

- Promote a Planning and Zoning Process that is understandable and straightforward, with ample opportunity for meaningful public input.
- Promote pedestrian friendly, livable communities.
- Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

To the west of the property is the Millville Quarry site, which is zoned Industrial Commercial. To the east is the Shenandoah River. To the south of the property and the Millville Quarry, the area is zoned rural and across Millville Road from the site is part of the Harpers Ferry National Historical Park land for Schoolhouse Ridge, and to the north is land zoned Residential Growth and Residential/Light Industrial/Commercial. The area north is Allstadt's Hill and Bugler's Rest. The northeast property line is adjacent to Harpers Ferry National Historical Park.

As the county faces increasing growth pressures, the landscape has been transitioning from primarily agricultural to one where housing is the primary focus. The commercial base has grown, but at a slower pace, and one challenge the county faces is to provide an economic base for its residents. As a result, the county must find a balance between economic growth, preservation of its environment, and its historic and cultural resources. In that regard, the plan encourages mixed-use neighborhoods, affordable housing, protection of natural features, enhancement of agricultural operations, provisions for public infrastructure including public facilities and transportation infrastructure, while providing for economic development.

With regard to the proposed rezoning, the comprehensive plan calls for the County to pursue new industrial and commercial development in order to diversify its economy, increase the tax base, and provide quality employment opportunities to its workforce. The property has previously been used as a quarry operation, and the Millville Quarry is adjacent to the site on its western boundary. A quarry operation is a heavy industrial use¹, and it is currently a use that is not permitted in the Rural or Residential Growth districts. By rezoning the property to Industrial/Commercial, this type of use would be permitted by-right, in addition to other heavy/intensive industrial uses. Commercial uses are also permitted, but residential uses are not permitted. Because the property has been used for quarry operations and has been stripped in areas, it may not be well-suited for agricultural uses.

The property is located off Route 340, which is a major transportation route through the County and is considered the eastern gateway to West Virginia. However, the highway narrows to two lanes at Harpers Ferry and continues to the Virginia border and is considered a highway problem area in the Comprehensive Plan. Depending on the type and scale of development on the property, there is the potential for increased traffic problems in this area unless some efforts are made to mitigate traffic issues, such as telecommuting or park and ride facilities as called for in the Plan. The Plan also states that it is appropriate and logical that the bulk of development

¹ Heavy Industrial Use is defined in the American Planning Association's *A Planners Dictionary* generally as manufacturing or processing of products or materials primarily from raw or extracted materials, uses engaged in the storage or manufacturing of flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Also can be manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, or other hazardous materials. Can also include uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.

happens along the 340 corridor, but to ensure that any residential and commercial development that does occur in this corridor not result in visual blight or create major traffic problems. Buffers, landscaping requirements, traffic and access design, sign regulation, and aesthetic highway improvements could be considered as part of an overall study of this corridor, which the Comprehensive Plan recommends.

This property borders the Shenandoah River and is near historic and cultural resources such as the Harpers Ferry National Historical Park. The property currently has water and sewer available, which is preferable to well and septic and would not result in significant costs since it already exists. Mitigation efforts to protect the Shenandoah River need to be considered, particularly if the quarry operation continues or if other heavy industrial uses are located on the site. The site has already been stripped in areas from the quarry operation, but if the site were remediated for other uses, protective measures as called for in the Comprehensive Plan could be taken to protect sinkholes, groundwater, and rivers, and other natural resources. The Shenandoah River could also be part of a recreational or park use that could benefit the citizens of the County. The viewshed and proximity to the National Park are issues that must also be taken into consideration when considering appropriate uses for developing the property.

The Comprehensive Plan also stresses the need for affordable housing. However, the Industrial Commercial district does not permit residential housing other than industrial related accessory dwellings for on-site caretakers. To date there have been few projects that incorporate affordable housing into their overall development plans.

In summary, with regard to the location of the proposed rezoning, the Route 340 corridor would be a preferred location for commercial type development given its proximity to a major highway. The property is less than one half mile from the intersection of Millville Road and Route 340. There is an adjacent site that is zoned Industrial/Commercial and is used as a quarry operation, and the subject property has been used as a quarry operation in the past. However, continuation of such operations would not be the most desirable use due to the heavy industrial nature of the quarry operations and the quarry's proximity to the Shenandoah River and other resources such as the National Park. Commercial development on the site would be less intense than a quarry operation, but staff notes that other heavy industrial uses are permitted in the Industrial/Commercial district. Rezoning the property to the Industrial Commercial District would be consistent with the Comprehensive Plan in that it is located near a primary transportation route and would increase the economic and tax base for the economy. However, there are potential issues that must be taken into consideration, including traffic issues along 340 toward the Virginia border, the affect on natural and historic resources such as the National Park and Shenandoah River, and the lack of affordable housing opportunity. In order to address the issue of affordable housing and location of commercial and light industrial uses² versus heavy industrial uses that are allowed in the Industrial/Commercial zone, a more appropriate zoning for the property that would be more consistent with the Comprehensive Plan may be the mixed-use zone (Residential/Light Industrial/Commercial). The Planning Commission also needs to consider the evidence and testimony presented at the public hearing.

2 Light Industrial Uses are generally defined in A Planner's Dictionary as those uses engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Also, light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, odor, noise, soot, dirt, vibration, etc. Activities may be conducted wholly within an enclosed building or may include temporary outside storage prior to shipment.

JEFFERSON COUNTY - A VISION

Jefferson County is in transition. For most of its history, Jefferson County has been an agricultural community. The 50 miles separating Jefferson County from the Washington DC metropolitan area allowed the rural traditions and agricultural landscape to remain intact until the late 1980s. Since that time, the willingness of workers to commute further, the expansion of the boundaries of the DC metro areas, the addition of more commuter trains and the attractiveness of Jefferson County as a place to live have resulted in the population growing by 20%. The population is anticipated to increase by 20,000 residents in the next two decades.

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. Farming is no longer the driving economic force in our county and in the mid 1980s, new residents from other places outnumbered long time residents for the first time. 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. Perhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here. Jefferson County is home to people of different income levels and professions-from crafts people to mill workers to employees of national consulting firms. The rising cost of housing threatens this diversity.

PLAN VISION

This Plan recognizes that for our county to remain a vital, attractive community, new growth must include

a balance of jobs and housing and be respectful of the very qualities that are attracting new residents every year: the rural landscape, the natural beauty and the pleasing character of our towns and villages.

PLAN POLICIES

This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level.

This Plan recommends that Jefferson County's natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.

This Plan encourages economic development so that residents can live and work in the County.

This Plan encourages the opportunity to farm and recognizes the changing shift in agriculture to include large family owned farms and smaller agricultural operations.

This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.

This Plan emphasizes the importance of providing opportunities for people of all income levels to live in the county and proposes affordable housing to be a component of all future residential growth.

This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.

concerns of the citizenry, county agency administrators and other interested parties to form the basis of county policy regarding land development management and the provision of public services through the year 2010. It is from these *issues* that *goals* have been identified, and *recommendations* have been suggested within this Plan.

STATEMENT OF GOALS

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted unchanged and incorporated into the 1994 Comprehensive Plan. *Webster's Dictionary* defines a goal as "the end toward which effort is directed." Given the changing nature of the County, adjustment of these goals is necessary to meet anticipated challenges. Therefore, adopts the following goals as the guidelines for the 2003 Comprehensive Plan, with no particular purpose as to their order:

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.

Promote the maintenance of an agricultural base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.

Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy,

Promote the conservation of the natural, cultural, and historical resources and the preservation of's scenic beauty.

Advocate the maintenance and improvement of transportation systems so that people and goods can move safely and efficiently throughout the County.

Promote a diversity of housing within the County.

Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.

Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.

Promote pedestrian friendly, livable communities.

Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

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.

Currently, 5 districts and 58 sites in the County are listed on the National Register of Historic Places. "Traveller's Rest", the home of General Horatio Gates, is the County's only officially designated National Historic Landmark.

Over the years, a "windshield survey" of historic and vernacular buildings was created. This inventory was an initial effort, and is outdated, incomplete and should not be used as a working document nor a model for a new inventory.

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. The Jefferson County Landmarks Commission was reestablished in 1980 to be a central clearinghouse for preservation activities in the County, from reviewing nominations to the National Registers of Historic Places, to restoring and interpreting the Peter Burr Farm, to providing input regarding developments.

While there have been many preservation "success" stories in Jefferson County, the issue has not been without controversy in recent years. Disagreements over such projects as the proposed demolition of the circa 1920 Jefferson County Jail have highlighted such issues as the responsibility of governments as stewards of historic structures, the use of appropriate government bodies in advisory roles, identification of preservation priorities, and long term preservation planning.

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.

RECOMMENDATION 3.13: *The County should examine existing land use regulations and*

Planning Commission resources and explore -528- regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies the County may want to investigate may include:

- a. *Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation.*
- b. *Re-evaluating zoning restrictions on the adaptive reuse of historic buildings county-wide in order to encourage their continued occupancy and maintenance.*
- c. *Requiring documentation of significant structures that are to be removed due to development activity.*

RECOMMENDATION 3.14: *The County should promote the establishment of a county-wide inventory of structures built before 1900 and of sites with archeological potential, inspections being conducted only with the approval of affected landowners. This inventory should be readily available to the public and should be used as a planning tool and as a means of evaluating historic resources and of determining preservation priorities.*

this project was funded by the U.S. Environmental Protection Agency, and upon completion, several sites and existing facilities will be available for reuse. Support from the Jefferson County Development Authority should continue as this project progresses.

Existing County Economic Development Efforts

According to the United States Department of Commerce, economic development is fundamentally about enhancing the factors of productive capacity - land, labor, capital and technology - of a national, state or local economy. By using its resources and powers to reduce the risks and cost which could prohibit investment, the public sector has often been responsible for setting the stage for employment generating investment by the private sector. This is as true in this State and County as it is in other parts of the country.

History

In 1979, the Jefferson County Commission created the Jefferson County Development Authority (JCDA) under Chapter 7, Article 12 of the West Virginia Code. The JCDA, along with others like it throughout the State, was created to pursue economic development opportunities throughout Jefferson County. Since that time, the Authority has been instrumental in more than 65 projects, which have created or retained a minimum of 4,200 jobs and generate in excess of \$2,000,000 in real and personal property tax on an annual basis, based on known capital investment figures.

Upon its creation, it assumed the management activities of the new Bardane Industrial Park, which was developed in 1977 by a committed group of local business people under the auspices of the Jefferson County Chamber of Commerce, and with the full cooperation of the Jefferson County Commission. The Bardane Park provided with much needed fully served sites, readily available to new manufacturers.

The complete sellout of the Bardane property in the late 1980s created the need for additional sites. Private sector developers were not doing commercial

and industrial property development. The Site -529- Committee of the Development Authority conducted an extensive effort, both locally and out-of-state, to induce the private sector to participate. When these efforts failed, the JCDA began a countywide search for an appropriate site for a new business park. The availability and attractive price of the Burr-McGarry Farm adjacent to the existing Bardane Industrial Park offered the opportunity to create a business development district in the County. It also enabled to meet a State requirement of the West Virginia Certified Development Community Program that every certified community must have available, a locally controlled site. Combined, both parks contain a total of 460 acres, of which all but 193 have been developed and occupied. There are 21 operating tenants, with 11 additional tenants expected to occupy new facilities by the last quarter of 2003. The remaining property will be subdivided, developed and available for sale by mid-2004.

In addition to the Parks, the JCDA works closely with real estate brokers and private landowners to maintain an accurate inventory of all available commercial and industrial property in the County.

Recommendation 3.18: The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce.

This recommendation mirrors the existing mission statement of the Jefferson County Development Authority. It also encompasses a myriad of factors that affect the County's ability to succeed in new business attraction, addressed here individually:

Identification of industry groups for which a Jefferson County location would be mutually beneficial to both county and company. The experience of the County and strategic planning by the JCDA indicate that the following groups should be pursued: light manufacturing, particularly in the high technology area; information technology; tourism; service and agricultural products.

Identification, as technology and other factors change and evolve, of issues that present a deterrent to successful economic development.

These issues currently include:

- a. **The need for additional infrastructure in terms of water, sewer, natural gas and telecommunications.** The County should plan for the eventual extension of water and sewer service to all properties in that are zoned for business use of any kind. An Industrial-Commercial classification means nothing unless the services are there which allow it to be used for that purpose. The use of Tax Increment Financing, as provided under the recently passed Amendment One, could be used to assist with this for large projects. However, many companies will not be willing to wait out this process and the Public Service District and other utility providers should be encouraged to plan for this type of non-residential growth. Although telecommunications infrastructure and access to broadband internet access has improved dramatically during the past few years, surpassing the capacity of some neighboring counties, continual upgrading to state of the art facilities is a necessity if success in high tech attraction is to be achieved. In addition, the lack of natural gas service to industrial-commercial areas

Mission of the Development Authority

"to provide an increased and diverse tax base for Jefferson County, and to provide new employment opportunities for our citizens through the attraction of medium-sized light manufacturing and other types of business, and through the retention and expansion of existing businesses."

of continues to be a problem in industry attraction. The utilities responsible for providing this extension should continue to be encouraged to do so.

- b. **The need for additional transportation improvements.** In addition to Recommendation 3.05, which calls for

future highway planning to be done in conjunction with the West Virginia Department of Transportation, the County should continue to actively encourage the timely completion of projects that are already on the books, such as Route 9, the four-lane extension of Route 340, and the replacement of the Shepherdstown bridge. In addition, the County is very fortunate to have the main lines of two major railroads. The increased use of the Eastern Regional Airport for air cargo should be encouraged.

- c. **Adjustment must be made in business attraction strategy to accommodate continuing changes in the workforce.** In recent years, record low unemployment and demographic changes have significantly altered the way available labor can be used as a business attraction tool. New and expanded business and commercial development both here and in surrounding areas have reduced the numbers of workers available for traditional manufacturing and service jobs, and it is counterproductive to continue to try to attract large employers in those areas at the expense of existing companies. As mentioned earlier, roughly half of Jefferson County's labor force works outside of the County, a statistic that was born out by the results of the Shepherd College survey performed by the Development Authority. Although that study indicated the willingness of commuters to work close to home in comparable jobs and outlined some major job skill groups that currently commute, additional work should be done to more specifically identify these available skills so that the commuting workforce can be more effectively marketed as a "hidden" available workforce. In addition, should continue to work with the Board of Education to provide job opportunities for non-college bound students, to encourage them to remain in Jefferson County.

- d. **Development of local business incentives.** West Virginia tax structure and the lack of local funding force Jefferson County to rely

on the State for business location incentives. As some of the Authority's past investments-such as Burr Business Park - begin to pay off in the next few years, these revenues should be used to initiate local incentive programs such as a revolving loan pool, and new facility construction, to allow us to compete more effectively with surrounding states.

