
JEFFERSON ORCHARDS

**APPLICATION FOR ZONING MAP
AMENDMENT**

**CITY OF RANSON
WEST VIRGINIA**

January 12, 2023

**Prepared By:
INTEGRITY FEDERAL SERVICES**

**Prepared For:
JEFFERSON ORCHARDS INC.**

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Part 1 – Executive Summary

Jefferson Orchards seeks to have its approximately 194-acre tract of real Property (as further described in this Application, the “Property”) rezoned from its current Smart Code zoning allowing for a mixed residential-commercial use only to a zoning classification that will allow for employment-based development (but with the express exception prohibiting any heavy industrial development). The requested rezoning is both consistent with Ranson’s Comprehensive Plan, which acknowledges the importance of employment-based development to the City and is in the best interest of Ranson itself and its citizens.

History. In 2012, the Property (then consisting of approximately 400 acres of land, became one of the initial Smart Code rezonings, completed with the adoption of Ranson’s then new zoning ordinance. The rezoning sought to foster development of the Property as a mixed-use employment center with a special industrial district on the western side of the Property.¹

While the mixed-use portion of the project was heavily marketed by Jefferson Orchards at material cost and time investment, only the land located in the special industrial district zone of the Property proved of market interest, with a portion of that industrial-zoned land being sold to and developed by Rockwool, Inc.

Market Analysis. The industrial acquisition and development of the Rockwool facility, and subsequent marketing efforts by Jefferson Orchards provide clear indication that the Property is best suited as a dedicated employment hub. That development may take various forms. The Property is suitable for development of multiple smaller sites, like the Burr Industrial Park, or it may be acquired by a single user. The interest by developers in a Smart Code community on the Property is essentially non-existent, with an abundance of land located closer to the core of Ranson for these types of developments. Furthermore, as a condition of the sale of a portion of the Property to Rockwool, Jefferson Orchards agreed to deed restrictions barring residential development on the remaining portion of the Property.

Prior to the preparation of this Application, Jefferson Orchards completed an evaluation of the existing zoning districts in Ranson. The intent of the review was to find the best district for employment-based uses with limited commercial/retail activity or residential development.

Summary of Findings. A summary of Jefferson Orchards findings from its evaluation, which includes analysis all non-residential Ranson zoning districts, is as follows:

- 1. Smart Code (current zoning)** - does not permit the development of a large employment use; requires the development include residential and commercial uses that are not viable on the Property.
- 2. Highway Commercial (HC)** – the site is not well located for commercial development and is not located on a highway. The zone does not permit most employment-based uses, such as light manufacturing.

“The uses allowed in this district are primarily retail trade or service establishments dependent on the traffic volume or transportation access characteristics of highways and major thoroughfares.”

- 3. Industrial (I)** – the only non-residential zone available for the Property for development as an employment hub is Industrial.

“This district is designed to provide areas primarily for manufacturing and processing industries and their accessory uses, for supporting or related storage, transportation and distribution activities, for commercial activities with high intensity characteristics, and for certain supporting activities for the convenience of the concentrated employee population. These areas shall normally be located on planned sites with good access to major transportation arteries and to appropriate utilities capacities. The regulations of this district are intended to minimize conflicts with proximate land uses by controlling noise, odor, glare, smoke, dust, wastes, and other adverse environmental

¹ That portion of the original Property, to the extent still owned by Jefferson Orchards, is not part of this Application.

effects. Residential uses and most retail trade activities are prohibited in this district.”

While the Smart Code permits intensive uses subject only to staff review, many uses in this zone are controlled through the special exception process. This process allows citizen participation and direct input in the review and approval of site plans.

As part of the zoning amendment Jefferson Orchards has included additional terms that will be the basis of a development agreement for the Property to preclude the development heavy industry on the site.

Conclusion. The Property is clearly best suited for employment-generating light industrial development, not for the current retail/residential use currently in place. Furthermore, there is strong potential for the Property for an employment hub development. In light of those considerations, and recognizing that employment-hub development is an important part of the Comprehensive Plan and would be a significant source of revenue for Ranson, Jefferson Orchards request for a zoning map amendment to provide that the Property be designated as an Industrial Zone should be granted.



