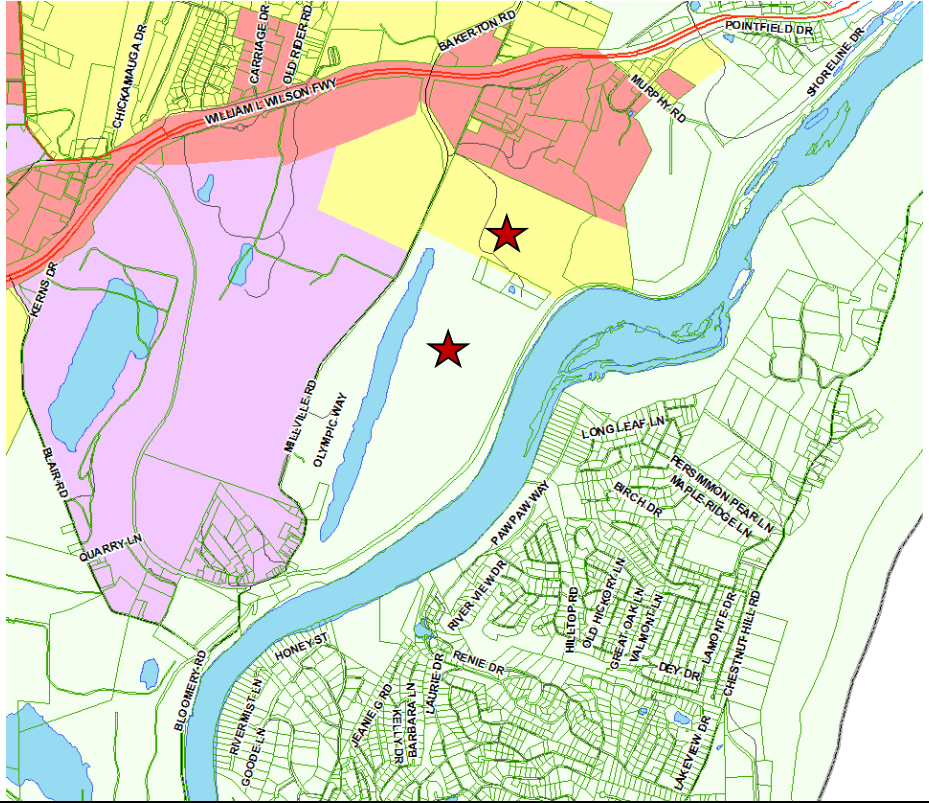


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- Item # 6** Public Hearing regarding a Zoning Map Amendment request by Standard Land Company, LLC. for a 404.69 acre property located on the east side of Millville Road (Route 27), ½ mile south of the intersection with Route 340 in Harpers Ferry. This property is currently zoned Rural (R) and Residential Growth (RG). The applicant is requesting Residential/Light-Industrial/Commercial (R-LI-C) zoning.

APPLICANT/OWNER:	Standard Land Company, LLC.
DEVELOPER:	Same
SURVEYOR/ENGINEER:	Gordon Associates
PROPERTY LOCATION:	This property is located on the east side of Millville Road (Route 27), ½ mile south of the intersection with Route 340 in Harpers Ferry
LEGAL DESCRIPTION:	<p>District: Harpers Ferry (04), Map: 11 Parcel: 24.1</p> 
ZONING DISTRICT:	Zoning Map Designation: Rural and Residential Growth
SURROUNDING PROPERTIES:	<p>Zoning Map Designation:</p> <p><i>North:</i> R-LI-C <i>South:</i> Rural</p> <p><i>East:</i> Rural <i>West:</i> Industrial-Commercial</p>
LOT AREA:	Total Development 404.69 +/- acres
DEVELOPMENT HISTORY:	<p>This property is the site of a former quarry which ceased operation prior to the establishment of zoning in the County.</p> <p>In 2007 a Zoning Map Amendment request for this property to Industrial-Commercial was denied.</p>

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PROPOSED REQUEST	To rezone from Rural (R) and Residential Growth (RG) to Residential-Light Industrial-Commercial (R-LI-C)
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the <i>2004 Comprehensive Plan</i> and/or <i>Envision Jefferson 2035 Plan</i> .
STAFF FINDING:	In this report, Staff presents the various factors related to this property based on both the <i>2004 Comprehensive Plan</i> and <i>Envision Jefferson 2035</i> . Staff finds that the request is not consistent with the <i>2004 Comprehensive Plan</i> , and that while the <i>Envision Jefferson 2035 Plan</i> supports redevelopment of the quarry property, the R-LI-C zoning category is not supported.

Applicant's Request

The applicant is requesting that the 404.69 acre Old Standard Quarry property be rezoned from Rural (R) and Residential Growth (RG) to Residential-Light Industrial-Commercial (R-LI-C). The applicant states that the Residential-Light Industrial-Commercial zone would allow for uses that are consistent with the site location near other Residential-Light Industrial-Commercial uses and is in close proximity to a four lane highway and existing public utilities. The applicant further states that the property has a legacy of heavy industrial use as a former quarry and the applicant believes that the requested zoning is required if the property is to be viably redeveloped to provide employment and tax base opportunities more consistent with the information economy and recreation/tourism potential in the eastern part of the county.