Statistically, eighty percent (80%) of new job creation within any given community is provided by the retention and expansion of business that is already located here. This trend is true in Jefferson County, where many of our businesses have expanded a number of times, each time generating increased capital investment in addition to the new jobs created. Continued growth in this area can be encouraged in the following ways:

- ☐ Maintaining regular contact with existing employers to remain responsive to their needs and aware of their concerns;
- ☐ Provide assistance in solving problems as they occur;
- ☐ Ensure that the same incentives and expansion assistance programs provided to new businesses are available to expanding existing companies as well;
- ☐ Provide technical assistance to expanding companies.

A number of small information technology companies and other types of entrepreneurial businesses exist in Jefferson County, many in home offices. To assist these companies, the JCDA took the lead in teaming with the Berkeley and Morgan Development Authorities to form the Eastern Panhandle Entrepreneurs Forum. This monthly meeting provides entrepreneurs the opportunity to network with one another and then benefit from a short educational seminar. Local sponsorship, quality programs, and word of mouth have increased the regional database of these companies to more than 500. The Authority should continue these efforts and explore other ways to continue to grow this type of business.

History, culture and scenic beauty combine to make

Jefferson County an attractive area for travel and tourism. The area's proximity to the major population centers of Baltimore and Washington enhances this potential. Local attractions include Harpers Ferry, Shepherdstown, the Contemporary American Theater Festival, Charles Town Races and Slots, Summit Point Raceway, the Mountain Heritage Arts and Crafts Festival, the Washington Heritage Trail, whitewater rafting, etc. Two existing organizations are primarily responsible for encouraging the expansion of the tourism industry and an increase in visitors - the Jefferson County Chamber of Commerce and the Jefferson County Convention and Visitors Bureau. The JCDA can be most useful in assisting with the location and expansion of destination oriented tourist facilities. It should be noted, however, that current labor force constraints will make it difficult to provide large quantities of employees to fill any significant numbers of tourism/service sector jobs, which are predominantly entry level, minimum wage positions. Current commuters and probable future residents are not a source of employees for these jobs.

The JCDA works closely with other groups to maximize the County's potential for economic development success. These groups include the West Virginia Development Office, the Governor's Office, Congressional offices, other Development Authorities, as appropriate, the Shepherd College Small Business Development Center, the Region 9 Planning and Development Council, the "Discover the Real West Virginia Foundation" and the West Virginia Division of Highways to name a few. The Authority should consider and expand these relationships.

The competitiveness of border counties like Jefferson County depends to a great extent upon Statewide business climate issues. The negative impact of such issues as workers compensation, tax structure, incentives, right to work, etc. can be detrimental when a company is making a location decision that also involves sites in Maryland, Pennsylvania, or Virginia. The Executive Director has been directly involved both through the Authority and through participation with the West Virginia Economic Development Council in attempting to change and improve our economic development tools and the

overall business climate. The Authority should continue to remain active, which has the additional benefit of raising the County's overall visibility in Charleston.

JEFFERSON COUNTY - 2020

This section consolidates the information contained in the rest of this Plan into recommendations regarding how the land use patterns of should be set in order to best implement the policies of this Plan. These materials and this advice include the input of concerned members of the community obtained throughout the Comprehensive Plan review process, the input of local, county and state agencies, and the findings made by the Planning Commission resulting from studies conducted by a consultant retained by the Planning Commission.

In order to protect the quality of the water supply, create a positive residential environment and safeguard the existing rights of landowners, this Plan recommends the following strategies that would affect the patterns of land use and residential development within the unincorporated areas of Jefferson County.

Recommendation 3:19: The County should explore the adoption of innovative planning concepts as discussed in the following section, including transferrable development rights and traditional neighborhood designs.

The Rural District

LESA-based Development in the Rural District

In 1988, Jefferson County adopted the first countywide zoning ordinance in West Virginia. After an initial proposal for conventional zoning was defeated at referendum in 1976, a more flexible system was implemented in 1988.

In order to accomplish this, a zoning ordinance was proposed that permitted certain uses in a small number of zoning districts, with a process that allowed property owners to propose many other types of uses on particular properties if they

received a "conditional use" permit from the Planning Commission. This process also included a development review system in which higher density subdivisions may be permitted in the Rural District, provided that the site and the proposed development passed a weighted point-system which analyzed the proposal's appropriateness for development based on size of the property, quality of soils, surrounding land uses and proximity to public services. Jefferson's ordinance was patterned on one that was adopted by Hardin County, Kentucky in 1984 but replaced by a traditional zoning ordinance in 1995.

There are two variables that have arisen since the initial adoption of this process, however that have skewed development in the Rural District pursuant to the requirements of the LESA system. These variables have resulted in a "leapfrog" effect of properties qualifying for conditional use permits while several intervening properties between the site and existing developed areas remained undeveloped.

First, the growth of private water and sewer services coupled with the emphasis on providing those services in order to obtain a conditional use permit have essentially opened all of the Rural District to which these services can extend to a development density of one unit per one acre of land. The second is the soils assessment portion of the system as it relates to the areas east of the Shenandoah River and along the Opequon Creek. These lower quality soils make these areas score well in the soils assessment portion of the evaluation. Coupling of these two issues would open areas that are inappropriate for significant levels of development to the pressure that they be used for major housing construction.

The LESA system, as currently configured, theoretically allows this development without requiring it to be provided with water and sewer services. It should be noted that most conditional use subdivision proposals fail the LESA points assessment unless water and/or sewer services are provided. Given the fragile nature of the fractured limestone geology under much of the County, it is inadvisable to the protection of the aquifer to permit developers of large subdivisions to install septic systems at a ratio of one system for each acre of land. Should the existing conditional use permit system be

REC. NO.	RECOMMENDATION	IMPLEMENTATION	MEASUREMENT
3.17 Page 61	<i>In order to protect the long term viability of the agriculture industry in the County, should encourage the diversification of the industry in Jefferson County by:</i> a. <i>Reviewing the Zoning Ordinance for ways of permitting value-added and non-traditional agriculture-related activities on farmed properties.</i> b. <i>Inserting language in the section of the Zoning Ordinance governing the Rural District that farming is a permitted land use in this district and with that use there will be side effects that are disturbing to residential development.</i>	<i>Review and revision of the Zoning Ordinance.</i> <i>Reviewing and revising the Zoning Ordinance.</i>	<i>Diversified activities would improve the financial viability of farms.</i> <i>Greater public awareness by the rural community of the benefits and drawbacks of living in a farming community.</i>
3.18 Page 64	<i>The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce.</i>	<i>Ongoing business recruitment and retention efforts.</i>	<i>Significant new business is attracted to the County, and loss of existing business is reduced.</i>
3.19 Page 67	<i>The County should explore the adoption of innovative planning concepts as discussed in the following section, including transferrable development rights and traditional neighborhood designs.</i>	<i>Ordinance amendments.</i>	<i>Good growth patterns.</i>
3.20 Page 68	<i>The County should look closely at the LESA System and revise the requirements, including the procedures, to re-establish the original intent of this system which is to retain rural character and preserve farm land while allowing farmers to subdivide when properties are ready to subdivide by virtue of this plan and availability of certain services.</i>	<i>Review and revise the Zoning Ordinance.</i>	<i>Land development trends within would become more predictable, and the land development process in would be more user friendly.</i>
3.21 Page 68	<i>RECOMMENDATION 3.18: Once recommendation 3.17 is accomplished should review different zoning methods to see if LESA is still the zoning of choice for the County.</i>	<i>Review and revise the Zoning Ordinance.</i>	<i>The Zoning Ordinance would emphasize the importance of agriculture as a land use.</i>

Staff Assessment

Old Standard Quarry Rezoning Application

Submitted by:

The Jefferson County Department of Planning and Zoning
Jefferson County, West Virginia
104 East Washington Street
Charlestown, WV 25414

Prepared for:

The Jefferson County Planning Commission
&
The Jefferson County Commission

Prepared by:

Tony Redman AICP, Long Range Planner
Sherry Kelly, Acting Chief Planner/Zoning Administrator

June 11, 2007

Staff Report
Standard Quarry Rezoning Application
Jefferson County Planning Department

Introduction & Purpose

Old Standard Quarry has requested rezoning of the property that is the subject of this report. The property is located near, but not adjacent to, the Route 340 corridor on Millville Road. The site is located south of the Town of Bolivar. Much of its perimeter is bounded by lands owned by the National Park Service as part of Harpers Ferry National Historical Park, including some lands (Schoolhouse Ridge) purchased during the more recent 4 year period. The Shenandoah River defines the properties eastern boundary. Lands located across Millville Road from the property are zoned Commercial/Industrial. **Map 1** identifies the location of many of these resources but does not include all lands now owned by the National Park Service as part of Harpers Ferry Historical Park. Page 8 of the National Park Service's Powerpoint Presentation handout provides a more current characterization of park holdings including lands on Schoolhouse Ridge, adjacent to and west of the subject property).

The property is identified on Jefferson County Tax Maps as two parcels. They include parcel #50 as shown on Tax Map #9-2 consisting of 1.5 acres, and parcel #24.1 as shown on Tax Map 9-2 consisting of 406.54 acres. The northernmost portions of the property consisting of approximately 20 acres are currently zoned R-1 (Residential Growth). The remaining land area, south of lands zoned R-1 and consisting of approximately 380 acres are zoned R (Rural).

The applicant has requested rezoning of the entire subject property, including portions located in both zone classifications from R-1 and R to Industrial/Commercial (IC). The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan in accordance with West Virginia State Code requirements.

Statutory Authority and Requirements

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the west Virginia State Code as amended. As concerns amendments by petition State statute provides that "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." See WVC Section 8A-7-9(c). This subsection of the State Code goes on to state that "If the amendment 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".

Scope of this Assessment

This report focuses on the degree to which the subject rezoning application may or may not be consistent with the Comprehensive Plan. It assumes that no major changes of an economic, physical or social nature within the area involved have occurred that were not anticipated when the comprehensive plan was adopted such that they would "substantially" alter the basic characteristics of the area. This assumption may be debatable given the fact that the National Park Service has acquired additional lands since the adoption of the Comprehensive Plan and expanded the holding of Harpers Ferry National Park.

This assessment is also limited to the proposal to rezone the subject site. Although the applicant has submitted a proposed conceptual development plan for the site, any action to rezone the property would enable any use permitted in the Industrial/Commercial District to be developed on the property. Therefore, emphasis on consistency of the proposed rezoning with the Comprehensive Plan, and **not an evaluation of the proposed conceptual development plan**, has served as the basis for this assessment.

The format for this assessment includes citation of specific provisions of the Comprehensive Plan which are identified by Page # in the following section of this report followed by staff commentary regarding the degree to which staff believes the provision has import in determining consistency between the rezoning application and the Plan document. Identification of the specific page numbers where these provisions can be found in the Plan permits 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. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should be noted that the Comprehensive Plan itself points out that "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." In that sense, 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 Comprehensive 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 lesser import in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendation should be considered the professional opinion of staff; no more and no less. Since Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

Relevant Comprehensive Plan Elements and Commentary.

The following section is formatted to provide the page number on which the plan language and/or subsection can be located, followed by the language contained in the body of the plan document. Each reference is then followed by staff commentary where considered appropriate. When language in the Plan is considered more important, text is shown in bold for additional emphasis. Staff commentary is shown in italics throughout this section of the assessment.

Page 9: Jefferson County - A Vision

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. Farming is no longer the driving economic force in our county and in the mid 1980s, new residents from other places outnumbered long time residents for the first time. **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. **Perhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here.** Jefferson County is home to people of different income levels and professions-from crafts people to mill workers to employees of national consulting firms. The rising cost of housing threatens this diversity.

STAFF COMMENT:

This provision notes that the intent of the plan is to shape growth in a manner that preserves the most important features of the County including the rural landscape and natural beauty of its rivers. Text in bold, however, notes that providing jobs also represents a challenge if the County is to allow people to both live and work in the County. It may be important to note that jobs can be provided in a number of alternative County locations. Rural landscapes and beautiful rivers can only be preserved where they exist.

PLAN VISION

This Plan recognizes that **for our county to remain a vital, attractive community, new growth must include a balance of jobs and housing** and be respectful of the very qualities that are attracting new residents every year: the rural landscape, the natural beauty and the pleasing character of our towns and villages.

STAFF COMMENT:

This provision again suggests new growth must balance jobs and housing and implies that jobs are needed to balance the increases in housing in recent years.

PLAN POLICIES

This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level.

This Plan recommends that Jefferson County's natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.

STAFF COMMENT:

This policy indicates that protection should be afforded to any stream valleys on the subject property and that they should be conserved as green space. It also suggests protection should be afforded the Shenandoah River (a significant natural feature) if and when development proceeds.

This Plan encourages economic development so that residents can live and work in the County.

STAFF COMMENT:

The applicant has rightfully noted that the notion of providing jobs is espoused in this plan policy and that the subject application is consistent with this policy. As staff previous noted, however, jobs can also be provided in a number of alternative County locations

This Plan encourages the opportunity to farm and recognizes the changing shift in agriculture to include large family owned farms and smaller agricultural operations.

This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.

STAFF COMMENT:

This policy indicates that new, more intense development should be located within or adjacent to the Towns. Rezoning of 400 plus acres to Industrial/Commercial on the subject property has the potential to result in "intense development" in a location that does not appear to be consistent with this policy.

This Plan emphasizes the importance of providing opportunities for people of all income levels to live in the county and proposes affordable housing to be a component of all future residential growth.

This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.

STAFF COMMENT:

This policy is designed to insure provision of adequate infrastructure concurrent with development that may require it. The applicant proposes to provide sewer treatment and water supply facilities and has

proffered certain road improvements (dualization of portions of Millville Road and a signalized intersection at Millville roads intersection with Route 340) to satisfy this requirement. Staff questions the adequacy of Route 340 to support an additional 400 acres of Commercial/Industrially zoned land, regardless of the specific use proposed. Potential trip generation, and added traffic volumes to the corridor will adversely impact Route 340 capacity. This conclusion is supported by the traffic study submitted by the applicant and the evaluation of that study prepared by "Smart Mobility, Inc." which was submitted into the record during the recent public hearing. See later discussion and staff comment

page 12:

The Role of the Comprehensive Plan

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.

STAFF COMMENT:

This provision of the plan restates the notion expressed earlier in this report that the nature and intent of its recommendations will sometimes be in conflict.

The recommendations and goals of this Plan serve as a framework through which to filter and consider revisions or additions to existing ordinances or programs in order to implement the community's goals, as enumerated in this Plan.

