



## Agenda

Jefferson County Planning Commission Joint Session

Tuesday, March 10, 2026 at 6:00 PM

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**By order of the President of the Jefferson County Planning Commission,  
Public Participation is available in-person only.  
The meeting will be broadcast live via ZOOM for viewing purposes only.**

**In-Person Meeting Location:** County Commission Meeting Room located in the main level of the Jefferson County Government Complex  
(entrance on East side of the building)  
393 North Lawrence Street, Charles Town, WV 25414

**ZOOM Broadcast Information\***: Meeting ID: 825 1024 9346  
Meeting Link: <https://us02web.zoom.us/j/82510249346>

*\*If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

**The following items are closed for public comment**

- 1. Discussion and Consideration:** Planning Staff Presentation for the Historic Resources Text Amendment (STA25-01).
- 2. Discussion and Consideration:** Historic Landmarks Commission Staff Presentation for the Historic Resources Text Amendment (STA25-01).
  - a. Addison Reese
  - b. David Carroll
- 3. Discussion and Consideration:** Question and Answer session between the Planning Commission and the Historic Landmarks Commission.
- 4. Discussion and Possible Action:** Recommendation to the Jefferson County Commission regarding the Historic Resources Text Amendment (STA25-01).



# Minutes

## Jefferson County Commission

Thursday, January 22, 2026

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A town hall and meeting of the Jefferson County Commission was held on Thursday, January 22, 2026, during the second quarterly session at 393 N. Lawrence Street, Charles Town, WV at 5:30 pm. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Cara Keys, Commissioner Steve Stolipher, Commissioner Mike Mood, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; and Nathan Cochran, Assistant Prosecuting Attorney. The archived town hall and meeting of the Thursday, January 22, 2026, meeting is available on the Jefferson County Commission website.

### Moment of Silence

### Pledge of Allegiance

### Pledge of allegiance to the West Virginia flag

### V. Consent agenda

#### 1. APPROVAL OF MINUTES

The following items were approved without objection.

- January 8, 2026 Regular Meeting Minutes DRAFT

#### 2. APPROVAL OF ACCOUNTS PAYABLE

The following items were approved without objection:

- Accounts payable for December 30, 2025           None
- Accounts payable for January 7, 2026           \$ 436,266.78

CHECK NUMBER		VENDOR NAME	UNCLEARED
93728		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	1,719.90

7. Edwina Benites-LM, county administrator

Repeal of outdated policies

Commissioner Majdi motioned to repeal Jefferson County Policies 903-Cable Channel Policy and 911-Day Book Policy as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

8. Roger Goodwin, director of Engineering, Planning and Zoning

Complete bond release for Irrevocable Letter of Credit 522022 with Jefferson Security Bank for RTD Properties, LLC-Burr Business Park Lot 29 file# 22-10-SP

Commissioner Stolipher motioned to:

- Authorize the complete release of the above referenced Letter of Credit 522022 issued in the amount of \$100,000.

Bond reduction for Performance Bond 800203175 with Atlantic Specialty Insurance Company for Harvest Homes, LLC-Hallmark Glen Subdivision file # 25-4-SD

- Authorize the partial release of \$583,520.00 of the above referenced Performance Bond 800203175 making the new amount \$629,331.00.

Complete bond release for Irrevocable Letter of Credit SB5479200001 with M&T Bank for KE Colonial, LLC-Colonial Hills Phase 3 file #05-38 as it is being replaced by Performance Bond PS10007 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC

- Authorize the complete release of the above referenced Irrevocable Letter of Credit SB5479200001 issued in the amount of \$2,207,652.88.

Complete bond release for Irrevocable Letter of Credit SB2570190001 with M&T Bank for KE Colonial, LLC-Colonial Hills Phase 3A file # 17-06 as it is being replaced by Performance Bond PS100008 with Palomar Specialty Insurance Company under new owners Compass Colonial Hills, LLC

- Authorize the complete release of the above referenced Irrevocable Letter of Credit SB2570190001 issued in the amount of \$1,858,825.00.

The motion was seconded by Commissioner Keys and approved unanimously.

9. Staff Report on the proposed Historic Resources text amendment to the Subdivision Regulations

**PUBLIC HEARING**

**Public comment was given by:**

Addison Reese	Amanda Stroud
Christine Marshall	David Carroll
Leila Russo	Jessie Norris
Meredith Wait	Christine Wimer
Kristine Blanc	John Henry Dale
Chris Krumm	

Commissioner Hefestay motioned to delay voting on the text amendment, send it back to the Planning Commission and have the Planning Commission form a working group with the Historic Landmarks Commission in a public meeting and bring back a joint resolution to the County Commission. The motion was seconded by Commissioner Keys with a recommended amendment for the new hearing date to be determined at a later time and approved unanimously.

10. Staff Report on the proposed Rural Residential Zoning district text amendment to the Zoning Ordinance and Subdivision Regulations (*listed as item# 12 on the agenda*)

**PUBLIC HEARING**

**Public comment was given by:**

Jacquelyn Milliron	Christine Marshall
Charlotte Baker-Shenk	Christine Wimer

Commissioner Stolipher motioned to adopt the text amendments to the Subdivision Regulations Section 21.105 and Section 22.208B and the Zoning Ordinance Table of Contents, Section 4.6, Section 5.1, Section 5.9, Section 9.5, Appendix A, Appendix B, and Appendix C File: STA25-04 and ZTA25-04 as presented. The motion was seconded by Commissioner Keys and approved unanimously.

Commissioner Keys motioned to have a town hall regarding rural residential at a future commission meeting to be determined. The motion was seconded by Commissioner Hefestay and passed unanimously.

