the fraction at risk of tree removal on the Callen property.

The Monongalia County Subdivision Regulations require a minimum lot area of 10,000 square feet (0.23 acres) for lots served by public sewer, or 20,000 square feet (0.46 acres) for lots served by private sewer/septic systems. Following the equation to estimate clearing provided in Protocol Section 11.2.B.ii (which assumes clearing at a rate of 2 acres per unit plus 10% of the remaining area), avoided biomass emissions would be over 90% of the Project Area for both public sewer lots, or private sewer lots (0.23 acres/unit or 0.46 acres/unit). Per Protocol Section 11.2.B, the smaller of 90% or the calculated avoided biomass emissions should be used; so 90% was used in this case.

Attachments: 6 Callen Land Use Regulations Monongalia County  
12 Callen Carbon Quantification Calculator

**Quantification of Soil Carbon - Existing Impervious Area and Impervious Limits (11.4)**

*The Project may claim avoidance of emissions from soil carbon caused by conversion of soils to impervious surfaces. Describe applicable land use designation and development rules, any restrictions, existing impervious area and maximum fraction impervious cover.*

The Monongalia County Subdivision Regulations do not specifically limit lot coverage or maximum impervious surface for low density residential development. The Regulations do specify minimum yard setback requirements (which are assumed to not be converted into impervious surface). The required side yards for a 65-ft wide, 10,000 square foot lot were about 47% of the property, which would leave about 53% to be developed into impervious surface. Since the side yard minimums allowed for impervious surface greater than 50% (which is the standard, Protocol-specified claim for impervious surface avoided for residential use), to be conservative, 50% avoided impervious surface was claimed.

Attachments: 6 Callen Land Use Regulations Monongalia County  
12 Callen Carbon Quantification Calculator

### Future Planned Project Activities

Describe future activities that may affect the percent canopy or carbon stocking in any way. Describe maintenance and stewardship activities that could improve the carbon stock.

West Virginia Land Trust plans to open the property for non-motorized, trail-based public use, increasing the community’s access to nature-based recreation. WVLT also intends to manage the property to improve forest health, including reducing the presence and encroachment of invasive species and slowly (over time) replacing the invasive tree of heaven trees with maples, oaks, and hickory.

## CO-BENEFITS QUANTIFICATION DOCUMENTATION (Section 11.5)

Summarize co-benefit quantification per year and provide supporting documentation. CFC will provide a Co-Benefits Quantification calculator for quantifying rainfall interception, reduction of certain air compounds, and energy savings.

<b>Ecosystem Services</b>	<b>Resource Units</b>	<b>Value</b>
Rainfall Interception (m3/yr)	7,270.5	\$52,055.49
Air Quality (t/yr)	0.3043	\$458.17
Cooling – Electricity (kWh/yr)	57,233	\$4,343.97
Heating – Natural Gas (kBtu/yr)	1,070,154	\$10,417.71
<b>Grand Total (\$/yr)</b>		<b>\$67,275.33</b>

Co-benefits were quantified using CFC’s Co-Benefits Quantification Calculator. These ecosystem services represent values in avoided costs of \$67,275.33 annually and \$2,691,013.24 over 40 years.

Attachment: 17 Callen CoBenefit Calculator

## SOCIAL IMPACTS (Section 12)

Project Operators shall use the Carbon Project Social Impacts template to evaluate how their Project aligns with the UN Sustainable Development Goals (SDGs). CFC will provide the template. Summarize the three to five main SDGs attributed to this Project.

**SDG 3. Good Health and Wellbeing:** The Callen Project Area forest will buffer noise and air pollution from the adjacent Morgantown Airport and other nearby industrial areas, and expand recreational access for neighboring communities (and the entire population of Morgantown as well). The Project Area also reduces the urban heat island effect, especially from nearby industrial areas, and promotes physical activity and active living by expanding access to nature-based recreation.

**SDG 6. Clean Water and Sanitation:** The Callen Property drains into a tributary of Deckers Creek, which is being restored to be a healthy aquatic system. The forest will capture and store significant amounts of stormwater, thus reducing sedimentation and keeping the water cool during the summer.

**SDG 10. Reduced Inequalities:** The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. Due to their proximity to industrial areas, these neighborhoods have lower tree equity than is typical of the surrounding Morgantown area. The Project protects trees and secures nature-based benefits for these vulnerable communities.

*Attachment: 18 Callen Social Impacts*

## **MONITORING AND REPORTING (Section 8)**

*Throughout the Project Duration, the Project Operator must report on tree conditions across the Project Area.*

### **Monitoring Reports**

*Monitoring reports are due every three years determined by the date of the verification report. For example, if the verification report is dated January 1, 2023, the first report will be due by January 1, 2026 and every three years thereafter for the duration of the project. CFC will provide a list of dates to Project Operator after the first verification report is approved. Project Operators must submit reports in writing and must attest to the accuracy of the reports. The reports must contain any changes in eligibility status of the Project Operator and any significant tree loss. The information includes updates to land ownership, changes to project design, changes in implementation or management and changes in tree or canopy loss. The reports must be accompanied by some form of telemetry or imaging that captures tree canopy, such as Google Earth, aerial imagery, or LiDAR. The reports must estimate any loss of stored carbon stock or soil disturbance in the Project Area.*

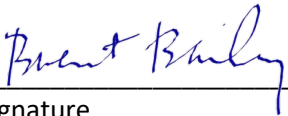
### **Monitoring Plans**

*Describe your monitoring plans. If Project Operator plans to claim credits for future growth, describe methods that will be used to quantify future growth.*

The Project Area is included in the Land Trust’s annual monitoring schedule for protected properties. WVLT will also submit triennial monitoring reports for the project duration, as required by the Protocol.

## **PROJECT OPERATOR SIGNATURE**

Signed on April 25 in 2024, by Brent Bailey, Executive Director, for West Virginia Land Trust.

  
\_\_\_\_\_  
Signature

Brent Bailey  
Printed Name

304-685-3481  
Phone

brent@wvlandtrust.org  
Email

## ATTACHMENTS

*Update the attachments list as appropriate for your project.*

- 1 – Geospatial Location Map
- 2 - Regional Map
- 3- Project Area Map
- 4 – Proof of Land Ownership or Agreement to Transfer Credits
- 5 – Preservation Commitment
- 6 - Land Use Regulations
- 7 – Land Use/Zoning Map
- 8 – Overlay Zones or Restrictions
- 9 – Threat of Loss Demonstration
- 10 – Attestation of No Double Counting and No Net Harm
- 11 – Attestation of Additionality
- 12 – Carbon Quantification Calculator
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- 16 – Stand Map
- 17 – Co-Benefit Quantification Calculator
- 18 – Social Impacts

# PROTOCOL REQUIREMENTS

## **Project Operator (Section 1.1)**

Identify a Project Operator for the project. This is the entity or governmental body who takes responsibility for the project for the 40-year duration.

## **Project Duration and Project Implementation Agreement (Section 1.2, 2.2)**

Project Operator must commit to a 40-year duration and sign a Project Implementation Agreement. This is a 40-year agreement between the Project Operator and City Forest Credits (the “Registry”) for an urban forest carbon project.

## **Location Eligibility (Section 1.3)**

Projects must be located in or along the boundary of at least one of the following criteria:

- A. “Urban Area” per Census Bureau maps; see <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>
- B. The boundary of any incorporated city or town created under the law of its state;
- C. The boundary of any unincorporated city, town, or unincorporated urban area created or designated under the law of its state;
- D. The boundary of any regional metropolitan planning agency or council established by legislative action or public charter. Examples include the Metropolitan Area Planning Council in Boston, the Chicago Municipal Planning Agency, the Capital Area Council of Governments (CAPCOG) in the Austin area, and the Southeastern Michigan Council of Governments (SEMCOG)
- E. The boundary of land owned, designated, and used by a municipal or quasi-municipal entity for source water or watershed protection. Examples include Seattle City Light South Fork Tolt River Municipal Watershed (8,399 acres owned and managed by the City and closed to public access);
- F. A transportation, power transmission, or utility right of way, provided the right of way begins, ends, or passes through some portion of A through D.

## **Ownership or Right to Receive Credits Eligibility (Section 1.5)**

Project Operator must demonstrate ownership of property and eligibility to receive potential credits by meeting one of the following:

- A. Own the land and potential credits upon which the Project trees are located; or
- B. Own an easement or equivalent property interest for a public right of way within which Project trees are located and accept ownership of those Project trees by assuming responsibility for maintenance and liability for them; or
- C. Have a written and signed agreement from the landowner, granting ownership to the Project Operator of any credits for carbon storage, other greenhouse gas benefits, and other co-benefits delivered by Project trees on that landowner’s land. If the Project Area is on private property, the agreements in this sub-section must be recorded in the public records in the county where the property is located. The recordation requirement can be satisfied if the agreements specified in this sub-section are contained in a recorded easement, covenant, or deed restriction on the property.

## **Demonstrate Tree Preservation (Section 4.1)**



The Project Operator must show that the trees in the Project Area are preserved from removal by a recorded easement, covenant, or deed restriction (referred to hereafter as “Recorded Encumbrance”) with a term of at least 40 years. This action is referred to as the “Preservation Commitment.” This Recorded Encumbrance must be recorded not later than 12 months after Registry approval of the Project’s Application.

#### **Demonstrate Threat of Loss (Section 4.2, 4.3, and 4.4):**

The Project Operator must show that prior to the Preservation Commitment:

- Project trees were not preserved from removal through a Recorded Encumbrance or other prohibitions on their removal,
- The Project Area was:
  - In a land use designation that allowed for at least one non-forest use. Non-forest uses include industrial, commercial, transportation, residential, agricultural, or resource other than forest, as well as non-forest park, recreation, or open space uses.
  - Is not in an overlay zone that prohibits all development. Examples include critical areas or wetland designations.
- The Project Area met one of the following conditions:
  - Surrounded on at least 30% of its perimeter by non-forest, developed or improved uses, or
  - Sold, conveyed, or had assessed value within three years of preservation for greater than \$8,000 average price per acre for the bare land, or
  - Would have a fair market value after conversion to a non-forested “highest and best use” greater than the fair market value after preservation in subsection 4.1, as stated in a “highest and best use” study from a state certified general real estate appraiser in good standing

#### **Additionality (Section 6)**

Additionality is ensured through the following:

- Prior to the start of the project, the trees in the Project Area are not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees.
- The zoning in the Project Area must currently allow for a non-forest use
- The trees in the Project Area face a threat or risk of removal or conversion out of forest
- The Project Operator records in the public land records an easement, covenant, or deed restriction specifically protecting the trees for the project duration of 40 years or 100 years (40 or 100 years depending on the protocol version)

#### **Quantification for Credits (Section 11)**

The full Protocol describes the following steps for carbon stock and soil carbon quantification in detail:

1. Stored carbon stock present in Project Area (Section 11.1)  
Estimate the biomass stock present and adjust for uncertainty to calculate the “Accounting Stock”. This can be done using the US Forest Service General Technical Report NE-343 tables, on-site inventory of some live trees with i-Tree methods and tools, or an on-site forest inventory
2. Areas expected to remain in trees after potential development (Section 11.2)

Calculate the fraction of the Accounting Stock that likely would be emitted as a result of development, to calculate “Avoided Biomass Emissions”

3. Quantification of soil carbon (Section 11.3)  
Calculate “Avoided Soil Carbon Emissions” caused by conversion of soils to impervious surfaces in the Project Area
4. Deduction for displaced development (Section 11.4)  
Apply the deductions in Section 11.5 and Appendix B to Biomass and Soil Carbon calculations to adjust for development and emissions that would be displaced by the preservation of the Project Area (leakage deductions). This will reduce the creditable tonnes of Avoided Biomass Emissions and Avoided Soil Carbon Emissions to adjust for displaced development
5. Quantify Co-Benefits (Section 11.5)  
The Project Operator will calculate co-benefits separately from CO<sub>2</sub>(e). The Registry will supply a spreadsheet template based on their climate zone, and will provide values for rainfall interception, reductions of air compounds, and energy savings.
6. Claiming additional credit for growth (Section 11.6)  
The Project Operator may elect to also account for ongoing growth of trees within the Project Area after Project Commencement

### **Social Impacts (Section 12)**

The Project Operator will describe how the Project impacts contribute towards achievement of the global UN Sustainable Development Goals (SDGs). The Registry will supply a template to evaluate how the Project aligns with the SDGs.

### **Attestation of No Net Harm and No Double Counting (Section 5)**

The Project Operator will sign an attestation that no project shall cause net harm and no project shall seek credits on trees, properties, or projects that have already received credits.

### **Validation and Verification by Third-Party Verifiers (Section 13)**

Project compliance and quantification must be verified by a third-party Validation and Verification Body approved by the Registry.

### **Issuance of Credits to Project Operator (Section 7)**

Ex-post credits are issued after the biomass is protected via a recorded encumbrance protecting the trees. Issuance is phased or staged over one and five years at the equivalent of 50 acres of crediting per year. This staged issuance reflects the likely staging of development over time if the Project Area were to have been developed.

After validation and verification, the Registry issues credits to the Project Operator based on the Project Area size:

- 50 acres or less: all credits are issued after validation and verification
- Greater than 50 but less than 200 acres: credits are issued in the equivalent of 50 acres per year
- Greater than 200 acres: credits are issued in equal amounts over five years

**Credits for Reversal Pool Account (Section 7.3)**

The Registry will issue 90% of Project credits earned and requested and will hold 10% in the Registry's Reversal Pool Account.

**Understand Reversals (Section 9)**

If the Project Area loses credited carbon stock, the Project Operator must return or compensate for those credits if the tree loss is due to intentional acts or gross negligence of Project Operator. If tree loss is due to fire, pests, or other acts of god (i.e., not due to the Project Operator's intentional acts or gross negligence), the Registry covers the reversed credits from its Reversal Pool Account of credits held back from all projects.

**Monitoring and Reporting (Section 8)**

The Project Operator must submit a report every three years for the project duration. The reports must be accompanied by some form of telemetry or imaging that captures tree canopy, such as Google Earth, aerial imagery, or LiDAR. The reports must estimate any loss of stored carbon stock or soil disturbance in the Project Area.

## **Attachments**

[Deed](#)

[Project Area Map](#)

[Regional Area Map](#)

[Preservation Commitment](#)

[Zoning Maps](#)

[Zoning Description\(s\), Appraisal, Critical Areas](#)

[Threat of Loss Demonstration](#)

[Attestation of No Double Counting and No Net Harm](#)

[Attestation of Additionality](#)

[Carbon Quantification Tool](#)

[Forest Composition Report](#)

[Stand Map](#)

[iTree Canopy Report and Data](#)

[Historical Photos](#)

[Cobenefit Calculator](#)

[Social Impacts](#)

Deed

This instrument was prepared by:

Robert Louis Shuman  
Reeder & Shuman  
256 High Street  
Post Office Box 842  
Morgantown, West Virginia 26507-0842

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This Special Warranty Deed ("**Deed**") is entered into and made effective on October 6, 2022, by and between C. D. C. Development Corporation, a West Virginia corporation, party of the first part, as grantor ("**Grantor**"), and The West Virginia Land Trust, Inc., a West Virginia non-profit corporation, party of the second part, as grantee ("**Grantee**").

For and in consideration of the amount of Ten Dollars (\$10.00), and other good and valuable consideration, the adequacy, receipt, and sufficiency of all of which are acknowledged, Grantor conveys, grants, and transfers to Grantee, except as limited and qualified below, with covenants of special warranty, the parcel or tract of real property, including and together with the buildings, fixtures, improvements, and structures thereon, if any, and the appurtenances thereto, located in Morgan District, Monongalia County, West Virginia described as follows:

Beginning at a 5/8-inch by 30-inch capped iron rod (set) in the easterly right of way line of Monongalia County Route 857 (Hartman Run Road), standing as a corner to land now or formerly of Monongahela Power Company (Deed Book 653 / Page 429) and C. D. C. Development Corporation (Deed Book 675 / Page 3569), the parent tract of this parcel; thence leaving Monongahela Power Company and with C. D. C. Development Corporation and the easterly right of way line of Route 857, a curve turning to the left, having a radius of 343.31 feet northeasterly 115.42 feet along said curve to a point standing as a new corner to C. D. C. Development Corporation, said curve having a chord bearing and distance of N 64° 54' 05" E 114.88 feet; thence leaving Route 857 and with new lines of C. D. C. Development Corporation, S 34° 43' 49" E 87.42 feet to a point on the southerly side of a drain; thence upstream along the southerly side of drain, S 68° 22' 08" E 50.31 feet to a point; thence N 83° 12' 35" E 165.26 feet to a point; thence S 57° 47' 52" E 80.81 feet to a point; thence N 83° 29' 44" E 105.40 feet to a point; thence S 54° 01' 01" E 146.28 feet to a point; thence N 47° 10' 05" E 65.68 feet to a point; thence S 38° 27' 48" E 97.56 feet to a point; thence N 80° 37' 22" E 100.25 feet to a point; thence N 59° 50' 20" E 117.81 feet to a point; thence N 74° 43' 37" E 80.59 feet to a point; thence N 39° 50' 17" E 74.27 feet to a

point; thence S 77° 23' 09" E 73.07 feet to a point; thence N 67° 32' 07" E 84.50 feet to a point; thence N 58° 50' 28" E 170.00 feet to a point; thence N 19° 29' 04" E 54.14 feet to a point; thence N 74° 58' 15" E 108.91 feet to a point; thence S 76° 23' 02" E 74.90 feet to a point; thence N 49° 13' 54" E 152.74 feet to a point; thence S 86° 10' 42" E 145.90 feet to a point; thence N 60° 16' 09" E 89.19 feet to a point; thence S 84° 48' 59" E 89.26 feet to a point; thence N 80° 48' 34" E 117.30 feet to a point; thence S 67° 07' 50" E 75.78 feet to a point; thence N 60° 35' 29" E 67.30 feet to a point, standing in the line of City of Morgantown (Deed Book 345 / Page 362) and as a new corner to C. D. C. Development Corporation, said point bears S 01° 15' 46" W 360.61 feet from a point standing as a corner to City of Morgantown and C. D. C. Development Corporation; thence leaving said drain and with City of Morgantown and continuing with C. D. C. Development Corporation, S 01° 15' 46" W 233.39 feet to a concrete monument (found), standing as a corner to other lands of City of Morgantown (Deed Book 592 / Page 69); thence with other lands of City of Morgantown, continuing with C. D. C. Development Corporation, S 04° 37' 10" W 558.23 feet to a 2-inch iron pipe (found), standing as a corner to other lands of City of Morgantown (Deed Book 600 / Page 359); thence with other lands of City of Morgantown, continuing with C. D. C. Development Corporation, S 02° 52' 16" W 524.80 feet to an axle (found), standing as a corner to land now or formerly of James L. Laurita, Sr. Family LP (Deed Book 1369 / Page 587), and in the outline of Norwood Addition, as laid down or depicted on the plat or map of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 328 at Page 58A, said axle also standing as a corner to City of Morgantown and C. D. C. Development Corporation; thence leaving City of Morgantown and Laurita Family LP and with the outline of Norwood Addition, continuing with C. D. C. Development Corporation, N 71° 46' 45" W 2303.54 feet to a 30-inch oak snag (found), standing as a corner to Monongahela Power Company and C. D. C. Development Corporation; thence leaving the outline of Norwood Addition and with Monongahela Power Company, continuing with C. D. C. Development Corporation, N 02° 02' 15" E 296.51 feet to the place of beginning, containing **36.56 acres**, more or less ("**Parcel**").

The Parcel is depicted, illustrated, and shown on the plat of survey prepared by Ronald A. Talkington, PS 876, of Cheat Road Engineering, Inc., dated September 29, 2021, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("**Clerk's Office**") in Deed Book 1753 at Page 65 ("**Plat**"), which is incorporated and integrated into this Deed by this reference.

The Parcel is part of the property conveyed to Grantor by the deed dated June 18, 1968, of record in the Clerk's Office in Deed Book 675 at Page 356. In addition, the Parcel is defined and described as Parcel

Two in (1) the straw party deed dated October 13, 2021, of record in the Clerk's Office in Deed Book 1753 at Page 50 and (2) the straw party deed dated October 13, 2021, of record in the Clerk's Office in Deed Book 1753 at Page 67.

**Appurtenant Easement One:** Grantor further conveys, grants, and transfers to Grantee as an appurtenance to the Parcel, an irrevocable, non-exclusive, and perpetual easement and right of way across, on, over, and through the parcel or tract described as containing 34.97 acres, more or less, conveyed to Woodland Terrace MHC LLC, a West Virginia limited liability company, by Grantor by the deed dated December 3, 2021, of record in the Clerk's Office in Deed Book 1757 at Page 278 ("**MHC Parcel**"), for the purposes of pedestrian and vehicular access, egress, ingress, and regress between, from, and to Monongalia County Route 857 (Hartman Run Road) and the Parcel in the location described as follows: Beginning at a point on the southern side of a drain, standing in the line of a 36.56-acre parcel, a part of the lands of C. D. C. Development Corporation; thence leaving the 36.56-acre parcel and with lines through C. D. C. Development Corporation, crossing said drain, N 27° 55' 00" E 177.82 feet to a point; thence S 62° 05' 00" E 10.00 feet to a point; thence with a non-tangent curve turning to the left, having a radius of 54.00 feet northerly 67.77 feet along said curve to a point, said curve having a chord bearing and distance of N 08° 02' 09" W 63.41 feet; thence continuing with lines through C. D. C. Development Corporation, a compound curve turning to the right, having a radius of 252.19 feet northwesterly 212.00 feet along said curve to a point, said curve having a chord bearing and distance of N 19° 54' 21" W 205.81 feet; thence continuing with lines through C. D. C. Development Corporation, N 04° 10' 35" E 83.89 feet to a point; thence with a curve turning to the left, having a radius of 185.00 feet northwesterly 248.37 feet along said curve to a point, said curve having a chord bearing and distance of N 34° 17' 05" W 230.13 feet; thence continuing with lines through C. D. C. Development Corporation, N 72° 44' 46" W 55.23 feet to a point in the eastern right of way line of Monongalia County Route 857 (Hartman Run Road), said point bears N 17° 15' 14" E 9.43 feet from a point standing as a corner to C. D. C. Development Corporation; thence with the easterly right of way line of Route 857 and C. D. C. Development Corporation, N 17° 15' 14" E 30.00 feet to a point; thence leaving the eastern right of way line of Route 857 and with lines through C. D. C. Development Corporation, S 72° 44' 46" E 55.23 feet to a point; thence with a curve turning to the right, having a radius of 215.00 feet southeasterly 288.65 feet along said curve to a point, said curve having a chord bearing and distance of S 34° 17' 05" E 267.45 feet; thence continuing with lines through C. D. C. Development Corporation, S 04° 10' 35" W 83.89 feet to a point; thence with a curve turning to the left, having a radius of 222.19 feet southeasterly 186.78 feet along said curve to a point, said curve having a chord bearing and distance of S 19° 54' 21" E 181.33 feet; thence continuing with lines through C. D. C. Development Corporation, a compound curve turning to the right, having a radius of 84.00 feet southerly 105.42 feet along said curve



to a point, said curve having a chord bearing and distance of S 08° 02' 09" E 98.64 feet; thence S 62° 05' 00" E 10.00 feet to a point; thence continuing with lines through C. D. C. Development Corporation, re-crossing said drain, S 27° 55' 00" W 184.91 feet to a point on the southerly side of said drain, standing in the line of the 36.56-acre parcel, said point bears N 54° 01' 01" W 71.26 feet from a point, standing as a corner to the 36.56-acre parcel; thence with the 36.56-acre parcel, downstream along the southerly side of said drain, N 54° 01' 01" W 50.50 feet to the place of beginning, containing 29,877 square feet or 0.69 acre, more or less ("**Access Easement**"). The Access Easement is depicted, illustrated, and shown on the Plat.