Background

A. Property Information

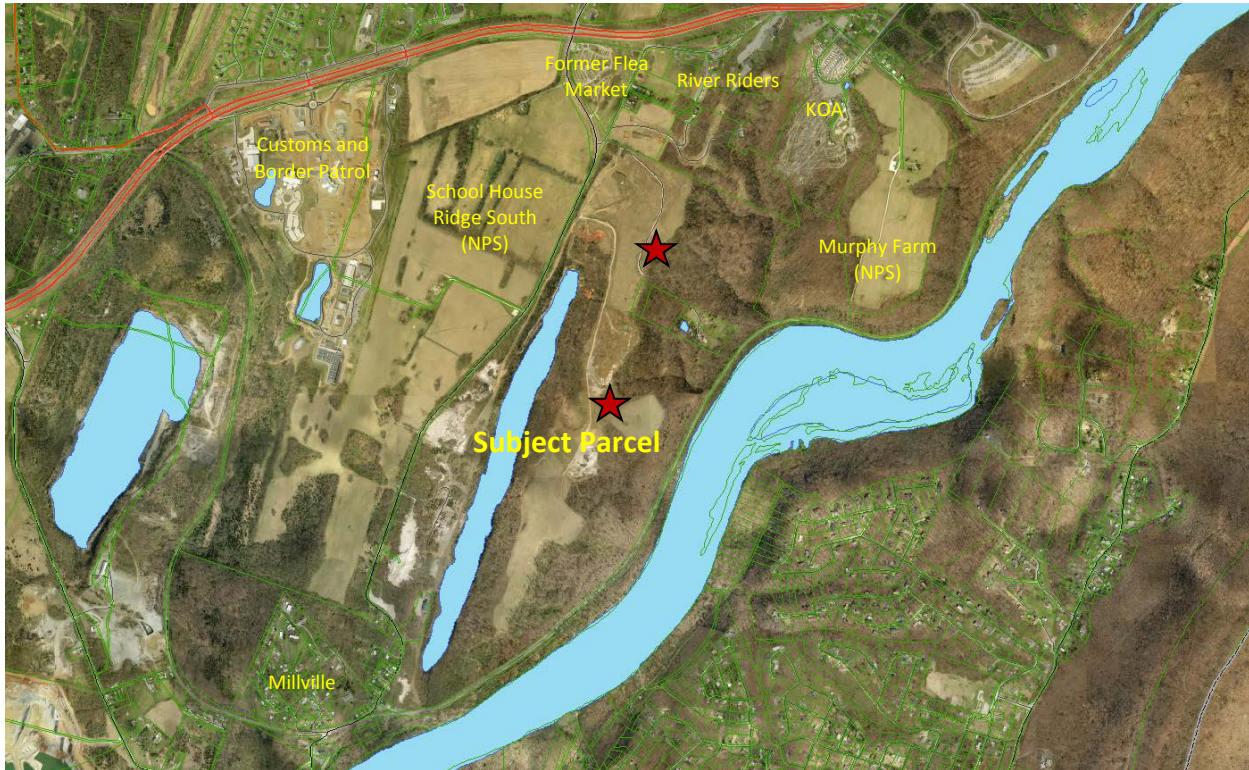
The property is located east of Millville Road (Route 27), ½ mile south of the intersection with Route 340, near Harpers Ferry, WV. It is a vacant parcel which is the site of the former Old Standard Quarry. The northern 108 acres +/- is zoned Residential Growth (RG) and the balance of the property is zoned Rural (R). The property is comprised of 404.69 acres and contains a deep lake from the quarry days that is nearly one mile in length and averages 300 feet wide. The property has over a mile of road frontage on Millville Road, a narrow two-lane rural route, and nearly 1.5 miles of frontage on the Shenandoah River. It is traversed by the CSX railroad which parallels the Shenandoah River.

Image 1 is a location map showing the parcel requested for rezoning and neighboring properties.