The 1994 Comprehensive Plan should not have been, (nor should this Plan be), retroactively applied to regulations adopted prior to its effective date.

RULE OF CONSTRUCTION AND INTERPRETATION: This Comprehensive Plan is not intended to replace or supercede definite, specific ordinances that were in effect at the time of its adoption; instead, its purpose is to lay the foundation for the future enactment of land use ordinances. Proposals for future revisions, amendments or enactments of the land use and development ordinances should be reviewed for conformity with this Comprehensive Plan.

Page 19

STATEMENT OF GOALS

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted unchanged and incorporated into the 1994 Comprehensive Plan. *Webster's Dictionary* defines a goal as "the end toward which effort is directed." Given the changing nature of the County, adjustment of these goals is necessary to meet anticipated challenges. Therefore, (the county?) adopts the following goals as the guidelines for the 2003 Comprehensive Plan, with no particular purpose as to their order:

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.

Promote the maintenance of an agricultural base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.

Encourage and support commercial, industrial, and agricultural 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 improvement of transportation systems so that people and goods can move safely and efficiently throughout the County.

Promote a diversity of housing within the County.

Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.

Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.

Promote pedestrian friendly, livable communities.

Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

Staff Comment:

These goals appear to reflect conflicting values. However, encouraging and supporting commercial and industrial development can be accomplished in a number of ways and in a number of alternative locations in the County. Such a goal need not be implemented on the subject property. However, conservation of natural resources (the Shenandoah), cultural and historic resources (the Harpers Ferry Park and viewsheds) and preservation of scenic beauty can only occur where these features or resources are present.

With regard to the goal of promoting inter-entity and inter-agency cooperation on planning, staff must note the opposition testimony in the record of the public hearing submitted by the Towns of Bolivar and Harpers Ferry as well as the opposition testimony offered by the National Park Service, National Historic Trust and other Conservancy Organizations.

Transportation Planning: Page 26 through 28

Introduction

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.

Staff Comment:

The notion that inadequate funding and increases in transportation demand are conditions the County will probably face "indefinitely" is ominous. It suggests that any consideration of rezoning over 400 acres to Commercial/Industrial must be considered in the context of the adequacy and capacity of the adjacent road network to sustain traffic it might generate, regardless of the mix of commercial and/or industrial uses that might be proposed on the site.

Transportation General Goals

In order to realize the vision stated above, general goals are set forth as follows:

1. Reduce the occurrence and severity of roadway traffic accidents by encouraging the West Virginia Department of Transportation, Division of Highways to reduce or eliminate conditions which cause them.
2. **Encourage the West Virginia Department of Transportation, Division of Highways to take measures to provide for and maintain efficient roadway traffic flow.**
3. **Find creative solutions to both funding and legislative limitations, in order to solve transportation problems.**
4. Seek a coordinated transportation plan among all levels of government that provides for coordinated transportation planning and funding of highways, streets, commuter rail service, public transit, car/van pooling, park & ridge (should be ride) facilities, bike paths, pedestrian access and technological improvements to the transportation system in the County.
5. Encourage alternate forms of transportation within the County, such as pedestrian trails and bike paths, provided they are feasible and prove beneficial.
6. Encourage the State and Federal government to increase public transit service to the County, provided it is feasible and proves beneficial.

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Planning for a Responsible Transportation Network

The transportation component of the 1994 Comprehensive Plan focused on problem areas and general

traffic volume. Residents are often concerned about the volume and speed of traffic on neighborhood roadways and the state highways. This is perceived as both a safety and quality-of-life issue.

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.

RECOMMENDATION 3.05: *The County should solicit the assistance and cooperation of both the State and Federal governments to create and execute a coordinated comprehensive transportation management plan. This plan must have its primary goal, the efficient flow of people, goods and services in support of both economic development and quality of life. It must be coordinated with all modalities of transportation that interface with the County. The plan must be comprehensive and systematic in its scope, encompassing all of the major components of transportation including roads, pedestrian and bike paths, public transit and telecommuting.*

The transportation section of the comprehensive plan should incorporate the Metropolitan Planning Organization (MPO) - traffic study, upon its completion.

Staff Comment:

Table T-1 in the Comprehensive Plan reflects growth in traffic volumes along the Route 340 corridor from 1996 to 2002. It is clearly the most heavily trafficked route among all shown in the table supporting use by 33,500 vehicles per day. Note the methodology for determining traffic volume counts is not shown in the plan but the figure shown is assumed to represent Average Annual Daily Traffic Volumes (AADT).

TABLE T-1
WVDOH Traffic Volume Counts
1996, 1999 & 2002

Location	1996	1999	2002
US 340 at the VA line/River	15,500	20,000	22,000
US 340, W. of Bolivar	19,000	22,500	23,000
US 340 at WV 26	-----	30,500	33,500
WV 340/18, S. of Chas. Town	3,100	2,500	2,000
WV 9 at the VA line	6,900	7,300	8,844
WV 115, S. of Charles Town	5,300	-----	7,000
WV 115, N. of Ranson	5,200	4,800	5,300
WV 9 at Berk. County Line	11,000	15,000	17,500
WV 51, W. of Charles Town	7,100	12,000	8,900
WV 45 at Berk. County Line	6,400	8,400	7,600
WV 45, W. of Shepherdstown	11,500	13,000	11,500
WV 480, S. of Shepherdstown	4,900	6,200	5,100
WV 230, S. of Shepherdstown	7,000	7,200	6,400
WV 230, S. of WV 17 fork	2,200	2,400	2,500
WV 17, S. of Duffields	2,500	3,400	3,900

Source: West Virginia Division of Highways.

Page 28

Guidelines should also be established for conducting traffic impact studies. A study of surrounding jurisdictions' guidelines should be conducted and guidelines established that utilize acceptable transportation industry methodologies such as Critical Lane Volume, Highway Capacity manual, and/or

Institute of Transportation Engineers (ITE) procedures, etc. Also, (the County?) should require that traffic impact mitigation measures be provided by the developer when level of service drops below an established threshold.

RECOMMENDATION 3.06: Improve traffic impact studies by:

- a. Investigate traffic impact study guidelines from surrounding jurisdictions and State Department of Highways;
- b. Adopt guidelines and establish various thresholds;
- c. Research roadway mitigation measures; and,
- d. Adopt new traffic study guidelines and mitigation measures based on a, b and c.

Staff Comment:

The staff is not aware of any guidelines for conducting traffic studies being developed, to date, in implementation of this plan recommendation. The applicant, to his credit, has supplied a traffic study prepared by Greenhorne & O'Mara, consulting engineers, which in large part follows commonly accepted methodologies. During the public hearing, testimony was submitted by the National Parks Conservation Association at which time they submitted a report prepared by "Smart Mobility, Inc. in the form of a critique of the traffic study prepared by the applicant. County staff has reviewed both the original G & O traffic study and the critique of that study prepared by Smart Mobility. We concur with their findings that the G & O study focuses on the four-lane sections of roadway east of the signalized intersection of US 340 with US 340 Alt at Bolivar Heights. In so doing it fails to acknowledge the limited two-lane roadway capacity east of this location including the 2 lane bridge over the Shenandoah River constructed in 2000. Since the "traffic network is only as strong as the weakest link" which is located in that area, the G & O study understates the impacts. Staff also agrees with other findings of the Smart Mobility report which notes the G & O traffic study omitted truck counts from the analysis. Finally, although the two firms disagree about trip generation rates from the proposed use, the County needs to recognize that trip generation may be higher than indicated in either study since rezoning of the site does not, in and of itself, insure the proposed plan of development will be the one constructed. This is one of the reasons that the decision to rezone should not be based on any proposed plan but rather on the ability to demonstrate that rezoning of the site would be consistent with the comprehensive plan. Such a conclusion should be reached based on a finding that any commercial or industrial use permitted in the IC district might be developed on the subject property.

Page 32

Highway Problem Areas

Table T-2 is an update of Table 42, "Summary of Traffic Problems in Jefferson County, WV", which is presented in the 1994 Comprehensive Plan. This table provides a text description of highway problem area locations.

Some problem areas have been addressed by the WVDOH and are removed from the list. These include, but are not limited to, the replacement of a one-lane bridge with a two-lane bridge, and the installation of signals and gates at several at-grade crossings.

However, there remain numerous locations with poor sight distance, sharp curves, inadequate road shoulders, encroaching fixed objects, hidden entrances, unsafe intersections, and roadways subject to periodic flooding. These locations are generally depicted on the Highway Problem Areas Map on page 30.

Staff Comment:

Map 2 in the Appendix to this report (labeled Map 3 as located on page 30 of the Plan and (titled Highway Problem Areas) identifies the Route 340 corridor from the Shenandoah Bridge to the Virginia Line as one of many problem areas in the County. An accompanying table on page 31 of the plan cites "curvy, rough shoulders, falling rocks, stone retaining wall at edge of road" as the basis for designation as a problem area. It fails to mention the single lane reaches which serve as a bottleneck along portions of the corridor.

Pages 32 and 33

The Harpers Ferry Water Gap

The County is faced with a traffic flow bottleneck in the form of a major river crossing through a narrow gorge and National Park. US 340, which is a four lane limited access highway from Frederick, MD to Sandy Hook, narrows to two lanes as it crosses the Potomac River into Virginia. This road remains two lanes as it winds its way through the Shenandoah-Potomac River water gap at Harpers Ferry and crosses the Shenandoah River at Bolivar. At Bolivar, this highway again widens to four lanes for the approach to and from Charles Town.

Due to employment trends in the region, US 340 is the busiest highway used to access Jefferson County. On Fridays, commuter traffic has been known to back up from the Potomac River Bridge as far as Brunswick, Maryland as county residents return from their jobs in Maryland and Washington. Holiday travel can also create weekend backups at this bottleneck.

Ways to correct this problem have been discussed. Several options to increase the capacity of this section of highway are to: widen the bridge/highway to four lanes, double deck the bridge/highway, or build an alternate by-pass highway. Given the major river crossings, coordination is necessary between the States of West Virginia, Maryland and Virginia, the impact on the National Park, and the design difficulties and high cost it is unlikely that one of these solutions will be implemented in the foreseeable future. Therefore, another option is for future transportation planning efforts to study the benefits and feasibility of options that may decrease commuter traffic along this section of highway. These options may include park & ride facilities that are coordinated with public transportation, and encouraging telecommuting, etc.

Staff Comment:

This discussion focuses specifically on the two-lane roadway condition through the Shenandoah-Potomac River "water gap" at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost, and impacts on the National Park. The solutions offered in the form of park and ride facilities, public transportation, and telecommuting are laudable and

may mitigate some of the problems associated with the bottleneck. However, staff does not expect these alternatives to "fix" this problem but rather sees these alternatives as band-aids at best.

Page 34

Recommendation 3:08: *Reduce dependence on the automobile for both intra-County and inter-County travel by:*

- a. *Where feasible and beneficial, encourage the West Virginia Department of Transportation, Division of Highways to install "park and ride" facilities along its rights of way on US 340 and WV 9;*
- c. *Provide incentives for alternative transportation such as commuter rail, bike path, park and ride, public transit, and telecommuting, etc.*

Staff Comment:

These recommendations may work in some areas of the County and may be beneficial to some extent, particularly along WV 9 or other roadways, but can only be expected to provide limited benefits to mitigation of traffic impacts along the US Route 340 corridor with the constraints posed by the two lane roadway section.

Page 41

Water and Sewer Service

Economies of Scale for Water and Sewer Service

Due to the prohibitive overall cost to provide water and sewer service to the entire county, developing in this format county-wide is not feasible. Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields. The issue of well and septic use in relation to the County's development patterns is discussed in greater detail in the section of this chapter entitled "Jefferson County - 2020" where issues of residential densities are addressed and coordinated.

Staff Comment:

The notion here in the plan, is that dense or intense development should be located where existing water and sewer facilities can be extended to serve them rather than building new water and sewer systems in indiscriminate rural County locations. This is a fundamental principle of smart growth and there is some question as to whether the applicants stated willingness to build this infrastructure is consistent with this provision of the Plan given most of the site's current rural designation.

Private Well Use

Although the County possesses substantial ground water resources, these reserves are easily accessible and susceptible to damage. The geological formations which provide abundant water fail to provide adequate protection. Sinkholes, rock outcroppings and fissures provide open channels for animal and

human wastes, petroleum products, and storm water runoff to directly enter and contaminate groundwater resources. Nitrates, fecal coliform and fecal streptococcal bacteria have been mentioned in studies done by the USGS as a contaminant found in many of the wells surveyed.

Staff Comment:

This plan element notes that certain geologic formations (sinkholes, rock outcroppings and fissures) provide open channels to facilitate contamination of groundwater resources. Map 3 located in the appendix to this report provided by Michael Schwartz, Sr. Environmental Associate with the The Conservation Fund - Freshwater Institute in Shepherdstown notes the location of known sinkholes near the subject property. These locations are consistent with the locations shown on an unnumbered Map on page 50 of the Comprehensive Plan. Both maps identify 3 sinkhole locations in proximity to the subject property. One of the sinkhole locations, as mapped, appears to occupy land on the Southernmost portion of the subject property.

Page 45

Introduction to Sewerage and Septic Service Issues

As is discussed in more detail elsewhere in this Plan, 86 percent of the County is underlain by carbonate areas known as "Karst" geology, characterized by springs and sinkholes. This form of geology is very porous and laced with fissures. As a result, the aquifer beneath is susceptible to contamination from the surface. There are two primary sources of potential contamination of the aquifer through seepage into the aquifer from agricultural activity and other human activity.

Staff Comment:

This is one of several references and discussion regarding "Karst" geology and its susceptibility to contamination from surface activities. Whether or not the site evidences such geology is not clear to staff although past use of the site for mining activities suggests it may be underlain by carbonate areas.

Page 48

Storm water Management

Retention of stormwater, diverting it from inundating the creeks and rivers, allows for more of this water to seep back into the water table, recharging the aquifer. It is important to note that these retention areas must be appropriately designed so that they do not also serve as collection pools for potential contaminants any more than is necessary. Therefore, the highest and most up to date standards for stormwater management designs for quality as well as quantity should be pursued.

Staff Comment:

This provision is cited in this report simply to note that special consideration would need to be given to the subject properties development (with or without a zone district change) due to the Shenandoah Rivers adjacency. Page 49 of the plan notes that the Shenandoah has been listed by both Virginia and West Virginia as one of their polluted rivers, in need of corrective action.

Page 48

NATURAL RESOURCES

In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. Located in the shadow of the Blue Ridge at the confluence of two major rivers, Jefferson County is also one of the most agriculturally productive counties in the State of West Virginia. 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.