**Appurtenant Easement Two:** Grantor further conveys, grants, and transfers to Grantee as an appurtenance to the Parcel, an irrevocable, non-exclusive, and perpetual easement and right of way across, in, on, over, through, and under the MHC Parcel for the purposes of altering, amending, building, changing, commencing, constructing, erecting, establishing, extending, improving, inspecting, installing, laying, locating, maintaining, modifying, operating, placing, protecting, re-building, re-constructing, re-erecting, re-establishing, re-extending, re-improving, reinstalling, re-laying, relocating, removing, repairing, replacing, re-setting, setting, and upkeeping conduits, connection boxes, facilities, laterals, lines, mains, manholes, meters, pedestals, pipes, pull-boxes, pumps, pumping stations, systems, transformers, valves, vaults, wires, and any, every, and all additions, alterations, appliances, appurtenances, attachments, connections, devices, equipment, facilities, fittings, leads, instrumentalities, markers, modifications, systems, or structures thereof or thereto advisable, ancillary, appropriate, convenient, incidental, necessary, requisite, or useful to carrying, channeling, delivering, discharging, distributing, draining, flowing, transmitting, or transporting communications, data, electric, gas, non-potable water, potable water, runoff, sewage, storm water, surface water, telecommunications, telephone, and utilities of any and every character, description, kind, manner, and nature, whether by currently existing methods, processes, or technology or subsequently developed methods, processes, or technology, foreseeable or unforeseeable, from and to the Parcel in the same location as the Access Easement ("**Utility Easement**"). Whenever the Utility Easement shall be disturbed by Grantee or Grantee's assignees or successors, then within five (5) days after work completion, weather permitting, Grantee or Grantee's assignees or successors shall reclaim and reseed the disturbed area(s) and repair any damage that may arise or result from the exercise of the privileges or rights conveyed to Grantee in this Deed. Grantee or Grantee's assignees or successors shall employ all erosion and silt control measures, mitigation measures, and restoration measures which are required by applicable laws when performing any work on or within the Utility Easement and shall be obligated to compact, fill, or re-grade any erosion of ground or settlement of ground that shall occur for a period of one (1) year subsequent to the date of the completion of any work.

**Appurtenant Easement Three:** Grantor further conveys, grants, and transfers to Grantee as an appurtenance to the Parcel, an irrevocable, non-exclusive, and perpetual easement and right of way across, in, on, over, through, and under the MHC Parcel for the purposes of altering, amending, building, changing, commencing, constructing, erecting, establishing, extending, improving, inspecting, installing, laying, locating, maintaining, modifying, operating, placing, protecting, re-building, re-constructing, re-erecting, re-establishing, re-extending, re-improving, reinstalling, re-laying, relocating, removing, repairing, replacing, re-setting, setting, and upkeeping a bridge for pedestrian and vehicular employment, enjoyment, and use above, across, and over the drain or creek and ravine generally, physically separating the Parcel and the MHC Parcel and all abutments, additions, alterations, appliances, appurtenances, aspects, attachments, components, devices, equipment, facilities, instrumentalities, modifications, systems, structures, or wing walls thereof or thereto ("**Bridge**"), whether by currently existing methods, processes, or technology or subsequently developed methods, processes, or technology, foreseeable or unforeseeable, in the location described as follows: Beginning at a point on the southern side of a drain, standing in the line of a 36.56-acre parcel, a part of the lands of C. D. C. Development Corporation; thence leaving the 36.56-acre parcel and with lines through C. D. C. Development, crossing said drain, N 27° 55' 00" E 177.82 feet to a point; thence S 62° 05' 10" E 50.00 feet to a point; thence S 27° 55' 00" W 184.91 feet to a point on the southerly side of said drain, standing in the line of the 36.56-acre parcel, said point bears N 54° 01' 01" W 71.26 feet from a point standing as a corner to the 36.56-acre parcel; thence with the 36.56-acre parcel, downstream along the southerly side of drain, N 54° 01' 01" W 50.50 feet to the place of beginning, containing 9068 square feet or 0.2082 acre, more or less ("**Bridge Easement**"). The location of the Bridge Easement is generally depicted, illustrated, and shown on the Plat. The owner of the MHC Parcel shall have no obligation or responsibility to maintain or repair the Bridge and all maintenance and repair obligations and responsibilities associated with the Bridge shall be borne and carried by Grantee and Grantee's assignees or successors. Whenever the Bridge Easement shall be disturbed by Grantee or Grantee's assignees or successors, then within five (5) days after work completion, weather permitting, Grantee or Grantee's assignees or successors shall reclaim and reseed the disturbed area(s) and repair any damage that may arise or result from the exercise of the privileges or rights conveyed to Grantee in this Deed. Grantee or Grantee's assignees or successors shall employ all erosion and silt control measures, mitigation measures, and restoration measures which are required by applicable laws when performing any work on or within the Bridge Easement and shall be obligated to compact, fill, or re-grade any erosion of ground or settlement of ground that shall occur for a period of one (1) year subsequent to the date of the completion of any work.

**Appurtenant Easement Four:** Grantor further conveys, grants, and transfers to Grantee as an appurtenance to the Parcel, an irrevocable, non-exclusive, and perpetual easement and right of way across, in, on, over, and

through the MHC Parcel for the purposes of carrying, channeling, delivering, discharging, distributing, draining, flowing, transmitting, or transporting runoff, storm water, and surface water, regardless of the source or origin, into and onto the drain or creek and ravine generally, physically separating the Parcel and the MHC Parcel, as depicted, illustrated, and shown on the Plat, and altering, amending, building, changing, commencing, constructing, erecting, establishing, extending, improving, inspecting, installing, laying, locating, maintaining, modifying, operating, placing, protecting, re-building, re-constructing, re-erecting, re-establishing, re-extending, re-improving, reinstalling, re-laying, relocating, removing, repairing, replacing, re-setting, setting, and upkeeping conduits, facilities, laterals, lines, pipes, systems, and any, every, and all additions, alterations, appliances, appurtenances, attachments, connections, devices, equipment, facilities, fittings, instrumentalities, modifications, systems, or structures thereof or thereto advisable, ancillary, appropriate, convenient, incidental, necessary, requisite, or useful to carrying, channeling, delivering, discharging, distributing, draining, flowing, transmitting, or transporting such runoff, storm water, and surface water, whether by currently existing methods, processes, or technology or subsequently developed methods, processes, or technology, foreseeable or unforeseeable (“**Drainage Easement**”). Whenever the Drainage Easement shall be disturbed by Grantee or Grantee’s assignees or successors, then within five (5) days after work completion, weather permitting, Grantee or Grantee’s assignees or successors shall reclaim and reseed the disturbed area(s) and repair any damage that may arise or result from the exercise of the privileges or rights conveyed to Grantee in this Deed. Grantee or Grantee’s assignees or successors shall employ all erosion and silt control measures, mitigation measures, and restoration measures which are required by applicable laws when performing any work on or within the Drainage Easement and shall be obligated to compact, fill, or re-grade any erosion of ground or settlement of ground that shall occur for a period of one (1) year subsequent to the date of the completion of any work.

Grantor further assigns, conveys, delegates, grants, and transfers to Grantee and, by accepting delivery of this Deed and recording the same in the Clerk’s Office, Grantee accepts, assumes, and undertakes from Grantor, all and any duties, obligations, and responsibilities in any character, manner, or nature concerning, involving, or relating to the Access Easement, the Bridge Easement, the Drainage Easement, and the Utility Easement (“**Easements**”). It is the express design and intent of Grantor and Grantee that Grantor shall have no duties, obligations, or responsibilities in any character, manner, or nature concerning, involving, or relating to the Easements as of and subsequent to the delivery of this Deed.

The Parcel is conveyed to Grantee and accepted by Grantee encumbered by and subject to all agreements, assessments, charges, conditions, covenants, easements, exceptions, limitations, mineral severances, reservations, restrictions, rights of way, servitudes, and other encumbrances as have been imposed upon the

Parcel by Grantor or Grantor's predecessors in title which are effective and enforceable as of the delivery of this Deed, and the covenant of special warranty contained in this Deed is limited and qualified by the same.

The Parcel is entered upon the Land Book of Morgan District, Monongalia County, West Virginia for tax year 2022 as a part of the following first entry and all of the following second entry:

Ticket 43372  
C D C Development Corp  
Map 8 Parcel 0027  
78.68 Ac Near Sab (Trlr Ct)

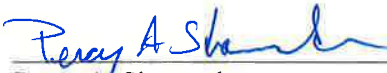
Ticket 43373  
C D C Development Corp  
Map 9999 Parcel 0800.1451.0000  
5.48 Ac Rem Pgh C (Utt Tr)

Declaration of Consideration or Value: Pursuant to Article 22 of Chapter 11 of the West Virginia Code, Grantor declares that the appraised value of the property transferred by this Deed is One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00); however, because the transfer effected by this Deed is a donation or gift to a voluntary charitable non-profit corporation, this Deed is not a "document" as defined in West Virginia Code §11-22-1(4), and therefore not subject to the excise tax imposed pursuant to such article of the West Virginia Code.

Declaration of Residency: Pursuant to Section 71b of Article 21 of Chapter 11 of the West Virginia Code, Grantor declares that Grantor is a resident entity as defined in Section 71b(a)(4)(A) of Article 21 of Chapter 11 of the West Virginia Code.

Witness the following signature.

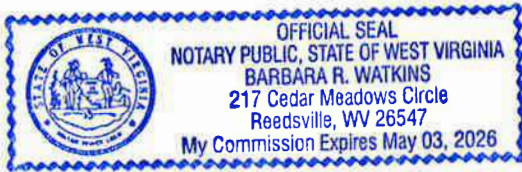
C. D. C. Development Corporation, a West Virginia corporation

By:   
Name: Percy A. Shoemaker  
Title: President

State of West Virginia,  
County of Monongalia, to-wit:

The foregoing instrument was acknowledged and sworn to before me this the 6<sup>th</sup> day of October, 2022, by Percy A. Shoemaker, in his capacity as president of C. D. C. Development Corporation, a West Virginia corporation, for and on behalf of such corporation, as the act and deed of such corporation.

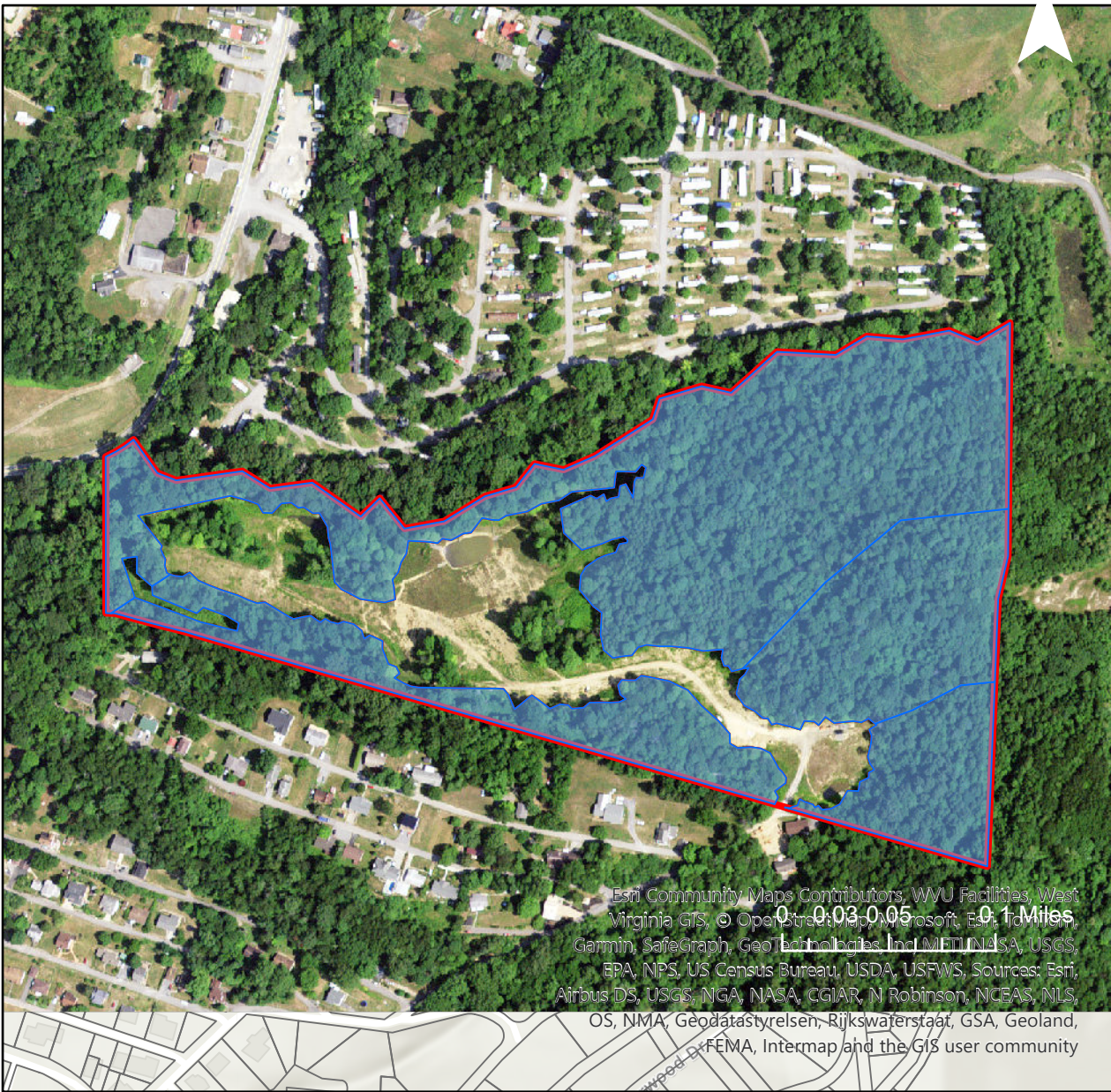
{SEAL}





  
Notary Public  
My Commission expires: May 3, 2026

Project Area Map

# Callen Property Project Area Map

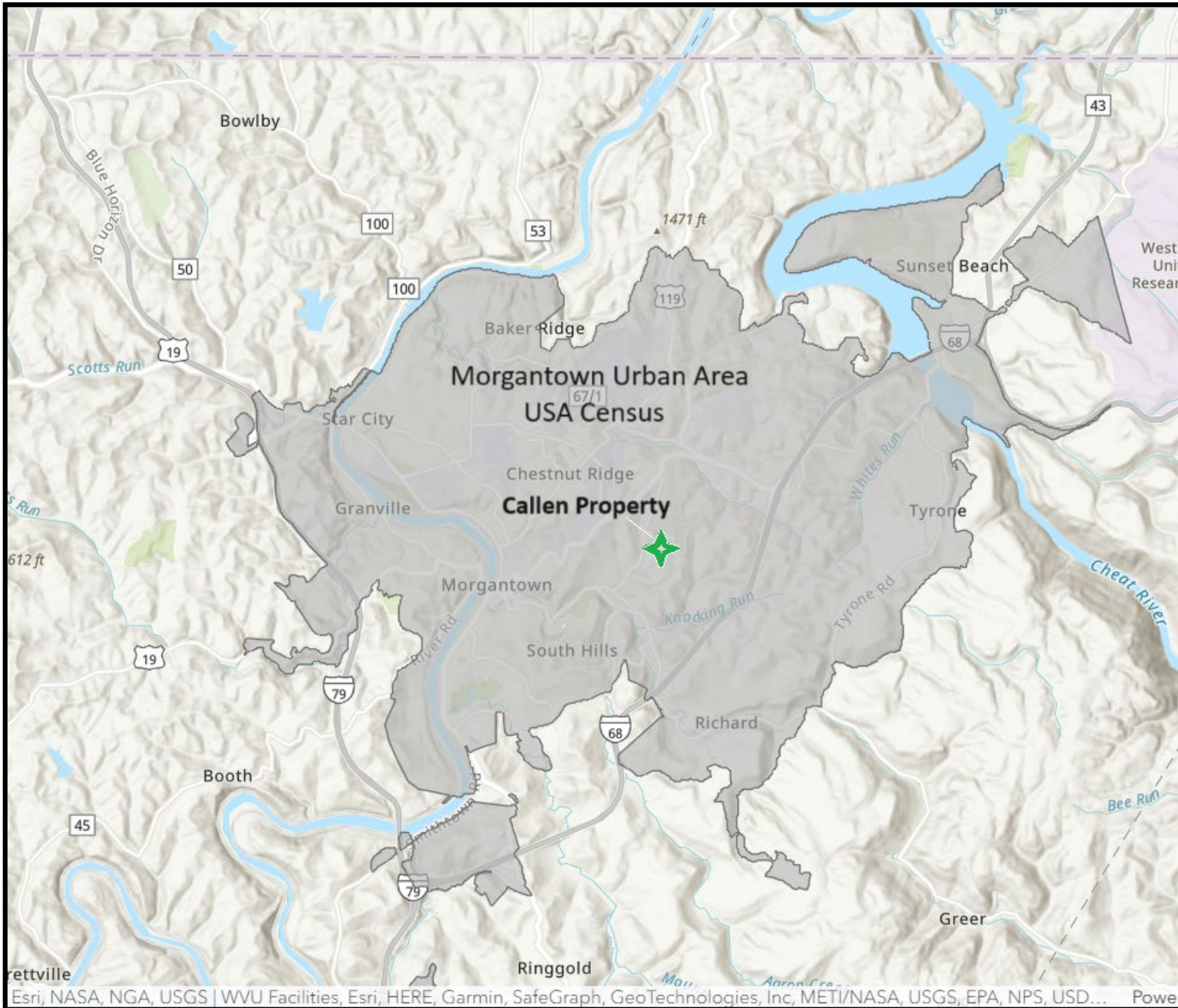


## Legend

-  Callen Project Area
-  Callen Property Boundary

# Regional Area Map





# Callen Property Project Regional Area Map

## Symbology

USA Census Urban Areas



Project Area



## Preservation Commitment

WEST VIRGINIA LAND TRUST, INC.  
PO BOX 304  
MORGANTOWN WV 26507

Monongalia County  
Carve L Blaney, Clerk  
Instrument 925520  
04/23/2024 @ 10:42:45 AM  
COVENANT & RESTRICTIONS  
Pages Recorded 7  
Recording Cost: \$ 14.00

1844-726

### DECLARATION OF DEVELOPMENT RESTRICTIONS

Grantor: West Virginia Land Trust, Inc.,  
Grantee: City Forest Credits  
PO Box 20396 Seattle, WA 98102

Legal Description: [insert legal description] The 36.56 acre parcel in the Morgan District of Monongalia County, West Virginia, more specifically in the Sabraton area of Morgantown adjacent to the Morgantown Airport, consists of an undeveloped 28.9 acres and a partially developed 7.62 acres. The latter acreage will be restored to forest and is not a component of this project.

Assessor's Tax Parcel Identification No(s): 08 8002700020000 (8-8-27.2)

Reference No. of Related Documents: [insert if applicable]

**A TRUE COPY**  
ATTEST *Carve L Blaney*  
MONONGALIA COUNTY CLERK  
BY *Jeri Cole*, DEPUTY

THIS DECLARATION OF DEVELOPMENT RESTRICTIONS (the "DECLARATION") is made this 23<sup>rd</sup> day of April 2024, by the West Virginia Land Trust, a 501(c)(3) non-profit land conservation organization ("Declarant"), for the purpose of clarifying the development restrictions on property at 39° 37.956, 70° 55.284 (WGS 84 Web Mercator) in Morgantown, West Virginia.

#### RECITALS

- A. Declarant is the owner of certain property in Morgantown, WV addressed as the Callen parcel, more particularly described in EXHIBIT A attached hereto and incorporated by reference ("Subject Parcels [8-8-27.8]"). Subject shall be referred to as the "Property" hereafter.
- B. Declarant accepted the donation of the Property from CDC Development, Inc., a West Virginia development corporation.
- C. Declarant is a non-profit land and water conservation organization.
- D. Declarant recognizes the value of the Property's Forest as a climate asset. The trees on the Property store CO<sub>2</sub>, reduce storm water runoff, improve air quality, provide energy savings from cooling and heating effects, improving human health by providing cleaner air and a place for recreation, exercise and the public health benefits of exposure to nature, and by substantially buffering the surrounding residential neighborhoods from the increasingly noisy and frequent aircraft racket from the immediately adjacent, expanding commercial airport. Clearing of the trees for other uses, such as parking lots, playfields or other uses would seriously impair the climate value of the Property.
- E. Declarant intends to enroll the Property with City Forest Credits to develop a forest carbon project at the Property. The project will be unlike the vast majority of forest carbon

Return to: West Virginia Land Trust, Inc.  
PO Box 304  
Morgantown, WV 26507

projects - the monetized value of the credits extend beyond the immediate carbon-in-the-stand measurements (tons of CO<sup>2</sup> equivalents), but also include the co-occurring ecosystem services that are a direct and inseparable function of the forest itself. Furthermore, the ecosystem services that stem from the forest's physical and biological properties include things like recreation / health-and-wellness, environmental education, and other human benefits such as noise reduction from the airport. The Declarant will preserve forested stands and earn carbon credits for those preserved trees. City Forest Credits, a non-profit carbon registry, has developed carbon protocols and issues credits for qualifying tree-preservation and tree-planting projects in and around urban areas. This project does not include a tree planting component at this time, but focuses rather on preserving the existing natural forest.

F. Declarant, the West Virginia Land Trust, intends by this Declaration to preserve the trees on the Property for a period of no less than 40 years. It understands that this Declaration will bar the clearing or removing of trees for parking lots, picnic shelters, playfields, visitor centers, or any reason other than forest health, hazard, disease, fire, and small, non-motorized recreational trails.

## DECLARATION

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant, as owner of the Property, hereby declares, grants, imposes, conveys, establishes, and accepts the following development restrictions and covenants which shall run with the land and be binding upon all owners of the Property:

1. *Removal of Trees.* Declarant shall not cut down, destroy, or remove trees located on the Property, except as necessary to control or prevent hazard, disease or fire or to improve forest health; recreational non-motor-use trails have negligible or de minimis impacts on biomass and carbon stock and are permissible.

## GENERAL PROVISIONS

2. Run with land. The covenants and restrictions declared, granted, conveyed and established under this Declaration shall run with the land and inure to the benefit of, and be binding upon, Declarant and its heirs, beneficiaries, successors and assigns, and all future owners of the Property.

3. Term and modification. The covenants and restrictions declared, granted, conveyed and established under this Declaration shall remain in effect as long as it is needed to satisfy the requirements of any applicable carbon protocol under which carbon credits may be issued for the carbon preserved in the trees on the Property.

4. Governing law and venue. The terms and provisions of this Declaration shall be governed, construed, and enforced in accordance with the laws of the State of West Virginia. Venue for any lawsuit arising out of this Declaration shall be in Morgantown, West Virginia.

5. Severability. In case any one or more of the provisions contained in this Declaration shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions of this Declaration, but this Declaration shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

6. Enforcement.

a. This Declaration is being freely and voluntarily made by Declarant.

b. City Forest Credits, the permitting authority in the locality where the Property is located, and members of the general public are express third party beneficiaries of this Declaration (individually, a "Beneficiary", and collectively, the "Beneficiaries"), and shall have the power and right but not the obligation to enforce the terms and conditions of this Declaration by any applicable legal or equitable remedies, including, without limitation, injunctive relief and specific performance. All remedies available under this Declaration shall be in addition to any and all remedies at law or in equity. Enforcement of the terms of this Declaration shall be at the discretion of the Beneficiaries, and any forbearance, delay or omission to exercise its rights under this Declaration in the event of a breach of any term of this Declaration is not a waiver by any Beneficiary of such term or of any subsequent breach of such term, or any other term in this Declarant, or of any rights of any Beneficiary under this Declaration.

c. In addition, City Forest Credits shall have the right to assign the rights described in this Section 6 to any other person or entity with an interest in preserving the trees on the Property and such party shall be deemed a Beneficiary for the purposes set forth above.

d. Declarant shall be responsible for all costs associated with implementation of this Declaration. Further, Declarant shall be obligated to pay for the Beneficiaries' or such other enforcing party's costs to process a request for any modification or termination of this Declaration and any approval required by this Declaration.

*[Signature page follows.]*

Dated this 23rd day of April, 2024.

West Virginia Land Trust, Inc.

By: Brent Bailey

Name: Brent Bailey

Title: Executive Director

Attest: Cedric Landenberger

Name: Cedric Landenberger

Title: Science and Management Specialist

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA

I certify that I know or have satisfactory evidence that Brent Bailey and Cedric Landenberger are the individuals who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Executive Director and Science and Management Specialist of the West Virginia Land Trust, respectively, to be the free and voluntary act of such for the uses and purposes mentioned in the instrument.

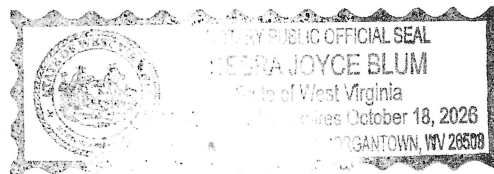
Dated this 23rd day of April, 2024.