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Image 1



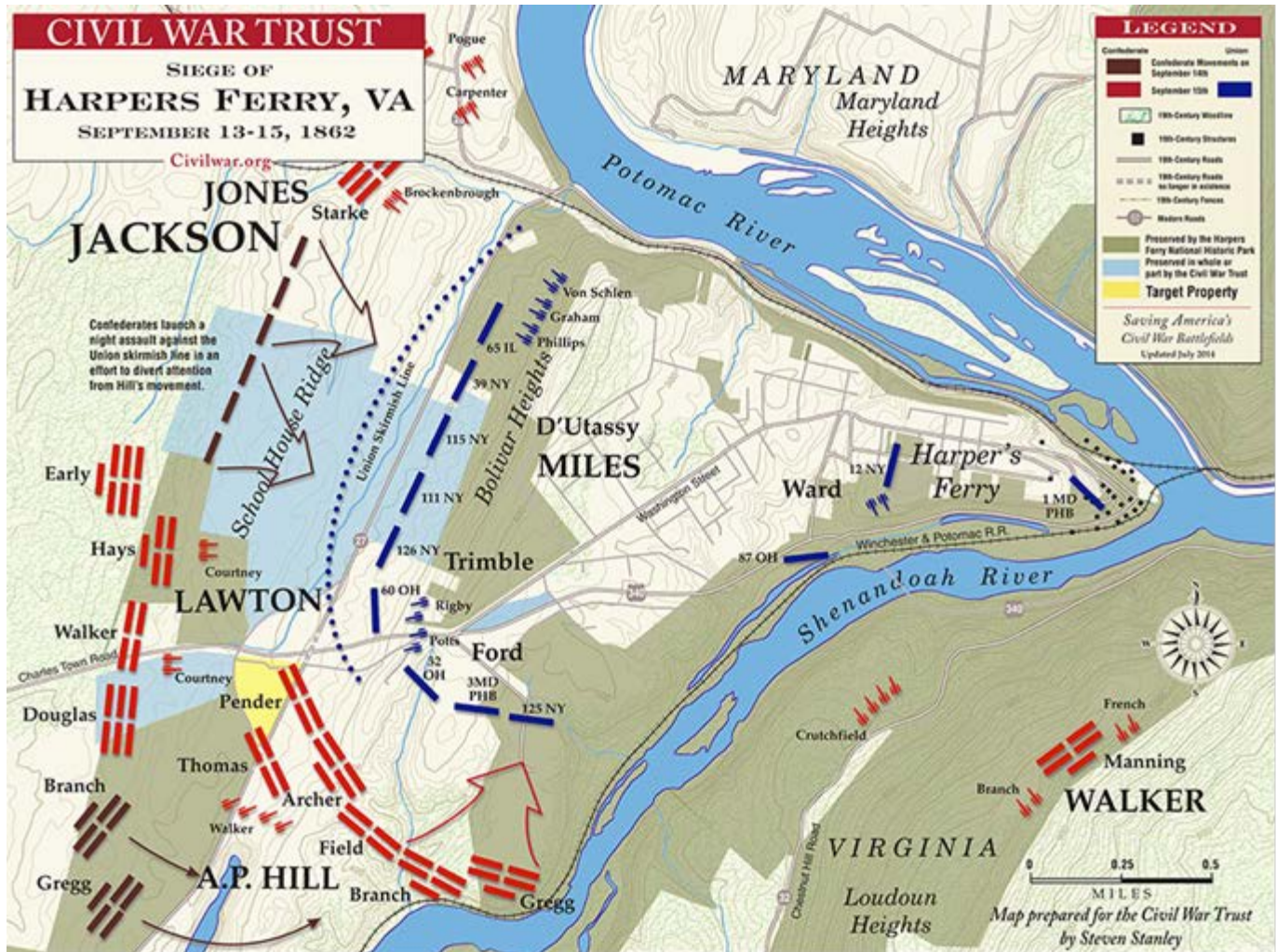
B. Property Vicinity

The property is bordered on the east and west by properties owned and managed by the National Park Service and Customs and Border Patrol. The small unincorporated village of Millville is located to the southwest and contains numerous single family houses. There are also three small rural properties that are surrounded by the Old Standard Quarry property. To the north of the Quarry property is River Riders, Inc. and a vacant lot zoned Residential-Light Industrial-Commercial. Northeast is the 13 acre site of the former Flea Market which has recently been purchased by the Civil War Trust. This site contains the historic Allstadt's Ordinary, which played a role in John Brown's raid, and was at the heart of the battlefield in 1862. The quarry property itself also played a role in the Siege of Harpers Ferry in September 1862 as can be seen in Image 2 below.

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Image 2



Source: <http://www.civilwar.org/battlefields/harpersferry/maps/siege-of-harpers-ferry.html>

C. Property Characteristics

In addition to the significant historic importance of this site and its vicinity, the Old Standard Quarry property has natural resource significance. The Harpers Ferry area serves as a gateway to West Virginia and Jefferson County from Virginia, Maryland, and the greater Washington D.C. area. It sits at the confluence of the Potomac and Shenandoah Rivers and is bounded by mountainous terrain, which is part of why it was a critical battle site during the Civil War. To date, the areas known as Maryland Heights, Loudoun Heights, and Bolivar Heights have been preserved as significant viewsheds because they have been incorporated into the National Historical Park. Murphy Farm has also recently been made a part of the National Historical Park and offers a significant view of the Shenandoah River and the river edge of the Old Standard Quarry property (Image 3). The quarry property is the largest undeveloped property south of US 340 abutting the Shenandoah River and in

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proximity to National Historical Park properties. Its continuity to the river and the park battlefield sites as well as its topography make it a significant natural resource.

Image 3



In addition to this viewshed, the topography of the Old Standard Quarry property lends itself to areas that could be developed without impact on the vistas from US 340 as well as areas that would have significant impact on this viewshed (Image 4). The property varies from a low point of a 300 foot contour along the Shenandoah River and 320 foot contour along the quarry itself to high spots of 540, 520, and 480 foot contours. Development on these high spots could negatively impact the viewsheds as seen from US 340, the NPS sites, and across the River, which would be contrary to both the *2004 Comprehensive Plan* and *Envision Jefferson 2035 Plan* recommendations. Image 5 provides information regarding the topography of the Old Standard Quarry site and the surrounding properties.