Page 49

Sinkholes

Some may find it hard to consider pock-marks in the terrain of the County as a bona fide natural resource, yet sinkholes are an important part of the geologic formation of the county. Sinkholes are the most visibly apparent feature of the Karst geology that lies under much of the area. The map on page 50 of this report illustrates the location of known and recorded sinkholes throughout the County, but it should not be interpreted to be a complete inventory.

Sinkholes appear at the surface when the carbonate rock beneath is eroded by subsurface water to the point where the structure collapses, creating a crater on the land surface. The sinkhole itself is the "door" between the environment and use of the surface environment, and the underground water conduits that are part of the aquifer. These sinkholes, therefore, are important environmental features of the landscape as well as vulnerable portals that could inadvertently be used as contamination points to the aquifer, if the land in their immediate proximity is not effectively managed. As of the adoption of this Plan, the County subdivision ordinance lists setback requirements and standards for the protection of sinkholes.

RECOMMENDATION 3.11: The County should review the standards regarding the treatment of sinkholes in the existing Subdivision Ordinance for possible revision and update.

Staff Comment:

The location of sinkholes in proximity to the subject site has already been noted.

Page 49

Parkland and Land Reservations as a Means of Protecting Water Quality

The most efficient way to manage stream water quality is to plan for the protection of the natural land alongside the stream bed. The preservation of interconnected corridors that straddle stream beds achieves a number of economies of scale in ecological terms. A natural flora setback area from the stream bank

not only provides an efficient pollutant filter and cooling device for rainwater runoff, with its accumulated pollutants, that drain into the stream, and it also provides a natural corridor for the ecological habitat of native wildlife. If subjected to sensitive, limited amenity development, they also afford the opportunity to provide recreational hiker-biker trails to serve the residents of the area.

Preserving land along stream corridors in their natural state, therefore, is one of the most efficient ways to satisfy a variety of ecological and residential recreation needs, while still allowing tributary land to be developed.

Staff Comment:

Staff agrees that the protection of stream corridors is an efficient and important measure that should be taken to support both water quality and habitat protection objectives in the Plan. Extending the notion of protection of stream corridors to river corridors in this particular case would afford greater levels of protection to portions of the Shenandoah forming the sites boundary.

To the applicants credit a 500 foot buffer strip along the riverfront has been proffered together with a hiker/biker trail through the corridor formed by the buffer. Frankly, staff believes that such a buffer and recreational amenity support achievement of the Plans environmental and recreational facility objectives and should be provided as a condition any form of site development, with or without any grant of rezoning. The County Zoning regulations, section 4.14 already requires a 500 foot buffer from both the Potomac and Shenandoah Riverbanks for all new development.

Page 52

Other Natural Resources

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.

Caves are generally located on private or protected property, and are beyond the purview of this Plan. Wildlife corridors have not been studied in detail as part of the preparation of this Plan, however effective clustering of rural residential development should have no impact on this element of the environment.

The protection of scenic vistas has been the subject of public comment during this process. During the life of the 1994 Plan, which stated that scenic vistas should be protected through the purchase of easements, the Circuit Court voided the issuance of a Improvement Location Permit (ILP) for a telecommunications tower near Alstadt's Hill, based on non-conformance with the Comprehensive Plan, although no easements were in place.

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.

Staff Comment:

The map located on page 51 of the plan identifies cliff area on a portion of the subject property. The wooded riverfront along the Shenandoah serves as a wildlife corridor on the site. Thus it can be argued that natural features discussed in the plan are present on the site and should be afforded some level of protection. Perhaps of greater importance is the text shown in bold that provides substantial discussion of the need for protection of "scenic vistas" both in this plan and in the 1994 comprehensive Plan. This issue has also been raised as a concern with regard to the subject property repeatedly through testimony received recently at the public hearing. Clearly, most of the site is visible from various areas of the National Park. Testimony was also received regarding the troop movements on the site during the Civil War which were necessary to secure higher ground positions for battle. In this regard, the views might be considered more than attractive natural features along the riverfront but a part of a greater story in the nation's history worthy of interpretation. For both reasons, staff suggests that any development of the site, with or without a grant of rezoning, identify key locations where components of the viewshed may be considered most important and provision for purchase of easements on those portions be explored.

Page 55 and 56

HISTORIC PRESERVATION

Jefferson County is an area rich in historical and archaeological interest. It has arguably been referred to as the most historic rural county in America. As part of our country's first western frontier, it was settled by Europeans before 1720 and was inhabited by Native Americans for several thousand years before.

Surveyed by a young George Washington and host to seven Washington family homes and three Revolutionary War generals' residences, Jefferson County's rich early history in the areas of transportation, farming, the military and industry are still evident in the structures and other resources that survive. **As one of the major areas of military maneuver and the site of the John Brown Insurrection, the County's place at one of the cross-roads of the Civil War forever links it to many of the important events that occurred during our Nation's greatest test of endurance.**

Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. The effort to preserve the fire engine house of the Harpers Ferry Armory (a.k.a. "John Brown's Fort) in the late 1890s is among some of the earlier concerted efforts at preserving a historic building in the United States. 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.

Currently, 5 districts and 58 sites in the County are listed on the National Register of Historic Places. "Traveller's Rest", the home of General Horatio Gates, is the County's only officially designated National

Historic Landmark.

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. The Jefferson County Landmarks Commission was reestablished in 1980 to be a central clearinghouse for preservation activities in the County, from reviewing nominations to the National Register of Historic Places, to restoring and interpreting the Peter Burr Farm, to providing input regarding developments.

While there have been many preservation "success" stories in Jefferson County, the issue has not been without controversy in recent years. Disagreements over such projects as the proposed demolition of the circa 1920 Jefferson County Jail have highlighted such issues as the responsibility of governments as stewards of historic structures, the use of appropriate government bodies in advisory roles, identification of preservation priorities, and long term preservation planning.

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.

RECOMMENDATION 3.13: The County should examine existing land use regulations and Planning Commission resources and explore regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies the County may want to investigate may include:

- a. Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation.*
- b. Re-evaluating zoning restrictions on the adaptive reuse of historic buildings county-wide in order to encourage their continued occupancy and maintenance.*
- c. Requiring documentation of significant structures that are to be removed due to development activity.*

RECOMMENDATION 3.14: The County should promote the establishment of a county-wide inventory of structures built before 1900 and of sites with archeological potential, inspections being conducted only with the approval of affected landowners. This inventory should be readily available to the public and should be used as a planning tool and as a means of evaluating historic resources and of determining preservation priorities.

Staff Comment:

This element of the plan underscores the importance of the County's history as central to its identity and as a key component of the County's economy. The degree to which the subject property should be protected due historical events that took place on the site is difficult to determine. This plan section place emphasis in its recommendations on protecting historic structures rather than sites and this is a matter that should be re-evaluated in any future plan revisions or update. Staff feels it is appropriate to defer decisions regarding how this plan element should be considered in the context of the current application for rezoning.

Page 58

LIGHTING, SIGNAGE AND NOISE

With the growth of commercial and residential development in the County in the 1990s, the issue of commercial lighting and business signs has been raised as an issue by elements of the community, with the concern that a proliferation of such utilities will damage the rural character of the County and the small town character of its municipalities.

Measures can be codified in the Ordinances which reduce the amount of glare, through the use of full cut-off light fixtures and revised sign regulations that permit businesses sufficient exposure without turning commercial areas into "neon orchards". Due to property rights and enforcement volume concerns, this Plan specifically does not address lighting maintained by homeowners.

Often referred to as a "night sky ordinance", amendments can be codified that address parking lot and other forms of commercial lighting, as well as illuminated signage, so that the County can maintain its rural nighttime environment.

Another issue in this area that has drawn attention in recent years as we grow physically closer to one another is that of noise. Currently, there is no noise ordinance in effect in the County. The generation of non-agricultural noise in all areas of the County, except the Industrial-Commercial District should be addressed by the County.

RECOMMENDATION 3.15: The County should encourage developers to use lighting plans that don't impinge on the "night sky".

Staff Comment:

Testimony was received during the recent public hearing prompted by this rezoning application expressing concerns regarding the impacts of lighting attendant to site development on the night sky near the subject property. Though this is a legitimate concern, it is a concern for any development of the site whether developed under present zoning or rezoned to the industrial/commercial district. Therefore staff does not believe such impacts should necessarily serve as a basis for determining consistency of the proposed rezoning with the Comprehensive Plan.

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ECONOMIC DEVELOPMENT

What is now Jefferson County was first settled by German, Dutch and Scottish pioneers in the early 1700s. These early settlers were farmers and craftsmen who carved a community out of wooded mountains, hills and valleys. **One significant asset of the Shenandoah/ Potomac**

Water Gap is that it has historically been the crossroads of north-south traffic through the Cumberland/Shenandoah Valley and the east-west traffic for those traveling from the eastern states to the midwest. These factors influenced the decisions of railroad and canal companies to establish lines in or near Jefferson County in the early 1800s. This location meant employment for its citizens and ready market access for its farms and businesses.

Another significant factor during the early development of the County was the availability of native iron ore, which, together with the availability of good transportation, led to the selection of Harpers Ferry as the site for one of the first two United States Armories (the other being in Springfield, Massachusetts). This industry, the first indication of the prominent position manufacturing would have in the local economy, brought employment, prosperity and prestige to the County. During this time, the Shenandoah/Cumberland Valley area also served as the breadbasket of the nation. The destruction of this industrial base during the Civil War and the economy and demographic trends of the post war era seriously hampered economic growth in the County.

Staff Comment:

This language in the Plan poses yet another consideration with respect to the Old Standard Quarry site. It is possible that the site's history as site for mining iron ore may have historic significance, in and of itself, in that it could serve to symbolize and tell the story of the earlier mining and manufacturing economy of the County. If history could identify linkages between the sites former mining activity and manufacture of armament stored at the armory in Harpers Ferry prior to the Civil War, it extends the range of stories and interpretive facilities that could be used to demonstrate these historic connections. Staff is uncertain whether these historic connections can be made, or if the site would be appropriate for this purpose. Therefore, since these observations may be somewhat whimsical, we do not recommend this language or our observations in this regard, be heavily weighted in any determination of consistency between the application for rezoning and the Comprehensive Plan.

Pages 62 & 63

Economic Development

Labor Force

Jefferson County has the second lowest unemployment rate in the State and its rate is significantly below that of the nation. This is due predominantly to the growth of employment centers within a manageable commute of (addressed elsewhere in this section) (County residents??). Previously remote from any large employment centers, only the most hearty commuter would live in Jefferson County and commute over an hour to work. With the growth of Dulles and Frederick, major employment centers are within an hour's drive of most of the County. Over the last 25 years, the unemployment rate in Jefferson County

has exceeded 8% only in four years and has been as low as 2.9%. Employment prospects of County residents are good, although dependent on neighboring areas.

Many of Jefferson County's residents are employed outside of the County, as reflected in the following chart. These figures are based on a study completed in 2001 by Shepherd College for the Jefferson County Development Authority.

This statistic is bothersome to the economic mix in Jefferson County. The livelihood of half of the County's work force is dependent on the economies and economic development policies of jurisdictions beyond the County's influence.

As this chart (and the table in Appendix B) shows, the percentage of Jefferson County's residents employed within has dropped from 59% in 1980 to 51% in 1990 to 50% in 2001. As was discussed in the 1994 Comprehensive Plan, more and more, (the County?) has become a bedroom community. In 1980, four times as many workers left to find work as those that came into the County for the same purpose (4,912 to 1,176).

Although new residential growth introduces new tax dollars into the public coffers, thus keeping the levy rate stable, existence as a bedroom community can be expected to have long range consequences if the circumstance is not managed properly. Over time, in a growing county, demand for new taxes to meet service needs will increase. Housing generally uses more in government services than it pays for, while farming and commercial operations generally pay more in taxes than they consume in services. Some of the financial gain (business and commercial property tax revenues) is lost when the businesses that employ county residents are located in other jurisdictions.

Work Destinations of Jefferson County Residents	
Jefferson County:	50%
Other WV jurisdictions:	5%
Maryland:	18%
Washington County	12%
Frederick County	43%
Montgomery County	34%
Other MD jurisdictions	11%
Virginia:	21%
Loudoun County	50%
Fairfax County	32%
Clarke County	8%
Other VA jurisdictions	10%
District of Columbia:	6%
Source: Jefferson County Economic Development Authority.	

Staff Comment:

Most of the language in this element of the plan appears to support the notion of providing jobs in the County to reduce the level of dependence by residents on jobs located outside the County. The proposed rezoning would appear to be consistent with providing solutions to the concerns outlined in this section of the Plan. Commercial/Industrial development does pay its way unlike residential development which typically costs more in services than it pays in taxes. Therefore rezoning may lead to revenue positive forms of development.

However, the provision of additional jobs on the subject property, assuming the site was rezoned, provides no assurance that current members of the commuter work force will necessarily occupy the new jobs. Most of these commuters accepted the County as a rural location requiring a longer journey to work when they chose to live in the County. It is also possible that new jobs may prompt additional

residential development ,to fill the jobs created. In summary, little is predictable given a wide range of variables that influence decisions people make concerning where they choose to work or live. Therefore, staff does not believe the promise of jobs will necessarily beget significant changes in current commuter patterns and trends.

Finally, the solution to improving the County's jobs/housing balance is not limited to rezoning the subject property since jobs can (and have been) provided elsewhere in the County. Upgrade and the new alignment of the Route 9 corridor on the County's eastern edge may provide an equally satisfactory, and perhaps a better, location for jobs and business development with the added highway capacity that will result in a few years.

Business and Industry

Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.

In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.

While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.

Staff Comment:

Language in this section of the plan, particularly that shown in bold text notes the possible adverse impacts commercial development on the fringe of the Towns can have on traditional downtown central business districts. There is some evidence of underutilization of buildings located in the commercial core in Charlestown presently. Rezoning of the subject site may lead to development of business park uses or a conference center which may not be in direct competition with downtown commercial businesses. However, it may also lead to commercial uses since they are also permitted in the Industrial/Commercial District (see section 5.6 of the County Zoning and Land Development Ordinance). Although not the intended uses in this district they may result as unintended consequences if the rezoning application is approved.

Page 64

Recommendation 3.18: *The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce.*

This recommendation mirrors the existing mission statement of the Jefferson County Development Authority. It also encompasses a myriad of factors that affect the County's ability to succeed in new business attraction, addressed here individually:

Identification, as technology and other factors change and evolve, of issues that present a deterrent to successful economic development. These issues currently include:

- a. **The need for additional infrastructure in terms of water, sewer, natural gas and telecommunications.** The County should plan for the eventual extension of water and sewer service to all properties in that are zoned for business use of any kind. An Industrial-Commercial classification means nothing unless the services are there which allow it to be used for that purpose.