Debra J. Blum  
Printed Name: Debra J. Blum

NOTARY PUBLIC in and for the State of West Virginia,

Residing at 1470 Pt. Marion Rd, Morgantown, WV

My Commission Expires October 18, 2026



Document prepared without the benefit of a title search by:  
West Virginia Land Trust, Inc.  
PO Box 304  
Morgantown, WV 26507

## Example of Legal Description

### EXHIBIT A

#### LEGAL DESCRIPTION

The Parcel is depicted, illustrated, and shown on the plat of survey prepared by Ronald A. Talkington, PS 876, of Cheat Road Engineering, Inc., dated September 29, 2021, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("Clerk's Office") in Deed Book 1753 at Page 65 ("Plat"), which is incorporated and integrated into this Deed by this reference.

Specifically, beginning at a 5/8-inch by 30-inch capped iron rod (set) in the easterly right of way line of Monongalia County Route 857 (Hartman Run Road), standing as a corner to land now or formerly of Monongahela Power Company (Deed Book 653 / Page 429) and C. D. C. Development Corporation (Deed Book 675 / Page 3569), the parent tract of this parcel; thence leaving Monongahela Power Company and with C. D. C. Development Corporation and the easterly right of way line of Route 857, a curve turning to the left, having a radius of 343.31 feet northeasterly 115.42 feet along said curve to a point standing as a new corner to C. D. C. Development Corporation, said curve having a chord bearing and distance of N 64° 54' 05" E 114.88 feet; thence leaving Route 857 and with new lines of C. D. C. Development Corporation, S 34° 43' 49" E 87.42 feet to a point on the southerly side of a drain; thence upstream along the southerly side of drain, S 68° 22' 08" E 50.31 feet to a point; thence N 83° 12' 35" E 165.26 feet to a point; thence S 57° 47' 52" E 80.81 feet to a point; thence N 83° 29' 44" E 105.40 feet to a point; thence S 54° 01' 01" E 146.28 feet to a point; thence N 47° 10' 05" E 65.68 feet to a point; thence S 38° 27' 48" E 97.56 feet to a point; thence N 80° 37' 22" E 100.25 feet to a point; thence N 59° 50' 20" E 117.81 feet to a point; thence N 74° 43' 37" E 80.59 feet to a point; thence N 39° 50' 17" E 74.27 feet to a point; thence S 77° 23' 09" E 73 .07 feet to a point; thence N 67° 32' 07" E 84.50 feet to a point; thence N 58° 50' 28" E 170.00 feet to a point; thence N 19° 29' 04" E 54.14 feet to a point; thence N 74° 58' 15" E 108.91 feet to a point; thence S 76° 23' 02" E 74.90 feet to a point; thence N 49° 13' 54" E 152.74 feet to a point; thence S 86° 10' 42" E 145.90 feet to a point; thence N 60° 16' 09" E 89.19 feet to a point; thence S 84° 48' 59" E 89.26 feet to a point; thence N 80° 48' 34" E 117.30 feet to a point; thence S 67° 07' 50" E 75.78 feet to a point; thence N 60° 35' 29" E 67.30 feet to a point, standing in the line of City of Morgantown (Deed Book 345 / Page 362) and as a new corner to C. D. C. Development Corporation, said point bears S 01° 15' 46" W 360.61 feet from a point standing as a corner to City of Morgantown and C. D. C. Development Corporation; thence leaving said drain and with City of Morgantown and continuing with C. D. C. Development Corporation, S 01° 15' 46" W 233.39 feet to a concrete monument (found), standing as a corner to other lands of City of Morgantown (Deed Book 592 / Page 69); thence with other lands of City of Morgantown, continuing with C. D. C. Development Corporation, S 04° 37' 10" W 558.23



feet to a 2-inch iron pipe (found), standing as a corner to other lands of City of Morgantown (Deed Book 600 I Page 359); thence with other lands of City of Morgantown, continuing with C. D. C. Development Corporation, S 02° 52' 16" W 524.80 feet to an axle (found), standing as a corner to land now or formerly of James L. Laurita, Sr. Family LP (Deed Book 1369 I Page 587), and in the outline of Norwood Addition, as laid down or depicted on the plat or map of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia in Deed Book 328 at Page 58A, said axle also standing as a corner to City of Morgantown and C. D. C. Development Corporation; thence leaving City of Morgantown and Laurita Family LP and with the outline of Norwood Addition, continuing with C. D. C. Development Corporation, N 71 ° 46' 45" W 2303.54 feet to a 30-inch oak snag (found), standing as a corner to Monongahela Power Company and C. D. C. Development Corporation; thence leaving the outline of Norwood Addition and with Monongahela Power Company, continuing with C. D. C. Development Corporation, N 02° 02' 15" E 296.51 feet to the place of beginning, containing 36.56 acres, more or less ("Parcel").

Monongalia County  
 Carve L. Blaney, Clerk  
 04/23/2024 @ 10:42:46 AM  
 Receipt 202400005409  
 Paid By NICK LANDENBENGER  
 Total Due \$ 21.50  
 Cash \$ 21.50  
 Total Received \$ 21.50

List of Checks  
 Monongalia County  
 Carve L. Blaney, Clerk  
 Instrument 925520  
 04/23/2024 @ 10:42:45 AM  
 COVENANT & RESTRICTIONS  
 Book 1844 @ Page 726  
 Pages Recorded 7  
 Recording \$ 5.00  
 Additional Pages \$ 2.00  
 County SB592 \$ .20  
 State SB592 \$ 1.80  
 Farm Land HB622 \$ 2.50  
 Heritage HB622 \$ 2.50

Instrument Total \$ 14.00

Monongalia County  
 Carve L. Blaney, Clerk  
 Receipt Number 202400005409  
 Control Number 1376809  
 04/23/2024 @ 10:42:46 AM  
 FLAT COPY  
 NICK LANDENBENGER  
 Copies \$ 7.50

Instrument Total \$ 7.50

# Zoning Maps

## **Callen Property Project Zoning Maps**

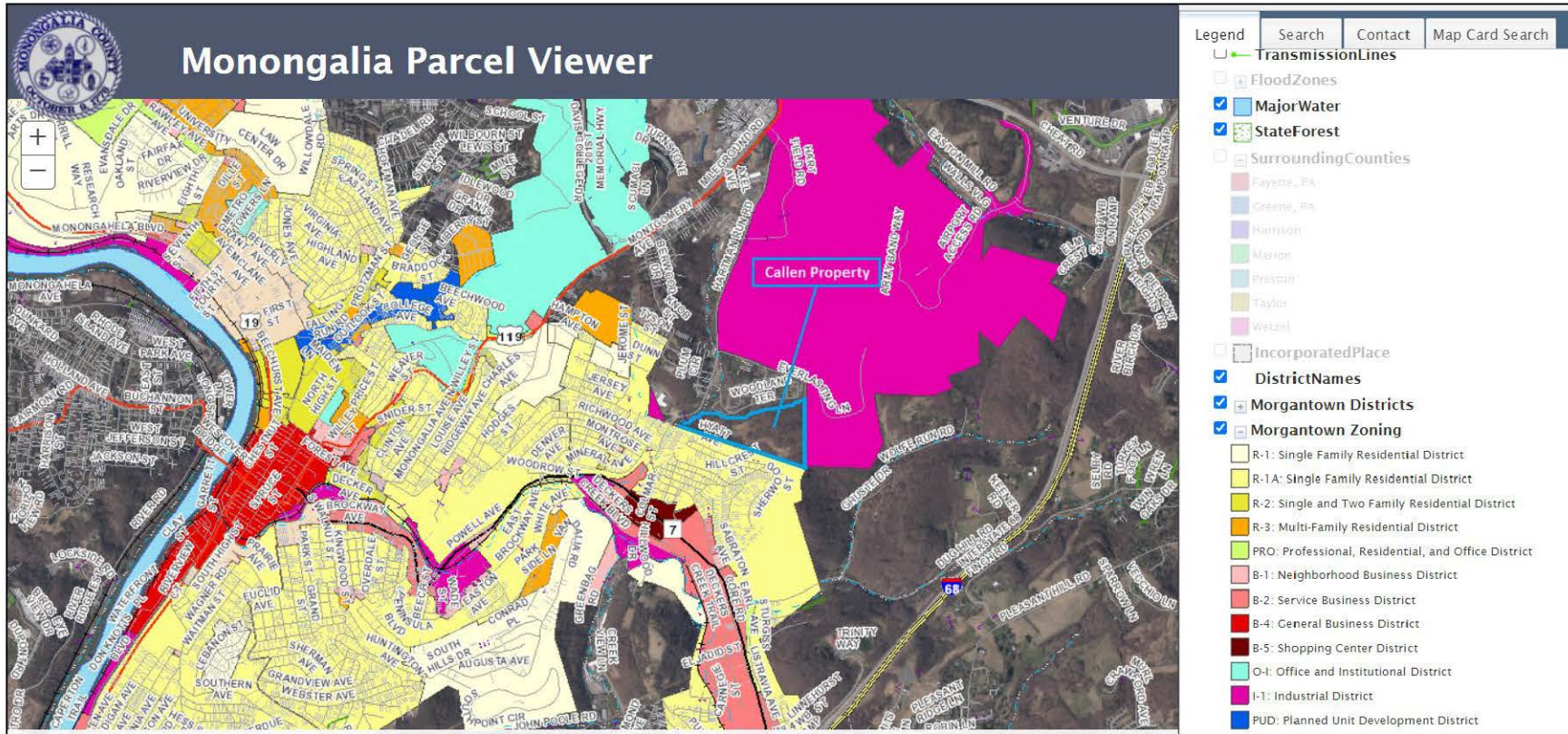
[Morgantown zoning map](#)

[Monongalia County Zoning Map](#), depicting West Run Planning District zoning

[Monongalia County FAQ](#) – demonstrating the West Run Planning District is the only County-zoned area

# Morgantown Zoning Map

**Project Area Map** – The Callen Property, Morgantown, West Virginia (center of property is [39.6232, 79.9230](https://www.google.com/maps/@39.6232,79.9230) - Web mercator), taken from a screen capture of the larger area acquired on Oct 12, 2023 from the Monongalia County Tax Parcel Viewer mapping tool (<https://ags.agdmaps.com/wv/mon/?parid=8-8-27.2>).

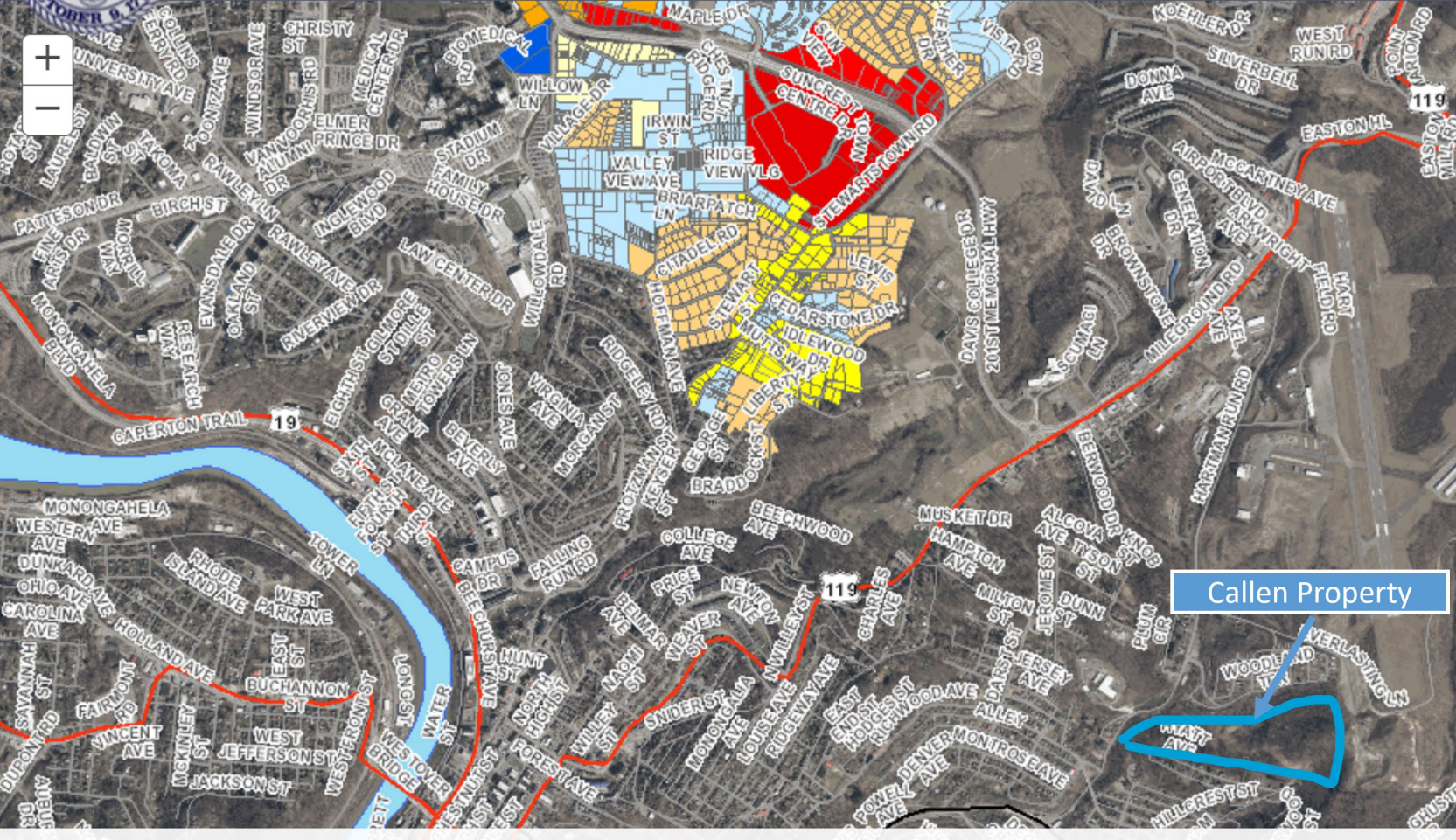


The Callen Property lies immediately west of the Morgantown Airport (Industrial District Zone), immediately north of the Norwood neighborhood (R-1 Residential Zone), east of Hartman Run Road and R-1 Residential Zoning, and south of the Woodland Terrace trailer court (an inholding, this not zoned). More than 50% of the property borders property that lies within the City of Morgantown's municipal boundary.



# Monongalia Parcel Viewer

Legend Search Contact



- US HWY
- Roads
- TaxDistricts
- TransmissionLines
- FloodZones
- MajorWater
- StateForest
- SurroundingCounties
- IncorporatedPlace
- DistrictNames
- Morgantown Districts
- Morgantown Zoning
- West\_Run\_Update
- <all other values>
- C-1
- C-2
- C-3
- I-1
- M-2
- OSR
- R-0
- R-1
- R-2
- R-3
- R-4

The West Run Planning District is the only area zoned by Monongalia County. The West Run Zoning is depicted above. The Project Area is not part of the West Run Planning District.



1 41°

# FREQUENTLY ASKED QUESTIONS

MONCPC

HOME  MONCPC  FREQUENTLY ASKED QUESTIONS

This is a list of general frequently asked questions regarding the planning office. To see those questions related directly to the draft subdivision and land development ordinance, [please go here](#).

1. [What is Planning?](#)
2. [What is Zoning?](#)
3. [What is the difference between a Comprehensive Plan and Zoning?](#)
4. [What Is In a Zoning Ordinance?](#)
5. [Why does the county not just introduce Impact Fees?](#)
6. [Why is only a small portion of the county zoned?](#)
7. [Do I need a Floodplain Permit?](#)
8. [When is a Land Use Permit required?](#)
9. [Can I do general maintenance without a Land Use Permit?](#)
10. [Do I need a building permit?](#)
11. [Why hasn't the county fixed the roads?](#)

12. [Under zoning, am I not going to be allowed to .... "Paint My House a Certain Color." - "Put a Doghouse In My Backyard." - "Build a Deck On To My House", etc?'](#)
13. [If I have an existing business but now my property is going to be zoned residential, am I going to have to close my business?](#)
14. [What is the difference between HOAs and Zoning?](#)
15. [What does 'insert acronym' mean?](#)

## 1. What Is Planning?

Planning, also sometimes referred to as urban planning or city and regional planning, is a dynamic profession that works to improve the welfare of people and their communities by creating more convenient, equitable, healthful, efficient, and attractive places for present and future generations. Planning enables civic leaders, businesses, and citizens to play a meaningful role in creating communities that enrich people's lives. Land Use Planning is a process of organizing the use of land and resources to best meet people's needs according to the land's capabilities. Good planning helps create communities that offer better choices for where and how people live. Planning helps communities to envision their future. It helps them find the right balance of new development and essential services, environmental protection, and innovative change. Land use planning results in the preparation of a Comprehensive Plan, which forms the basis for future growth and development in the community.

## 2. What Is Zoning?

Zoning is defined as a legislative process through which the local governing body (under power delegated it by the state zoning enabling law) divides the planning district into districts or zones, and adopts regulations concerning the use of land and the placement, spacing, and size of buildings. The primary goal of zoning is to avoid or minimize disruptive land use patterns involving incompatible land uses and to protect public health, safety, and welfare. A zoning ordinance must be based in the concept of general welfare and serve a "public purpose". The "Public Purpose" is to prevent landowners and tenants from using their site to the detriment of the general welfare of the community at large.

Zoning provides for the division of a jurisdiction into districts to:

- Enable the regulation of land according to the nature and use of the land;
- Promote the orderly development of the land;
- Protect the public health, safety, and general welfare.
- Plan in order that adequate light, air, convenience of access, and safety from fire, flood, and other danger is secured.
- Provide for the division of a community into areas which specify allowable uses for real property and size restrictions for buildings within these areas
- Establish regulations that govern where land uses are permitted – residential, commercial, mixed, industrial, public, etc.

- Establish regulations that govern lot size, building bulk, placement, height, buffering, etc.
- Permit the enjoyment of all property rights so long as the owner does not infringe upon or impair the exercise of the same rights of others.

### 3. What is the difference between a Comprehensive Plan and Zoning?

The purpose of a comprehensive plan is guide the governing body to accomplish a coordinated and compatible development of land and improvements within its jurisdiction. A comprehensive plan designates where the public would like to see the jurisdiction go in terms of land development, recreation opportunities, historical and agricultural protection, and other elements.

The purpose of a zoning ordinance is to regulate types of land use to prevent incompatible uses from being adjacent to one another and to prevent landowners and tenants from using their site to the detriment of the general welfare of the community at large.

The Supreme Court of West Virginia has recently heard a case regarding this exact issue, Donald Largent v Zoning Bd of Appeals for the Town of Paw Paw (2008). The court noted that “comprehensive plans and zoning ordinances are two separate tools to be used in the scheme of municipal land utilization, in that... the comprehensive plan is the policy statement, and it is zoning ordinances that have the force and effect of law”.

### 4. What Is In a Zoning Ordinance?

A zoning ordinance consists of two parts: a map and text. The zoning map shows how the community is divided into different use districts or zones. Zoning districts common to most ordinances include residential, commercial, industrial, and agricultural. The zoning map must show precise boundaries for each district. Consequently, zoning maps rely on street or property lines as boundaries within a district. The West Run District outer boundaries follow precinct lines, for ease of a public vote on the Ordinance. The zoning text serves two important functions. First, it explains the zoning rules that apply in each zoning district. These rules typically establish a list of land uses permitted in each district plus a series of specific standards governing lot size, building height, and required yard and setback provisions. Second, the text sets forth a series of procedures for administering and applying the zoning ordinance. The text is divided according to “sections” (or “articles”) for ease of reference.

### 5. Why does the County not just introduce Impact Fees?

In order for the County Commission introduce Impact Fees, they must follow the regulations outlined in WV §7-20 [“Local Powers Act”](#). The basic criteria to implement collection of fees is found under WV §7-20-6.



The main requirements to implement impact fees are:

- 1) demonstration that the population growth:
  1. shows an increase in excess of one percent annually averaged over a five-year period since the last census count; or
  2. demonstrates a total population growth rate projection of one percent per annum for an ensuing five-year period from the current official population estimate of the county
    - At this time (April 2017) the county meets this requirement.
- 2) adoption of the countywide comprehensive plan
  - The Mon County Comprehensive Plan is currently only for the four planning districts.
- 3) reviewing and updating said comprehensive plan at 5 year intervals
  - The comprehensive plan is currently updated every 10 years as required by WV §8A.
- 4) adoption of a comprehensive zoning ordinance
  - Only the West Run Planning District is zoned at this time.
- 5) adoption of a subdivision control ordinance
  - While Mon County has entertained possible subdivision regulations, the County Commission has not enacted such regulations.
- 6) enforcement of the state building code
  - Mon County does not currently enforce the state building code.
- 7) enacting an affordable housing component (WV §7-20-7a)
  - This component is only required if impact fees are enacted by a government body.

## 6. Why is only a small portion of the county zoned?

Within the [enabling legislation](#) for Planning and Zoning in West Virginia, WV §8A, there are two methods for enacting zoning ordinance.

The first is through the governing body (In Mon County's case, the County Commission). At a minimum, this

requires two public hearings and a public notice to be published in a local newspaper as a Class II legal ad. Once the requirements have been met, the governing body may then adopt the ordinance via a resolution.

The second is through a public vote via referendum which can be held during any primary election. A notice for the referendum is to be published in a local newspaper as a Class II legal ad. If the referendum passes, it becomes effective on the date the results of the election is declared.

WV 8A also allows for all or part of a county's jurisdiction to be zoned. This is opposite of cities, which are required to have the entirety of the area zoned.

The County Commission, at this time is only entertaining zoning regulations via a public vote. In addition, zoning will only be put into effect for entire voting districts. If persons within the county wish to have zoning in their area, they must bring forth a petition to the County Commission at which point second method listed about would be followed.

## 7. Do I need a Floodplain Permit?

Within Mon County all areas prone to flooding fall under the Floodplain Ordinance. If, when looking up the property on the [Mon County GIS Website](#), you find that all or part of your property falls within the designated floodplain area, please contact Floodplain Administrator at [floodplain@monongaliacounty.gov](mailto:floodplain@monongaliacounty.gov).

## 8. When is a Land Use Permit required?

Under the Ordinance; "the construction, enlargement, moving, reconstruction of a structure or change of use" requires for a review by the MCPC, (via an application), and, at a minimum, a Land Use Permit issued. As a basic guideline within the West Run Zoning District the following items require a permit:

- Construction of or addition to a residence
- Construction of or addition to a commercial, industrial, agricultural or other venture
- Construction of a patio or sidewalk
- Construction or complete replacement of a deck
- Construction of or addition to a paved driveway
- Installation of outbuildings such as sheds, garages, or shelters
- Installation of an in-ground pool
- Construction of a paver walk way or paver patio with sand seams (right) or with grouting (left):

patio sand seams



patio w grouting



Please note that this list is not all inclusive. For other items not listed please feel free to contact the MCPC.

## 9. Can I do general maintenance without a Land Use Permit?

Yes, the following projects do not require a Land Use Permit:

- Construction of a fence
- Installation of landscaping such as flowers, woodchips, trees or the like
- Installation of a retaining wall
- In kind replacement of a driveway, sidewalk, or patio
- Maintenance of onsite structures including residing, reroofing, replacement of windows or doors
- Maintenance of, but not complete removal and replacement of, a deck
- Interior work only
- Construction of a paver walk way or paver patio with gravel seams (right) or spacing (left):

### Gravel-Seam-Pavers



### Spacing-Pavers



Please note that this list is not all inclusive. For other items not listed please feel free to contact the MCPC.

## 10. Do I need a building permit?

While West Virginia has a [State Building Code](#) there is no local enforcement of building code at this time. The State Fire Marshal has [Fire Safety Inspection Division](#) and a [Plans and Review Section](#) which handle industrial, commercial and multi-family inspections.

Besides the State Fire Marshal, within Mon County, a Division of Highways [Encroachment Permit](#) must be applied for, and a Real Property Improvement Form must be filled out from the [County Assessor](#). Please click on the Community Tab to find it.

## 11. Why hasn't the county fixed the roads?

Within the State of West Virginia, all roads fall into one of four categories:

- Municipal Maintained

These are roads which are under Municipal jurisdiction and the Municipality is responsible for their upkeep. The City of Morgantown has a [Public Works/Streets Department](#). In addition, the West Virginia Department of Transportation has a list of [city maps](#).

- Privately Maintained

These are roads which are maintained via a Uniform Common Interest, such as a Home Owners Association, Commercial Cooperative or other such entity as created under [West Virginia §36B](#) which governs all such communities created after July 1, 1986.

- Division of Highways (DOH) Maintained

In 1932 the West Virginia legislature pass the West Virginia Tax Limitation Amendment, which limits the amount of funds that might be raised from local property taxes to such a degree that it is determined the counties will no longer be able to finance the construction and maintenance of local roads.