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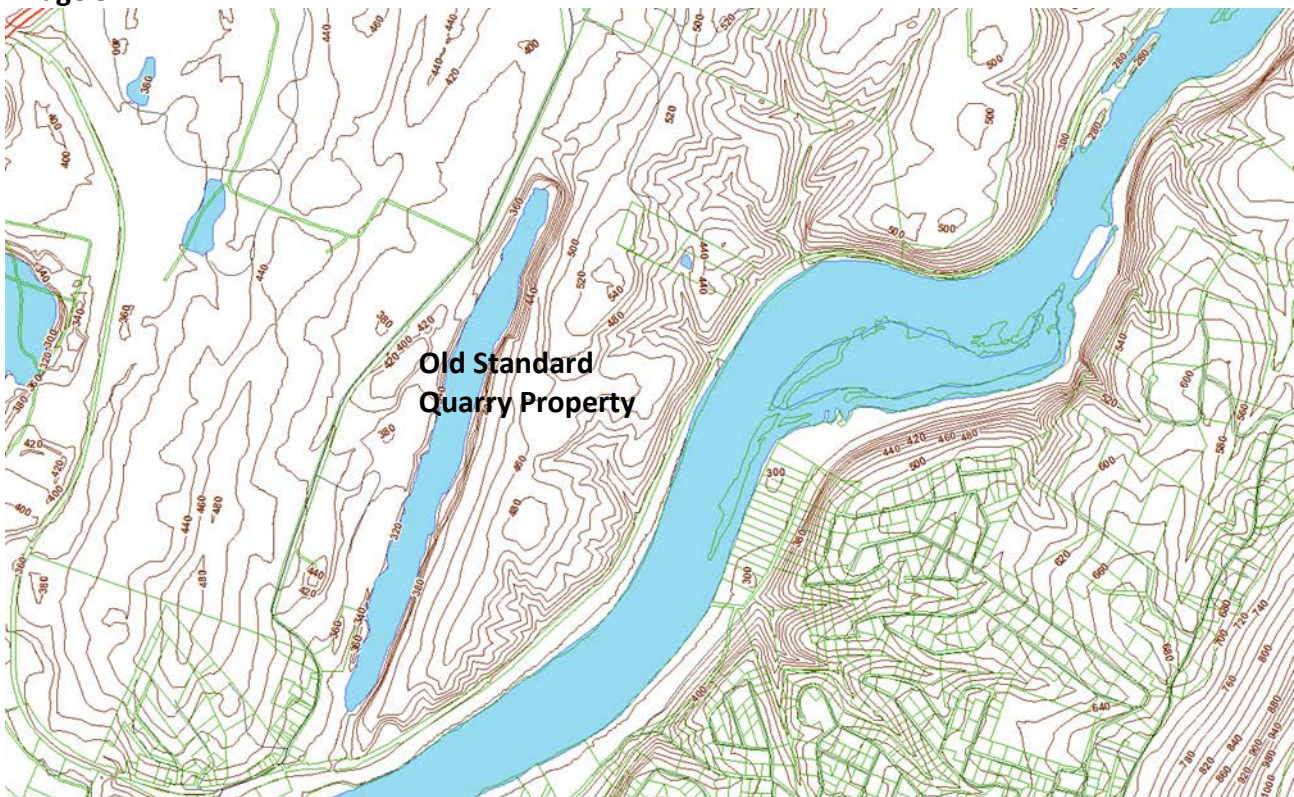
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Image 4



Source: Google Maps view from US 340 headed East

Image 5



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Statutory Authority and Requirements

The West Virginia State Code, Section 8A-7-9, and the Jefferson County Zoning and Land Development Ordinance, Section 12.2 (b), detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. Both state that before amending the Zoning Ordinance text or map, “the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan”, or if it is inconsistent, “then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)].” The Zoning Ordinance further states that the applicant should include discussion of any change of transportation characteristics and neighborhood from when the original zoning was established for the Planning Commission to take into consideration.

The role of the Planning Commission in considering a Zoning Map Amendment request is to review the relevant portions of the Comprehensive Plan and receive public testimony related to the request to enable the Planning Commission to advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the relevant Comprehensive Plan. It is important for the Planning Commission and County Commission to be aware and consider that while the applicant may have an overall development plan that is presented as a part of this request, if the Zoning Map Amendment is approved, any use within the Residential-Light Industrial-Commercial zone will become a permitted use. It is therefore important to consider consistency of the zoning district itself, not the potential development, with the Comprehensive Plan.

The timing of this request also makes it difficult to know which Plan this request should be evaluated against due to the imminence of the approval of the *Envision Jefferson 2035 Plan*. This report will note some relevant portions of both Plans for consideration in this recommendation.

Issues with the Residential-Light Industrial-Commercial Zoning Category

In 2014, the County Commission, upon recommendation of the Planning Commission, adopted seven (7) new non-residential zoning categories because the breadth and inclusiveness of the Residential-Light Industrial-Commercial (R-LI-C) zone typically caused many concerns for neighbors during rezoning application hearings. While the R-LI-C zone does allow for a large amount of flexibility for the potential development of property, the flexibility also provides uncertainty. The breadth of the marketing options for R-LI-C properties can also create issues with compatibility between the various potential user groups in these areas based on traffic, lighting, and design issues between the light industrial or commercial uses and residential neighborhoods that would also be allowed within this zoning category. It would appear that the option of requesting one or more than one of the new non-residential zoning categories on this 404.69 acre parcel configured in a manner that would reflect the applicant’s intent would help to prevent opening the property to such a wide variety of uses that the R-LI-C zoning category allows. This was discussed with the applicant and he chose to continue with the R-LI-C request and that is the focus of this staff report.

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Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2004 Comprehensive Plan (2004 Plan)* and also provides a review of the *Envision Jefferson 2035 Plan*. Staff finds that the request is not consistent with the *2004 Comprehensive Plan* and that while the *Envision Jefferson 2035 Plan* supports redevelopment of the quarry property, the R-LI-C zoning category is not supported.