Staff Comment:

Staff has already commented that new industrial and commercial development can diversify the County economy, increase the tax base and provide quality employment opportunities to its workforce in alternative locations. Therefore staff does not believe that achievement of this strategy and recommendation is dependent on rezoning of the subject property. Staff concurs with the statement that "an Industrial/commercial classification means nothing unless the services are there which allow it to be used for that purpose" Although the applicant has expressed willingness to provide sewer, water, and presumably natural gas and telecommunications infrastructure at their own cost, concerns regarding the adequacy of transportation infrastructure remain, even with improvements they have proposed.

Page 65

- b. **The need for additional transportation improvements.** In addition to Recommendation 3.05, which calls for future highway planning to be done in conjunction with the West Virginia Department of Transportation, **the County should continue to actively encourage the timely completion of projects that are already on the books, such as Route 9, the four-lane extension of Route 340, and the replacement of the Shepherdstown bridge.** In addition, the County is very fortunate to have the main lines of two major railroads. The increased use of the Eastern Regional Airport for air cargo should be encouraged.
- c. **Adjustment must be made in business attraction strategy to accommodate continuing changes in the workforce.** In recent years, record low unemployment and demographic changes have significantly altered the way available labor can be used as a business attraction tool. New and expanded business and commercial development both here and in surrounding areas have

reduced the numbers of workers available for traditional manufacturing and service jobs,

Staff Comment:

Staff is not certain if the reference in b. above to the 4 lane extension of Route 340 is still planned or has already been accomplished to the extent planned in 2004.

Page 66

History, culture and scenic beauty combine to make Jefferson County an attractive area for travel and tourism. The area's proximity to the major population centers of Baltimore and Washington enhances this potential. Local attractions include Harpers Ferry, Shepherdstown, the Contemporary American Theater Festival, Charles Town Races and Slots, Summit Point Raceway, the Mountain Heritage Arts and Crafts Festival, the Washington Heritage Trail, whitewater rafting, etc. Two existing organizations are primarily responsible for encouraging the expansion of the tourism industry and an increase in visitors - the Jefferson County Chamber of Commerce and the Jefferson County Convention and Visitors Bureau. The JCDA can be most useful in assisting with the location and expansion of destination oriented tourist facilities. It should be noted, however, that current labor force constraints will make it difficult to provide large quantities of employees to fill any significant numbers of tourism/service sector jobs, which are predominantly entry level, minimum wage positions. Current commuters and probable future residents are not a source of employees for these jobs.

STAFF COMMENT:

This section of the Plan underscores the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism's economic engine. Staff notes that decisions should not be made regarding rezoning of property that might jeopardize efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.

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Jefferson County-2020

If there is a transition from the current LESA based system to a conventional system, a "Land Use Policy Map" will have to be created. Such a map is a generalized representation of where varying land uses (for example rural, mixed use, low, medium and high density residential, institutional, commercial and industrial) should be located throughout the County. Although not yet adopted, the Planning Commission feels that a proposed Land Use Policy Map will not substantially differ from the land use patterns of the current zoning map adopted in 1988.

STAFF COMMENT:

If it is true that the Planning Commission feels that a proposed Land Use Policy Map will not substantially differ from the land use patterns of the current zoning map adopted in 1988, then rezoning of the majority of the subject property, located outside the proposed County growth area and currently zoned R (Rural), would appear to be in conflict with current Plan Land Use Policy.

Page 68

Cluster Subdivision Planning

Some rural areas are not appropriate for this proposal. The additional density that is offered by this proposal is not advisable in areas addressed in the Subdivision Ordinance as being subject to "hillside development" regulations. **This includes all lands east of the Shenandoah River, and all lands in natural conditions within 1,000 feet of the Potomac River, Shenandoah River and Opequon Creek.** This should be addressed during the Zoning Ordinance revision process by either wording the cluster provision to address this, or create a second rural zoning district, identified as the "Rural-Environmental" District, which would still allow the clustering, but keep the permitted density at one unit per ten acres.

STAFF COMMENT:

This provision appears to apply to the subject property as it is currently zoned and suggests that all lands in natural conditions within 1,000 feet of the Shenandoah River, currently zoned R (Rural) should not be permitted full use of bonus densities permitted by the Zoning Ordinance in Rural cluster subdivisions but rather that development on this portion of the property be limited to one unit per ten acres. It is important to note that plan recommendation has not yet been implemented through zoning, although the zoning ordinance does require a 500 foot buffer between development and the Shenandoah River. (see section 4.14 of the County Zoning and Land Development Ordinance).

Page 70

Industrial Commercial District

This district permits uses of a heavy or light industrial nature, including commercial uses, which include **"manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services"**. Consumer oriented commercial uses are permitted but not encouraged. A set of specifically identified uses and activities, presumably identified because of their potential toxic or other nuisance characteristics, are listed as permissible only if approved under the Development Review System. No standards are included in the text that apply to whether these conditional use permits should be issued; an issue easily corrected.

STAFF COMMENT:

This provision shown in bold is also reflected in the Statement of Intent for the IC zone district in the County Zoning and Land Development Ordinance. It implies that demand for "extensive transportation" services should be anticipated on any site that might be zoned or rezoned to the IC classification. Likewise, the larger the land area zoned IC the greater the demand on such facilities.

Page 71

Residential Growth - Light Industrial - Commercial District

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" 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.

Land zoned for commercial and industrial use makes up approximately 5% of the County, which is almost evenly split between the I-C District and the mixed use district. **With needing to maximize its potential for commercial development to offset the demands of residential development, every mixed use property developed entirely for residential use is a lost opportunity for much needed commercial development. For this reason, discussion should be held during the zoning amendment process regarding whether such standards should be incorporated into the ordinance or left to be determined by the market.**

STAFF COMMENT:

Staff simply notes that this zoning district represents an alternative to IC zoning that would permit commercial or industrial development. The applicant has not requested rezoning to this classification so it may not be relevant. However, the concern expressed here, that this zoning classification fails to assure any commercial or industrial development and can be developed exclusively in residential use in an issue of concern to staff. The planned rewrite of the current zoning ordinance should address this concern and establish maximum and minimum standard for the percentage of sites zoned "mixed use" that would be devoted to residential, commercial or industrial use respectively. It is the only way to assure that development results in the mix of uses intended.

Page 71

RECOMMENDATION 3.23: A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.

In addition to these issues, it should be noted that if the residential development element of this district continues to defer to the Residential Growth District standards, and the Residential Growth District is

modified as recommended, these standards will no longer be appropriate as the mixed use district, by its nature, should allow for a greater housing density and mixture of housing types that would no longer be afforded in the Residential Growth District. New residential standards for the mixed use district would have to be created.

STAFF COMMENT:

This Plan recommendation simply reinforces the previous staff comment.

Pages 71 & 72

New Initiatives

Townscape Area

The intent of the land use vision of this Plan, in concise terms, is to maintain the rural environment of most of the County (herein addressed in the section pertaining to the Rural District), provide a residential buffer between the urban core and the rural area (see the Residential Growth District) and to concentrate the greatest density of development around the Charles Town - Ranson urban area in a streetscape pattern that complements the existing grid development pattern set by the towns. This Plan is best illustrated on the (map??) shown on page 75.

This section addresses the third land use area described above, which is located between the incorporated municipalities and the Residential Growth District. The townscape area would permit a mixture of high density residential uses, with provisions for a limited amount of small scale service businesses, home occupations and community facilities that are compatible with the mixed use area, but predominantly residential in character adopting and blending with the street scale of the existing municipalities. Due to permitted density, all development in this district must be connected to water and sewer facilities. Development would be in accordance with townscape design standards that would be codified by within the land use Ordinances.

The purpose of these areas is to provide for a mixture of residential and compatible mixed uses that support community activities at a density and scale commensurate with that of the existing municipalities, to foster the integration of local street and pedestrian circulation between old and new areas so as to develop, over time, an overall coordinated townscape that complements the existing historic character of the municipality, and assists the towns' "main street" to continue to play its historic role as the activity center of a pedestrian scale town.

This area would be comprised of tracts around the immediate boundaries of the municipalities, consisting predominantly of lands currently located in the mixed use and Residential Growth districts.

Transportation through this area would operate on two almost parallel axes: The existing WV 9/US 340 Bypass to the east, and a new western bypass, developed in conjunction with the spine road proposed through the center of the Huntfield Development, connecting to WV 9 north of Ranson.

RECOMMENDATION 3.24: In order to accommodate additional traffic demand anticipated through the enlargement of Charles Town and Ranson, the County should promote the design and construction of an at-grade western arterial road west of Charles Town - Ranson.

When this concept was initially proposed, it should be noted that the area designated for this Townscape concept was located entirely within what has become an area designated by Charles Town and Ranson as their designated municipal growth areas, and it appears that this area will be annexed almost entirely into the two towns.

Also, this plan specifically avoids recommending densities for this area as the issue of municipal annexation, its extent, and effect on land use planning by the County is not fully clear. It may be necessary to abandon this concept if municipal annexation becomes onerous. Also, the density of this proposed district could be a variable that may be able to use as a tool to contain annexation by allowing residential density at a level comparable to or greater than that which would be permitted by the towns.

STAFF COMMENT

The subject rezoning application would not appear to be consistent with the notion that the "Townscape Area" would absorb most of the more intense development in the County in proximity to Ransom or Charlestown, or extend the grid development pattern evident in these two towns. Moreover it makes no contribution to achieving the purpose stated in this subsection which is to provide "an overall coordinated townscape that complements the existing historic character of the municipality, and assists the towns' "main street" to continue to play its historic role as the activity center of a pedestrian scale town. Staff also notes that the plan defines the "Townscape" area as those lands currently located in the Mixed Use and Residential Growth Districts. The majority of the subject property is presently Zoned Rural.

Page 72

Historic Gateway Special Study Area

The US 340 corridor from the Shenandoah River bridge to the Charles Town bypass serves many purposes. It is the major transportation spine in the eastern part of the County. It is from this road that one views the panorama of the rest of the County from Alstadt's Hill. It serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures.

This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities.

US 340 is the main transportation spine through the County. As such, it is only appropriate and logical that the bulk of the development that incurs happens along this corridor. As such, 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.

RECOMMENDATION 3.25: The County should study the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor.

STAFF COMMENT:

The study recommended for the 340 corridor has yet to be undertaken but the current rezoning proposal underscores its importance. This section appears to be in conflict with itself. On one hand the section notes that

“The US 340 corridor from the Shenandoah River bridge to the Charles Town bypass serves many purposes. It is the major transportation spine in the eastern part of the County. It is from this road that one views the panorama of the rest of the County from Alstadt’s Hill. It serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures.

STAFF COMMENT:

This language indicates that views are important in this key County gateway location. However, the section also points out that development along the corridor is logical and the intent of study would not be to create an “undeveloped parkway”. Nevertheless the section specifically states that the purpose of such a study is to assure that future development does not cause “visual blight” and “major traffic problems” along the eastern entrance corridor to the State (and County). Given the results of the analysis of the applicants traffic study by Smart Mobility, Inc., there are clear indications that rezoning for any intense development of the site that generates substantial traffic can create traffic problems along the corridor, especially with few, if any, prospects for any change in the single lane constraints posed by the current crossings over both rivers.

Page 73 & 74

Charles Town - Ranson Study Area

Numerous issues regarding annexation, land use and development in the immediate proximity of Charles Town and Ranson have been discussed elsewhere in this report and will not be restated here. The issues presented to the County in this area are among the most important issues faced by the County during the period covered by this Plan. Any attempts to study this issue and foster cooperation with the

municipalities will occur quickly during this time frame, and as an inter-jurisdictional issue.

STAFF COMMENT:

Staff simply notes that the Town of Charlestown has already considered annexation of the subject property

Page 74

Cattail Run Valley Study

With the completion of the new four-lane WV 9 from Charles Town to the Blue Ridge, the character of this area west of the Shenandoah will be altered. With topography draining toward the Shenandoah to a location that is eyed for the possible construction of new sewer facilities, the options for the future use of this area are numerous. This area has numerous inherent recreational opportunities due to the river. An example of this potential could be that it may be the best location to target as a receiving area for transferred density from other locations in the Rural District (due to its improved access yet continuing rural nature), should the State authorize such programs. It should be noted that, other than a proposed interchange at Cattail Road providing access to the new highway, the existing road network in this area providing access to existing WV 9 and US 340 is rather problematic.

RECOMMENDATION 3.26: *The area straddling new WV 9 from Charles Town to the Shenandoah River should be studied as part of the Zoning Ordinance and map amendment process to address its changing nature and re-evaluated role in the overall land development scheme of the County.*

STAFF COMMENT

This discussion in the plan and recommendation 3.26 may not be directly relevant to the subject application but are included in this report for two reasons. First, it notes that connections between the subject property and the new four-lane WV9 to the south would be problematic as would many changes to the existing road network providing access to existing WV9 and US 340. Second, the new WV9 may create opportunities for new business park development in the County and re-examination of appropriate zoning for the corridor may offer prospects for locating future business development that supports the County objective of maintaining a Jobs/housing balance. In that sense, the property subject to this rezoning request may be less appropriate for such uses than other possible future locations subject to further study.

Page 78

Chapter 4:

INTRODUCTION

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.*

STAFF COMMENT

This recommendation although located in the community facilities chapter of the plan, goes to the heart of the County's overarching plan land use policy. It clearly states that "development will be concentrated within the designated growth areas. Only a small portion of the subject property is located within the designated growth area as shown on the map located on page 75 of the plan. (Also identified as Map 4 in the appendix to this report) Moreover, the zoning map is generally consistent with the plan and also does not identify it as a growth area. For these reasons, and the specificity provided by this language, this provision of the plan provides a clear indication that rezoning of the subject property would clearly be inconsistent with this particular provision of the Comprehensive Plan.

Page 78

Jefferson County Sheriff's Department

As the distribution of population from municipalities has shifted to the unincorporated areas of the County, so has the burden of the majority of law enforcement fallen on the State Police and the Sheriff's Department.

Much growth in the County is expected to take place in the unincorporated areas. Thus, the State and County police forces, which share joint jurisdiction outside the corporate limits, bear the burden of providing police services. Continued close cooperation between the State, County and local police departments will be essential as the demand for services increases.

This provision implies that development on the subject property, due to its location beyond the corporate limits of the Towns, could adversely impact or burden law enforcement functions. However, this would be true for any location removed from the Towns where such development might occur and is not unique to the Standard Quarry site.

STAFF RECOMMENDATION

The applicant has provided documentation in support of their request for rezoning and has demonstrated consistency of the proposed rezoning with certain provisions contained in the Comprehensive Plan. Noteworthy is language contained in the Plan in several locations cited in this report regarding County Plan policy to provide jobs to counterbalance the increases in residential development over the past two decades. Maintaining a jobs/housing balance is an objective and/or policy restated several times in the Plan document.