11. Staff Report on the proposed Residential Commercial Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations

**PUBLIC HEARING**

**Public comment was given by:**





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor; P.O. Box 716

Charles Town, WV 25414

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

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### MEMO

**TO:** Planning Commission of Jefferson County  
**FROM:** Luke Seigfried, Chief County Planner  
**DATE:** March 10, 2026  
**RE:** Proposed Amendment to Section 24.113.B.10, Section 24.122, and Division 26.200 of the Subdivision & Land Development Regulations.

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At their September 23, 2025 meeting, Planning Commission held a Public Hearing on the proposed text amendment to the Subdivision Regulations regarding Historic Resource Preservation requirements for Major Subdivisions and Major Site Plans. At the October 2, 2025 meeting, the County Commission scheduled a Public Hearing on the text amendment for December 4, 2025. At the December 4, 2025 Public Hearing, County Commission rescheduled the Public Hearing to January 22<sup>nd</sup> by request of the Historic Landmarks Commission. Following the January 22<sup>nd</sup> Public Hearing, County Commission directed the Planning Commission and Historic Landmarks Commission to meet and discuss the proposed text amendment prior to making a recommendation to the County Commission.

The proposed amendments clarifies the existing requirement for a Phase I Archaeological Study in relation to the West Virginia Historical State Historical Preservation Organization guidelines. Subsurface studies are specifically noted as not a requirement for the required Phase I Archaeological study requirements. The text amendment also adds the requirement to Major Site Plans and adds the definition of a Phase I Archaeological Study to the Definition of Terms.

**Note that Subdivision & Land Development Regulations Section 24.113.B.10 currently states:**

“(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

#### Staff Reports and Comments

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These *Guidelines* are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) “*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*” The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

## Planning Commission Recommended Text Amendment

### **“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review**

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
  3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
  5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
  6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
  7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
  8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection

standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, phasing, and development option selected if the development is residential.
  12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
  13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
  15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat

and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

**Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
  7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.

8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
  10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
  12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
  13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
  14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
  15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
  16. **Additional Information.** The Department shall:
    - a. Review and approve all matters under its jurisdiction.
    - b. Issue a zoning compliance letter.
    - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
  2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
  3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a

public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

**Division 26.200 Definitions of Terms**

**Phase I Archaeological Study.** A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*



## MEMO

**TO:** Jefferson County Commission

**FROM:** Jefferson County Historic Landmarks Commission

**DATE:** January 12, 2026

**RE:** Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

**Note that Subdivision & Land Development Regulations currently states** “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

### **“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review**

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff Department~~ shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the ~~Staff Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

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2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
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8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning,



**phasing**, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
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  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
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  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next



regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.



7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
  - a. Review and approve all matters under its jurisdiction.
  - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

#### **Division 26.200 Definitions of Terms**

**Phase IA Archaeological Study. A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).**

**Phase IB Archaeological Field Survey. A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.**

Staff Recommended Edits to  
Historic Landmarks  
Commission Text Amendment



**MEMO**

**TO:** Jefferson County Commission

**FROM:** Jefferson County Historic Landmarks Commission

**DATE:** January 12, 2026

**RE:** Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

At its April 29, 2025 meeting, the Planning Commission proposed revisions to the Subdivision Regulations to further elaborate on criteria related to Historical Resource Protection. On May 13, 2025, County Staff submitted a proposed amendment to the Planning Commission. The Historic Landmarks Commission finds that the proposed amendment does not provide sufficient clarification and would remove existing protections for historic resources. Accordingly, the Historic Landmarks Commission proposes the alternative amendment changes outlined below.

**Note that Subdivision & Land Development Regulations currently states** “(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

**“Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review**

The submission of a preliminary plat application is a required step for major subdivisions. The ~~Staff Department~~ shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the ~~Staff Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.



1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of **development disturbance**. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning,



**phasing**, and development option selected if the development is residential.

12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
  13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
  15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.
- Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next



regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.



7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Historic Resource Preservation.** Submit a Phase IA Archaeological Study for the entire parcel and a Phase IB Archaeological Field Survey for the proposed area of development disturbance. The Phase IA shall include archival research, documentary review, searches of the WV State Historic Preservation Office (SHPO) site files, analysis of cultural and environmental context, and predictive sensitivity modeling. Following completion of Phase IA, a Phase IB Archaeological Field Survey, including systematic pedestrian survey and subsurface shovel test pit investigations, shall be conducted in accordance with WV SHPO Guidelines for Phase I, II, and III Archaeological Investigations. All investigations shall be conducted by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
16. **Additional Information.** The Department shall:
  - a. Review and approve all matters under its jurisdiction.
  - b. Issue a zoning compliance letter.



c. Certify that all proffers have been satisfied.

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

#### **Division 26.200 Definitions of Terms**

**Phase IA Archaeological Study.** A non-invasive research phase designed to identify archaeological sensitivity across the entire parent parcel through archival research, documentary review, WV State Historic Preservation Office (SHPO) site file searches, environmental and cultural context analysis, and predictive modeling, prepared in accordance with WV SHPO Guidelines and performed by a principal investigator meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).

**Phase IB Archaeological Field Survey.** A field investigation phase following Phase IA that includes systematic pedestrian survey and subsurface shovel test pit investigations conducted in accordance with WV SHPO Guidelines to identify, evaluate, and document archaeological resources across the proposed area of development.

**Predictive Sensitivity Modeling.** A spatial GIS based analytical method used to estimate the relative likelihood of encountering cultural or archaeological resources across a landscape by analyzing the relationship between known site locations and environmental, cultural, or land-use variables, and classifying areas into levels of resource sensitivity.