The format for this assessment is split into two sections, the first of which includes references to specific provisions of the *2004 Comprehensive Plan* and the second of which includes references to specific sections of the *Envision Jefferson 2035 Plan*. Citations generally include relevant page numbers where these provisions can be found in the relevant Plan allowing the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document.

It should also be noted that the *2004 Plan* states, *"Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals."* Therefore, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the *2004 Plan*. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a Staff recommendation concerning the proposed rezoning based on review of the various plan sections and elements of both plans. The recommendation should be considered the professional opinion of staff. As the Planning and Zoning staff has no statutory authority to make decisions in this regard, the final recommendation is deferred to the Planning Commission, and subsequently the County Commission, with respect to the subject application.

Relevant 2004 Comprehensive Plan Elements and Commentary

A. Proposed Zoning District – Residential-Light Industrial-Commercial (R-LI-C)

The *2004 Plan* Comprehensive Plan provides the following comments on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

"This zone, commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses.

There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use"

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zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof." (p.71)

The 2004 Plan details some of the potential benefits of the Residential-Light Industrial-Commercial District as well as a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows all densities of residential uses and a large variety of commercial uses, including office, retail and personal services, as well as light industrial uses, which are essentially defined by uses that are not heavy industrial or commercial uses. The breadth of the variety of uses in this zoning category causes some concern when requested for such a large property on a narrow two lane road in a historically and environmentally sensitive area. With the variety of uses that could be proposed on the subject property, each of which could have very different impacts, it is hard to analyze the potential impact of the proposed zoning. It is the very broadness of this zoning category that generated the interest in developing the new commercial zoning categories adopted in 2014.

B. Natural Resources:

The 2004 Plan includes a section entitled "Jefferson County – A Vision", excerpts of which are noted below:

"Ironically, the natural beauty and rural setting of Jefferson County, the qualities that are so attractive to new residents, are the very qualities that are most threatened by a rapid pace of growth. . . . With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.

The intent of this plan is not to recreate or recapture the past but to shape future growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community (pg. 8)."

This Vision for the 2004 Plan illustrates that the historic and scenic viewsheds of Jefferson County were being threatened by the rate of growth occurring within the County in the early 2000's. The intent of this Vision is to shape growth in a manner that preserves these important features, while allowing for growth where appropriate.

The 2004 Plan discusses the need to acknowledge and protect the critical Natural Resources in the County and along the US 340 Corridor. It states:

"In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. . . . If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations (pg. 48)."

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The *2004 Plan* discusses the rivers, streams, and drainage divides of the County as well as the impact of sinkholes and other natural resources. Additionally the plan discusses unique natural features in the County and the need to protect the resources as well as the scenic vistas.

“Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan. . . .

The protection of scenic vistas has been the subject of public comment during this process. . . . The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).”

C. Historic Resources:

In addition to the Natural Resources of the community, the *2004 Plan* discusses the County's Historic Resources in depth. As noted above, the property that is the subject of this rezoning request, and its environs, were a critical part of the Siege of Harpers Ferry in September 1862. The *2004 Plan* discusses the history of the County and states that Jefferson County “has arguably been referred to as the most historic rural county in America” (p. 55). The County was a part of our country's first western frontier, settled by Europeans before 1720, and inhabited by Native Americans for several thousand years before. Its history includes properties which were surveyed by a young George Washington, seven Washington family homes, the site of the John Brown Insurrection, and being one of the crossroads of a number of Civil War battles.

The *2004 Plan* includes discussion of the importance of these historic resources to the economic viability of the County through the following excerpts from the Historic Preservation section (p. 55-56):

Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. . . . From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here. . . .

History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area. . . .

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected

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historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.”

Historic and natural features are given a significant priority in the 2004 Plan. These sections of the Plan underscore the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism’s economic engine. The text substantially supports the need to protect the “scenic vistas” both in this plan and in the 1994 Comprehensive Plan.

It is important to note that recreational tourism, heritage tourism, scenic tourism, and eco-tourism are part of Jefferson County’s pro-business and pro-economic development ventures. Potentially impacting that significant, valuable and irreplaceable part of the county and the affected economic generators is unsystematic. Staff notes that care should be taken when reviewing rezonings that might jeopardize the efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.

D. Transportation Impacts:

The 2004 Plan discusses the critical role of the transportation routes, noting:

“With the increase in population in the last three decades, Jefferson County’s roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely (pg. 26).”

“During the Comprehensive Plan process, citizens have expressed concerns with some of the roads in the County. The County has reached a critical turning point as undeveloped land is becoming committed to new subdivision and development. As more and more land is developed future transportation improvements may become more difficult and more costly. Therefore, it is prudent for the State and County to plan for the future needs now, while the land is available and the improvements can be more easily made, or at least the land can be reserved during the development process for future improvements (pg. 27).”

Continued inadequate transportation funding and increased transportation demands are conditions the County is likely to continue to face. A key issue, particularly in recent years, is an existing bottleneck along US 340 as it enters Virginia between the Shenandoah and Potomac bridges, which impacts this major transportation route through the County.

