

# Rezoning for Heavy Industry Righting the Wrong

Jefferson County Foundation, Inc.

## History: What happened and why?

In 2004, the city of Ranson annexed about 500 acres near Kernersville known as Jefferson Orchards. This was part of a shoestring or pipe stem annexation, meaning this land was only contiguous with the main portion of Ranson by a long thin strip of land little wider than Route 9. These types of annexations were made legal by a 2001 state law and were again prohibited by state law in 2008. These annexations were the subject of a West Virginia Supreme Court battle between Charles Town and Jefferson County. Ranson submitted a support brief in this case supporting Charles Town's position and itself annexed at least 4,400 acres based on the 2001 law only having annexed 30 acres in the preceding 60 years.

Before this land was annexed into Ranson, it was zoned rural agricultural. It had been part of the Jefferson Orchards, which had been farmed as orchards since at least the early 1900s. In 2012, the zoning of this land was changed from Rural Reserve to Smart Code – New Community to accommodate the Northport Station and associated mixed-use community. In 2017, Ranson again rezoned the land from Smart Code – New Community to Smart Code – Special District Industrial. Only one month earlier, the regulations and requirements for Smart Code - Special District Industrial and Special District Business were substantially changed removing many of the limitation on buildings, use, and maintenance. These changes were critical to allow for heavy industry. Installations such as Rockwool would not have been possible without the substantial changes.

To change the zoning of this land, a Class II legal notice is required to be published twice before the hearing and second reading of the ordinance that changes the zoning. However, Ranson only had a single legal notice published in the Spirit of Jefferson on July 6, 2017. In response to a lawsuit brought by a citizens group, Judge Hammer found that the ordinance changing the zoning was improperly noticed and in doing so reset the zoning to Smart Code – New Community. Ranson is re-noticing and attempting to again pass the ordinance that will change the zoning again to Smart Code – Special District Industrial. Nothing was done to change or re-notice the changes to the Smart Code ordinance allowing the heavy industry in these Special Districts.

The notices have been made and now it is time to tell Ranson why it is inappropriate for this land in the heart of our county to be zoned for heavy industry. The **karst hydrogeology** of the land itself in this location makes heavy industry there a major risk to public health and the environment. The air emissions and traffic associated with heavy industry are **inappropriate for this location**. Heavy industry in this location will either beget more heavy industry or **create a development desert** in the heart of the county, neither of which are acceptable and both represent environmental discrimination. This heavy industry **simply does not align** with the comprehensive plan of Ranson.



“I mean, if I was going to buy a house, I wouldn't want to look at a factory, so...”

“I think that what you are going to see is the owner probably negotiated out some sort of a deal that is going to highly restrict out residential uses. Because their factory in Mississippi, literally at the front door is a little tiny residential street of stuff that came in after the factory. And you know it causes conflict.”

*Ranson Planning Commission Meeting, August 1, 2017*