However, staff recommends denial of this application. While staff recognizes some conflict between various plan goals and objectives, we believe such conflicts are inherent in a document of this nature. As noted on page 12 of the Plan “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”.

A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

- The fact that the plan defines and maps a designated growth area to contain major development and only a small portion of the subject property is located therein. The Plan specifically states that ***It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas.*** (See Plan recommendation 4.01 on page 78 of the Jefferson County Comprehensive Plan) Given the specificity provided by this language, rezoning of the subject property would clearly be inconsistent with this particular provision of the Comprehensive Plan.
- Pages 32 and 33 of the Comprehensive Plan discuss the Harpers Ferry Water Gap. This discussion focuses specifically on the two-lane roadway condition through the Shenandoah-Potomac River “water gap” at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost, and impacts on the National Park. For these reasons staff cannot recommend a rezoning that can only create additional pressures on limited highway capacity in this area.

- Page 72 of the Comprehensive Plan identifies the Route 340 corridor as an area that should be targeted for special study. It notes that the corridor serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures. This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities. The Plan recommends study of the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor. The Plan notes that 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. Staff agrees with this Comprehensive Plan recommendation and believes such study should precede any rezoning within the corridor.
- Business development may be of a business park nature but commercial uses are also permitted in the Industrial-Commercial district that may threaten the viability of existing Downtown Business Districts. Page 63 of the Comprehensive Plan notes that "Business development on the fringe areas has helped increase the variety of goods and services available, it has also heightened the competitive disadvantage of the traditional central business districts, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.
- The provision of additional jobs on the subject property, assuming the site was rezoned, provides no assurance that current members of the commuter work force will necessarily occupy the new jobs. Staff disagrees with the applications assertion that a substantial percentage of current commuters will occupy new jobs created through rezoning and reduce the traffic burden on the Route 340 corridor and bottleneck. Most of these commuters accepted the County as a rural location requiring a longer journey to work when they chose to live in the County. It is also possible that new jobs may prompt additional residential development, to fill the jobs created. In summary, little is predictable given a wide range of variables that influence decisions people make concerning where they choose to work or live. Therefore, staff does not believe the promise of jobs will necessarily beget significant changes in current commuter patterns and trends.
- The Comprehensive Plan provides substantial discussion of the need for protection of

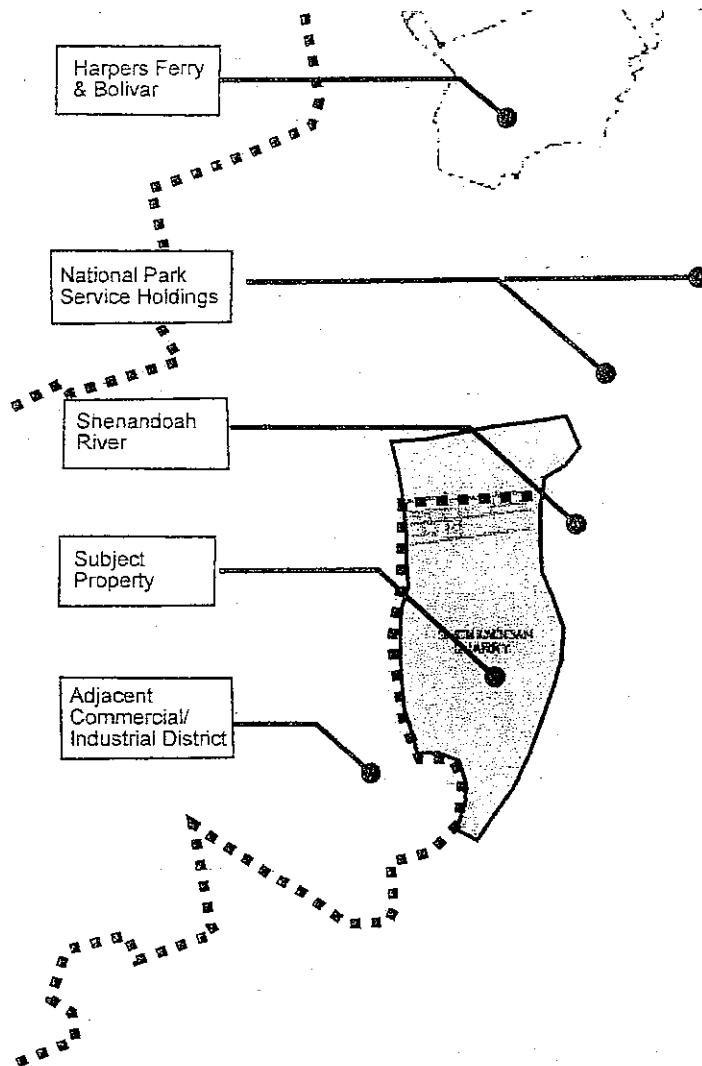
“scenic vistas” both in this plan and in the 1994 comprehensive Plan. (See page 52) This issue has also been raised as a concern with regard to the subject property repeatedly through testimony received recently at the public hearing. As such it is a scenic vista of County, State and National significance. Rezoning the site for Commercial-Industrial Use places scenic vistas at risk in a location never proposed for development within the designated growth area.

- Clearly, most of the site is visible from various areas of the National Park. Testimony was also received regarding the troop movements on the site during the Civil War which were necessary to secure higher ground positions for battle. In this regard, the views might be considered more than attractive natural features along the riverfront but a part of a greater story in the nation’s history worthy of interpretation. For both reasons, staff suggests that any development of the site, with or without a grant of rezoning, identify key locations where components of the viewshed may be considered most important and provision for purchase of easements on those portions be explored.
- Page 19 of the Comprehensive Plan establishes one goal of the plan to: “Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning”. With regard to the goal of promoting inter-entity and inter-agency cooperation on planning, staff must, once again, note the opposition testimony in the record of the public hearing submitted by the Towns of Bolivar and Harpers Ferry as well as the opposition testimony offered by the National Park Service, National Historic Trust and other Conservancy Organizations.
- As noted previously, some of the Plan’s goals appear to reflect conflicting values. However, staff believes some goals can be achieved in a number of ways, while others are location dependent. The example identified earlier in this report was that the goal of encouraging and supporting commercial and industrial development and providing jobs in the County can be accomplished in a number of ways and in a number of alternative locations in the County. Such a goal need not be implemented on the subject property. However, conservation of natural resources (the Shenandoah), cultural and historic resources (the Harpers Ferry Park and viewsheds) and preservation of scenic beauty can only occur where these features or resources are present.

Map 1

Standard Quarry Rezoning Request

Site location and context



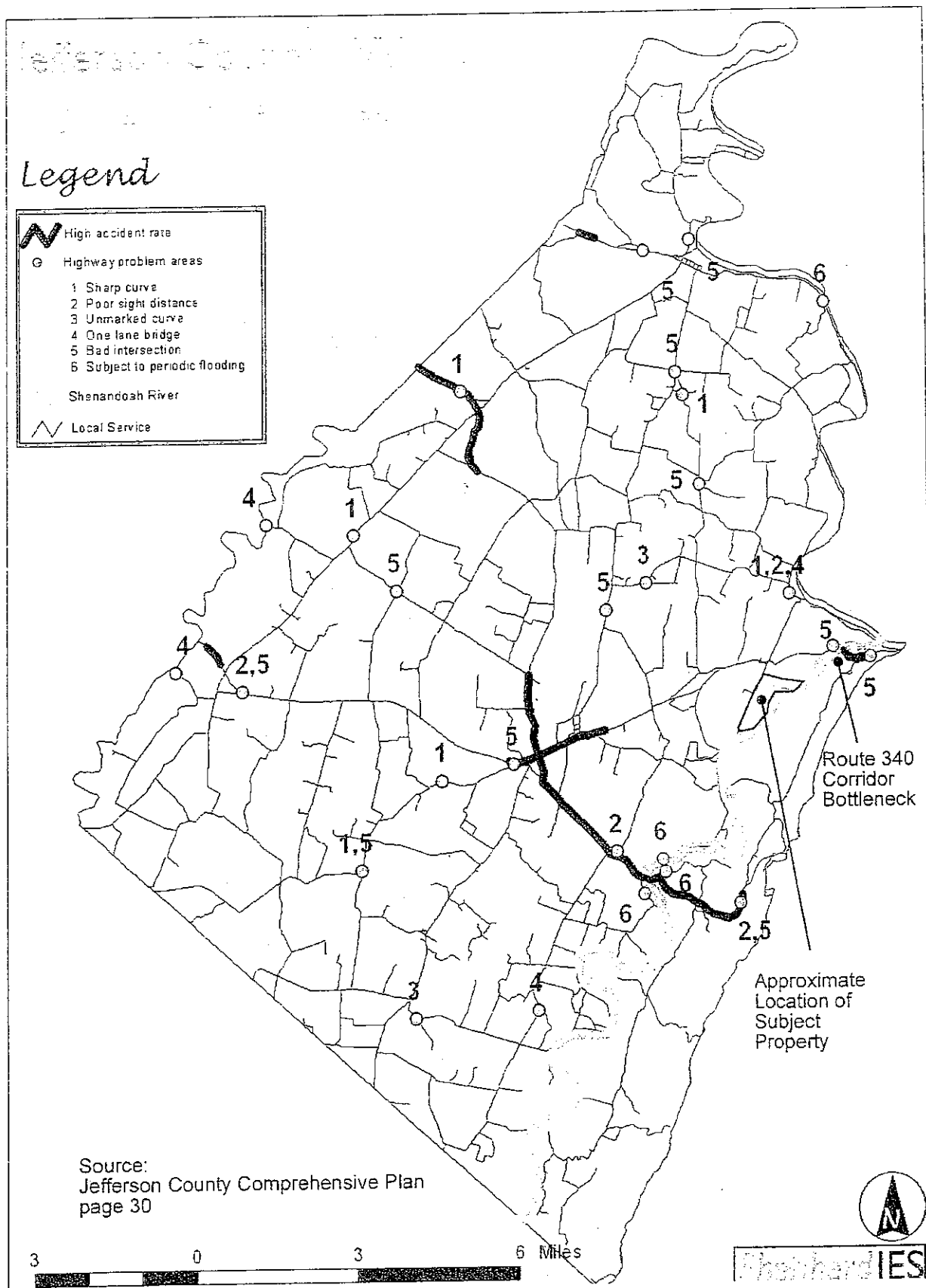
Current Growth Area Boundary ■■■■■■

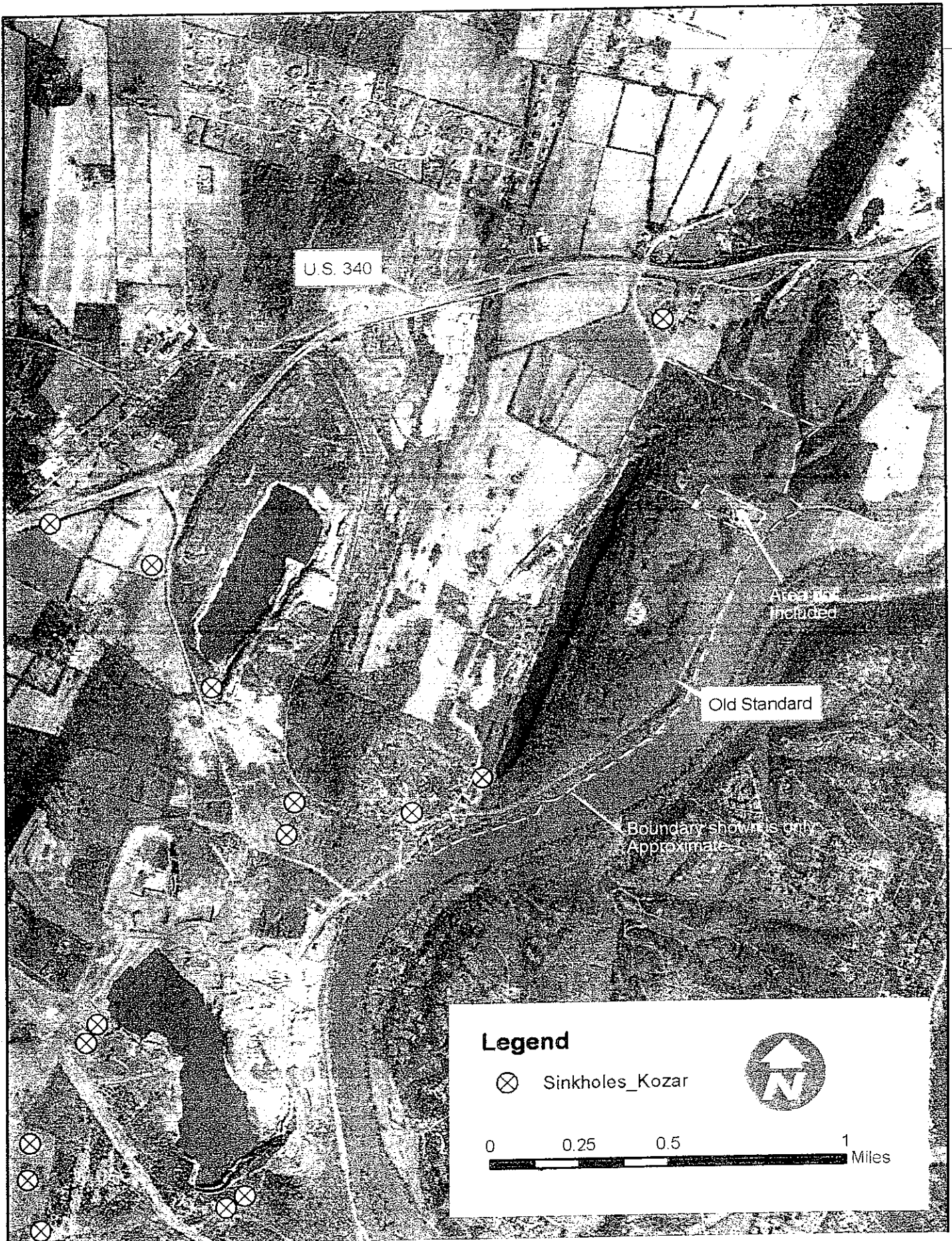
Source: Jefferson County Zoning Map

Please note the location of the boundaries of the subject property are approximate.

Also note that the boundaries of the National Park Service holdings are greater since this base map was prepared and now include portions of land on Schoolhouse Ridge shown as "adjacent Commercial/Industrial District".