Due to this, the legislature passes an act that placed practically all roads in the State Road System and relieved the counties of the responsibility of their upkeep. Mon County is part of [District Four](#) of the DOH system. The DOH also has several different types of maps [located on their GIS portal](#) such as functional classification, mile point, and county general highway.

- Abandoned

These are roads which do not fall under the three previous categories, and have no official avenue for ensuring maintenance of the road.

## 12. Under zoning, am I not going to be allowed to .... "Paint My House a Certain Color." - "Put a Doghouse In My Backyard." - "Build a Deck On To My House", etc?

No. Zoning controls use of the land. This includes types of uses (residential, commercial, industrial, etc.), as well as basic issues such as setbacks and lot sizes. Homeowners associations sometimes restrict things such as paint colors, types of sheds, fencing, lighting, etc.

There are other police powers such as:

- 1) Building Codes - address materials and construction
- 2) Subdivision Regulations - control the subdivision of the land
- 3) Environmental Health - regulates food establishments as well as private on-site sewage systems and water wells

These may in one way or another may place limitations or requirements on development. Provisions under all this types of controls are often confused with one another; but zoning deals with the land uses.

## 13. If I have an existing business but now my property is going to be zoned residential, am I going to have to close my business?

If you currently have a business or other use that becomes "nonconforming", it will be permitted to continue operating and will not have to close. This provision is called "grandfathering" and allows existing businesses and other uses to continue to operate.

Should the nonconforming use stop for a year and a day of the owner's own volition (this does not include fires, floods, or other 'Acts of God') then the nonconforming use will not be permitted any longer. Expansions of such businesses will require approval by the Board of Zoning Appeals, a County-appointed board made up of members from your community. Article 2350 addresses nonconforming provisions of the Ordinance.

## 14. What is the difference between HOAs and Zoning?

### HOME OWNERS ASSOCIATION

Home Owner Associations are formed via [WV §36B](#), which includes all common interest communities created after 1986. This only applies to developments 12 units and over. Under WV §36B these entities have the ability to enact fees for common property maintenance such as: Roads, Sewer and Water, Garbage Pickup and Onsite Amenities such as a community pool or park. HOAs can be terminated by agreement wherein 80% of the HOA participants agree to termination.

HOAs may:

- Adopt and amend bylaws and rules and regulations
- Collect assessments (HOA fees) for common property maintenance from unit owners. This includes items such as Roads, Sewer and Water, Garbage Pickup and Onsite Amenities such as a community pool or

park.

- Employ a managing agent or other such employees
- Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself on matters affecting the common interest community
- Make contracts and incur liabilities
- Grant easements, leases, licenses, and concessions through or over the common elements
- Impose: charges for late payment of assessments, reasonable fines for violations, charges for the amendments to the declaration, resale certificates
- Among other things (see 36B-3-102)

In order to be considered an active HOA the following basics must be met (not all inclusive):

- Provide for upkeep of the common property (§36B-3-107)
- Hold an HOA meeting at least once per year which includes pre-notification of said meeting at between 10-60 prior to the meeting (§36B-3-108)
- Hold property insurance and liability insurance where required (§36B-3-113)
- Keep financial records where required (§36B-3-118)
- Enforce bylaws and rules and regulations as required in the HOA declaration. In addition, HOA bylaws can restrict things such as building materials, house colors, etc.

HOAs only govern the area within the HOA. They do not protect you from incompatible uses adjacent to your subdivision or elsewhere in your community.

## ZONING ORDINANCE

Zoning is permitted via [WV §8A](#). WV §8A allows for all or part of a county's jurisdiction to be zoned. This is opposite of cities, which are required to have the entirety of the area zoned. Under WV §8A a government entity has the ability to use police power to protect the health, safety, welfare, and morals of the community as a whole.

Zoning may:

- Cover all or part of a county jurisdiction (it must cover the entire municipal jurisdiction)
- Collect assessments (HOA fees) for common property maintenance from unit owners. This includes items such as Roads, Sewer and Water, Garbage Pickup and Onsite Amenities such as a community pool or park.
- Employ a managing agent or other such employees
- Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself on matters affecting the common interest community
- Make contracts and incur liabilities
- Grant easements, leases, licenses, and concessions through or over the common elements
- Impose: charges for late payment of assessments, reasonable fines for violations, charges for the amendments to the declaration, resale certificates

- Among other things (see WV 8A-7)

In order to be considered an active Zoning Ordinance the following basics must be met (not all inclusive):

- Update the corresponding Comprehensive Plan once every 10 years (§8A-3-11)
- Hold a Planning Commission meeting at least 4 times per year which includes pre-notification of said meeting at least 15 days prior to the meeting (§8A-2-7)
- Hold a Board of Zoning Appeals meeting at least 4 times per year which includes pre-notification of said meeting at least 15 days prior to the meeting (§36B-3-108)
- Keep an accurate record of all proceedings (§8A-2-11)
- Enforce the zoning ordinance requirements (8A-7-2).

## 15. What does 'insert acronym' mean?

All acronyms are listed alphabetically. If the acronym has a pronunciation it will be immediately after the acronym in brackets.

**AICP** *American Institute of Certified Planners*: The APA verifies planner qualifications through diploma and work experience as well as a test.

**APA** *American Planning Association*: A national professional organization representing the fields of urban, rural, regional, transportation, environmental, etc., planners.

**BANANA (banana)** *Build Absolutely Nothing Anywhere Near Anything*: Persons who want the area they live in to be stagnant and have no growth.

**BMP** *Best Management Practices*: Often stated when talking about construction when talking about preventing runoff and prevention of material waste.

**BZA** *Board of Zoning Appeals*: The committee within a planning commission which reviews variances, conditional use permits, and administrative appeals.

**CAVEman (caveman)** *Citizen against virtually everything*: Persons against any type of development. See BANANAs.

**CC&R** *Covenants, Conditions, & Restrictions*: Sometimes called bylaws, these are the restrictions built into the deeds of all lots. These are enforced by HOAs. See HOA.

**CUP** *Conditional Use Permit*: A permit for uses which can be conditionally approved within a district, ie. Dog Parks are a Conditional Use within the R-1 zoning district.



**DOH Dept. of Highways:** The department which takes care of the majority of the roads in West Virginia. See Question 11 for more information.

**EPA Environmental Protection Agency:** This is an agency of the federal government. Their regulations sometimes affect land use law, ie. Projects adjacent to waterways must get an NPDES permit prior to construction. See NPDES.

**FAST (fast) Fixing America's Surface Transportation:** A federal Act funding federal surface transportation spending (Public Law 114-94, enacted 12-4-2015) as a five year bill. See MAP-21.

**FAR Floor Area Ratio:** The ratio of a building's total floor area to the size of piece of land on which it is built (building area ÷ lot area), ie. The C-2 district has a maximum FAR of 50% so a lot of 20,000 sq. ft. can have up to 10,000 sq. ft. of floor area.

**FEMA (fee-ma) Federal Emergency Management Agency:** This is an agency of the federal government which responds to large scale disasters within the USA. They also do disaster mitigation, preparedness, recovery and education.

**FIRM (firm) Flood Insurance Rate Map:** The official map of a community on which FEMA has delineated special hazard areas and risk premium zones for flooding, applicable to the community.

**GFA Gross Floor Area:** The total area within the building measured to the external face of the external walls.

**GIS Geographic Information Systems:** A system designed to store, use, and present spatial or geographic data. Mon County uses GIS for flood, parcel, address, etc. data.

**HOA Home Owners' Association:** A quasi-governmental group permitted under WV §36B which helps to maintain community property within a subdivision, such as roads or utilities. See Question 14 for more information.

**IBC International Building Code:** A model building code developed by the International Code Council. It is the base code standard for construction within most of the USA. West Virginia's building code follows this standard. The IBC is used in 11 other countries besides the USA.

**LOS Level of Service:** A measurement related to the quality of traffic service by categorization of traffic flow. Roads have a level of A though F, A being free flow, and F being traffic jam conditions.

**LULU (lou-lou) Locally Unacceptable Land Use:** These are land uses persons do not want to see in their area, ie. Intensive/Industrial Farming, Adult Entertainment, or Landfills. Similar to NIMBYs.

**LUP Land Use Permit:** The MCPCs most basic permit, required for all development within the zoned areas of the county.

**MAP-21 Moving Ahead for Progress in the 21st Century:** A federal Act funding federal surface transportation spending (Public Law 112-141, enacted 7-6-2012) as a two year bill. See FAST.

**MCPC Mon County Planning Commission:** self-explanatory, it's who we are and the website you are on is all about it.

**(M)DSI (Major) Development of Significant Impact:** Developments which can greatly impact utilities and roads, among other things. These developments must be approved by the MCPC.

**MPO Metropolitan Planning Organization:** Federally mandated transportation policy-making organization required for any urbanized area with a population greater than 50,000. West Virginia has 6 MPOs, one of which is in [Morgantown](#).

**NEPA (knee-pa) National Environmental Protection Act:** This act requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions.

**NIMBY (nim-bee) Not In My Back Yard:** Persons who oppose a proposed development because it is close to them, often with the idea that such developments are needed, but should be further away from them, ie. Homeless shelters/halfway houses, landfills, or adult entertainment. Similar to LULUs.

**NPDES National Pollution Discharge Elimination System:** The Clean Water Act prohibits anybody from discharging pollutants through a point source (ie. construction) into the water unless they have an NPDES Permit. See EPA.

**NRCS National Resources Conservation Service:** A federal agency under the US Dept. of Agriculture that provides technical assistance to farmers and other private landowners. It helps with soil surveying and classification as well as water quality improvement.

**PUD (pud) Planned Unit Development:** A type of development which is planned in advance of construction as to the type, number, and placement of all structures within the development.

**RLUIPA (r-lou-pea-a) Religious Land Use & Institutionalized Persons Act:** A federal law that prohibits burdens on the ability of prisoners to worship as the please and gives religious institutions a way to avoid burdensome zoning law restrictions on their property use.

**ROW Right-of-Way:** A type of easement granted/reserved over the land for transportation purposes. The right-of-way is reserved for the purposes of maintenance or expansion of existing services within the right-of-way. Private citizens cannot construct structures within the right-of-way.

**SALDO (saul-doe) Subdivision & Land Development Ordinance:** This ordinance governs the division of lot, tract, or parcel of land into two or more pieces. It often includes restrictions on road & utility development, as well as lot size & setback requirements.

**SSZEA (sea-za) Standard State Zoning Enabling Act:** A model law for US states to enable zoning regulations in their jurisdictions. It was first issued in 1922.

**TDR/PDR Transfer or Purchase of Development Rights:** In a PDR program a landowner voluntarily sells his development rights to a governmental agency or land trust. In a TDR program a landowner transfers his development rights from one area to another.

**TOD Transit-Oriented Development:** A type of community development that includes a mixture of housing, office, retail and/or other amenities in a walkable neighborhood and located within a half-mile of public transit.

**UBC Uniform Building Code:** A building code which outlined rules that specify the standards for construction of structures. It was replaced in 2000 by the IBC. See IBC.

If you have any additional questions, please contact the County Planning Office at 304-291-9570.

Zoning Descriptions, Appraisal, Critical Areas

# Land Use Regulations

[Monongalia County Subdivision Regulations – Current Draft Status](#)

[Monongalia County Subdivision Regulations – Draft Language](#)

[Subdivision Regulations Draft FAQ](#)

[Examples of Unincorporated Monongalia County Land Uses](#)

## Monongalia County Subdivision Regulations – Current Draft Status

The Subdivision and Land Development Regulations for Monongalia County are still in draft form, as of April 2024. The documentation provided here is [from the County's website](#), which provides a schedule of the Regulations' development to date.



# COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS DRAFT

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## ABOUT

HOME  MONCPC  ABOUT  SUBDIVISION

### SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

The Subdivision and Land Development Regulations are now in a new draft form [which can be found here in PDF form](#) including the two Appendices. This draft has undergone legal review. It has polished the April 2021 (i.e. last year) draft into a legally clearer document. This draft has also been edited for typos and pagination issues.

This draft comes after having held numerous public meetings late last year, a developer round table, and extensive review for compliance with WV 8A, the supervisory state code.

### IMPORTANT DATES

After review of the draft, there will be the public hearing to be scheduled. The current proposed timeline (All Dates Subject to Change) including prior important dates, is shown below. We will update both Facebook and this Page if dates change.

- September 27, 2023 – Subdivision and Land Development Regulation Draft Available to Public
- September 27, 2023 – Guideline/Toolkit Draft Available to Public
- January 10, 2024 - Re-Present Final Draft

- TBD - (minimum 30 days) – Public Hearing/Potential Adoption
  - TBD - Backup Snow Dates for Public Hearing
  - TBD - Ordinance is Enacted (if adopted)
  - TBD – Ordinance Goes Into Full Effect (if adopted), 6 months after enactment
  - TBD - Proposed End of Grandfathering, 6 months after enactment
  - TBD - Reevaluation of Ordinance, 1 year after enactment
- Dependent issues: Extra Staff, County Engineer, and Subdivision Review Board
- TBD – Sunset Date for Submitting Grandfathered Developments
  - TBD – First Review of the Regulation

### *Prior Important Dates*

- October 31, 2018 - County Commission hires STS consulting to finalize the regulations
- April 2019 - STS Review of regulations including new Director of Planning
- August 19, 2019 - Subdivision and Land Development Regulation Draft Available to Public
- October 2, 2019 - Public Meeting at Cheat Lake Elementary
- October 7, 2019 - Public Meeting at Clay Battelle Highschool
- October 14, 2019 - Public Meeting at University High
- October 15, 2019 - Presentation to Mon Conservation District
- October 17, 2019 - Developer Round Table
- March 19, 2020 - COVID 19 restrictions begin
- April 19, 2020 – Subdivision and Land Development Regulation Draft Available to Public
- May 30, 2020 – Guideline/Toolkit Draft Available to Public
- May, 1, 2021 - Full return of Office Work
- May 30, 2021 - Subdivision and Land Development Regulation Draft Available to Public
- May 30, 2021 – Guideline/Toolkit Draft Available to Public
- August 26, 2021 - Engineer's Workshop
- November 16 , 2021 - Surveyor Workshop
- November 18, 2021 - Developer Workshop
- March 23, 2022 - Lewis Glasser PLLC reviews the Draft for compliance with WV State Law
- September 14, 2022 - MCPC approves the changes Lewis Glasser recommended; Regulations tabled pending WV 8A changes and adoption of Comprehensive Plan
- February 1, 2023 - County Wide Comprehensive Plan Update adopted
- May 31, 2023 - WV 8A changes have taken place
- June and July 2023 – Finalizing the Regulation Draft, Editing of Errors, Formatting, and Pagination
- August 2023 - Review of regulations document

## **WORKSHOPS AND VIDEOS**



There was an Engineer's workshop on Thursday August 26, 2021 from 1:00pm to 5:00pm.

There was a Developer workshop on Thursday November 18, 2021 from 8:00am to 5:00pm.

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In addition to these workshops, staff created a series of videos regarding various aspects of the Ordinance:

1. [Overview of the Current Draft form](#) (showing the organizational changes since the online draft from March 2020)
2. [Exempt and Minor subdivision processes](#)
3. [Major subdivision process](#) (1 phase standard and expedited reviews)
4. Major with Phases subdivision process (standard and expedited reviews)
  1. [Part 1](#)
  2. [Part 2](#)
5. [How to Do Changes and Amendments to Plans and Plats](#)
6. How to Use the optional Online Widget to provide site drawing information
  1. [GIS widget tutorial on a development site](#)
  2. [GIS widget tutorial on a building/home addition](#)
7. [Overview of the Preferred Design](#)

## GUIDELINES AND TOOLKIT


Along with the proposed subdivision regulations, MCPC staff have created a set of guidelines to help developers, surveyors, and other applicants better understand what is required by the regulations. The draft Subdivision and Land Development Regulations Guidelines [can be found here](#) in PDF form. This draft, while not intended to be the final draft, has been reviewed for typos and pagination issues, and is provided for informational purposes only.

## FAQ

[There is also an FAQ](#) which may help answer some of the questions you may have. For further information beyond the above, please contact the County Planning Office at 304-284-7302 or email at [planning@monongaliacounty.gov](mailto:planning@monongaliacounty.gov).

## Monongalia County Subdivision Regulations – Draft Language

The following section of the [Draft Monongalia County Subdivision Regulations](#) is for low-density residential (single-family home) development.



# **MONONGALIA COUNTY SUBDIVISION REGULATIONS**

## **MONONGALIA COUNTY PLANNING COMMISSION**

243 High Street, Rm 026, Morgantown, WV 26505

Phone 304.291.9570

Fax 304.291.9573

[www.monongaliacounty.gov](http://www.monongaliacounty.gov)

Adopted:      INSERT ADOPTED DATE HERE

Amended:     N/A

# MONONGALIA COUNTY SUBDIVISION ORDINANCE

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APPENDIX A Definitions

APPENDIX B Parking Standards

## **Article 3. Subdivision Classifications**

### **Section 3.1. Categories of Subdivision Classification**

#### **A. Exempt Subdivisions.**

Subdivisions that are exempt from the review and approval requirements of the Subdivision Regulations under Article 4. For more information on what constitutes an Exempt Subdivision and how to apply for one see Article 4.

#### **B. Minor Subdivisions**

Subdivisions that satisfy the requirements of Article 5 and therefore will have little or no impact on the resources of Monongalia County. For more information on what constitutes a Minor Subdivision and how to apply for one see Article 5.

#### **C. Major Subdivisions**

Subdivisions that do not meet the criteria specific in this Ordinance for classification as an Exempt or Minor Subdivision. For more information on what constitutes a Major Subdivision and how to apply for one see Article 6.

### **Section 3.2. Categories of Building Classification**

Every Major Subdivision established in Monongalia County after the enactment of this Ordinance shall consist of development classified and accordingly designed in one of the following eight (8) classes listed below so as to accommodate the buildings to eventually be constructed on the site(s). A given development may have more than one class of building, but the design of the development layout must accommodate the building class(es) as described below:

- A.** Class I – High Density Housing
- B.** Class II – Low Density Residential
- C.** Class III – Estate Residential
- D.** Class IV – Agricultural Residential
- E.** Mobile Home Parks
- F.** Commercial/Industrial/Manufacturing
- G.** Combination (Planned Unit Development)
- H.** Mixed Use

Unless alternative compliance is approved under Section 2.2, every Major Subdivision must comply with the standards below for the applicable subdivision category. The Planning Commission may approve a reduction in the required width of the road right-of-way or the building and parking lot setbacks from any road right-of-way, under Section 2.2, where all required infrastructure can be accommodated within the reduced right-of-way and setbacks proposed, including water, sanitary and storm sewer, other utilities, stormwater drainage, stormwater management, sidewalks or bikeways, and any roadway infrastructure planned by the applicant, the County, DOH, or any other entity.

## B. Class II – Low Density Residential

Low Density Residential consists of single-family detached dwellings and duplexes.

Use regulations within the Low-Density Residential District of the Zoning Ordinance, where applicable, apply to subdivisions in this category.

The following standards apply to subdivisions in this category:

- Lot Size:** For lots served by public sewer and water, the minimum lot size is 10,000 square feet and the maximum lot size is two (2) acres. For lots served by private on-site waste water systems and wells, the minimum lot size is 20,000 square feet or the minimum area needed to support a safe septic system that the Health Department will approve, and the maximum lot size is two (2) acres. Flag lots are discouraged but may be permitted at the discretion of the Planning Commission. Lots extending from a cul-de-sac radius must have a minimum fifty (50) foot chord length between the intersections of the diverging property lines and the right-of-way line.
- Setbacks:** All structures must be set back at least twenty-five (25) feet from the right-of-way grading limits of any road and at least ten (10) feet from any lot line, except that no setback requirements apply along property lines that are occupied by party walls.
- Roads:** All roads must be designed and constructed in accordance with Article 9 of this Ordinance and must be adequate for all-weather operation of school buses, fire trucks, service trucks, and passenger cars.
- Water and Sewage:** Connection to public sewer is required if available, per Article 11 of this Ordinance. Water may be provided via connection to a public water utility or private wells. In all cases, water and sewage treatment must be in accordance with Article 11 of this Ordinance.
- Stormwater Management:** Drainage control and stormwater management must be provided in accordance with Article 12 of the Subdivision Regulations.
- Utility Services and Easements:** All utilities are recommended to be placed underground, except where the applicable utility company advises placement of facilities above ground, such as electrical transformers. Where electrical and telecommunication service lines are placed underground, an additional conduit shall be placed underground for future use of broad-band internet providers. Such additional conduit shall have a diameter of two inches (2") or such other reasonable width as may be recommended by the Planning Office based on accepted industry standards at the time. No additional conduit shall be required when electrical and telecommunication services will be provided overhead.

A ten-foot "dry" utility easement, both under and above ground, must be provided along at least one side of each roadway unless all relevant utility providers indicate in writing that adequate space is available for their needs

in a right-of-way or easement provided for other purposes, such as sidewalks or streetscape.

Water and sewer mains must be accommodated within the road right-of-way; where this accommodation cannot be achieved, additional easements must be provided. If public storm and sanitary sewer or water service is not available at the time of subdivision review, appropriate easements or road right-of-way must be provided to accommodate public water or storm and sanitary sewer should they become available. The Planning Commission may require additional easements as needed along other lot lines, including lot lines internal to the subdivision. No easement or setback requirements will apply along property lines that are occupied by party walls public water or storm and sanitary sewer should they become available.

**7. General Requirements:**

- a. All roads, whether publicly or privately maintained, must provide (i) curb and gutter; and (ii) pedestrian and bicycle travel ways on one or both sides with a minimum of four (4) feet of pavement per side. All pedestrian and bicycle travel ways must connect to existing pedestrian and bicycle travel ways where feasible and must be designed to facilitate such connections by future adjacent subdivisions.
- b. If pedestrian and bicycle travel ways are provided on only one side of any road, a right-of-way on the other side of the road, at least ten (10) feet in width and aligned with utility easements, must be dedicated for future use for this purpose.
- c. Parking spaces must be provided in accordance with Appendix B.

**C. Class III - Estate Residential**

Estate Residential consists of small-scale farming and single-family detached residences where legally permitted and where suitable roadway networks are generally available for extremely low density residential uses.

The following standards apply to subdivisions in this category:

1. **Lot Size:** The minimum lot size is two (2) acres and the maximum lot size is 9.9 acres.
2. **Setbacks:** All structures must be set back at least twenty-five (25) feet from any road right-of-way, and at least ten (10) feet from any other lot line.
3. **Roads:** All roads must be designed and constructed in accordance with Article 9 of this Ordinance and must be adequate for all-weather operation of school buses, fire trucks, service trucks, and passenger cars.
4. **Water and Sewage:** Connection to public sewer is required if available, per Article 11 of this Ordinance. Water may be provided via connection to a public

## Subdivision Regulations Draft FAQ

The following sections, from [the Monongalia County website Subdivision Regulations Draft FAQ](#), state that the regulations apply to all unzoned land in the county, and that the planning commission may not block out and forbid subdivision of unzoned land.





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# SUBDIVISION DRAFT FREQUENTLY ASKED QUESTIONS

MONCPC

HOME  MONCPC  -- SUBDIVISION FAQ

**These questions are for the Draft Subdivision and Land Development Ordinance. If you have other questions, [please see the main FAQ section](#). In this section MCPC shall stand for the Monongalia County Planning Commission. Throughout these questions Staff has inserted references to WV8A letting you know where in the State Code certain elements are coming from and will look like the following: [8A-Article-Section, Subsection]. Links to the pertinent sections of WV Code can be found at the very beginning of Question 2.**

1. [What Are Subdivision Regulations?](#)
2. [What Is Required In This Type Of Ordinance?](#)
3. [Why Did This Take So Long To Complete From The March 2020 Draft?](#)
4. [Why Is The Document 124 Pages Long. Can't It Be Shorter?](#)
5. [Why Would This Be Required For The Entire County?](#)
6. [Can The General Public Put It To A Referendum To Repeal It?](#)

7. [What About Grandfathering?](#)
8. [My Subdivision Would Be Exempt. Why Does The County Planner Have To Review It?](#)
9. [Why Does The Subdivision Have To Go Before The County Clerk After Approval By The MCPC?](#)
10. [Why Does A Major Subdivision Require A Public Hearing?](#)
11. [Why Can't I Put In A Road/Extend The Utilities On A Minor Subdivision?](#)
12. [Will This Prevent Me From Giving \(Insert Relative Here\) A Piece Of My Land?](#)
13. [What Are The Basic Parts Of This Ordinance?](#)
14. [Why Does The Ordinance Constantly State "Constitute An Attempt To Circumvent Ordinance Requirements" Or Similar Language?'](#)
15. [I'm Just Selling My Land And The Parcel Is Not Changing. Do I Have To Go Before The MCPC?](#)
16. [Why do I have to apply for a Notice of Improvement \(called an Improvement Location Permit in WV 8A\) prior to any construction?](#)
17. [When is a Notice of Improvement Form needed?](#)
18. [Can I do general maintenance without a Notice of Improvement Form?](#)
19. [What Is This WV 8A That Keeps Being Mentioned?](#)
20. [What Happened During The Public Meetings?](#)
21. [What Changes Have Been Proposed To Be Made To The Ordinance?](#)
22. [What Will Happen Now?](#)

## 1. What Are Subdivision Regulations?

Subdivision regulations allows for governing bodies to ensure safe development through guaranteeing proper development of roads, stormwater management, utilities, right of ways, and other infrastructure needs in conjunction with any type of subdivision, be it commercial, residential, or industrial.