Rezoning this 400+ acre parcel of land, located in close proximity to the US 340 bottleneck, to Residential-Light Industrial-Commercial zoning may aggravate this condition. While this development by itself may or may not generate a lot of traffic, without a coordinated transportation planning analysis for this property and surrounding parcels, it is difficult to anticipate the cumulative effect on US 340. The intersection of Bakerton/Millville and US 340, which has recently been signalized, would also see an increase in traffic pressure from this

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rezoning, other rezonings in the area, and accumulated development pressures. Millville Road is a narrow two-lane that will also need to handle the increased traffic to the new signalized intersection with US 340. Any development in this area needs a thorough transportation analysis and implementation of required improvements to prevent negative impact to safe and convenient access at this intersection.

E. Water and Sewer Proximity:

The 2004 Plan Statement of Goals (p. 19) outlines the following:

"Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community."

"Promote growth and development that are both economically and environmentally sound."

The principal sanitary sewer provider in the US 340 Corridor is the Jefferson County Public Service District (JCPSD), which is authorized to service all unincorporated areas of Jefferson County. Jefferson Utilities is the primary water provider for properties not served by private wells in this area. A wastewater plant owned by Old Standard, LLC is located near the south end of the Old Standard Quarry Lake. It currently serves the Sheridan Estates subdivision and has capacity to serve additional customers. Water service is in the vicinity of this property as well. The 2004 Plan encourages proposed urban level developments, which the requested zoning would allow, to be on a central water and sewer system, whether public or privately owned.

F. Implications of National Park Service Property

Since 2004, there have been substantial acquisitions by the National Park Service (NPS) surrounding this property that were not anticipated in 2004. If the Commission determines the proposed rezoning is not consistent with the 2004 Plan, it must find that *"...there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area"* in order to recommend approval of the request. One of the significant major changes to the US Route 340 Corridor area that were not anticipated when the 2004 Plan was written is these NPS acquisitions. The acquisitions by the NPS have had major economic, physical or social change in this specific corridor. The amount of property purchased by the NPS has limited the size and scope of private physical development in the area and by extension the amount of traditional economic activity at this intersection. The social change is from development to preservation and a community expectation of historic and open space preservation in this area.

As the Planning Commission determines the merits of this rezoning, the amount of land protected by the NPS in this area, which was not anticipated in the Plan when it was written in 2004 is a factor for consideration, but does not support the rezoning request.

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G. Importance of US 340 in 2004 Plan:

The *2004 Plan* (page 72) includes specific discussion and a recommendation regarding the importance of the US 340 corridor between the Shenandoah River and Charles Town which it refers to as a “historic gateway special study area”. This stretch of US 340 is located approximately ½ mile north of the Old Standard Quarry site which is the subject of this rezoning request. The labeling of this stretch of road as a “historic gateway special study area” is in part due to the panoramic view of the rest of the County from Allstadt's Hill as you enter from the east and in part it is because this is a major transportation spine that is experiencing significant development pressures impacting the flow of traffic and the viewsheds. The 2004 Plan states that:

“Without effective study and management, this corridor (US 340) could deteriorate into strip of housing developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities. . . .

. . . the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of this study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State. Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study (pg. 73).”

The *2004 Plan* includes data on this heavily travelled route that reflects the growth in traffic volumes along the Route 340 Corridor from 1996 to 2002. The 2008 West Virginia Department of Transportation traffic counts show 38,000 average daily trips (ADT) at WV 26 (Keys Ferry Road) and 29,400 near Bakerton Road.

Based on this *2004 Plan* recommendation, in 2011-12, the County's Departments of Planning and Zoning undertook a detailed land use and transportation study of the US 340 East Gateway corridor in collaboration with the West Virginia Department of Highways (DOH) and Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO). DOH and HEPMPPO both have the jurisdiction to address transportation issues and funding mechanisms and have incorporated recommendations from this study into their planning efforts. While the 340 East Gateway Plan was never adopted by the County Commission, the data and input received during those public outreach meetings have impacted recommendations and the development of the *Envision Jefferson 2035 Plan* and should be considered when reviewing rezonings in this corridor.

Additionally, the state of West Virginia has initiated a collaborative effort with the states of Virginia and Maryland to study and address the traffic movements along the corridor from Charles Town, WV to Frederick, MD. While road improvements may not happen quickly, a study of the traffic and plan for improvements is a positive move in the right direction and will begin a priority for future funding.

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It is often pointed out that considerable development has occurred along the 340 East corridor over the last few decades and that this development should be considered an unanticipated change when considering rezonings. However, any development that has occurred along the US 340 corridor between Charles Town and the Shenandoah River was a result of the zoning that was in place when Zoning was established in Jefferson County. Until 2011, there were no rezonings along this corridor. As the current zoning existed for these properties, the *2004 Plan* recognized the potential development in those locations and made no recommendations for change in the corridor, so this development was clearly anticipated. On the other hand, the *2004 Plan* also discussed the area surrounding the battlefields near Harpers Ferry as an important County and State resource worthy of protection and recommended the development of a US 340 corridor study that provided a balance between development and preservation pressures.

It is, therefore, important to carefully consider this wide variety of issues when considering a rezoning request in the 340 East corridor. While a single more intense non-residential development may not have a significant negative impact on US 340, setting a precedent for allowing this type of development without a comprehensive corridor management plan in this area, sets the stage for an accumulation of minor negative effects that could result in a major problem. The goal of the *2004 Plan* and the 340 East Gateway planning effort was not to predetermine what is going to occur along the corridor, but to plan how components of corridor mesh as a unit.