Map 2










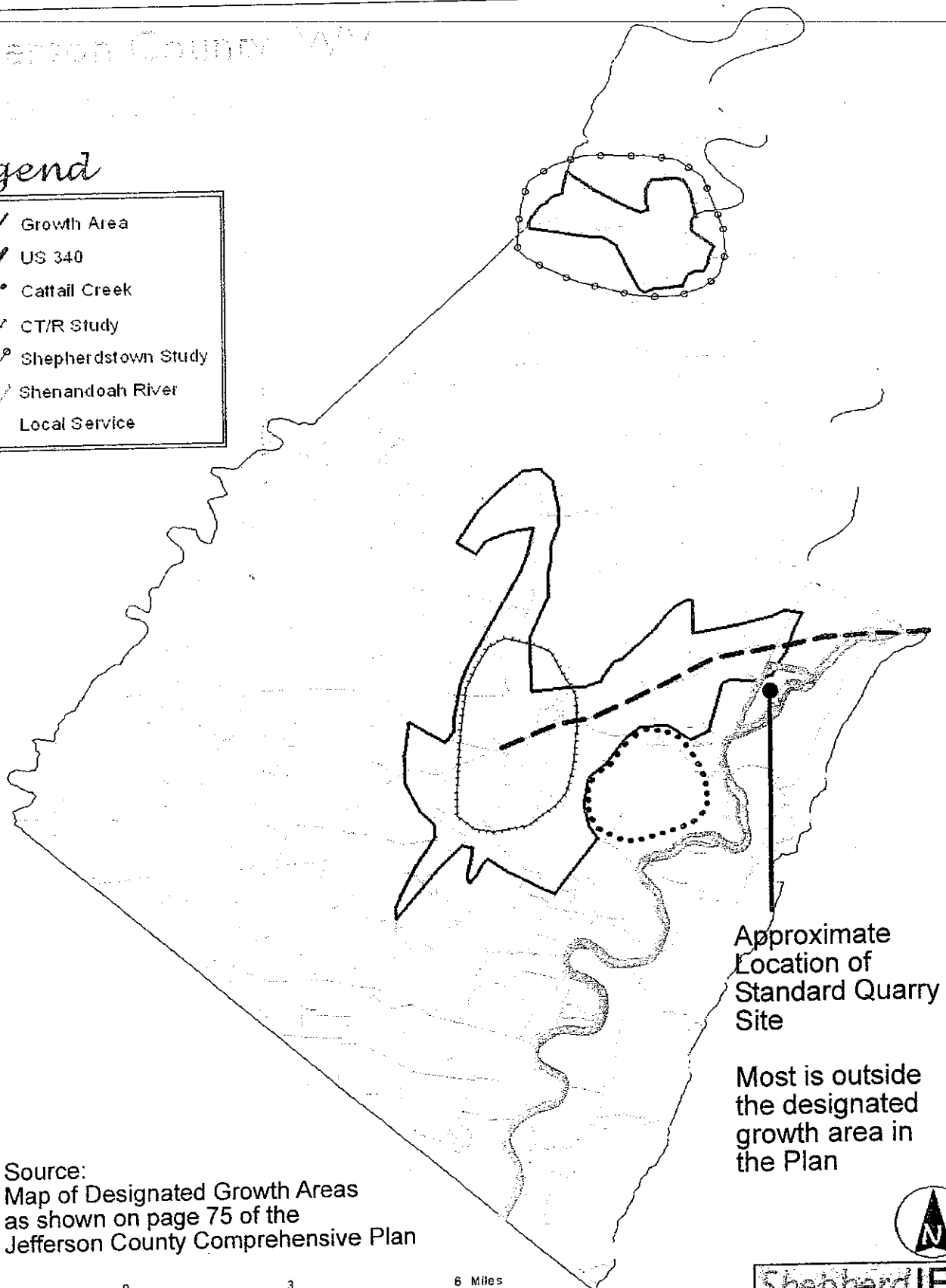


Map 4

Jefferson County, WV
2000 Comprehensive Plan

Legend

-  Growth Area
-  US 340
-  Cattail Creek
-  CT/R Study
-  Shepherdstown Study
-  Shenandoah River
-  Local Service



Source:
Map of Designated Growth Areas
as shown on page 75 of the
Jefferson County Comprehensive Plan

3 0 3 6 Miles



Shepherd IES

REGULAR TERM:

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library Meeting Room thereof on Thursday, July 19, 2007, beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Dale Manuel; Gregory Corliss; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by R. Morgan, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, July 12, 2007, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Surkamp to approve the following Purchase Orders for the Week of July 16, 2007, totaling \$140,546.56: 44404, 43845, 43846, 44257, 44258, 44259, 44260, 44261, 44275, 44240, 44241, 44311, 44312, 44361, 44362, 44313, 44315, 44316, 44317, and 44024. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Corliss to approve the list of the Accounts Payable dated July 19, 2007, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Chk#	Dept	Vendor	PO#	Amt w/PO	Amt w/o PO	Total
053127	225	AMERICAN FAMILY LIFE		\$0.00	\$2,748.64	\$2,748.64
053128	405	ACCURATE SYSTEMS INC	44020	\$60.00	\$0.00	\$60.00
053129	412	AT&T		\$0.00	\$5.77	\$5.77
053130	424	AUTOZONE		\$0.00	\$71.94	\$71.94
053131	700	AMERICAN INTERNATIONAL		\$0.00	\$2,500.00	\$2,500.00
053132	425	ABH SERVICES, INC.	44298	\$230.00	\$0.00	\$230.00
053133	425	B-K OFFICE SUPPLY INC	44306	\$1,137.50	\$0.00	\$1,137.50
053134	425	BOLAND SERVICES	44297	\$420.00	\$0.00	\$420.00
053135	ALLOC	BAKERTON FIRE DEPT		\$0.00	\$25,000.00	\$25,000.00
053136	413	CASTO & HARRIS INC	44262	\$258.27	\$0.00	\$258.27
053137	425	CHARLES TOWN LOCK/KEY	44300	\$171.00	\$0.00	\$171.00
053138	401	CO COMMISSIONERS ASSOC		\$0.00	\$3,900.00	\$3,900.00
053139	424	*CREAMERS AUTO SERVICE	44307	\$112.55	\$0.00	\$112.55
053139	700	*CREAMERS AUTO SERVICE	44305	\$48.30	\$0.00	\$48.30
053139	716	*CREAMERS AUTO SERVICE	44307	\$1,265.90	\$0.00	\$1,265.90
053140	405	CIVIC RESEARCH INS.	44018	\$169.95	\$0.00	\$169.95
053141	406	DANKA OFFICE IMAGING		\$0.00	\$279.94	\$279.94
053142	425	DAYCON	44303	\$18.84	\$0.00	\$18.84
053143	422	KIRK DAVIS		\$0.00	\$205.00	\$205.00
053144	405	EMBASSY SUITES	44019	\$318.00	\$0.00	\$318.00
053145	712	EARTHLINK INC		\$0.00	\$21.95	\$21.95

053146	424	FEDEX		\$0.00	\$131.10	\$131.10
053147	425	FARM PLAN/STHN STATE	43739	\$149.84	\$0.00	\$149.84
053148	412	FRONTIER		\$0.00	\$361.68	\$361.68
053148	415	FRONTIER		\$0.00	\$331.23	\$331.23
053148	424	FRONTIER		\$0.00	\$13,417.07	\$13,417.07
053148	712	FRONTIER		\$0.00	\$3,834.63	\$3,834.63
053149	404	J & S BUSINESS FORMS LLC	42872	\$1,459.59	\$0.00	\$1,459.59
053150	425	GRAINGER, INC	44299	\$2,416.60	\$0.00	\$2,416.60
053151	716	HILLSIDE VETERINARY	43737	\$739.99	\$0.00	\$739.99
053152	428	INFOPRINT		\$0.00	\$594.00	\$594.00
053153	428	IBM CORPORATION		\$0.00	\$1,275.00	\$1,275.00
053154	425	JC PUBLIC SERVICE		\$0.00	\$53.96	\$53.96
053155	ALLOC	JC HISTORIC SOC.		\$0.00	\$31,000.00	\$31,000.00
053156	401	JEFFERSON PUBLISH CO INC	44232	\$64.80	\$0.00	\$64.80
053156	402	JEFFERSON PUBLISH CO INC	44271	\$317.72	\$0.00	\$317.72
053156	413	JEFFERSON PUBLISH CO INC	44274	\$7.47	\$0.00	\$7.47
053157	413	THE JOURNAL	44264	\$8.37	\$0.00	\$8.37
053157	716	THE JOURNAL	43977	\$304.80	\$0.00	\$304.80
053158	ALLOC	JEFFERSON COUNTY SOLID		\$0.00	\$62,500.00	\$62,500.00
053159	425	JEFFERSON RENTAL	44301	\$48.00	\$0.00	\$48.00
053160	413	JEFF COUNTY SCHOOLS	44269	\$762.50	\$0.00	\$762.50
053161	402	LAIRD BUSH	43370	\$541.00	\$0.00	\$541.00
053162	402	MATTHEW BENDER & CO	44267	\$540.20	\$0.00	\$540.20
053162	402	MATTHEW BENDER & CO	44276	\$37.25	\$0.00	\$37.25
053162	406	MATTHEW BENDER & CO		\$0.00	\$85.50	\$85.50
053163	425	HOME DEPOT CREDIT		\$0.00	\$3,042.18	\$3,042.18
053164	700	MCKINNEY'S AUTO REPAIR	44308	\$2,631.96	\$0.00	\$2,631.96
053165	440	LANTY MULLENS		\$0.00	\$61.55	\$61.55
053166	422	NAT'L IMPACT FEE		\$0.00	\$200.00	\$200.00
053167	900	JEFF CO PARKS &		\$0.00	\$19,254.89	\$19,254.89
053167	998	JEFF CO PARKS &		\$0.00	\$30,000.00	\$30,000.00
053168	402	PIFER OFFICE SUPPLY, INC	44256	\$92.34	\$0.00	\$92.34
053168	403	PIFER OFFICE SUPPLY, INC	43844	\$9.18	\$0.00	\$9.18
053169	424	CT POSTMASTER	44402	\$68.00	\$0.00	\$68.00
053170	429	REGION 9 P & D		\$0.00	\$15,610.00	\$15,610.00
053171	401	CHARLES TOWN RTCA		\$0.00	\$2,000.00	\$2,000.00
053172	405	TRACY P. RICE, CCR	44021	\$46.20	\$0.00	\$46.20
053173	405	SPECIALTY BUS SUPPLIES	44023	\$133.78	\$0.00	\$133.78
053174	405	STAPLES CREDIT PLAN	44022	\$119.99	\$0.00	\$119.99
053175	402	BRUCE L STOUT	44273	\$15.00	\$0.00	\$15.00
053176	402	WV SECRETARY OF STATE	44272	\$465.00	\$0.00	\$465.00
053177	430	STAPLES CREDIT PLAN	44110	\$31.27	\$0.00	\$31.27
053177	401	STAPLES CREDIT PLAN		\$0.00	\$573.79	\$573.79
053177	402	STAPLES CREDIT PLAN		\$0.00	\$138.56	\$138.56
053177	405	STAPLES CREDIT PLAN		\$0.00	\$65.39	\$65.39
053177	412	STAPLES CREDIT PLAN		\$0.00	\$41.98	\$41.98
053177	413	STAPLES CREDIT PLAN		\$0.00	\$6.49	\$6.49
053177	424	STAPLES CREDIT PLAN		\$0.00	\$129.97	\$129.97
053177	439	STAPLES CREDIT PLAN		\$0.00	\$1,047.53	\$1,047.53
053177	451	STAPLES CREDIT PLAN		\$0.00	\$113.44	\$113.44

053177	700	STAPLES CREDIT PLAN		\$0.00	\$718.59	\$718.59
053177	712	STAPLES CREDIT PLAN		\$0.00	\$1,433.20	\$1,433.20
053178	425	SHERWIN-WILLIAMS	43045	\$71.00	\$0.00	\$71.00
053179	712	SEN COMMUNICATIONS	44360	\$71.82	\$0.00	\$71.82
053180	700	ROBERT S. SELL	43884	\$186.00	\$0.00	\$186.00
053181	425	SHEN. VALLEY WATER		\$0.00	\$566.82	\$566.82
053182	GRANT	SBPA/SHEPHERDSTOWN		\$0.00	\$400.00	\$400.00
053183	716	THOMASSEN FORD	44304	\$12.04	\$0.00	\$12.04
053184	425	HAGEMEYER N. AMERICA	43742	\$400.61	\$0.00	\$400.61
053185	425	THOS. SOMERVILLE CO	44309	\$42.42	\$0.00	\$42.42
053186	424	US POSTAL SERVICE		\$0.00	\$20,000.00	\$20,000.00
053187	425	VALLEY HARDWARE	43738	\$65.80	\$0.00	\$65.80
053188	ALLOC	JEFF CO CONVENTION		\$0.00	\$19,254.89	\$19,254.89
053189	405	WEST PAYMENT CENTER	44025	\$376.50	\$0.00	\$376.50
053190	425	WILLIAMS MOTOR PARTS	43741	\$2.88	\$0.00	\$2.88
053191	401	WV PROS ATTORNEYS INST		\$0.00	\$4,800.00	\$4,800.00
053192	415	WV STATE AUDITOR		\$0.00	\$9,185.00	\$9,185.00
053193	424	WALMART BUSINESS		\$0.00	\$213.80	\$213.80
053194	401	WVNET		\$0.00	\$16.67	\$16.67
053195	402	XEROX COPORATION	43383	\$439.01	\$0.00	\$439.01
053195	402	XEROX COPORATION	44270	\$579.79	\$0.00	\$579.79
TOTAL				\$17,469.03	\$277,192.15	\$294,661.18

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$11,355.26
402/CCLK	CO. CLERK	\$3,165.87
403/CIR CLK	CIRCUIT CLERK	\$9.18
404/TAX	TAX OFFICE	\$1,459.59
405/PA	PROS ATTY	\$1,289.81
406/ASSR	ASSESSORS	\$365.44
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$409.43
413/ELE	ELECTION	\$1,043.10
415/MAG CT	MAGISTRATE COURT	\$9,516.23
415/	GENERAL SCHOOL/CO TRANSFER	
422/IMP/OPER	IMPACT FEE/OPERATIONAL DEPT	\$405.00
424/CTHS	COURT HOUSE	\$34,144.43
425/OB	OTHER BUILDING	\$8,837.45
428/DATAP	DATA PROCESSING	\$1,869.00
429/RDA CONT	RDA CONTRIB OTHER GOV UNITS	\$15,610.00
430/HLS	HOMELAND SEC	\$31.27
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	\$1,047.53
440/ENG.	DEPT OF ENGINEERING	\$61.55
451/ZONING DPT	ZONING DEPT	\$113.44
700/SHRF	SHERIFF DEPT	\$6,084.85
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$5,361.60
716/A/C	ANIMAL CONTROL	\$2,322.73
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	\$62,500.00
900/PARK&REC	JEFFERSON CO. PARKS& REC	\$49,254.89
916/LIBRARY	LIBRARY CAPITAL OUTLAY	
966/CAP/AA	AMBULANCE AUTH CAP OUTLAY	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	

976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
983/CLK ELEC	CO CLERK ELECTION/CAP OUTLAY	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
988/CAP/OB	OTHER BUILDING/CAPITAL OUTLAY	
ALL DEPTS	ALL DEPTS	
ALLOC	ALLOCATIONS	\$75,254.89
GRANTS	GRANTS	\$400.00
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	\$2,748.64
TOTALS		\$294,661.18

In re: PUBLIC COMMENT

President F. Morgan asked if there was any public comment, other than comment about the petition to rezone the Old Standard Quarry, at this time. No public comment was made.