Ensuring subdivisions occur with required minimums help prevent undersized roads and lack of appropriate utilities during construction and allow for bonding in case of developer abandonment or bankruptcy. Without it there could be an absence of right-of-way requirements, utility requirements, road failure, etc., which could lead to issues such as basement flooding, bus and fire and ambulance turnaround and safety issues, vehicular accidents, and so on and so forth.

Please note that **Subdivision Regulations ARE NOT Zoning Regulations**. The Supreme Court of West Virginia has even spoken on this exact issue during *Singer v Davenport* (164 WV 665, 264 S.E.2d 637) in 1980. The court noted that “the purpose of zoning is to provide an overall comprehensive plan for land use, while **subdivision regulations govern the planning of new streets, standards for plotting new neighborhoods, and for the protection of the community from financial loss due to poor development**”. Further while “different rules may be developed for differing categories of land based upon topography, the availability of services from existing public service districts, or the existence of highways”, the “**planning commission is not entitled to block out a section of unzoned land and, to effect, forbid its subdivision regardless of how artfully they design their regulations to this end**”.

## 2. What Is Required In This Type Of Ordinance?

West Virginia Code 8A has three Articles which directly affect the creation of subdivision regulations. They are [WV 8A Article 4](#) (Subdivision and Land Development Ordinance), [WV 8A Article 5](#) (Subdivision or Land Development Plan and Plat), and [WV 8A Article 6](#) (Methods of Security).

### What Article 4 Does

Authorizes the governing body to develop a subdivision ordinance to regulate subdivisions [8A-4-1,a]. It also lists what the contents of the subdivision ordinance must include [8A-4-2,a]. Without these required items, the County Commission CANNOT enact a subdivision ordinance without being in violation of State Code. They are as follows (as pulled directly from 8A-4-2,a):

- A minor subdivision or land development process, including criteria, requirements and a definition of minor subdivision;
- The authority of the planning commission and its staff to approve a minor subdivision or land development;
- A major subdivision or land development process, including criteria and requirements;
- The authority of the planning commission to approve a major subdivision or land development;
- The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities;
- Standards for flood-prone or subsidence areas;
- A review process for subdivision or land development plans and plats by the planning commission;
- An approval process for subdivision or land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;
- A process to amend final approved subdivision or land development plans and plats;
- A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the applicable planning commission, in accordance with the comprehensive plan, if a comprehensive plan has been adopted;
- A requirement that after approval of the subdivision or land development plat by the planning commission and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office of the clerk of the county commission where a majority of the land to be developed lies;
- A schedule of fees to be charged which are proportioned to the cost of checking and verifying proposed plats;
- The process for granting waivers from the minimum standards of the subdivision and land development ordinance;
- Improvement location permit process, including a requirement that a structure or development of land is prohibited without an improvement location permit;
- The acceptable methods of payment to cover the cost of the water and sewer service infrastructure, which can include, but are not limited to, bonds, impact fees, escrow fees and proffers;
- The process for cooperating and coordinating with other governmental agencies affected by the subdivision and land development and use; and

- Penalties for violating the subdivision and land development

## What Article 5 Does

Outlines what is required in both a Minor, and Major, Subdivision Plat. As with Article 4, Article 5 includes requirements, which must be included, for both Minor [8A-5-2,a] and Major [8A-5-7].

Minor Subdivision requirements are as follows (as pulled directly from 8A-5-2,a):

- Only creates the maximum number of lots specifically permitted by the subdivision and land development ordinance for a minor subdivision or land development;
- Will not require the development of new or the extension of existing off-tract infrastructure; and
- Such other requirements as determined by the governing body to ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments

Major Subdivision contents are as follows (as pulled directly from 8A-5-7,b)

*Please Note, while these aren't required per se, the majority are required via 8A-4-2,a, so we feel confident in listing them here:*

- Show that the subdivision or land development conforms to the governing body's comprehensive plan [8a-4-1,a,10];
- A method of payment to cover the cost of the water and sewer service infrastructure, which can include, but is not limited to, bonds, impact fees, escrow fees and proffers [8A-4-2,a,15];
- Coordination among land development with adjoining land owners, including, but not limited to, facilities and streets;
- Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the municipality or county;
- Show that there is a fair allocation of areas for different uses, including, but not limited to, streets, parks, schools, public and private buildings, utilities, businesses and industry;
- Show that there is a water and sewer supply;
- Setback and lot size measures were used [8a-4-2,a,5];
- The standards used for designating land which is subject to flooding or subsidence, details for making it safe, or information showing that such land will be set aside for use which will not endanger life or property and will not further aggravate or increase the existing menace [8A-4-2,a,6];
- The control measures for drainage, erosion and sediment [8a-4-2,a,5];
- The coordination of streets, sidewalks and pedestrian pathways in and bordering the land development, including a letter from the Division of Highways stating that the plan provides sufficient access to state roads [8A-4-2,a,16]; and
- The design, construction and improvement measures to be used for the streets, sidewalks, easements, rights-of-way, drainage, utilities, walkways, curbs, gutters, street lights, fire hydrants, water and wastewater facilities, and other improvements installed, including the width, grade and location for the purpose of accommodating prospective traffic, customers and facilitating fire protection [8a-4-2,a,5].

## What Article 6 Does

Outlines the methods of security for a subdivision plat.

## 3. Why Did This Take So Long To Complete From The March 2020 Draft?

You may recall that a draft was proposed in early Spring of 2020 and a copy of that draft has been posted on the Monongalia County Planning Commission website since March. Staff (along with a consultant) have updated that draft, listening to feedback from the public and developers to make it clearer and easier to follow. What staff would be regulating has stayed the same. How staff would regulate has improved. Staff reorganized the ordinance in a more logical sequence of regulations, which makes it clearer and easier to follow. The ease of applying and the timeline for submission works better with how subdivisions are designed and engineered, saving money and headaches. Staff based this on how good developments were executed talking with the engineers that worked on those projects. Staff also improved the incentives and added more examples of good development and development techniques. Staff also made corrections and changed disambiguated terms.

All of this required legal review to ensure it would past legal muster while still complying with WV 8A, the enabling legislation.

## 4. Why Is The Document 124 Pages Long? Can It Be Shorter?

The Draft Subdivision Regulations is comprised of 3 parts, The Draft Ordinance, and 2 Appendices, A and B.

**The Draft Ordinance** Required per WV8A Articles 4, 5, and 6 (105 pages long, with cover page and table of contents)

When creating a set of subdivision regulations, the County Commission is obligated to incorporate all mandatory elements of WV8A in order to comply with State Code. This section of the document is what is mandated by WV8A, and is what Planning Staff and the MCPC will use to ensure that subdivisions follow the outlined provisions.

**Appendix A, Definitions** Not required per WV8A (11 pages long)

While not required, it allows for less ambiguity where certain words are concerned. For example, if Planning Staff were to ask 10 people what defines a road, we would most likely get 10 different answers. By succinctly defining

what is and is not a road in the definitions sections it ensures even application among all projects considered. In the Draft Regulations, Staff has defined a road as: A strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than three separate parcels contiguous to one another shall not be considered a street as this term is defined.

#### **Appendix B, Parking Standards**, Required per WV8A-4-2,a,5 (4 pages long)

To make the process easier for everyone involved, Planning Staff has written a minimum requirement standard for parking facilities within the ordinance in a manner such that if there is a conflict between the subdivision regulations and the zoning ordinance, the zoning regulations take precedence.

## 5. Why Would This Be Required For The Entire County?

Unlike Zoning Ordinances which allow for zoning in portions of the county via State Code [WV8A-7-1,b], the Articles which govern creation and the required elements of subdivision regulations does not include such wording [WV8A-4-1,a]. Further, per WV8A-4-6 “After the enactment of a subdivision and land development ordinance by the governing body, all subsequent subdivisions and land development must be done in accordance with the provisions of the subdivision and land development ordinance”.

The Supreme Court of West Virginia has even spoken on this exact issue during *Singer v Davenport* (164 WV 665, 264 S.E.2d 637) in 1980. “In order to be within its legitimate authority, a planning commission’s [subdivision] regulations must apply equally to all unzoned land in the county...”.

## 6. Can The General Public Put It To A Referendum To Repeal It?

No. Unlike Zoning Ordinances which allow for repeal via State Code [WV8A-7-7,c], the Articles which govern creation and the required elements of subdivision regulations have no such wording.

## 7. What About Grandfathering?

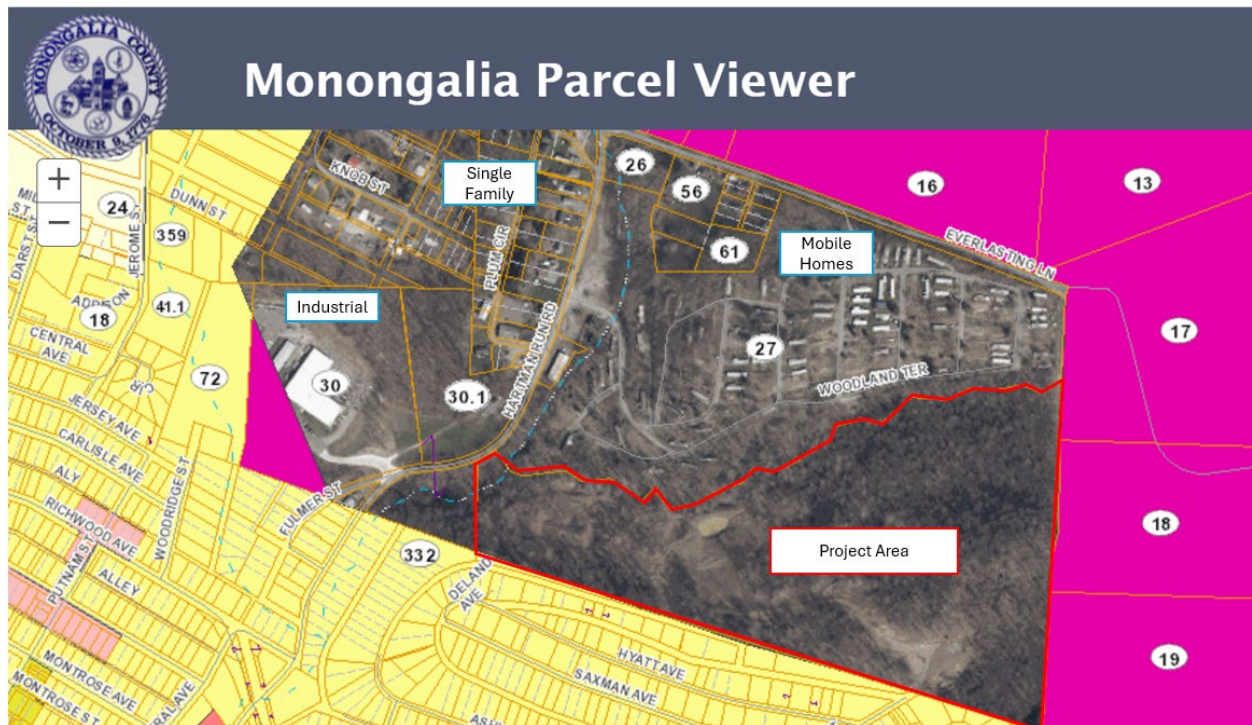
Grandfathering is a term which means to exempt (someone or something) from a new law or regulation. All existing parcels subdivided and duly recorded within the County Clerk’s Office prior to enactment of the Subdivision Regulations would automatically be grandfathered from the requirements of the ordinance (since they already exist). Any new parcels created, including those split off from grandfathered parcels, will have to follow the ordinance.

Due to the fact that there are several ongoing large-scale developments currently in progress, the ordinance also

## Examples of Unincorporated Monongalia County Land Uses

The following screenshot, from [the Monongalia County Parcel Viewer](#), shows examples of unzoned land surrounding the Project Area. These parcels have been developed to various land uses, including residential uses (single family homes and mobile homes) and industrial uses.

The filled-in polygons reflect the R-1A Single-Family Residential District (yellow) and I-1 Industrial District (pink) zoning of the City of Morgantown. See Attachment 7 for the Zoning Map.



# **APPRAISAL REPORT**

**OF**

**36.56 ACRES +/-  
HARTMAN RUN ROAD  
MORGAN DISTRICT (08)  
MORGANTOWN, WEST VIRGINIA  
26508**



**AS OF**

**August 25, 2022**

**PREPARED FOR**

**Mr. Michael K. Callen  
CDC Development Corporation  
3280 University Avenue, Suite 6  
Morgantown, West Virginia 26505**



# Professional Appraisal Corporation

*Real Property Appraisers*

2031 Pleasant Valley Road Suite 4, Fairmont, West Virginia 26554

Residential\*Commercial

304-366-8895

## LETTER OF TRANSMITTAL

September 2, 2022

Mr. Michael K. Callen  
c/o CDC Development Corporation  
3280 University Avenue, Suite 6  
Morgantown, WV 26505

RE: Real Estate Appraisal  
Appraisal Report  
CDC Development Corporation  
Hartman Run Road (36.56 Acres +/-)  
Morgantown, West Virginia 26505

Dear Mr. Callen:

Pursuant to your request, we have personally inspected the herein described real estate for the purpose of estimating its market value as of August 25, 2022 as that was the last day we physically inspected the subject property. This appraisal has been prepared for the client for Income Tax purposes. It is understood that the donation is unrestricted and is being made for the purpose of furthering the charitable purposes of the recipient, The West Virginia Land Trust. The expected date of donation is on or about September 7, 2022.

This Appraisal Report is prepared under Standards Rule 2-2(a). It is intended to comply with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation. This appraisal conforms to the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Title XI (FIRREA).

The client should be aware that there is information held in our files that is not included or made part of this report and that this information was utilized for the value conclusions stated in this appraisal. This appraisal is made as of an effective date and the appraiser has relied upon data as of that date to formulate the conclusions reported in this analysis. The value estimate reported in this appraisal is an objective opinion made by the appraiser based on the experience of the appraiser; the data collected; known economic, governmental, and social forces examined in this market; and the absence of material or competitive changes in the market after the effective date of this report.

*It should be understood that the definition of market value for this report is defined by the United States Treasury Department, Comptroller of the currency 12 CFR part 34 & 34.42 (f) as:*

The most probable sales price which a property should bring in a competitive and open market under all condition's requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sales as of a specified date and the passing of title from seller to buyer under conditions whereby: 1) buyer and seller are typically motivated, 2) both parties are well informed or well advised and each acting in what he considers his own best interest; 3) a reasonable time allowed for exposure in the open market; 4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Explanations are given for each of the steps taken in the different techniques used to estimate the value reported along with comments on the reasoning employed in each case. The property in question is appraised in fee simple title.

Upon analyzing all available information, it is our opinion the market value estimate of the subject property's 36.56 +/- acres herein described in fee simple title, as of August 25, 2022 was:

**\$ 1,200,000.00**

**ONE MILLION TWO HUNDRED THOUSAND DOLLARS**

**THE VALUE REPORTED IS SUBJECT TO THE FOLLOWING CONTINGENCIES**

**SOILS ARE FREE FROM CONTAMINATES AND ARE CONDUCTIVE FOR DEVELOPMENT**

**THE SITE IS NOT THREATENED BY SETTLEMENT, FLOODING OR MINE SUBSIDENCE**

**AN EXAMINATION OF THE DEED ASSURING THE LEGAL NATURE AND OWNERSHIP OF THE PROPERTY IN FEE SIMPLE**

**PARCEL REVIEW REFLECTING PROPERTY BOUNDARIES CONSISTENT WITH THE SIZE AND DESCRIPTIONS IN THIS APPRAISAL**

No one other than the undersigned prepared the conclusions and opinions concerning the real estate that is set forth in this appraisal report. The reported analyses, opinions, and conclusions are limited only by the reported assumption and limiting conditions, and is our personal, impartial, unbiased professional analyses, opinions, and conclusions.

Respectfully Submitted,



Douglas C. Wise  
Certified General Real Estate Appraiser  
West Virginia CG053  
Senior Appraiser  
Professional Appraisal Corporation  
[dwise@wvpac.com](mailto:dwise@wvpac.com)



Dallas D. Branch, Jr.  
Appraisal Apprentice  
West Virginia A0436  
Professional Appraisal Corporation  
[dbranch@wvpac.com](mailto:dbranch@wvpac.com)

## EXECUTIVE SUMMARY

<b>LOCATION</b>	36.56 Acres +/- Hartman Run Road Morgantown, West Virginia 26508
<b>TYPE PROPERTY</b>	Subject property consists of <i>a portion</i> of one (1) larger parcel of land totaling 78.68 Acres +/- . On December 2021, 34.97 acres +/- of this parcel was sold. Several other smaller portions of the larger parcel have also been sold or retained by the owner, according to the land surveyor, Cheat Road Engineering, Inc. <b>The remainder of the larger parcel totaling 36.56 Acres +/- is the subject property for this appraisal assignment.</b> There are four easements that are noted with this subject property, including an access easement, and utility easement, a bridge easement, and a drainage easement.
<b>ZONING</b>	<b>The property is not zoned.</b>
<b>PURPOSE OF THE APPRAISAL</b>	The purposes of this appraisal are to estimate the value of the fee simple interest of the herein described real property and for donation to The West Virginia Land Trust.
<b>OWNER</b>	CDC Development Corporation
<b>SITE SIZE</b>	36.56 Acres +/-
<b>WILL BOOK REFERENCE</b>	Book 1757, Page 278
<b>2021 REAL ESTATE TAXES (Taxes for 78.68 acres)</b>	\$15,178.84
<b>APPROACHES TO VALUE (36.56 Acres +/-)</b>	
Cost Approach	<i>Not Processed</i>
Sales Comparison Approach	\$ 1,200,000.00
Income Approach	<i>Not Processed</i>

<b>FINAL VALUE ESTIMATE</b>	\$ 1,200,000.00
<b>VALUE OF PERSONAL PROPERTY</b>	N/A
<b>DATE OF APPRAISAL</b> <i>(Effective Date)</i>	August 25, 2022
<b>DATE REPORT SIGNED</b>	September 2, 2022
<b>ESTIMATED DATE OF DONATION</b>	September 7, 2022
<b>HIGHEST AND BEST USE</b>	Residential development
<b>FLOOD ZONE</b>	Panel 5401C0118F as of 4/15/2019
<b>TAX MAP</b>	Morgan District (08) Map 8, Parcels 0027
<b>CLIENT</b>	Mr. Michael K. Callen
<b>INTENDED USER(S)</b>	Mr. Michael K. Callen, CDC Development Corporation, US Department of the Treasury, and Internal Revenue Service
<b>EXTRAORDINARY ASSUMPTIONS</b>	None
<b>HYPOTHETICAL CONDITIONS</b>	None

# Callen Property *Wetlands*

**National Wetlands Inventory**  
surface waters and wetlands

ABOUT

BASEMAPS >

MAP LAYERS >

- Wetlands ⓘ ⓘ
- Riparian ⓘ ⓘ
- Riparian Mapping Areas ⓘ ⓘ
- Data Source ⓘ ⓘ
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest ⓘ
- FWS Managed Lands ⓘ ⓘ
- Historic Wetland Data ⓘ ⓘ

Map controls: +, -, Measure, Refresh, Home

Sabraton

The map displays an aerial view of a residential area with a blue line representing a water body or riparian zone and a red line representing a wetland boundary. The area is labeled 'Sabraton' at the bottom.

# Callen Property Floodplain

FEMA's National Flood Hazard Layer (NFHL) Viewer with Web A

Find address or place

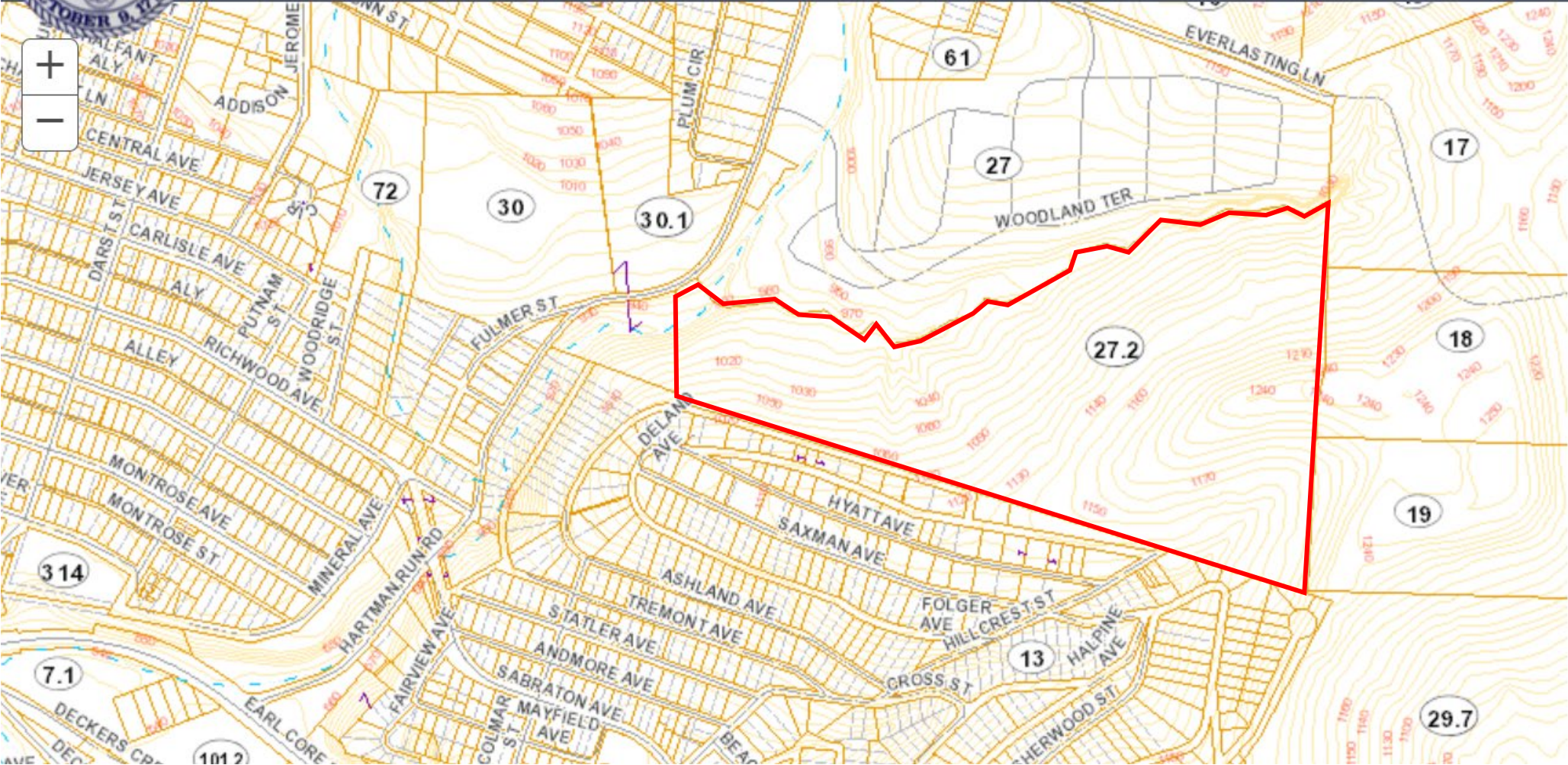
Layer List

- Water Areas
- PLSS
- Limit of Moderate Wave Action
- Flood Hazard Boundaries
- Flood Hazard Zones
  - 1% Annual Chance Flood Hazard
  - Regulatory Floodway
  - Special Floodway
  - Area of Undetermined Flood Hazard
  - 0.2% Annual Chance Flood Hazard
  - Future Conditions 1% Annual Chance Flood Hazard
  - Area with Reduced Risk Due to Levee
  - Area with Risk Due to Levee
- Primary Frontal Dunes
- Base Index

Zone A 600ft  
-79.919 39.633 Degrees



# Monongalia Parcel Viewer





## Threat of Loss Demonstration

# Callen Developed Perimeter Map



## Monongalia Parcel Viewer



### Legend

- Undeveloped perimeter (grey line)
- Developed perimeter (red line)

The developed perimeter (approx. 0.8 miles) is 64% of the property perimeter (approx. 1.25 miles).