Figure 1- Project Location

The following sections of this Application further demonstrate that the proposed zoning map amendment reflects the highest and best use of the Property and that such use provides for significant benefit for the citizens of Ranson and Jefferson County.

Proposed Use – employment-based development including light manufacturing, distribution, and other industrial uses.

Benefit Analysis – Ranson currently lacks sufficient lands zoned for the development of employment-based uses. The zoning map amendment will foster economic growth and provide jobs for Ranson residents and tax revenue for the City.

Voluntary Conditions – the zoning map amendment includes the prohibition of uses that require air use permits from WVDEP.

Transportation and Utilities – the Property is served by water, sanitary sewer, natural gas, electricity and fiber. It is one of the only parcels in Jefferson County with these five utilities. The site is 1.0 miles from the Route 9/Wiltshire Road interchange.

Public Health, Safety, Welfare – the proposed zoning map amendment does not pose a risk to these three considerations.

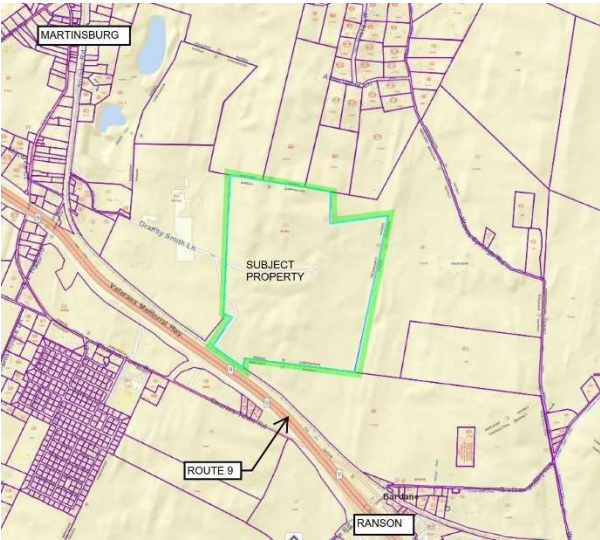
Comprehensive Plan – the proposed zoning amendment is consistent with Ranson’s Comprehensive Plan.

Part 2 – Property Information

PARCEL DESCRIPTION

Property

DB 284 Page 460
City of Ranson, Tax Map #12, Parcel #1
194 Acres



Parcel Map

The Property is located on the north side of Route 9/Route 115 and the CSX railway. It is approximately 6 miles from Ranson City Hall and 11 miles from the City of Martinsburg.

The parcel is mostly open with a wooded area on the north side of the Property and perimeter trees.



Figure 2- Aerial image 2020

The road shown under construction on the west side of the Property has been completed. The buildings in the center of the Property are old farm structures. The rockwool manufacturing facility has been completed and is in operation.

The parcel slopes west to east and there is approximately 50' of elevations change from the western edge of the Property to the eastern edge.

The Property has been and continues to be used for agricultural purposes. Agricultural uses include orchards and row crops.

There are no FEMA floodplains mapped on the parcel.

TOPOGRAPHY

The topography of the Property is rolling and is higher on the western edge than on the east. Small knolls are located on the southern and northern portion of the Property. The highest elevation is 594' And the lowest elevation is 528'. Slopes on the Property are mostly under 10%.



Figure 3 - Topographical Map

Part 3 – Proposed Uses

The zoning amendment will allow the following uses.

1. General. Light manufacturing and distribution facilities between 50,000 sf and 1.5M sf.
 - a. If smaller facilities are developed, then multiple uses would be located on the Property. If a single larger facility is proposed, then small outparcels for additional buildings would be limited.
 - b. Development in a similar character to the Burr Industrial Park. This development has limited lots left for larger projects. Uses at the Burr Industrial Park include light manufacturing, contractor yards, bulk fuel storage, distribution, warehousing, etc.
2. Types of Employment-Based Development.
 - a. Manufacturing and fabrication including clothing, auto parts, food, medicine, electronic equipment, housewares, dry goods, and other uses permitted by the Ranson Zoning Ordinance.
 - b. Processing activities including coffee, grain and seed plants, and other uses permitted by the Ranson Zoning Ordinance
 - c. Storage, transportation and distribution
 - d. Greenhouses

It is expected that Jefferson Orchards will work closely with Ranson and West Virginia to target employers who are seeking to locate in the eastern panhandle.

