









#### **WEST VIRGINIA CODE**

### §5B-2-6a. Brownfield economic development districts; applications; fees; rules.

- (a) Any property owner of a tract of land that is a brownfield or voluntary remediated site pursuant to article twenty-two, chapter twenty-two of this code may, if the site and surrounding area were involved in the extraction and processing of coal, limestone or other natural resources, apply to the development office to become a brownfield economic development district.
- (1) Applicants for a brownfield economic development district must demonstrate that the district when designated will create significant economic development activity;
- (2) Applicants shall submit a development plan that provides specific details on proposed financial investment, direct and indirect jobs to be created and the viability of the district;
- (3) Brownfield economic development districts:
- (A) May not contain single-family housing;
- (B) Shall provide all the infrastructure within the district without cost to the state, county, public service district or local municipal government;
- (4) Applicants shall demonstrate that were it not for this designation, the contemplated development would not be possible and that the development is in the best interest of the state;
- (5) The applicant shall own or control the property within the district;
- (6) All costs for the application process shall be borne by the applicant;
- (7) An applicant shall demonstrate that the applicant has attempted to work in good faith with local officials in regard to land -use issues;
- (8) Brownfield economic development districts are not subject to the provisions of chapter eight-a of this code;
- (9) Prior to granting a designation of brownfield economic development district, the applicant shall provide documentation that the applicant has met all the requirements set forth in article twenty-two, chapter twenty-two of this code to be designated as a brownfield site or voluntary remediated site and is in compliance with the remediation plan;
- (10) Nothing may be construed by this section to exempt brownfield economic districts from environmental regulation that would pertain to the development;
- (11) The decision of the development office in regard to an application is final; and
- (12) Once designated, the district shall work in conjunction with the regional brownfield assistance centers of Marshall University and West Virginia University as specified in section seven, article eleven, chapter eighteen-b of this code.
- (b) The development office shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement this section and the rules shall include, but not be limited to, the application and time line process, notice provisions, additional application consideration criteria and application fees sufficient to cover the costs of the consideration of an application. The development office shall promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code by the first day of October, two thousand eight, to facilitate the initial implementation of this section.

WV Code 6A

145 CSR 11

#### H. B. 2816

(By Delegates Brown, D. Poling, Talbott, Miley, Overington and Sobonya)

[Introduced February 25, 2009; referred to the

Committee on Energy, Industry and Labor, Economic Development and Small Business then the Judiciary.]

A BILL to amend and reenact article 10, chapter 64 of the Code of West Virginia, 1931, as amended, relating to authorizing the Development Office to promulgate a legislative rule relating to brownfield economic development districts.

Be it enacted by the Legislature of West Virginia:

That article 10, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

# ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE LEGISLATIVE RULES.

§64-10-1. Development Office.

The legislative rule filed in the state register on the fifteenth day of August, two thousand eight, authorized under the authority of section six-a, article two, chapter five-b, of this code, modified by the Development Office to meet the objections of the legislative rule-making review committee and refiled in the state register on the twentieth day of February, two thousand nine, relating to the Development Office (brownfield economic development districts, 145 CSR 11), is authorized.

NOTE: The purpose of this bill is to authorize the Development Office to promulgate a legislative rule relating to Brownfield Economic Development Districts.

This section is new; therefore, strike-throughs and underscoring have been omitted.

Old Standard Site Page 1 of 3



## **Site Selector**

## **Old Standard Site**

County: Jefferson &

Search Real Estate

View Briefcase

Add to Briefcase

Contact:

West Virginia Development Office 1900 Kanawha Blvd. E. Charleston, WV 25305-0311 Toll Free: (800) 982-3386 Office: (304) 558-2234

view: standard metric

#### **Specifications:**

**Property Type:** 

Site

**Available Purchase or Lease Date:** 

1/1/2010

Tax District:

Harpers Ferry (4)

**Tax Map Numbers:** 

11 and 9

**Tax Map Parcel Numbers:** 

24.1 and 50

**Zoning Designation:** 

Remediated Quarry Site

**Development Council Region:** 

9

City:

Harpers Ferry

**Located in City Limits:** 

No

**Will Owner Subdivide The Property:** 

Yes

Range Owner Will

**Subdivide the Property (Acres):** 

10

**Total Acres:** 

407

**Attainment Area:** 

Latitude:

39.3051144

Longitude:

-77.7739048

No

#### **Transportation:** (A distance of 0 indicates adjacent.)

Distance to Interstate or 4 Lane Highway (Miles):

0.3

Distance to Nearest Commercial Airport (Miles):

45.0

Name of Railroad Located Adjacent to the Site:

CSX

**Rail Siding Located on the Property:** 

Yes

Navigable Waterway Located Adjacent to the Property:

Shenandoah River

**Barge Facilities Available On-Site:** 

No

#### **Utilities:** (A proximity of 0' indicates on-site.)

**Electricity Utility:** 

**Allegheny Power** 

**Proximity to Power Line:** 

0

Voltage:

480

Phase:

3

**Gas Utility:** 

None

**Proximity to Gas Main:** 

Size of Gas Main:

Gas Pressure (PSI):

**Telephone Supplier:** 

Frontier

**Broadband Service Available:** 

Yes

**Water Utility:** 

Jefferson Utilities

**Proximity to Water Main:** 

0'

Size of Water Main:

1' 4"

Water Pressure (Static) PSI:

110

Water Pressure (Residual) PSI:

75

**Excess Capacity of Treatment** 

Plant Gallons/day:

1,000,000

**Sewer Utility:** 

Jefferson County PSD

**Proximity to Sewer Main:** 

0'

Size of Sewer Main:

1'0"

**Excess Capacity of Treatment** 

Plant Gallons/day:

200,000

#### **Dimensions:**

#### Remarks:

Intended use: one 60,000 sf office building, multiple R&D/Data Center/Office facilities 2,320,000 sf, one 250 room resort

Old Standard Site Page 3 of 3

hotel/convention center, one 200 dedicated hotel (Federal Training Facility). Water is to the site and sanitary sewer runs through the site. Both are controlled by Old Standard LLC, and capacity is available. The Brunswick Line of the Maryland Area Regional Commuter (MARC) commuter rail system stops in Harpers Ferry, WV (about 2 miles from the site).

#### **Environmental Remarks:**

Site remediation is nearly complete on 60 acres still needs clean up. All contaminants have been removed. Quarry lake contains about 1.5 billion gallons of water, which can be used for cooling data centers and buildings at great energy savings.



West Virginia Department of Commerce Capitol Complex, Bldg. 6, Room 525 Charleston, WV 25305-0311 Phone: 800-982-3386 or (304) 558-2234

Fax: (304) 558-1189