**Attestation of No Double Counting and No Net Harm**



## Callen Property Project

### Attestation of No Double Counting of Credits & No Net Harm

I am the Executive Director of the West Virginia Land Trust and make this attestation regarding the no double counting of credits and no net harm from this tree preservation project, the Callen Property Project.

#### 1. Project Description

The Project that is the subject of this attestation is described more fully in both our Application and our Project Design Document (PDD), both of which are incorporated into this attestation.

#### 2. No Double Counting by Applying for Credits from another Registry

West Virginia Land Trust has not and will not seek credits for CO<sub>2</sub> for the project trees or for this project from any other organization or registry issuing credits for CO<sub>2</sub> storage.

#### 3. No Double Counting by Seeking Credits for the Same Trees or Same CO<sub>2</sub> Storage

West Virginia Land Trust has not and will not apply for a project including the same trees as this project nor will it seek credits for CO<sub>2</sub> storage for the project trees or for this project in any other project or more than once. West Virginia Land Trust checked the location of the Project Area against the Registry-provided geospatial database, which contains geospatial data on the project areas of all registered urban forest carbon preservation projects to date. Project Operator has determined that there is no overlap of Project Area or Project Trees with any registered urban forest carbon preservation project.

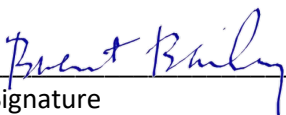
#### 4. No Net Harm

The trees preserved in this project will produce many benefits, as described in our Application and PDD. Like almost all urban trees, the project trees are preserved for the benefits they deliver to people, communities, and the environment in a metropolitan area.

The project trees will produce many benefits and will not cause net harm. Specifically, they will not:

- Displace native or indigenous populations
- Deprive any communities of food sources
- Degrade a landscape or cause environmental damage

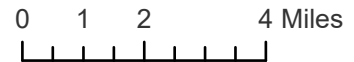
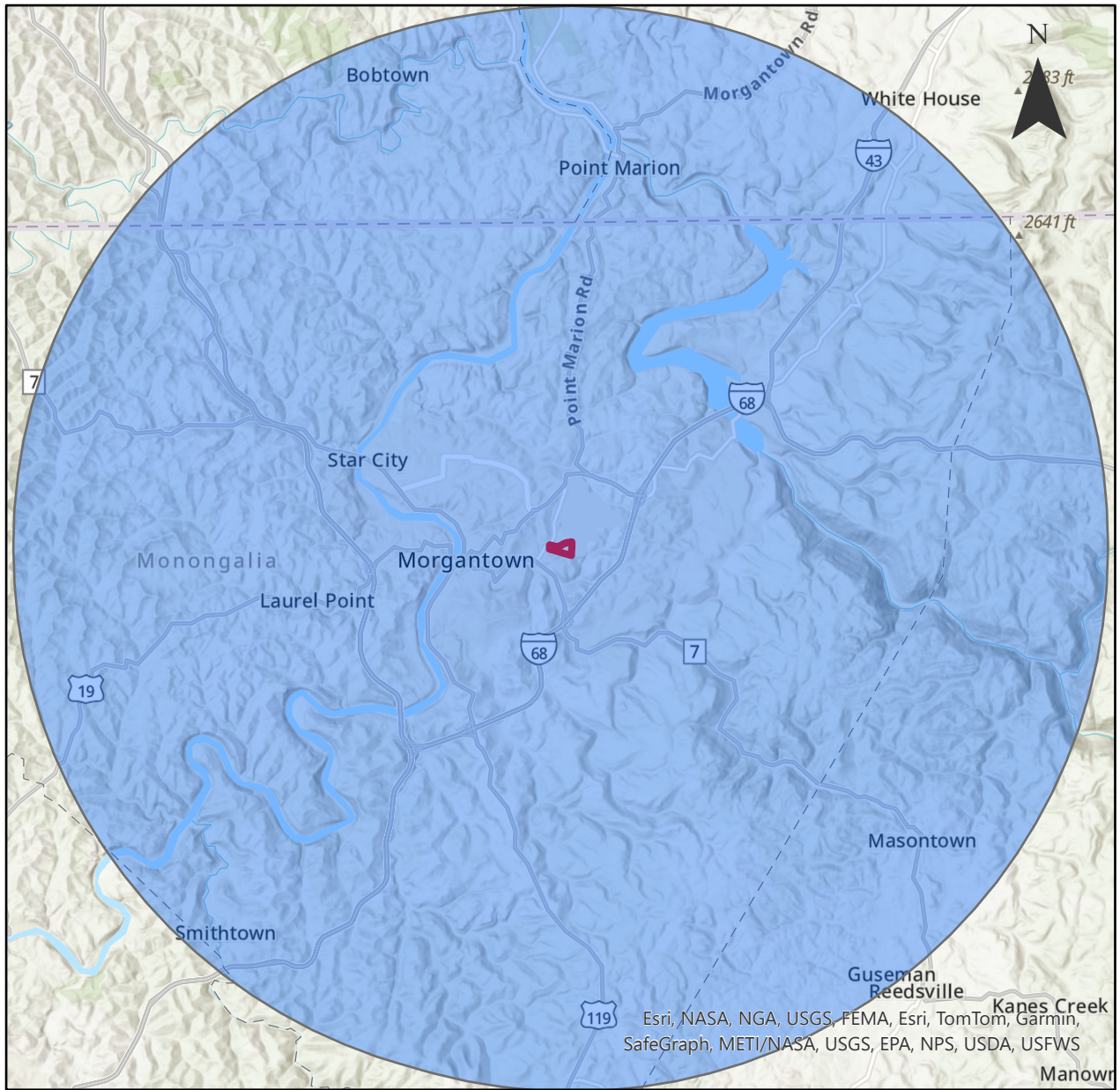
Signed on April 23 in 2024, by Brent Bailey, Executive Director, for West Virginia Land Trust.

  
\_\_\_\_\_  
Signature




304-685-3481  
\_\_\_\_\_  
Phone

brent@wvlandtrust.org  
\_\_\_\_\_  
Email

# No Double Counting - Projects within 10 mile radius



## Legend

-  10-mile Buffer
-  Callen Property Boundary
-  Existing Preservation Projects

**Attestation of Additionality**



## Callen Property Project Attestation of Additionality

I am the Executive Director of the West Virginia Land Trust and make this attestation regarding additionality from this tree preservation project, Callen Property Project.

- Project Description
  - The Project that is the subject of this attestation is described more fully in the Application and the Project Design Document (PDD), both of which are incorporated into this attestation.
- Prior to the Preservation Commitment, the trees in the Project Area were not protected via easement or recorded encumbrance or in a protected zoning status that preserves the trees
- Prior to the Preservation Commitment, the zoning or land use regulations applicable to the Project Area allowed for a non-forest use.
- Prior to the Preservation Commitment, the trees in the Project Area passed one of three tests to demonstrate a threat or risk of removal or conversion out of forest
- West Virginia Land Trust recorded in the public land recorded an easement, covenant, or deed restriction specifically protecting the trees for the project duration of 40 years.
- Additionality is also embedded in the quantification methodology that our project followed. Projects cannot receive, and the project will not receive, credits for trees that would have remained had development occurred, nor can they receive soil carbon credits for soil that would have been undisturbed had development occurred. The project also had to apply a discount to credited carbon for potential displaced development due to the project.
- Project Implementation Agreement for Project Duration
  - West Virginia Land Trust signed a Project Implementation Agreement with City Forest Credits for 40 years.
- Financial Additionality
  - The successful preservation of carbon stock on the Project Area over the 40-year Project Duration requires stewardship and maintenance to manage forest health, including the increased risk of pests, disease, and invasive species encroachment in urban and peri-urban areas. The Project Operator has no guaranteed source of long-term maintenance funding outside of the carbon revenues. The Callen Property was donated, and came with legal protection funding, but no funding to support the long-term and daily management and stewardship. Typically, the Land Trust fundraises locally for land management support, but the carbon revenues relieve the Land Trust from that burden and frees up staff time for additional land preservation activities.
  - The revenue from the sale of carbon credits will play a material role in the successful and durable preservation of the Project Area's carbon stock by providing funding for stewardship and maintenance that ensure the forest's long-term health and resilience. The Project Operator intends to use the carbon revenues for daily management and stewardship and trail maintenance.

- Prior consideration: Project Operator started considering carbon revenues for stewardship of its properties about two years ago. Their first outreach to City Forest Credits was in May 2023.

Signed on April 23 in 2024, by Brent Bailey, Executive Director, for West Virginia Land Trust.



Signature

Brent Bailey

Printed Name

304-685-3481

Phone

brent@wvlandtrust.org

Email



# Carbon Quantification Tool

Project Name	Callen Property Project	
Project Location	Monongalia County, WV	
Stand & Zoning	Stand 1 (Unzoned, Assumed Single Family Residential Development)	
<b>Carbon Quantification Summary</b>		<b>Protocol Section Supplemental Information/Notes</b>
	19.18 Total Project Area Acres	include project area for all parcels enrolled in carbon project
B2 - Maple Beech Birch	US Forest Service General Technical Report NE-343 - Table Number	11.1.A based on the GTR regions map and primary forest type
60	Stand age (years)	11.1.A determine using aerial photos
	60.65 Biomass tC/ac	11.1.A use appropriate GTR table and stand age, use bottom half of table, find years on the left and use 'total nonsoil' number
	222.4 Biomass tCO2e/ac	11.1.A
	93% Percent cover	11.1.A include i-Tree Canopy file containing coordinates of evaluated points
	3,967 Project Stock, tCO2e	11.1.A
	3,173 Accounting Stock, tCO2e	11.1.A
	90% Fraction at risk of tree removal	11.2 Based on zoning - see 11.2 in preservation protocol
	2,856 Avoided Biomass Emissions, tCO2e	11.2
	50% Avoided impervious surface, percent	11.3 Based on zoning - see 11.3 in preservation protocol
	9.59 Avoided impervious surface, acres	11.3
	1,151 Avoided Soil Carbon Emissions, tCO2e	11.3
	18.3% Displacement	11.4 Fraction of avoided development that cannot be served by development or re-development of existing non-treed properties within the urban area
	523 Displaced Biomass Emissions, tCO2e	11.4
	349 Displaced Soil Emissions	11.4 Assumes that redevelopment causes increase in impervious surface on redeveloped parcels
	2,333 Credits from Avoided Biomass Emissions, tCO2e	
	802 Credits from Avoided Soil Emissions, tCO2e	
	3,136 Total Credits attributed to the project, tCO2e	
	314 Registry Reversal Pool Account (10%), tCO2e	
	<b>2,822 Total credits issued to the project, tCO2e</b>	
	<b>147 Total credits issued to the project, tCO2e/acre</b>	

<b>Project Name</b>	Callen Property Project	
<b>Project Location</b>	Monongalia County, WV	
<b>Stand &amp; Zoning</b>	Stand 2 (Unzoned, Assumed Single Family Residential Development)	

Carbon Quantification Summary	Protocol Section	Supplemental Information/Notes
B3 - Oak Hickory	9.73	Total Project Area Acres
60		US Forest Service General Technical Report NE-343 - Table Number
		Stand age (years)
	68.65	Biomass tC/ac
	251.7	Biomass tCO2e/ac
	93%	Percent cover
	2,278	Project Stock, tCO2e
	1,822	Accounting Stock, tCO2e
	90%	Fraction at risk of tree removal
	1,640	Avoided Biomass Emissions, tCO2e
	50%	Avoided impervious surface, percent
	4.865	Avoided impervious surface, acres
	584	Avoided Soil Carbon Emissions, tCO2e
	18.3%	Displacement
	300	Displaced Biomass Emissions, tCO2e
	177	Displaced Soil Emissions
	1,340	Credits from Avoided Biomass Emissions, tCO2e
	407	Credits from Avoided Soil Emissions, tCO2e
	1,747	Total Credits attributed to the project, tCO2e
	175	Registry Reversal Pool Account (10%), tCO2e
	<b>1,572</b>	<b>Total credits issued to the project, tCO2e</b>
	<b>162</b>	<b>Total credits issued to the project, tCO2e/acre</b>

## Fraction at Risk & Impervious Surface Worksheet - Residential Zoning

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Fraction at Risk of Tree Removal

Supplemental Information/Notes

If minimum lot size is smaller than 2.25 acres, use 90%

Per Monongalia County Subdivision Regulations, minimum lot area for a SF dwelling is 10,000 sqft (0.23 ac) for lots served by public sewer or 20,000 sqft (0.46 ac) for lots served by private/septic systems. In both cases, minimum lot size is smaller than 2.25 acres, so per Section 11.2.B.ii of the Protocol, 90% is used.

Impervious Surface

The Land Use regulations do not specify maximum lot coverage but does specify minimum yard setbacks

28.9	Project Area (acres)
10,000.00	Minimum lot size (sqft/unit)
65.00	Approximate lot width (feet)
153.85	Estimated lot length (feet)
25	Front yard setback (ft)
1,625	Estimated front yard setback (sqft)
10	Rear yard setback (ft)
650	Estimated rear yard setback (sqft)
10	Side yard setback
2,377	Estimated side yard setbacks (sqft/unit)
4,652	All setbacks per unit (sqft/unit)
53%	Avoided impervious surface

CHECK: if greater than 50%, the standard deduction for residential use should be used. If less than 50%, use this number instead.

Since the avoided impervious surface is greater than 50% when calculated according to the required setbacks, the standard deduction for residential use of 50% is used to be conservative.

# Forest Composition Report

# Callen Project

## Forest Composition Report

*Instructions – Complete the report by providing a thorough description of the forest as outlined below. Include photos (at least four to five for each forest stand) as Exhibit A, a map with points where the photos were taken as Exhibit B, a map showing where the forest stands are located as Exhibit C, and supporting documentation for stand age as Exhibit D.*

I am Rick Landenberger, the Science and Land Management Specialist for West Virginia Land Trust (WVLT) and, in collaboration with Kyle Johnson, created this Forest Composition Report for the Callen Property Project (Project ID 053) on April 2, 2024.

- Rick Landenberger is the Science and Land Management Specialist at WVLT and oversees all management plans for nature preserves and natural areas of WVLT’s properties. Rick received his BA in Environmental Science-Ecology from State University of New York at Plattsburgh, a MS in Forest Resource Management from State University of New York – College of Environmental Science and Forestry at Syracuse, and a Ph.D. in Forest Resource Science from West Virginia University, and he is a Certified Ecologist. Rick supervised intern Kyle Johnson in the preparation of this report.
- Kyle Johnson is a third-year forestry student at West Virginia University, majoring in Forest Resources Management with an emphasis on Forest Ecosystem Science and Sustainability. So far, he has completed the following relevant courses: Forest Mensuration, Dendrology, Silvicultural Systems, Forest Ecology, Plant Ecology, as well as the summer course, Forest Resource Management Field Practice. During the summer, he worked with a team to estimate the tree density and composition of a portion of the WV Research Forest. He is currently interning with WVLT.

The description below is based upon five site visit(s) to the property on 2/2/2024, 2/10/2024, 2/15/2024, 2/25/2024, and 3/28/2024. Basal area factor (BAF) point sampling was conducted on thirteen (13) randomly selected plots to delineate stands and assess species composition, forest health, and stand variability. Photos of the stands are included as Exhibit A, and the plot locations and forest walk route are provided as Exhibit B.

### Stand Description

The Project Area is composed of two forested stands within the larger 36.56-acre property, of which 7.62 acres are unforested.

Based on data acquired during the plot sampling, Stand 1 is a 19.18-acre maple-beech-birch forest, with mature sugar maple, large beeches, and some big oak trees (Table 1). There is a small amount of variability in tree size and density, with young tulip poplars emerging in small clusters around the older trees on more disturbed areas, the result of anthropogenic disturbances over the years. However, these patches of young growth are relatively small and didn’t warrant being labeled a separate stand, though they are the reason why the trees per acre count is much larger for Stand 1 than for Stand 2 (Table 3).

**Table 1. Stand 1 Species Composition**

Stand 1 (Maple Beech Birch)	
Tree species	Percent of Stand*
Tulip-poplar	35.1%
Sycamore	16.0%

Sugar maple	13.1%
Beech	8.9 %
Silver maple	8.6%
Red maple	6.0%
Northern Red Oak	4.5%
Black cherry	4.3%
Other	3.5%

\*based on relative Basal Area Factor

Stand 2 is a 9.73-acre oak-hickory forest. It is relatively uniform, with mostly mature stands of hickories and black cherry (Table 2). There are clusters of invasive Tree-of-Heaven (*Ailanthus*) emerging, particularly around the edges close to the unforested lot.

**Table 2. Stand 2 Species Composition**

Stand 2 (Oak Hickory)	
Tree species	Percent of Stand*
Bitternut hickory	24.9%
Shagbark hickory	19.7%
Black cherry	12.5%
Tulip-poplar	9.8%
Tree-of-Heaven	8.1%
Northern red oak	7.1%
Hickory	5.1%
Sugar Maple	4.19%
Sassafras	3.1%
Other	5.5%

\*based on relative Basal Area Factor

**Table 3. Stand Characteristics, based on 10 factor prism BAF sampling (13 plots)**

	Stand 1	Stand 2
Trees per Acre*	203	148
Basal Area per Acre	98.75	94
Diameter	14.2 ± 5.5	13.2 ± 6.7

\*count is estimated from BAF sampling that included trees with a minimum DBH of 3.9”

The basal area (a measure of tree density) for both stands was comparable to that of 60-year-old Maple-Beech-Birch and Oak-Hickory forests in West Virginia, according to the US Forest Service Inventory Analysis database (Exhibit E).

### Forest Health

The majority of the forest is in relatively good health and undergoing understory re-initiation, with the northern border looking more mature and some recently disturbed areas bordering the unforested area being recently initiated. In the same spot, there’s a thicket of greenbrier and grapevine, as well as non-native invasive multiflora rose dispersed near the clearing. A few plots in Stand 2 were being overrun with grapevine, impacting the growth as well as facilitating the increase of the invasive tree-of-heaven. WVLT intends to manage the property to improve forest health and reduce the presence and encroachment of invasive species (including native grape vines), including slowly replacing the tree of heaven trees over time with maples, oaks, and hickory.

**Forest Age and History**

The age of the project area has been estimated conservatively at roughly 60 years old. There are many nuances to this; as is shown in Exhibit D, there are sections of the forest that could be considered almost ‘old-growth’, particularly along the northern border, with continuous canopy dating back to at least 1938. However, the site also has a history of different uses and disturbance over the past 100 years, including mining and logging, which have created some patchiness in the forest. However, much of the forest appears canopied by 1955, with full canopy across the site documented in the 1967 aerial imagery. Given the small Project Area size, despite the evidence of older-aged canopy on the site, the entire Project Area was conservatively estimated at 60 years old.

In addition to the mining and logging uses in the early 20<sup>th</sup> century, by 2018, over 7 acres of the site was deforested to begin the process of subdivision development. These areas are excluded from the Project Area (they will be restored to native species but are otherwise independent of this project).

The plot has a few trails, two of which are overgrown logging/mining roads, and some mountain biking paths. WVLT intends to open the site for public access and recreation.

**Table 4. Stand 1 - Forest composition breakdown**

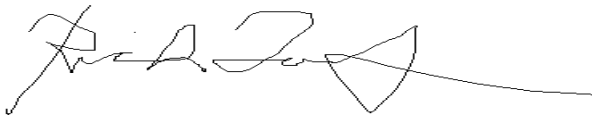
<b>Stand size (acres)</b>	19.18
<b>Stand age (years)</b>	60
<b>GTR NE-343 table number</b>	B2 - Maple Beech Birch
<b>Total Non-soil Carbon</b>	60.65 tonnes/acre

**Table 5. Stand 2 - Forest composition breakdown**

<b>Stand size (acres)</b>	9.73
<b>Stand age (years)</b>	60
<b>GTR NE-343 table number</b>	B3 – Oak Hickory
<b>Total Non-soil Carbon</b>	68.65 tonnes/acre

Signed on April 9<sup>th</sup>, in 2024, by Rick Landenberger, Science and Land Management Specialist for West Virginia Land Trust.

---



Signature

304-692-6172



Phone

[Rick@wvlandtrust.org](mailto:Rick@wvlandtrust.org)

---

Email

Exhibit A– Forest Photos



Plot 8 (OH)



Plot 2 (OH)



Plot 12 (OH)



Plot 1 (MBB)



Plot 9 (MBB)



Plot 4 (MBB)

Exhibit B— Forest Walk Route Map

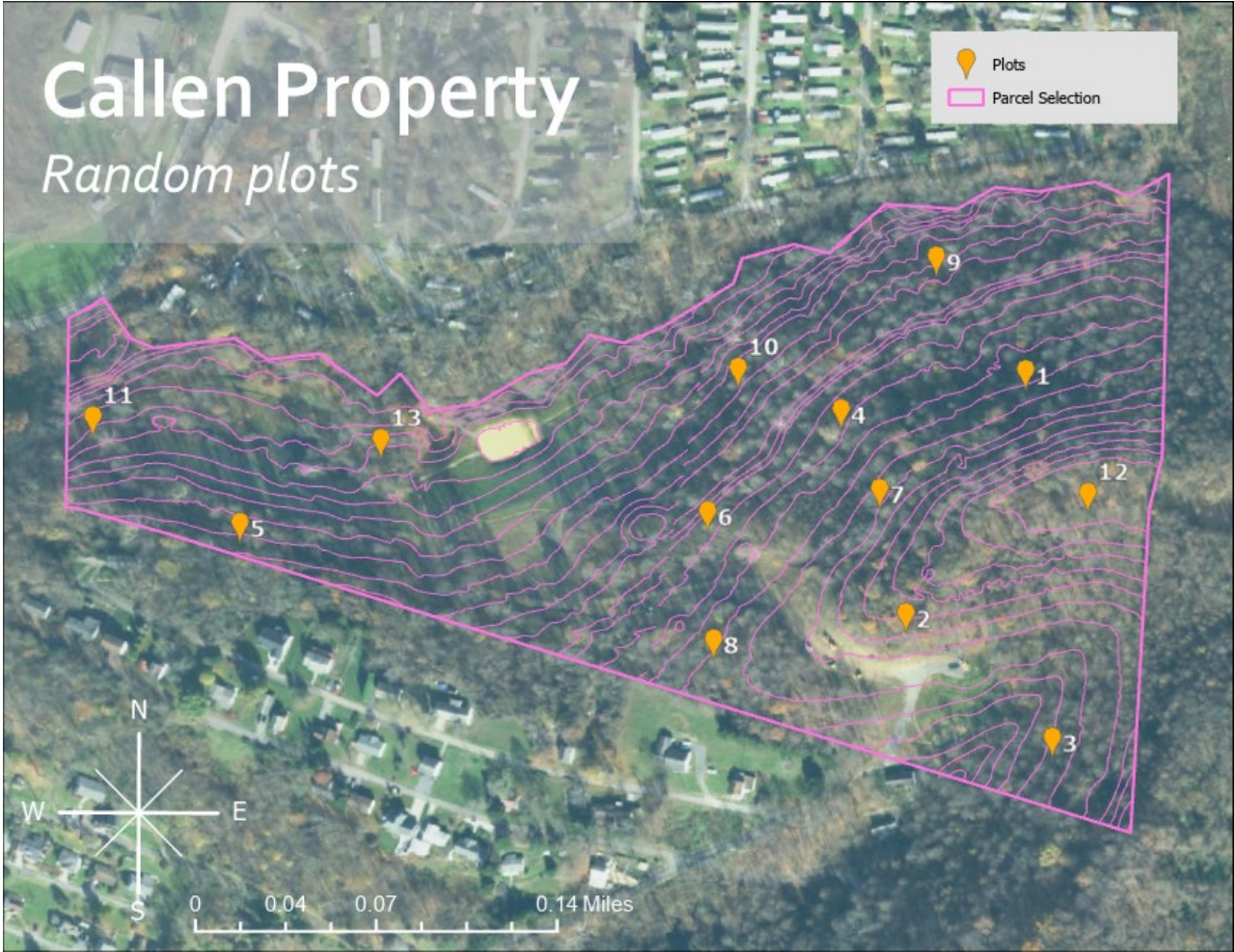


Exhibit C – Forest Stand Map

# Callen Property *Stand Map*

**Legend**

- Stand 1**  
(19.18 acres)  
Maple Beech  
Birch
- Stand 2**  
(9.73 acres)  
Oak Hickory