Jefferson Orchards is not proposing any heavy manufacturing. Heavy manufacturing is not defined in the Ranson Zoning Ordinance. Jefferson Orchards submits the following definition which could be adopted by Ranson in future Zoning Ordinance amendments.

Manufacturing or processing with significant effects to adjacent properties including but not limited to noise, smoke, dust, glare, odors or vibrations.

In addition to excluding uses described by the above definition, Jefferson Orchards is not seeking to allow uses that would require air permitting, such as that required for the Rockwool facility, or other uses requiring including the construction of emissions tower.

The Ranson Zoning Ordinance controls certain uses as Special Exceptions. Special Exceptions are not

permitted by-right on a Property and must be approved by the Board of Zoning Appeals in conformance with WV State Code. The BZA has complete discretion as to the approval of these uses and may for a variety of reasons opt not to approval Special Exceptions.

While not a part of this application, Ranson could undertake a modification of its ordinances to specifically regulate these types of uses.

The proposed uses on the site could also include the following:

1. Buffer areas, open spaces and parks;
2. Stormwater management facilities;
3. Public roads and streetscape; and
4. Trails and pedestrian routes.

Part 4 – Benefit Analysis

The benefits of the proposed rezoning and subsequent development of the Property is a tantamount consideration. Those benefits are described below.

Employment and Investment

The Property is one of the few sites with utilities and proximity to the I-81 corridor. The Property will allow the City of Ranson to compete for economic opportunities that are seeking to locate in West Virginia. Currently, Ranson has few zoned locations that are attractive to employers and investment. The zoning map amendment would be part of Ranson’s strategic plan to increase employment within its boundaries.

Taxes

The Property is currently assessed at a rate based on agricultural use. Thus, Property’s the current assessed value is about \$291,000. Developed parcels in the Burr Industrial Park have assessed land values of about \$80,000 per acre. Based on that latter valuation the Property (once rezoned and developed) would be expected to have an increased assessed value for tax purposes of approximately \$15.5 million and would become a significant source of tax revenue for Ranson.

Existing Infrastructure

Existing infrastructure supports development of the Property. Development of sites with existing infrastructure should be a strategic objective for the City of Ranson.

Rail

The Property is located on the CSX rail line. Locations with rail access are limited in Jefferson County. Rail will increase the number of users that could potentially locate on the site.

Natural Gas

The Property is the only industrial location in Ranson/Jefferson County that is served by natural gas. This energy source is critical to the development of many projects, including high tech manufacturing facilities that require a reliable power backup for uninterrupted operation.

Parcel Size

The large parcel size allows for the development of light industrial uses with large buffers to adjacent

properties. It also allows for the Property to be developed in multiple configurations, facilitating the development of both large and small projects.

Part 5 – Development Controls

Jefferson Orchards acknowledges the potential public concern that another manufacturing facility could be permitted on the Property if the zoning map amendment is approved.

While this is not Jefferson Orchards' intent, controls are being proposed with this application to ensure that industrial development of the Property occurs as expected.

Voluntary Conditions

Industrial Development – until such time as the City of Ranson adopts regulations requiring special exception permits for industrial uses, the following development controls will apply to the Property:

1. Chimneys/exhaust discharge greater than 10' higher than the building height are not permitted
2. Projects that require major new source permitting under 45CSR14 and 45CSR19 are not permitted.
3. Projects with significant external effects including but not limited to noise, dust, glare, odors or vibrations only be permitted under a special exception permit.

Part 6 – Transportation and Utilities

Transportation

The Property is ideally suited for development as a light industrial parcel and employment hub. The site is located approximately 1.0 mile from the Route 115/Route 9 interchange and 9.6 miles from I-81. The site's location within 2 miles of the Berkeley County line reduces the need for transportation infrastructure improvements in Jefferson County, such that the impacts related to light industrial development of the Property would be minimal.

The Property's location allows employees, deliveries and visitors access without impacting any residential subdivisions or neighborhoods. Access to the Property from I-81 is via a 4-lane limited access highway.

Northport Boulevard, which is now completed, is to be dedicated to WVDOH. This new state road has sufficient capacity for the full development of the site. It is expected site development will include permitting through WVDOH and may include the preparation of traffic studies as part of the site plan process.