In re: VOTE ON OLD STANDARD QUARRY PETITION TO REZONE

The Commission agreed to allow 15 minutes of public comment each for both sides of the petition to rezone the Old Standard Quarry. The Commission took a 5 minute break to allow each side to organize their public speakers.

Upon reconvening, public comment was heard in favor of the petition to rezone from Jim Campbell, Gary Chicchirichi, Bob Tabb, Chip Bennett, Lynne Deming and Joyce Garrison. Those speaking against the petition were Mayor Jim Addy, Al Alsdorf, Scot Faulkner, Joy Oakes, and Mayor Pro Tem Bob Hardy.

The Commission closed debate on this issue and agreed to return to the matter later in the meeting in order to proceed with other agenda items.

In re: JEFFERSON HIGH SCHOOL 2007 WEST VIRGINIA HIGH SCHOOL BASEBALL CHAMPIONS

Coach John Lowery and members of the Jefferson High School Baseball team appeared before the Commission to be recognized as being the 2007 West Virginia High School Baseball Champions. Motion by Manuel, second by R. Morgan for the Commission to sign the following Resolution recognizing the Jefferson High School 2007 West Virginia High School Baseball Champions. Motion carried.

RESOLUTION

Whereas, Jefferson High School has enjoyed a strong tradition of success and sportsmanship with its baseball program; and

Whereas, the members of the 2007 Cougar Baseball team displayed excellent baseball skills and team spirit throughout the season, ending with a record of 34-4; and

Whereas, Coach John Lowery has exhibited extraordinary leadership and coaching skills which have contributed greatly to the success of this team and the program as a whole; and

Whereas, the 2007 Cougars won the ninth AAA State Baseball Championship in the history of Jefferson High School on June 2, 2007 at Appalachian Power Park in Charleston, WV;

Therefore, be it resolved that the County Commission of Jefferson County recognizes and commends the 2007 Jefferson High School Cougar Baseball Team for its great achievement,

Resolved this nineteenth day of July, 2007.

For the Commission,

/s/
Frances B. Morgan, President

/s/
Gregory A. Corliss, Commissioner

/s/Dale Manuel, Commissioner/s/A.M.S. "Rusty" Morgan, Commissioner/s/James T. Surkamp, Commissioner**In re: VOTE ON OLD STANDARD QUARRY PETITION FOR REZONE - CONTINUED**

Motion by Surkamp, second by R. Morgan to deny the petition to rezone the Old Standard Quarry property.

Motion by Manuel, second by Corliss to postpone the decision on the petition to rezone the Old Standard Quarry property for 2 weeks in order to allow time for further consideration. Motion failed by a 2-3 vote. Commissioners F. Morgan, R. Morgan and Surkamp voted no.

The Commission then voted on the motion to deny the petition to rezone the Old Standard Quarry property. Motion passed by a 3-2 vote. Commissioners Manuel and Corliss voted no.

The Commission took a 5 minute break at 10:45 a.m.

In re: KELLIE BOLES - UPDATE/CHANGES TO THE JEFFERSON COUNTY FARMLAND PROTECTION PROGRAM

Kellie Boles, Agriculture Development Officer, appeared before the Commission to present updates and changes to the Jefferson County Farmland Protection Program. After discussion, motion by Manuel, second by R. Morgan to approve the revisions and the conflict of interest document as presented by Ms. Boles. Motion carried.

In re: JAMES B. CRAWFORD, III

James B. Crawford, III appeared before the Commission to present annexation orders for Charles Town and Ranson.

- CHARLES TOWN ANNEXATIONS

Motion by Manuel, second by R. Morgan to approve the annexation order for the 1/3 acre of property owned by Arcadia. Motion carried.

Motion by R. Morgan, second by Manuel to approve the annexation order for approximately 6 acres of property owned by Arcadia. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Motion by Manuel, second by Surkamp to approve the annexation order for 27 acres of property owned by Augustine Associates, LLC. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

The Commission agreed to postpone a decision on the Spruce Hill annexation order presented by Mr. Crawford for one week in order to receive more information.

- RANSON ANNEXATION - FLOWING SPRINGS ROAD - CONTINUED

Motion by Manuel, second by R. Morgan to approve the annexation order for 3.75 acres near Flowing Springs Road. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

In re: BRANDON SIMS - LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report. Ms. Sims presented the Commission with a letter for the Commission to review concerning the election's loan agreement. Ms. Sims informed the Commission that the review of the agreement with Dunn Engineering for the Mountain Water System was on her to do list. Ms. Sims updated the Commission on the E-911 wireless case before the Public Service Commission.

Motion by R. Morgan, second by Manuel to enter into executive session with legal counsel in order to discuss litigation matters concerning the Ranson settlement agreement as provided by Peters vs. Wood County. Motion carried.

Motion by R. Morgan, second by Manuel to return to regular session. Motion carried.

-577-

Motion by Manuel, second by Surkamp to authorize the President's signature on the Ranson settlement agreement concerning proffers. Motion carried.

In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan inquired into a budget revision approved last week by the Commission. The County Administrator suggested including the Clerk's revision in with the first budget revision of the fiscal year.

Upon request from the County Clerk, motion by Surkamp, second by Manuel to enter into Executive Session with the County Clerk to discuss personnel matters. Motion carried. For the record, the Brandon Sims, Sally Gran, Vivian Fields and Leslie Smith were present for the Executive Session.

Motion by Surkamp, second by Manuel to return to Regular Session. Motion carried.

Upon returning to Regular Session, Brandon Sims discussed an overpayment to Guardian totaling \$89,000. Ms. Sims explained that the errors were made when Guardian was not notified when employees were no longer employed by the County and the premiums for these former employees was still being paid. Ms. Sims stated that \$39,000 had been recovered but, \$50,000 of the overpayment had not been recovered.

In re: EXECUTIVE SESSION - LEGAL MATTERS

Motion by Manuel, second by R. Morgan to enter into Executive Session with Ms. Sims to discuss legal matters as provided for by Peters vs. Wood County. Motion carried.

Motion by Manuel, second by R. Morgan to return to Regular Session. Motion carried.

No decision or action was taken during or after Executive Session.

The Commission recessed for lunch until 1:30 p.m.

In re: COUNTY COMMISSION WORKSHOP - LEGISLATIVE ISSUES

The Commission conducted a workshop to decide on a list of legislative issues to take to the legislative summit in Berkeley County on Tuesday. After discussion the Commission decided on the following list of legislative issues: Tax Relief, EMS/Fire Issues, Environmental Infrastructure Issues, State Highway Road Formula and Annexation.

In re: COUNTY COMMISSION WORKSHOP - GENERAL FUND BUDGET REVISION

The Commission conducted a workshop to discuss the General Fund Budget Revision that would need to be approved next Thursday. The County Administrator informed the Commission that they would need to remove \$1.9 million from their budget. The Commission agreed to have a Special Session on Wednesday, July 25, 2007 at 1:30 p.m. to discuss where to take the \$1.9 million from the budget. Motion by Corliss, second by Manuel to ask the County Administrator to present the Commission with a balanced budget and recommendations to reconcile the budget at the Special Session on Wednesday. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on letters concerning the budget digest from the Governor's office.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

No action was taken on this agenda item.

In re: LETTER TO SENATOR BYRD AND US FOREST SERVICE RE GYPSY MOTH INFESTATION ON THE BLUE RIDGE AND COST-SHARE

The Commission discussed sending a letter concerning the gypsy moth infestation on the Blue Ridge Mountain. Commissioner Manuel agreed to speak with the representative from the Blue Ridge on the matter.

In re: APPOINTMENT TO THE EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL

Motion by Corliss, second by R. Morgan to reappoint Neal Carpenter to the Eastern Panhandle Regional Planning and Development Council. Motion carried.

In re: FROM SHERIFF BOOBER - REQUEST FOR EMERGENCY EXIT MARKING

The County Administrator reported that the Sheriff was checking with the Fire Marshal on this issue.

In re: DECISION ON PLANNING AND ZONING DEPARTMENTS AND DIRECTOR

Motion by Corliss, second by Surkamp to appoint Tony Redman as the Director of the Department of Planning and the Director of the Department of Zoning. The Commission agreed to have Mr. Redman appear before the Commission before voting on the motion.

In re: WHETHER TO INTERVENE IN MD PSC CASE NO. 8997

Commissioner F. Morgan withdrew this agenda item.

In re: AGENDA FOR COUNCIL OF GOVERNMENTS MEETING

The Commission agreed to place on the agenda for the Council of Governments meeting Commercial Development of Brownfields and Intergovernmental Cooperation.

In re: DECISION ON PLANNING AND ZONING DEPARTMENTS AND DIRECTOR - CONTINUED

Tony Redman appeared before the Commission as requested. The Commission informed Mr. Redman of the motion on the floor to appoint him as the Director of the Planning Department and to also appoint him as the Director of the Zoning Department. After discussion, the Commission voted on the motion to appoint Mr. Redman as the Director of the Department of Planning and as the Director of the Department of Zoning. Motion carried.

Sherry Kelly also appeared before the Commission and inquired into her position with the County. After discussion, motion by Surkamp, second by Corliss to appoint Sherry Kelly as Deputy Director of the Department of Planning and Deputy Director of the Department of Zoning. Motion carried.

In re: REQUEST FOR SUPPORT OR NO OPPOSITION - PROPOSED LOW-INCOME HOUSING TAX CREDIT PROGRAM PROPERTY - WILLOW SPRING FARM APARTMENTS VI

Motion by R. Morgan, second by Manuel to send a letter of unqualified support for the Willow Spring Farm Apartments VI a proposed low-income housing tax credit program property. Motion carried.

In re: FRONTIER - DIGITAL CENTREX LINE AGREEMENT RENEWALS

Motion by R. Morgan, second by Manuel to approve the Centrex Line Agreement Renewals from Frontier for the County's centrex lines. Motion carried.

In re: NAHB GREEN BUILDING GUIDELINES - INFORMATION

Commissioner Surkamp provided the Commission with information on NAHB Green Building Guidelines.

In re: NEED FOR TWO PERSONS IN LARGE SCALE EMERGENCY SITUATIONS - DISCUSS

The Commission agreed to hold this matter over for another week.

In re: COUNTY COMMISSION WORKSHOP - HUMAN RESOURCES DIRECTOR

The Commission agreed to hold this matter over until next week.

In re: BONDING

The County Administrator presented a bond release on behalf of the Engineering Department. Motion

by Manuel, second by R. Morgan to approve the complete release of a letter of credit in the amount of \$13,742 for Shenandoah Construction Management. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner R. Morgan reported on the status of the Workforce Investment Board. Commissioner R. Morgan expressed concerns with the Board. Commissioner R. Morgan recommended that the Commission vote to send a letter to resign from the organization. The Commission agreed that they should not vote on the matter today due to the matter not being an agenda item. Commissioner R. Morgan agreed to send an individual letter resigning personally from the Board. The Commission agreed to put the matter on next week's agenda in order to vote on sending a letter from the Commission to resign from the Board.

The Commission received the following information:

Reminder of the Legislative Summit on July 24, 2007 at the Woods Resort.

Reminder of meeting with the City of Charles Town Streets Committee to discuss parking on Monday, July 23, 2007, at 5:30 p.m.

Acceptance of bond in the amount of \$465,678 for Beacon Hill Subdivision.

Acceptance of bond in the amount of \$13,742 for Shenandoah Professional Center.

Memorandum received from the Engineering Department concerning letter of credit amendments.

Correspondence received from Norm Thompson Outfitters concerning the relocation of the distribution center.

June 2007 Semi-Annual Progress Report for the Ozone Early Action Plan for the Eastern Panhandle Air Quality Task Force received.

Correspondence received from the Yes! Coalition concerning the table games election.

Correspondence received from the Public Service Commission of West Virginia concerning the appointment of Robert Graf as a member of the Board of Directors of the Solid Waste Authority.

Copy of an Irrevocable Standby Letter of Credit received for the Farmland Protection Board.

Information received from Guardian concerning Preventive Care.

Press Release received from the Jefferson County Historical Society for their annual picnic on Wednesday, August 1, 2007, at Happy Retreat.

Summaries of Road Cleanups received from Keep Jefferson Beautiful.

Weekly update received from the County Commissioners' Association.

Notice received from the Potomac Headwaters RC&D of the next Executive Committee Meeting on Tuesday, July 24, 2007.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

JENNIFER S. MAGHAN

Clerk of the Jefferson County Commission

P.O. Box 208

Charles Town, WV 25414

(304)728-3215

Date:

Date: 4/17/2007

Recording of Deed

Transfer Tax

Recording of Deed of Trust

Recording of Release

Recording of Agreement

Recording of Judgement or Execution

Recording of Assignment

Birth Certificate

Death Certificate

Certified Marriage License

Photocopy

Other:

Check received from Old Standard
for \$21,327.00. Check will be delivered
Re Planning/zoning

Total Due: \$

Payment Received: \$ 21,327.00

Please remit bill with payment.

Clerk:

Gail Magala,
Deputy

Notice received from Loudoun County of a Comprehensive Plan Amendment Public Hearing.

Weekly settlement report for the Charles Town Races received from the West Virginia Lottery.

Miscellaneous

CORRESPONDENCE

Correspondence received concerning the Old Standard Quarry from: James P. Campbell, Board of the Jefferson County Chamber of Commerce, Nina Tierney, Carol Gallant, National Parks Conservation Association, Donald R. Davis, Mayor A. David Hammill, Pat Hubbard, Samuel J. Donley, Jr., Denver Hipp, Frank Jezior, Division of Natural Resources, Beverly A. Bolger, Jefferson County Development Authority, Charles Kline, Mary Kline, Mary Rider Kline and Guy G. (Gary) Chicchirichi

Petition supporting the rezoning of the Old Standard Quarry received.

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

FRANCES B. MORGAN, COMMISSION PRESIDENT