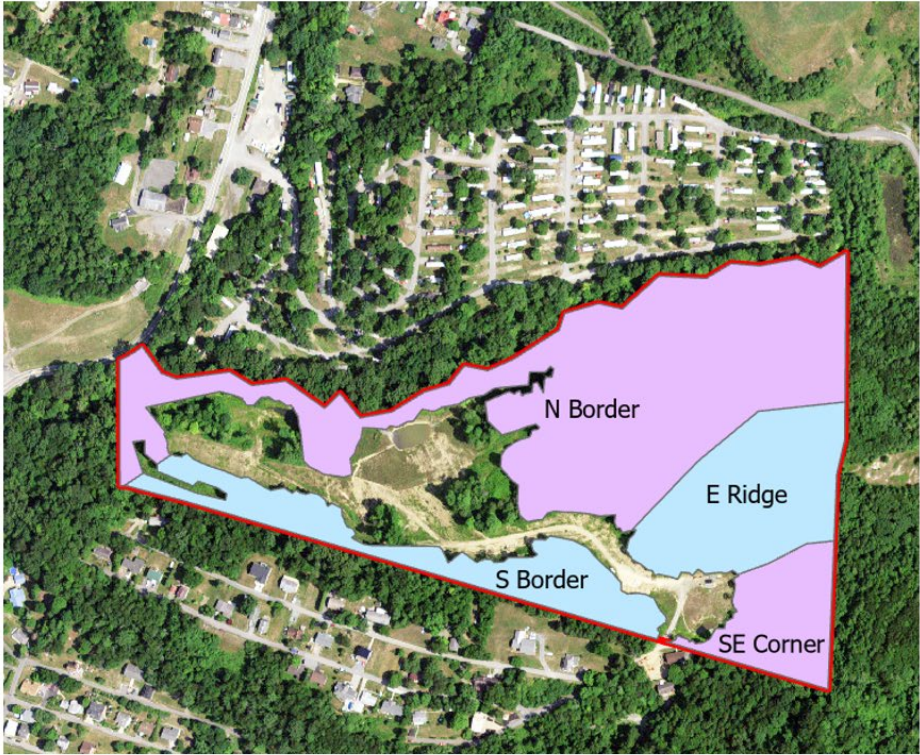
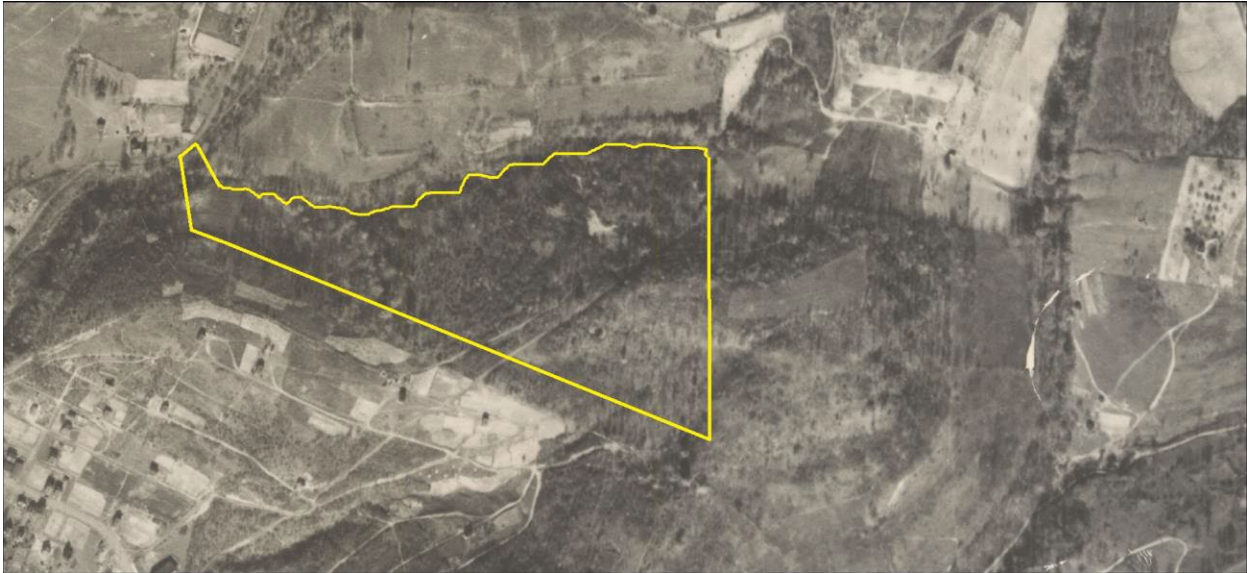


Exhibit D– Forest Age Supporting Documentation

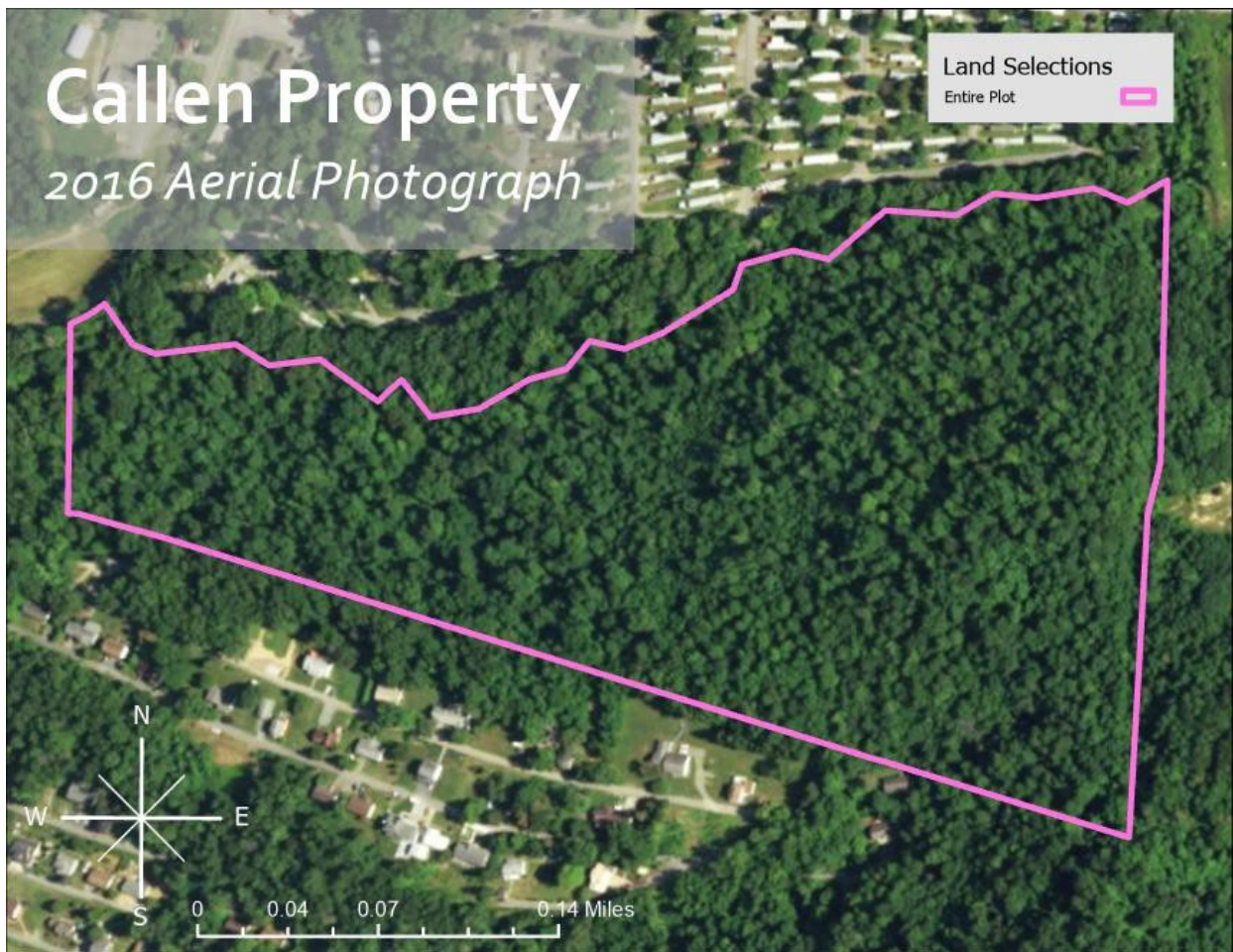
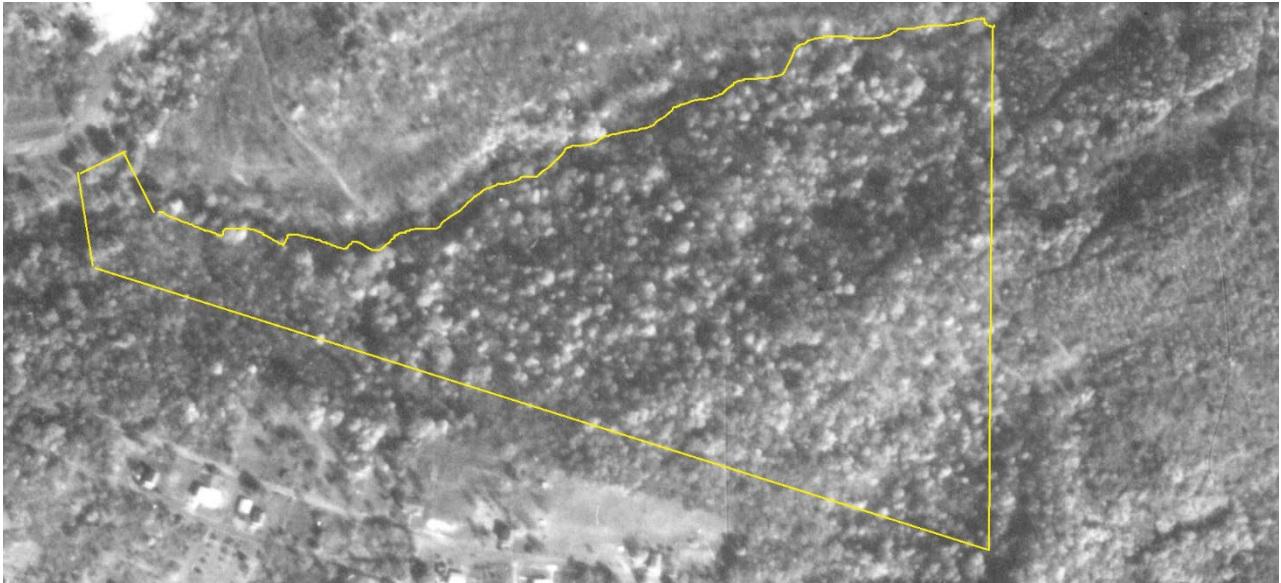
1938



1955



1967





# Callen Property

2018 Aerial Photograph

## Land Selections

Entire Plot

Unforested Area



## Exhibit E– Supporting Documentation for Comparable Basal Area

The US Forest Service EVALIDator tool allows users to produce population estimates of key forest metrics based on the current Forest Inventory Analysis database.

To understand the average basal area of maple beech birch and oak hickory forests of comparable age in West Virginia, the following parameters were entered into EVALIDator 2.1.0:

- Numerator:
  - 1004 - Basal area of live trees (at least 1 inch dbh) in square feet, on forestland
  - 1005 Basal area of growing-stock trees (at least 5 inches d.b.h.), in square feet, on forest land
- Denominator: 2- Area of forestland, in acres (Use FIA definition of forest land)
- Dataset: 542021N West Virginia 2015; 2016; 2017; 2018; 2019; 2020; 2021
- Page Variable: Forest Type Group
- Row variable: stand age 5 yr classes
- Filtering clause: None

The Basal area per acre (a measure of stand density) for the Project Area is comparable to that for similarly aged forests and forest types in West Virginia, given that trees of about 4" DBH were sampled for the property.

**Table 1. Maple Beech Birch Basal Area FIA data**

	Basal Area (sqft) per Acre		
Age Class	FIA data (1" DBH)	FIA data (5" DBH)	Average
51-55 years	97.8791	71.2539	84.57
56-60 years	108.0233	84.9439	96.48
61-65 years	109.4589	83.9108	96.68
66-70 years	96.0761	73.8512	84.96
<b>Stand 1 (60 years)</b>	<b>98.75</b>		

**Table 2. Oak Hickory Basal Area FIA data**

	Basal Area (sqft) per Acre		
Age Class	FIA data (1" DBH)	FIA data (5" DBH)	Average
51-55 years	116.7829	92.5090	104.65
56-60 years	111.4429	83.4590	97.45
61-65 years	118.9685	96.9564	107.96
66-70 years	115.0753	89.6018	102.34
<b>Stand 2 (60 years)</b>	<b>94</b>		


Link to report: [FIA Basal Area for 1"DBH](#)


Link to report: [FIA Basal Area for 5" DBH](#)

## Stand Map

# Callen Property *Stand Map*

## Legend

 **Stand 1**  
(19.18 acres)  
Maple Beech  
Birch

 **Stand 2**  
(9.73 acres)  
Oak Hickory



# iTree Canopy Report

Id	Cover Clas	Description	Latitude	Longitude
1	Tree/Shrub		39.63186	-79.9197
2	Tree/Shrub		39.63316	-79.9261
3	Tree/Shrub		39.63312	-79.9216
4	Tree/Shrub		39.63198	-79.9191
6	Tree/Shrub		39.63322	-79.9215
7	Tree/Shrub		39.63294	-79.9244
8	Tree/Shrub		39.63175	-79.9217
9	Grass/Herbaceous		39.6339	-79.9188
10	Tree/Shrub		39.63397	-79.919
11	Tree/Shrub		39.63263	-79.9266
12	Tree/Shrub		39.63292	-79.9246
13	Tree/Shrub		39.63347	-79.9199
14	Tree/Shrub		39.63151	-79.9224
15	Tree/Shrub		39.63221	-79.9188
16	Tree/Shrub		39.63267	-79.9198
17	Tree/Shrub		39.63379	-79.9203
18	Tree/Shrub		39.63312	-79.9265
19	Tree/Shrub		39.63074	-79.9195
20	Tree/Shrub		39.63109	-79.9192
21	Tree/Shrub		39.63346	-79.9208
22	Tree/Shrub		39.63156	-79.919
23	Tree/Shrub		39.63274	-79.9214
24	Tree/Shrub		39.63217	-79.9203
25	Tree/Shrub		39.63143	-79.9193
26	Tree/Shrub		39.63257	-79.9213
27	Tree/Shrub		39.63317	-79.9197
28	Tree/Shrub		39.63249	-79.9193
29	Grass/Herbaceous		39.63156	-79.9218
30	Tree/Shrub		39.63345	-79.9189
31	Tree/Shrub		39.63295	-79.9211
32	Tree/Shrub		39.63348	-79.9217
33	Tree/Shrub		39.63267	-79.919
34	Tree/Shrub		39.63268	-79.924
35	Tree/Shrub		39.6332	-79.9255
36	Tree/Shrub		39.63306	-79.9187
37	Tree/Shrub		39.63162	-79.9234
38	Tree/Shrub		39.63217	-79.9217
39	Tree/Shrub		39.63337	-79.9206
40	Tree/Shrub		39.63148	-79.9193
41	Tree/Shrub		39.63205	-79.925
42	Tree/Shrub		39.63369	-79.9199
43	Tree/Shrub		39.63276	-79.9203
44	Tree/Shrub		39.63222	-79.9221

45 Tree/Shrub	39.63115	-79.9215
46 Tree/Shrub	39.6329	-79.9224
47 Tree/Shrub	39.63331	-79.9216
48 Tree/Shrub	39.63253	-79.9188
49 Tree/Shrub	39.63304	-79.9264
50 Tree/Shrub	39.63244	-79.9216
51 Tree/Shrub	39.63245	-79.9259
52 Tree/Shrub	39.63188	-79.9189
53 Tree/Shrub	39.63171	-79.9193
54 Tree/Shrub	39.63141	-79.922
55 Tree/Shrub	39.63251	-79.9217
56 Tree/Shrub	39.63352	-79.9198
57 Tree/Shrub	39.63153	-79.9221
58 Tree/Shrub	39.63264	-79.9189
59 Tree/Shrub	39.63255	-79.9261
60 Tree/Shrub	39.63273	-79.9262
61 Grass/Herbaceous	39.63317	-79.9227
62 Tree/Shrub	39.63242	-79.9192
63 Tree/Shrub	39.63133	-79.9211
64 Tree/Shrub	39.63286	-79.9223
65 Tree/Shrub	39.63191	-79.9197
66 Tree/Shrub	39.63277	-79.9265
67 Tree/Shrub	39.63311	-79.9228
68 Tree/Shrub	39.63256	-79.9219
69 Tree/Shrub	39.63321	-79.9205
70 Tree/Shrub	39.63226	-79.9254
71 Tree/Shrub	39.63248	-79.9199
72 Tree/Shrub	39.63108	-79.9208
73 Tree/Shrub	39.63306	-79.9247
74 Grass/Herbaceous	39.6324	-79.9243
75 Grass/Herbaceous	39.63156	-79.9205
76 Tree/Shrub	39.63278	-79.922
77 Tree/Shrub	39.63234	-79.9214
78 Tree/Shrub	39.63341	-79.9216
79 Tree/Shrub	39.63195	-79.9201
80 Tree/Shrub	39.63341	-79.9199
81 Tree/Shrub	39.6326	-79.9197
82 Tree/Shrub	39.63228	-79.9253
83 Tree/Shrub	39.63198	-79.9245
84 Tree/Shrub	39.63185	-79.9194
85 Tree/Shrub	39.63282	-79.924
86 Tree/Shrub	39.63307	-79.9221
87 Tree/Shrub	39.63214	-79.9246
88 Tree/Shrub	39.63323	-79.9225

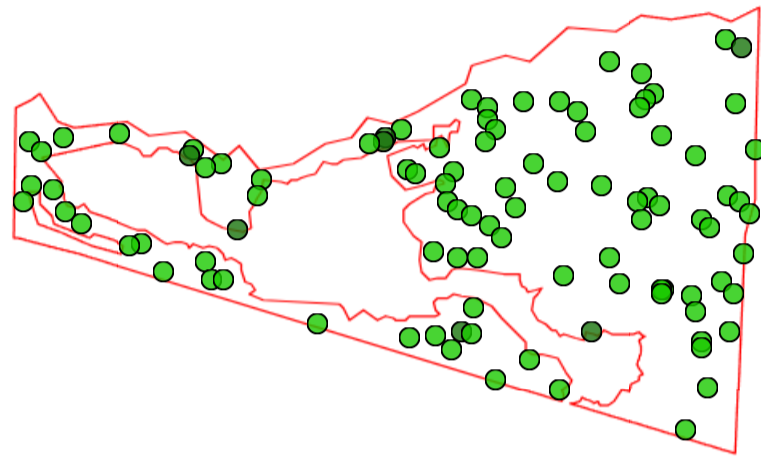
89 Tree/Shrub	39.63217	-79.9219
90 Tree/Shrub	39.63198	-79.9244
91 Tree/Shrub	39.63202	-79.9207
92 Tree/Shrub	39.63191	-79.9197
93 Grass/Herbaceous	39.63313	-79.9227
94 Tree/Shrub	39.6328	-79.9208
95 Tree/Shrub	39.63262	-79.92
96 Tree/Shrub	39.63154	-79.9217
97 Tree/Shrub	39.63346	-79.9212
98 Tree/Shrub	39.63288	-79.9219
99 Tree/Shrub	39.63263	-79.922
100 Grass/Herbaceous	39.63302	-79.9248



# i-Tree Canopy

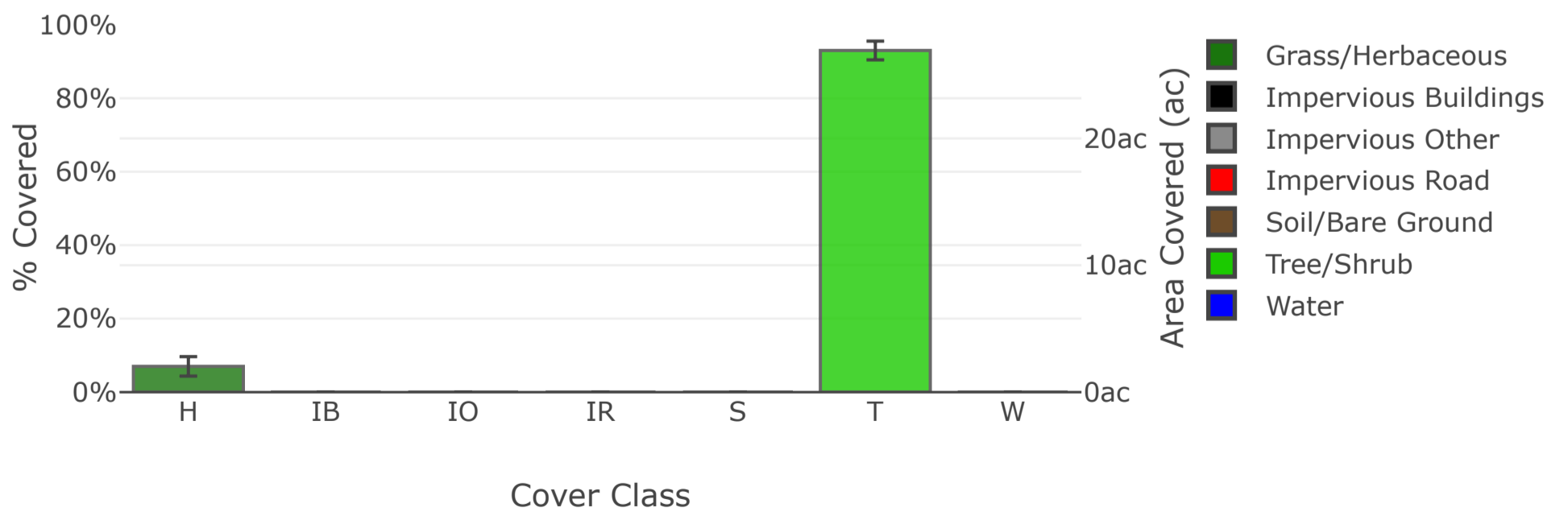
## Cover Assessment and Tree Benefits Report

Estimated using random sampling statistics on 4/15/2024



Google

### Land Cover



Abbr.	Cover Class	Description	Points	% Cover ± SE	Area (ac) ± SE
H	Grass/Herbaceous		7	7.00 ± 2.65	2.03 ± 0.77
IB	Impervious Buildings		0	0.00 ± 0.00	0.00 ± 0.00
IO	Impervious Other		0	0.00 ± 0.00	0.00 ± 0.00
IR	Impervious Road		0	0.00 ± 0.00	0.00 ± 0.00
S	Soil/Bare Ground		0	0.00 ± 0.00	0.00 ± 0.00
T	Tree/Shrub		93	93.00 ± 2.55	26.93 ± 0.74
W	Water		0	0.00 ± 0.00	0.00 ± 0.00
<b>Total</b>			<b>100</b>	<b>100.00</b>	<b>28.96</b>

### Tree Benefit Estimates: Carbon (English units)

Description	Carbon (T)	±SE	CO <sub>2</sub> Equiv. (T)	±SE	Value (USD)	±SE
Sequestered annually in trees	36.77	±1.01	134.81	±3.70	\$6,270	±172
Stored in trees (Note: this benefit is not an annual rate)	923.31	±25.33	3,385.49	±92.88	\$157,472	±4,320

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Amount sequestered is based on 1.365 T of Carbon, or 5.005 T of CO<sub>2</sub>, per ac/yr and rounded. Amount stored is based on 34.281 T of Carbon, or 125.697 T of CO<sub>2</sub>, per ac and rounded. Value (USD) is based on \$170.55/T of Carbon, or \$46.51/T of CO<sub>2</sub> and rounded. (English units: T = tons (2,000 pounds), ac = acres)