The Property is connected to the pedestrian/bike trail that connects the City of Ranson and Martinsburg. This trail provides employees/employers options for commuting to work. This zoning amendment will facilitate to continued extension of Ranson's trail system.

A rail spur could be constructed to provide freight rail service to the Property. Passenger rail is not deemed viable at this time but could be a future service on or close to the Property.

Water and Sanitary Sewer

Water and sanitary sewer are located on the Property. It is expected that these utilities have sufficient capacity for the development of the site, although developer upgrades may be required depending on user requirements. The design of utilities for the Rockwool project included capacity for the future development of the site.

The Charles Town Utility Board is the sanitary sewer provided and Jefferson Utilities provides potable water service.

Natural Gas

Natural gas is located on the Property. The site is the only location in Ranson available for development that has natural gas.

Electrical

The Property is served by an upgraded medium voltage power grid. All electrical lines have been placed undergrounds.

Fiber and Communications

The Property has high speed fiber infrastructure and is suitable for high tech businesses.

Part 7 – Public Health, Safety, Welfare

The site will be developed in accordance with all applicable federal, state and Ranson requirements. The standards protect the public health, safety and welfare. The rezoning of the site does not present any negative impact to the public.

The following benefits will be recognized.

1. Ranson citizens will be able to work in their community, increasing time available for volunteering and other public activities.
2. Traffic on Jefferson County roads will be decreased by offering Ranson residents the opportunity to work within proximity to their homes.
3. The development of high tech and well-paid jobs allow Ranson high school and college graduates to remain in their community while pursuing their career goals.

In addition to the above, offering businesses the opportunity to locate in Ranson provides the city control and input on the form and layout of developments. Ranson has an engaged city council and public, development in Ranson provides them the best opportunity to shape future growth.

As an example, Ranson has limited input into the development of sites at the Burr Industrial Park.

Part 8 – Adjacent Lands

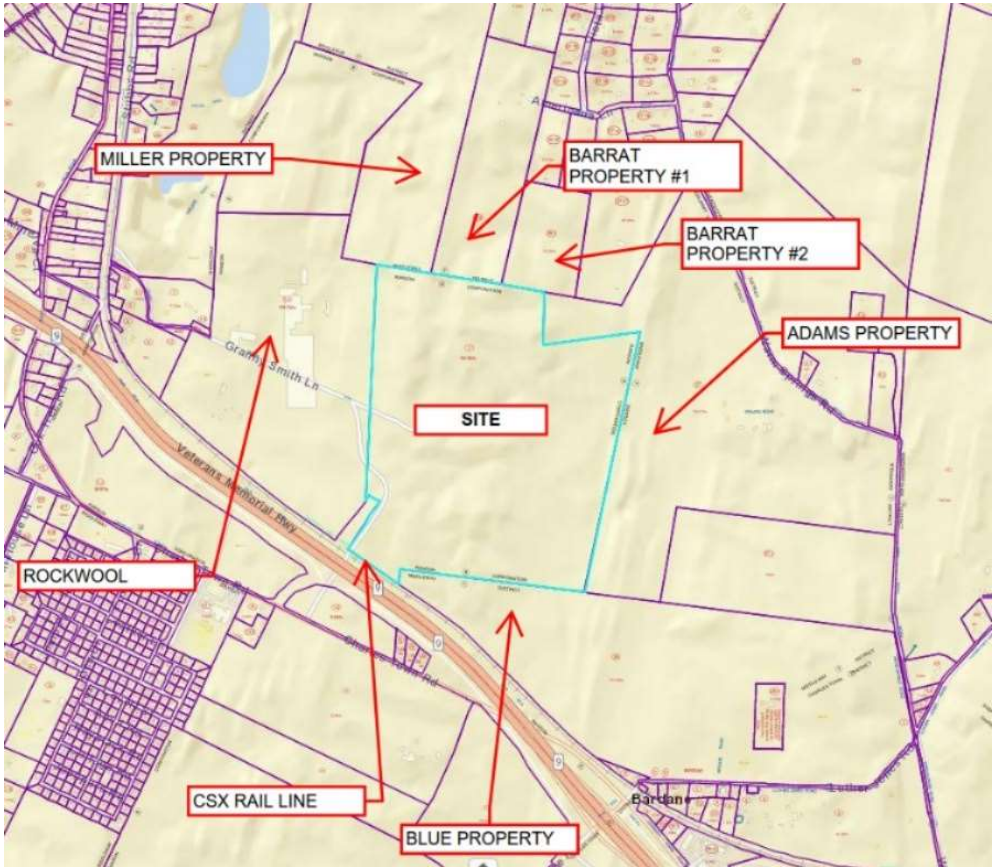
Much of the Property is adjacent to an existing industrial and a major rail line. These high intensity uses will experience little or no impact from the development of the Property.