H. Development Implications:

While the *2004 Plan* does not include a land use component or map, it does provide some guidance as to where future growth should occur (p. 79):

“Two goals of this Plan are to have an appropriate balance of land uses, and an appropriate balance between private property rights and growth management. As that balance is found, it then becomes important to assure that community services are available to serve the needs of the population. One of the primary indicators of the quality of life of residents of an area is the sufficiency of essential public services in the community. Schools, roads, recreational facilities, and fire and police protection are some of the more obvious examples of these services. Communities with poor schools, inadequate police protection and failing infrastructure do not draw investment.

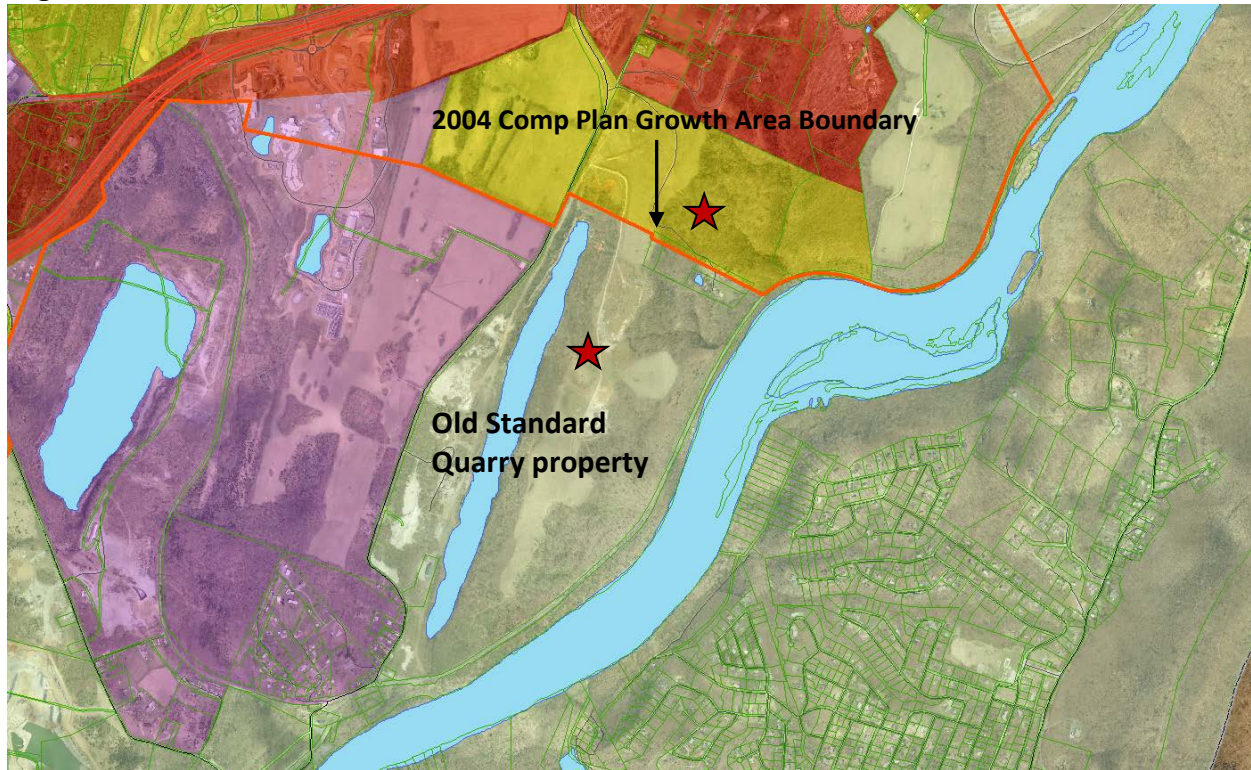
RECOMMENDATION 4.01: It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas.”

Image 6 depicts an aerial of the Old Standard property with the existing zoning indicated as well as the *2004 Plan* designated growth area boundary. While the northern portion of the Old Standard property, zoned Residential Growth, is within the growth area boundary, most of the Old Standard property is not included within this growth area.

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Image 6



The 2004 Plan emphasizes that employment centers can be provided in a number of alternative County locations, where it is appropriate for more intense uses. While providing economic opportunities, the Plan also recognizes the importance of protecting natural and historic resources. There are a variety of permitted uses in the proposed R-LI-C zoning category which allow for more intense uses. The need to balance economic growth and key natural and historic features, including scenic vistas needs to be carefully considered when analyzing this rezoning request.

Below is a partial “...list of general goals [that were] adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted, unchanged and incorporated into the 1994 Comprehensive Plan (pg. 19).” These goals were also adopted in the 2004 Plan:

- Promote growth and development that are both economically and environmentally sound.
- Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.
- Promote the conservation of the natural, cultural, and historical resources and the preservation of its scenic beauty.
- Advocate the maintenance and improvements of transportation systems so that people and goods can move safely and efficiently throughout the County.
- Promote pedestrian friendly, livable communities.