### Tree Benefit Estimates: Air Pollution (English units)

Abbr.	Description	Amount (lb)	±SE	Value (USD)	±SE
CO	Carbon Monoxide removed annually	30.43	±0.83	\$20	±1
NO <sub>2</sub>	Nitrogen Dioxide removed annually	168.10	±4.61	\$37	±1
O <sub>3</sub>	Ozone removed annually	1,298.51	±35.62	\$1,687	±46
SO <sub>2</sub>	Sulfur Dioxide removed annually	82.63	±2.27	\$6	±0
PM <sub>2.5</sub>	Particulate Matter less than 2.5 microns removed annually	66.34	±1.82	\$3,531	±97
PM <sub>10</sub> *	Particulate Matter greater than 2.5 microns and less than 10 microns removed annually	368.54	±10.11	\$1,155	±32
<b>Total</b>		<b>2,014.55</b>	<b>±55.27</b>	<b>\$6,435</b>	<b>±177</b>

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Air Pollution Estimates are based on these values in lb/ac/yr @ \$/lb/yr and rounded:

CO 1.130 @ \$0.67 | NO<sub>2</sub> 6.241 @ \$0.22 | O<sub>3</sub> 48.211 @ \$1.30 | SO<sub>2</sub> 3.068 @ \$0.07 | PM<sub>2.5</sub> 2.463 @ \$53.23 | PM<sub>10</sub>\* 13.683 @ \$3.13 (English units: lb = pounds, ac = acres)

### Tree Benefit Estimates: Hydrological (English units)

Abbr.	Benefit	Amount (gal)	±SE	Value (USD)	±SE
AVRO	Avoided Runoff	223.10	±6.12	\$2	±0
E	Evaporation	5,010.01	±137.45	N/A	N/A
I	Interception	5,042.62	±138.35	N/A	N/A
T	Transpiration	4,744.06	±130.15	N/A	N/A
PE	Potential Evaporation	32,220.35	±883.97	N/A	N/A
PET	Potential Evapotranspiration	26,573.45	±729.05	N/A	N/A

Currency is in USD and rounded. Standard errors of removal and benefit amounts are based on standard errors of sampled and classified points. Hydrological Estimates are based on these values in gal/ac/yr @ \$/gal/yr and rounded:

AVRO 8.283 @ \$0.01 | E 186.013 @ N/A | I 187.224 @ N/A | T 176.139 @ N/A | PE 1,196.288 @ N/A | PET 986.628 @ N/A (English units: gal = gallons, ac = acres)

#### About i-Tree Canopy

The concept and prototype of this program were developed by David J. Nowak, Jeffery T. Walton, and Eric J. Greenfield (USDA Forest Service). The current version of this program was developed and adapted to i-Tree by David Ellingsworth, Mike Binkley, and Scott Maco (The Davey Tree Expert Company)

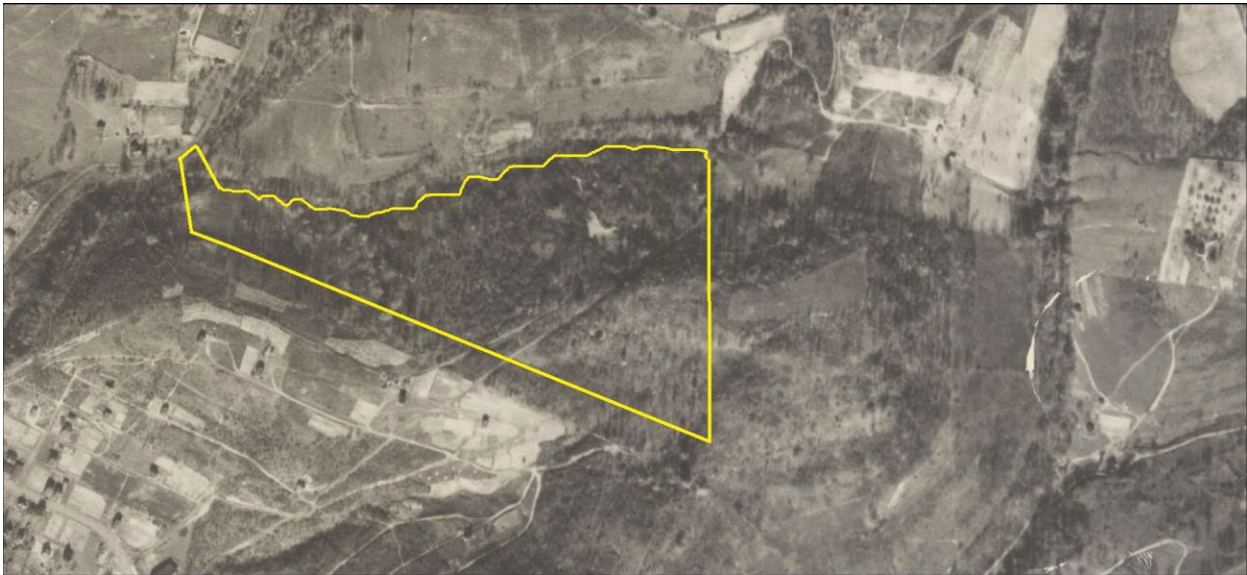
#### Limitations of i-Tree Canopy

The accuracy of the analysis depends upon the ability of the user to correctly classify each point into its correct class. As the number of points increase, the precision of the estimate will increase as the standard error of the estimate will decrease. If too few points are classified, the standard error will be too high to have any real certainty of the estimate.

Historical Photos

# Callen Property Project Historical Imagery

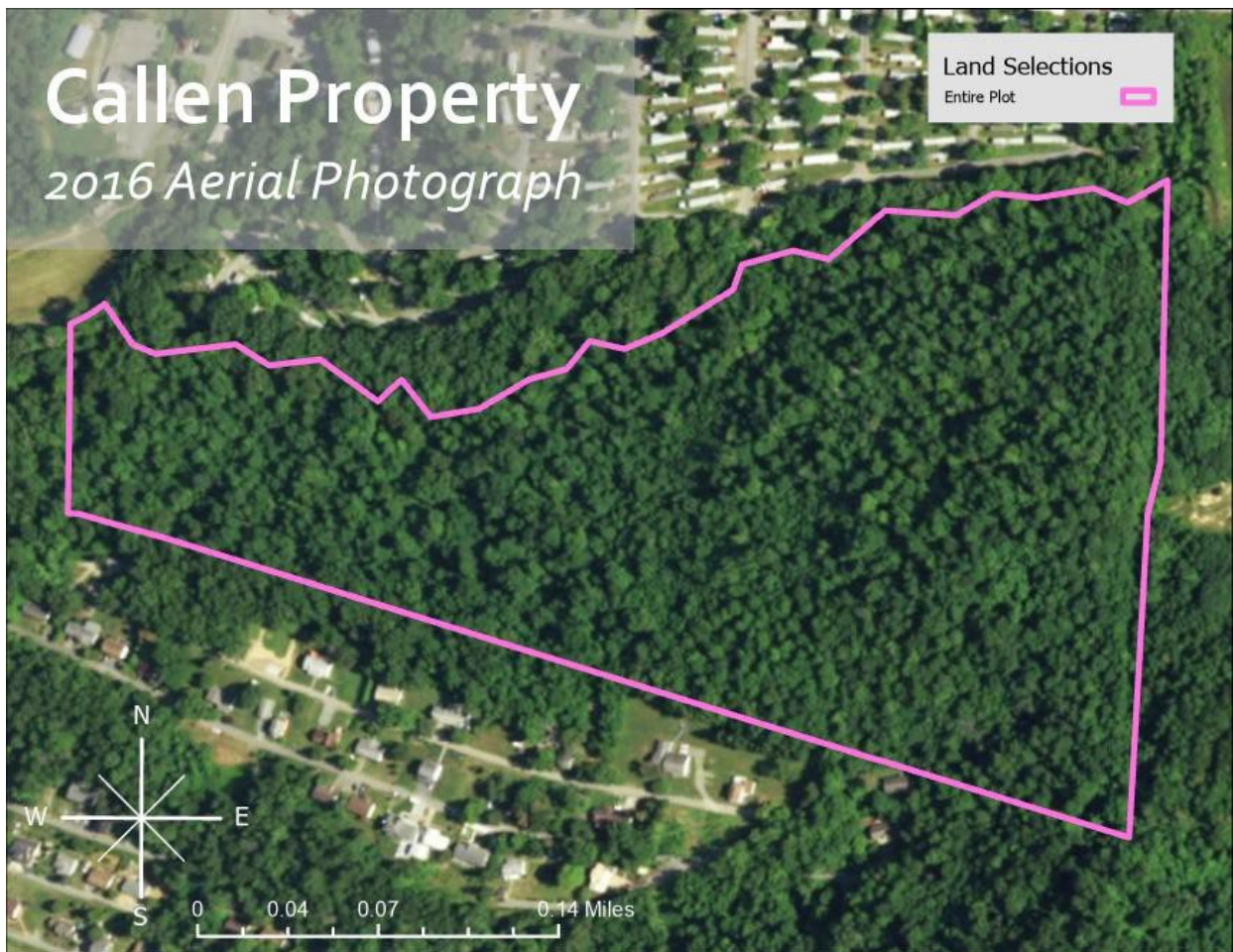
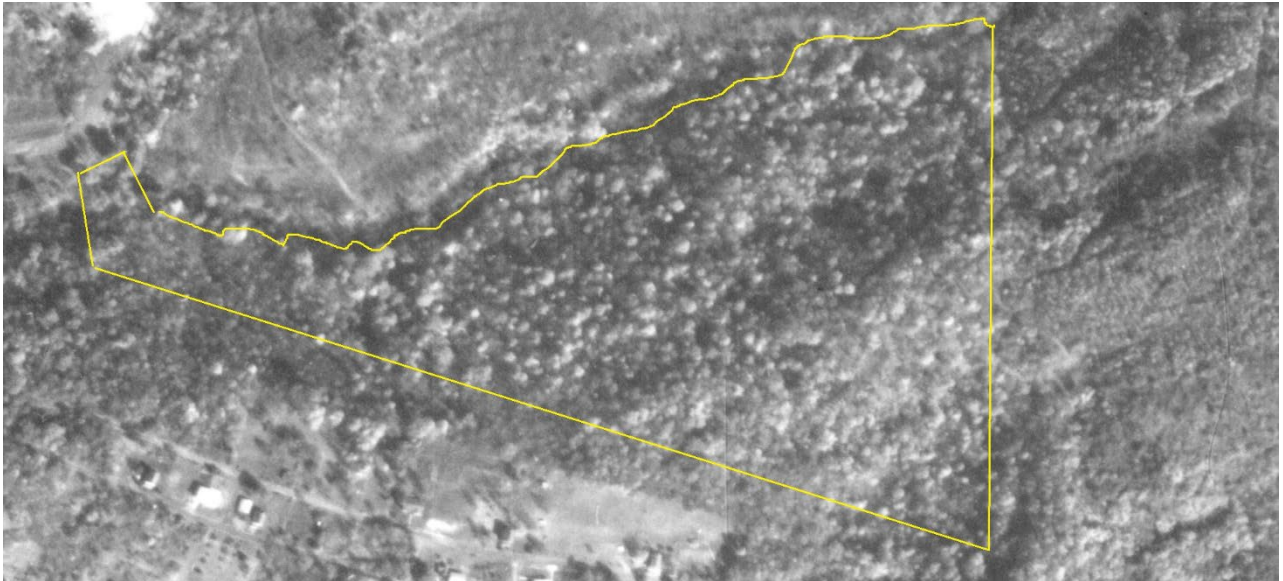
1938



1955



1967



# Callen Property

2018 Aerial Photograph

## Land Selections

Entire Plot

Unforested Area



# Cobenefit Calculator

Light yellow background denotes an input cell ->



**Directions**

- 1) Use i-Tree Canopy, or another tool, to estimate the amount of deciduous and coniferous tree cover area (acres) (Cell C20 and D20).
- 2) Use i-Tree Canopy, or another tool, to estimate the amount of non-tree cover area (acres) (Cell F20) in the project area.
- 3) In Cell G20 the total area of the project is calculated (acres). Prompt i-Tree Canopy to provide an estimate of the project area by clicking on the gear icon next to the upper right portion of the image and selecting "Report By Area."
- 4) Total Project Area, cell G17 should equal 100%.

**Table 1. Tree Cover**

	Deciduous Tree Cover	Coniferous Tree Cover	Total Tree Cover	Non-Tree Cover	Total Project Area
Percent (%)	93%	0%	93%	7%	100%
Area (sq miles)	0.042	0.000	0.042	0.003	0.05
Area (m2)	108,767	0	108,767	8,187	116,953
Area (acres)	26.88	0.00	26.88	2.02	28.90



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Using the information you provide on tree canopy cover, the tool provides estimates of co-benefits in Resource Units and \$ per year.

**Table 2. Co-Benefits per year with current tree canopy cover.**

<b>Ecosystem Services</b>	<b>Resource Units Totals</b>	<b>Total \$</b>
<b>Rain Interception (m3/yr)</b>	7,270.5	\$52,055.49
<b>Air Quality (t/yr)</b>		
<b>O3</b>	0.1387	\$210.18
<b>NOx</b>	0.0232	\$35.08
<b>PM10</b>	0.0710	\$91.45
<b>Net VOCs</b>	0.0714	\$121.46
<b>Air Quality Total</b>	0.3043	\$458.17
<b>Energy (kWh/yr &amp; kBtu/yr)</b>		
<b>Cooling - Elec.</b>	57,233	\$4,343.97
<b>Heating - Nat. Gas</b>	1,070,154	\$10,417.71
<b>Energy Total (\$/yr)</b>		\$14,761.67
<b>Grand Total (\$/yr)</b>		\$67,275.33

\$2,691,013.24

# Social Impacts

# City Forest Carbon Project Social Impacts



## *UN Sustainable Development Goals*

The 17 United Nations Sustainable Development Goals (SDGs) are an urgent call for action and global partnership among all countries, representing key benchmarks for creating a better world and environment for everyone. Well-designed and managed urban forests make significant contributions to the environmental sustainability, economic viability and livability of cities. They help mitigate climate change and natural disasters, reduce energy costs, poverty and malnutrition, and provide ecosystem services and public benefits. See more details in the CFC Carbon Project Social Impact Reference Guide.

## *Instructions*

This template sets out all relevant SDGs and lists various urban forest project activities that fall within each SDG. Evaluate the SDGs to determine how your carbon project provides social impacts that may contribute towards achievement of the global goals. Check the box(es) that contain one of your project activities and describe in no fewer than two sentences how your project activities align with the corresponding SDG. On page 12, select the icon for three to five of the most relevant SDGs to your project and provide any additional information.

## SDG 3 - Good Health and Well Being

Goal: Ensure healthy lives and promote well-being for all at all ages.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- If planting trees, select trees for reduced pollen counts and irritant production
- Plant or protect trees to create shade, provide UV exposure protection, reduce extreme heat negative effects, and/or reduce temperatures to relieve urban heat effects
- Design project to buffer sounds, optimize biodiversity, or create nature experiences
- Locate project near vulnerable populations, such as children or elderly
- Locate project near high volume roads to screen pollutants
- Locate project near people to encourage recreation, provide new parks or green space, or otherwise promote an active lifestyle
- Locate project near schools, elderly facilities, or mental health services to promote nature-based wellness, attention restoration, or other mental well-being
- Locate project in area with conditions of project-defined high inequity to trees, such as at schools, affordable or subsidized housing, formerly redlined neighborhoods, areas with high property vacancy rates, or area with high proportion of renters
- Reduce stormwater runoff or improve infiltration rates
- Design project to reduce human exposure to specific pollutants or toxins
- Other

The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. The Callen forest will buffer noise and air pollution from the airport, and expand recreational access for these two vulnerable communities (and the entire Morgantown as well).

## SDG 6 - Clean Water and Sanitation

Goal: Ensure availability and sustainable management of water and sanitation for all

Examples of project activities include, but are not limited to:

- Research and assess environmental injustices related to water in project area
- Locate project near high-traffic roads or to otherwise improve, mitigate, or remediate toxic landscapes near water
- Protect or plant trees to improve historically or culturally important sites related to water that have been degraded and/or neglected
- Reduce stormwater by planting or protecting trees
- Plant forested buffers adjacent to streams, rivers, wetlands, or floodplains
- Prevent soil erosion by protect steep slopes
- Improve infiltration rates
- Improve, mitigate, or remediate toxic landscapes and human exposure to risk
- Drought resistance, such as selecting appropriate water-efficient trees for project climate zone
- Other

The Callen Property drains into a tributary of Deckers Creek, which is being restored to be a healthy aquatic system. The forest will capture and store significant amounts of stormwater, thus reducing sedimentation and keeping the water cool during the summer.

## SDG 8 - Decent Work and Economic Growth

Goal: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Examples of project activities include, but are not limited to:

- Community participation in project implementation, including such things as providing access to financial resources for ongoing community-based care
- Emphasize local hiring and support small businesses
- Promote local economic opportunities through workforce training, career pathway development, or other employment
- Other

The Project Operator hired a local student to assist with the forest composition assessment for this carbon project. In addition, the Land Trust got a large earmark from Senator Manchin to restore the unforested, developed area adjacent to the Project Area, and the community will be involved in that development and restoration process, with local contractors also to be engaged for that restoration work.

## SDG 10 - Reduced Inequalities

Goal: Reduce inequalities within and among countries

Examples of project activities include, but are not limited to:

- Provide connections and cohesion for social health, such as create or reinforce places that promote informal interactions, engage local residents and users in tree management, include symbolic or cultural elements, or other events
- Research, understand, and design to address understand historic and current sociocultural inequities, community health conditions, environmental injustices, or prior local greening efforts in community
- Locate project near vulnerable populations, such as children or elderly, to provide air quality improvements or buffer against extreme heat effects
- Locate project in high-density residential areas or where there is a lack of trees to improve access and promote an active lifestyle
- Locate project near schools, elderly facilities, or mental health services to promote nature-based wellness, attention restoration, or other mental well-being
- Locate project in area with conditions of project-defined high inequity to trees, such as at schools, affordable or subsidized housing, formerly redlined neighborhoods, areas with high property vacancy rates, or area with high proportion of renters
- Locate project near high-traffic roads or to otherwise improve, mitigate, or remediate toxic landscapes
- Protect or plant trees to improve historically or culturally important sites that have been degraded and/or neglected
- Community engagement in project design, including such things as engaging and respecting existing relationships and social networks, community cultural traditions, and public participation methods that are empowering and inclusive
- Community participation in project implementation, including such things as addressing and removing barriers to participation, promote ongoing community-based care and access to financial resources
- Emphasize local hiring and support small businesses
- Research and consider potential for gentrification and displacements
- Promote local economic opportunities through workforce training, career pathway development, or other employment
- Other

The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. The Callen forest will buffer noise and air pollution from the airport, and expand recreational access for these two vulnerable communities (and the entire Morgantown as well).



## SDG 11 - Sustainable Cities and Communities

Overall: Make cities inclusive, safe, resilient, and sustainable.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- If planting trees, select trees for reduced pollen counts and irritant production
- Locate project near high volume roads to screen pollutants
- Locate project near vulnerable populations, such as children or elderly
- Plant or protect trees to create shade, provide UV exposure protection, reduce extreme heat negative effects, and/or reduce temperatures to relieve urban heat effects
- Locate project near people to encourage recreation, provide new parks or green space, or otherwise promote an active lifestyle
- Design project to improve wellness and mental health, such as planting trees to buffer sounds, optimize biodiversity, optimize views from buildings, or create nature experiences
- Locate project near schools, elderly facilities, or mental health services to promote nature-based wellness, attention restoration, or other mental well-being
- Provide connections and cohesion for social health, such as create or reinforce places that promote informal interactions, engage local residents and users in tree management, include symbolic or cultural elements, or other events
- Research, understand, and design to address understand historic and current sociocultural inequities, community health conditions, environmental injustices, or prior local greening efforts in community
- Locate project in area with conditions of project-defined high inequity to trees, such as at schools, affordable or subsidized housing, formerly redlined neighborhoods, areas with high property vacancy rates, or area with high proportion of renters
- Community engagement in project design, including such things as engaging and respecting existing relationships and social networks, community cultural traditions, and public participation methods that are empowering and inclusive
- Community participation in project implementation, including such things as addressing and removing barriers to participation, promote ongoing community-based care and access to financial resources
- Other

The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. The Callen forest will buffer noise and air pollution from the airport, and expand recreational access for these two vulnerable communities (and the entire Morgantown as well).

## SDG 12 - Responsible Production and Consumption

Goal: Ensure sustainable consumption and production patterns

Examples of project activities include, but are not limited to:

- Plant or protect trees to create shade or reduce temperatures to relieve urban heat effects
- Provide cooling benefits and energy savings by shading impervious surfaces such as streets or parking lots, or planting trees on south and west sides of buildings
- Other

The Project Area reduces the urban heat island effect, especially from nearby industrial areas such as the Morgantown Airport.

## SDG 13 - Climate Action

Goal: Take urgent action to combat climate change and its impacts.

Examples of project activities include, but are not limited to:

- Plant or protect trees to reduce or remove air pollutants
- Plant or protect trees to create shade or reduce temperatures to relieve urban heat effects
- Promote community capacity for social and climate resilience by engaging local residents or users in tree management, or other events to connect people to the project
- Reflect cultural traditions and inclusive engagement for climate resilience
- Design project to improve soil health
- Provide cooling benefits and energy savings by shading impervious surfaces such as streets or parking lots, or planting trees on south and west sides of buildings
- Plant or protect trees to reduce stormwater runoff
- Select water-efficient trees for climate zone and drought resistance
- Create and/or enhance wildlife habitat
- Other

The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. The Callen forest will buffer noise and air pollution from the airport, and expand recreational access for these two vulnerable communities (and the entire Morgantown as well). The Project Area reduces the urban heat island effect, especially from nearby industrial areas such as the Morgantown Airport.

## SDG 14 - Life Below Water

Goal: Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

Examples of project activities located in areas with marine ecosystems include, but are not limited to:

- Locate project near high-traffic roads or to otherwise improve, mitigate, or remediate toxic landscapes near water
- Plant or protect trees in project areas to reduce stormwater runoff
- Plant forested buffers adjacent to streams, rivers, wetlands, or floodplains
- Prevent soil erosion, including by protecting steep slopes
- Improve infiltration rates
- Improve, mitigate, or remediate toxic landscapes and human exposure to risk
- Drought resistance, such as selecting appropriate water-efficient trees for project climate zone
- Enhance wildlife habitat, such as riparian habitat for fish, birds, and other animals
- Other

The Callen Property drains into a tributary of Deckers Creek, which is being restored to be a healthy aquatic system. The forest will capture and store significant amounts of stormwater, thus reducing sedimentation and keeping the water cool during the summer.

## SDG 15 - Life on Land

Goal: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

Examples of project activities include, but are not limited to the following with increased functionality of green infrastructure:

- Plant or protect trees to reduce stormwater runoff
- Select water-efficient trees for climate zone and drought resistance
- Create and/or enhance wildlife habitat to improve local biodiversity
- Plant or protect forested buffers adjacent to streams, rivers, wetlands, or floodplains
- Prevent soil erosion by protect steep slopes
- Improve infiltration rates
- Other

The Project protects interior forest bird habitat that is increasingly threatened, especially for migratory songbirds such as warblers.

## SDG 17 - Partnerships for the Goals

Overall: Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Examples of project activities include, but are not limited to:

- Promote community connections and capacity for social resilience by engaging local residents or users in tree management, or other events to connect people to the project
- Community engagement in project design, including such things as engaging and respecting existing relationships and social networks, community cultural traditions, and public participation methods that are empowering and inclusive
- Community participation in project implementation, including such things as addressing and removing barriers to participation, promote ongoing community-based care and access to financial resources
- Other

The Land Trust's Airport Park Planning Advisory Committee is comprised of local experts in urban park management as well as wildlife management and greenspace access and advocacy. Their experiences feed directly into the management plan that is under development.

## Summary of Project Social Impacts



The Callen Project Area forest will buffer noise and air pollution from the adjacent Morgantown Airport and other nearby industrial areas, and expand recreational access for neighboring communities (and the entire Morgantown as well). The Project Area also reduces the urban heat island effect, especially from nearby industrial areas, and promotes physical activity and active living by expanding access to nature-based recreation.



The Callen Property drains into a tributary of Deckers Creek, which is being restored to be a healthy aquatic system. The forest will capture and store significant amounts of stormwater, thus reducing sedimentation and keeping the water cool during the summer.



The Callen Property is next to the Morgantown airport and is adjacent to two neighborhood communities, one of which is a low-income trailer park and the other is a middle-income and working-class neighborhood. Due to their proximity to industrial areas, these neighborhoods have low tree equity. The Project protects trees and secures nature-based benefits for these vulnerable communities.