The balance of the Property abuts 5 parcels that are classified as active farms.

Adjacent Properties

1. CSX trunk rail line
2. WV Economic Development Authority – Rockwool manufacturing facility
3. Miller Property – zoned light industrial, owned by Jefferson Orchards
4. Barrat Property #1 – 46.37 acres, tax assessment designates the parcel as an active farm. The farmhouse is approximately 1,700’ from the northern property line.
5. Barrat Property #2 – 20.02 acres, tax assessment designates the parcel as an active farm. There is no farmhouse on the parcel.
6. Adams Property – 182 acres, tax assessment designates the parcel as an active farm. The farmhouse is approximately 1,500’ from the northern property line.
7. Blue Property – 173 acres, tax assessment designates the parcel as an active farm. There is no farmhouse on the parcel.

Adjacent Property Information									
Ref. #	District	Map	Parcel	Adjacent Property Information	Zone	Use	Deed Book	Page	
1	8	12	1.3	WV ECONOMIC DEVELOPMENT AUTHORITY	RANSON - SMART CODE	Industrial	1280	393	
2	7	3	35	JEFFERSON ORCHARDS	JC - LIGHT INDUSTRIAL	Active Farm	1199	506	
3	7	3	38.2	ROBERT E BARRAT	JC - RURAL	Active Farm	950	286	
4	7	3	38.1	ROBERT BARRAT	JC - RURAL	Active Farm	553	346	
5	7	4	27	WILLIAM ADAMS TRUSTEE	JC - RURAL	Active Farm	927	116	
6	2	16	56	JAMES T BLUE AND SONS INC	JC - RURAL	Active Farm	573	257	



Part 9 – Comprehensive Plan Compatibility

The Ranson Comprehensive Plan supports the proposed zoning amendment through its text and the location of the Property within the preferred growth sector.

The guidance provided by this document can be used to evaluate the proposed zoning amendment. The clear guidance in the Comprehensive Plan is that it supports industrial, manufacturing and larger-format uses in appropriate areas.

The following citations are taken from the Ranson Comprehensive Plan.

Chapter 2 – Community Vision

Section 2.3 - There is a place for everything, and everything has its place – There are time-tested models for appropriate development approaches in a range of environments, from the most rural lands, through suburban neighborhoods, to the center of town. So planning strategies should acknowledge those separate environments and maximize choices compatible with connectivity and sustainability.

The comprehensive plan acknowledges that everything has a place in Ranson. The zoning map amendment creates the optimal location for light industrial, distribution, and other employment-based development. The rezoning of the Property to an Industrial Zone (with conditions discussed herein) will allow the development of those uses with no perceptible adverse impact on Ranson businesses or residents. Furthermore, the proposed rezoning will allow for development on a parcel that is fully supported by existing infrastructure (roads and utilities). Consideration of the amendment should include the strategic advantage held by the parcel as the only site in Jefferson County with natural gas.

Chapter 2 – Community Vision

Section 2.3.2 - Public policies must be designed to implement the intention for a particular area, while recognizing its context.

The site’s context is ideally suited for development as light industrial, distribution and employment-based uses. The site is adjacent to existing heavy industrial on its west side, the CSX trunk line to the south, light industrial and agriculture to the north and agriculture to the east.

Chapter 2 – Private Realm

Section 3.1 - Jefferson Orchard. A proposed relocation of the Duffields MARC station and development of a Transit Oriented Development in an intended growth urban area. **This area is also proposed for an Industrial Special Industrial District that would utilize the rail access**

Since the adoption of the Comprehensive Plan Jefferson Orchards has sought to develop the Property as noted. While the development of the site as an industrial area has been successful, the balance of the Property, zoned for a transit-oriented development, has been rejected by residential and community developers. The bolded text above reflects that the Comprehensive Plan contemplated that the Property would be suitable and desirable for industrial use.