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One of the goals mentioned above is to *“Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.”* Tourism is a vital component of Jefferson County’s economy and brings in considerable revenues to the County. Jefferson County is number one in tourism dollars captured by any county in the state of West Virginia, capturing \$729,000,000 in 2008. The proposed rezoning is within the area that visitors to the State and County experience their first impression of the scenic views. Visitors to Jefferson County expect to see open vistas that welcome vacationers to the County and the State of West Virginia. Protecting our resources is pro-economic development that provides *“...a diversified and sound local economy.”*

When considering any rezoning in this corridor it is critical to consider the potential impact on traffic and the potential visual impact of potential development for the Corridor as a whole. It is imperative that the activity on this Corridor be reviewed very closely as it is the “most identifiable and visible artery in the County.”

Relevant Envision Jefferson 2035 Plan Elements and Commentary

The *Envision Jefferson 2035 Plan* has a Vision statement that provides broad direction for all components of the Plan and should help guide land development decisions in Jefferson County for the next 20 years:

“We envision Jefferson County in the year 2035 as a place of natural beauty and historic value. It is an active, vibrant place to live, work, and play. The county has economic growth potential as a result of its location in the Washington, D.C. and Baltimore, MD Metropolitan Areas, as well as its skilled workforce. There is a well-diversified economic base of manufacturing, services, government, tourism, and agriculture that is not reliant on any single business type. The County’s rich historic, cultural and natural resources are preserved and are an integral part of its economy. Excellent infrastructure, public facilities and services are available to all residents and employers. It is a community with well-defined rural, village, and urban areas. Residents enjoy a countywide system of well-programmed parks, as well as recreational opportunities serving all ages. Safe, congestion free, and convenient transportation access is available throughout the County.”(p. 3)

This broad vision statement supports the development of a well-diversified economy while protecting the County’s historic, cultural, and natural resources. It guides future development to occur in areas where the infrastructure, public facilities and services, and transportation facilities can support the development in a safe and efficient manner.

A. Proposed Zoning District – Residential-Light Industrial-Commercial (R-LI-C)

The *Envision Jefferson 2035 Plan (2035 Plan)* includes a recommendation that states all future commercial/industrial zoning map amendment requests should be required to utilize the new zoning categories and should be discouraged from using the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests. Additionally, it recommends that any development in a zone that permits mixed use should be encouraged to be developed according to the Mixed Residential/Commercial or

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Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance. (p. 36)

Based on these recommendations, the *2035 Plan* does not support the use of the R-LI-C zoning category for future Zoning Map Amendment requests. A variety of the new zoning categories could be utilized to identify various proposed uses where the topography and natural resources complement the proposed uses.

B. *Envision Jefferson 2035 Plan Policies:*

The *2035 Plan* is the first Jefferson County plan to include a future land use element with accompanying maps and recommendations to help guide the location of new development within the County. The Future Land Use Element identifies four broad land use activity types which are intended to guide where different intensities of land use will occur. These include two designated Urban Growth Boundaries (UGB) and seven Preferred Growth Areas (PGA) for urban level development; eight identified Villages; and the Rural/Agricultural areas for non-urban development. The Future Land Use Guide and recommendations will be utilized by the Planning Commission and County Commission to guide the decision making related to changes to the Zoning Map, such as this land-owner initiated petition.

One of the seven PGAs is the US 340 East PGA, which includes Quarry Redevelopment Areas described below. The *2035 Plan* specifically identifies the two old quarries along US 340 as areas appropriate for unique redevelopment opportunities. Old Standard Quarry, which is the subject of this rezoning request, is identified as appropriate for tourist friendly recreational or commercial redevelopment, provided that any proposed site development be designed in a manner that reflects and protects the topography, hillsides, steep slopes, and other natural features. The *2035 Plan* reflects the concept that, while the quarry property is appropriate for redevelopment, it is also a resource worthy of protection and that development and preservation pressures need to be carefully balanced. Specifically, the *2035 Plan* states the following:

“Quarry Redevelopment Areas (QRA) within the US 340 Corridor

There are two QRAs along US 340 and they consist of Old Standard Quarry (Millville Road) and Shenandoah Quarry (US 340 and Blair Road). These quarries have unique site features that provide for different redevelopment opportunities. Both sites have a large reservoir of water from quarries that are no longer actively used (please note that while there is an active quarry on Blair Road, the Shenandoah Quarry is inactive). Both quarries could be used for mixed used developments, office and commercial uses, technology companies that have a need for water, and recreational activities. Since each of these potential uses has a different future land use classification, it was determined to show the existing areas as “Quarry Redevelopment Areas”. Old Standard Quarry, which is zoned Rural, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design

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of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry. . . .”(p. 24)

Staff Recommendations

Staff finds the proposed Zoning Map Amendment request for the 404.69 acre parcel is not consistent with the 2004 Comprehensive Plan. The majority of the property is not located within the identified Growth Area in the 2004 Comprehensive Plan. The property is in an area identified as an important County and State natural and historic resource worthy of protection, where development and preservation pressures need to be carefully balanced. While the property does have access to water and sewer, it is located on a two lane road that has no improvements planned.

Staff finds that while the *Envision Jefferson 2035 Plan* does support redevelopment of the quarry property for a tourist friendly recreational or commercial redevelopment, it does not support a rezoning to the R-LI-C zoning category. It further requires that such development be designed in a manner that reflects and protects the topography, hillsides, steep slopes and other natural features. Staff recommends that in order to find the proposed Zoning Map Amendment fully consistent with the *2035 Plan*, alternative zoning categories and development plans that reflect the recommendations of the *2035 Plan* should be considered.