Chapter 3 – Private Realm

General Land Use Objectives

10. Encourage manufacturing and assembly-line facilities to locate in Ranson. The City will designate ample land that is well-suited for industrial facilities and will ensure that industrial facilities do not adversely affect the health, safety, or welfare of the community

Since the adoption of the Comprehensive Plan there has been no additional land designated for manufacturing and assembly-line facilities in Ranson. The favored location for such facilities is within 10 miles of an interstate highway. The only location in Ranson that could meet this criterion is the Jefferson Orchards’ Property.

The proposed location is well buffered and sits next to compatible uses. Passage of the proposed rezoning amendment and development in accordance with that amendment will not adversely affect the health, safety, or welfare of the community.

Chapter 3 – Private Realm

General Land Use Actions

1.g. Designate locations for industrial development to reduce travel time for employees.

Part 9 – Comprehensive Plan Compatibility

The proposed amendment is supported by the Comprehensive Plan’s recognition of the need to designate locations for industrial development in Ranson. Ranson residential communities, while not adjacent, are within short commuting distance to the Property, providing a quality-of-life benefit to those Ranson residents finding employment at future businesses located on the Property.

Chapter 4 – Public Realm

Table 4.11

Table 4.11 supports industrial uses on projects with access to collector and arterial roads. Route 115 and Route 9 are both within these categories.

Chapter 5 – Implementation

Seek out employment centers including corporate headquarters and manufacturing, and consider a third party business recruitment organization, a role the Ranson Economic Development Authority might fill or assist with.

The Comprehensive Plan directs Ranson to be proactive in the recruitment of manufacturing uses.

Ranson only has a 9-acre undeveloped parcel zoned as Industrial in its city-center area. This parcel located on 16th Avenue offers limited recruiting potential due to its shape and other constraints. The Comprehensive Plan directs Ranson to designate a greater land area as industrial to support the Implementation Objective.

Chapter 5 – Implementation

Table 5.8 – encourage industrial and larger-format uses in appropriate areas.

The Comprehensive Plan directs Ranson to be proactive in the placement of industrial uses. The proposed amendment provides Ranson a high-quality location for these uses.

Part 10 – Major Changes

Both the Planning Commission and the City Council are directed to evaluate zoning amendments for conformance to the comprehensive plan. In addition to conformance both of these bodies can include the evaluation of major changes since the adoption of the Comprehensive Plan in 2012.

For the Planning Commission this determination can be included in their motion related to conformance.

For the City County is can be used for the basis of approving the zoning amendment if all other considerations are met.

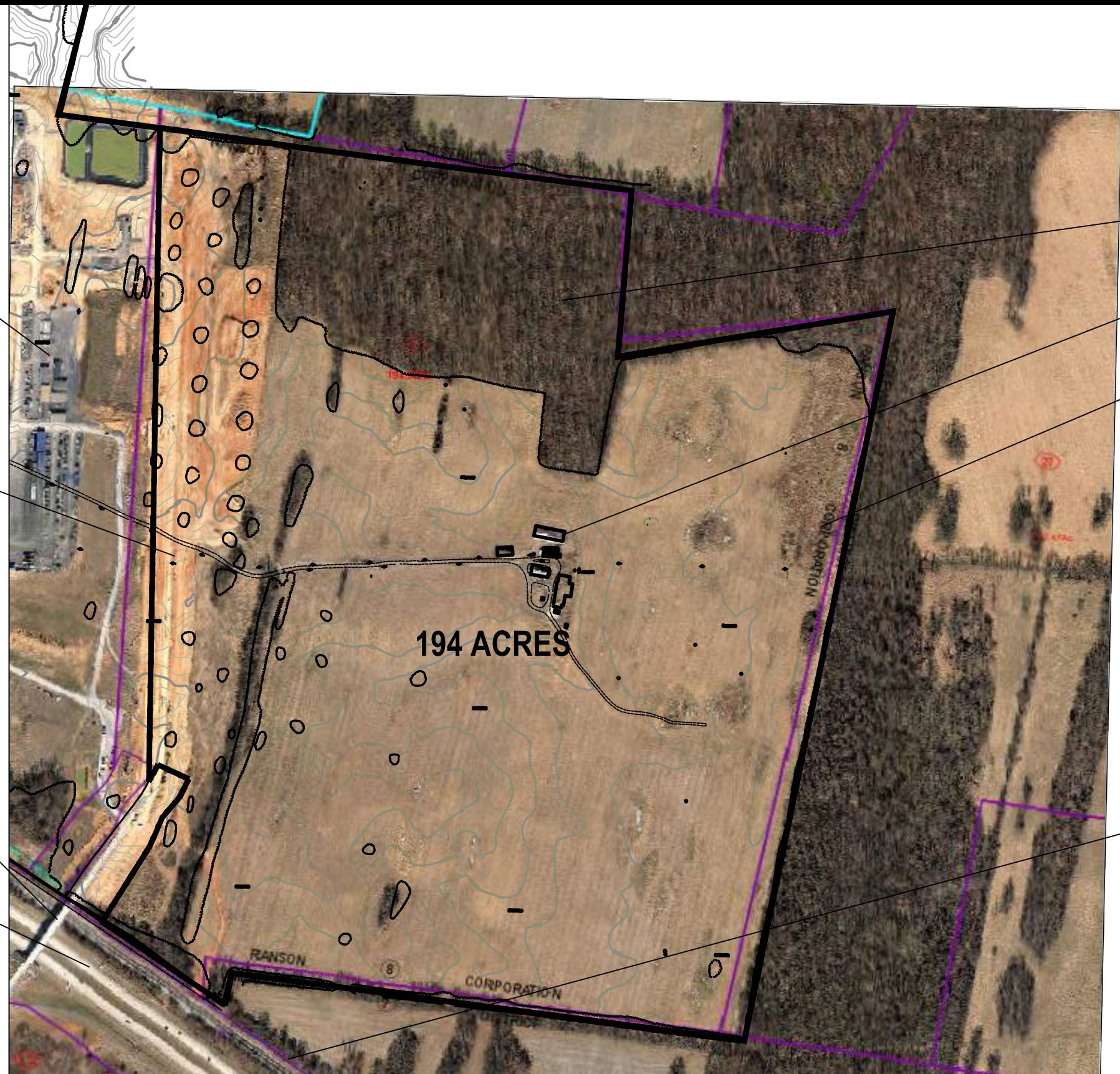
Jefferson Orchards has presented compelling evidence that the Comprehensive Plan supports the Application. In addition to this evidence, it is important to note that major changes have occurred since the adoption of the Comprehensive Plan.

1. Medium voltage electricity, water, sanitary sewer and fiber have been extended to the Property. This infrastructure greatly enhances the development potential of the Property.
2. Rockwool has been constructed and is operating directly adjacent to the Property.
3. WVDOH has constructed a major access road fronting the Property.
4. Natural gas has been extended to the Property. This utility greatly enhances the development potential under the Industrial district.
5. SmartCode has failed to successfully foster employment-based uses such as manufacturing. To meet the objectives of the Comprehensive Plan, Ranson should consider an alternative zoning for employment based uses other than SmartCode.
6. The current zoning for the Property is for intense, high density mixed residential and retail development. That type of development is not currently feasible, especially given the availability of more desirable locations for such developments in Jefferson County, current deed restrictions on the Property and the proximity of the Rockwool facility on adjacent property.

ZONING MAP AMENDMENT
EXHIBIT 1 - EXISTING CONDITIONS

01-04-2023

JEFFERSON ORCHARDS
RANSON, WV



WVDOH ROAD AND ROCKWOOL FACILITY ARE NOW FULLY CONSTRUCTED AND OPERATIONAL

- ① ROCKWOOL FACILITY
- ② NORTHPORT BOULEVARD (FULLY CONSTRUCTED)
- ③ BRIDGE
- ④ ROUTE 9
- ⑤ WOODED AREA
- ⑥ EXISTING FARM STRUCTURES
- ⑦ LOW POINT
- ⑧ CSX RAIL LINE



EXHIBIT B - BOUNDARY DESCRIPTION