



Tucker County Comprehensive Plan

Approved by the Tucker County Commission on
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INTRODUCTION

GOALS AND OBJECTIVES

The following is a Comprehensive Plan for Tucker County. The purpose of Tucker County's Comprehensive Plan is to outline the long-term plan and to include a set of goals, objectives, and strategies for Tucker County.

Goals

The goal of the Comprehensive Plan is to achieve a balance between bringing prosperity and business development to Tucker County while continuing to safeguard the natural beauty and the resources that are available within the area.

Goals are concerned with the long term, and often describe ideal situations that would result if all plan purposes were fully realized. Since goals are value-based, their attainment is difficult to measure.

Objectives

Objectives are specific statements that carry out a plan in the short term. Objectives are measurable benchmarks that can be used to assess incremental progress in achieving the broader purposes expressed in the goals. The objectives will be individually set forth in each section of the Comprehensive Plan.

PURPOSE

The Comprehensive Plan is authorized by the *West Virginia Code* Chapter 8A, Article 3. The purpose of preparing a Comprehensive Plan is to:

- (1) Promote the coordinated development of land and improvements to meet the future needs of the county;
- (2) Achieve sound planning to assist the governing body in preserving quality of life and enhancing that quality of life to adapt to the future needs of the county relating to economic, physical, or social changes;
- (3) Promote the health, safety, morals, order, convenience, prosperity, and general welfare of county residents; and,
- (4) Promote efficiency and economy during the development process.

The Comprehensive Plan is a policy guide for the Tucker County Planning Commission and the Tucker County Commission as they assess the location, the character, and the extent of future development for the county. The plan contains proposed policies and other recommendations to be implemented over time through a variety of decision-making actions including subdivision of land, and the location and construction of public infrastructure improvements, among other things. The Tucker County Comprehensive Plan was developed so that decisions affecting the county's lands should be made in a coordinated and responsible manner to capitalize on the county's geographic location and its desirable physical features.

The Comprehensive Plan shall set forth goals and objectives to allow an informed decision making process, ensure consistency in government, and coordinate the various arms of the local government. It will create conditions positive for vital resources, reduce resource waste relating to haphazard development and sprawl, preserve historic landmarks and other resources, and promote a sense of community character and identity. It will promote the most efficient utilization of available resources, coordinate development into well-planned communities, and advocate cost-effective development of facilities and services.

ORGANIZATION

The comprehensive plan organization follows the requirements of *West Virginia Code* §8A-3-4(c). Each section of the Comprehensive Plan addresses a requirement set forth in the West Virginia State Code. To ensure that the comprehensive plan meets all the statutory requirements, the sections of the Comprehensive Plan systematically follow the requirements established within the State Code.

The only required component listed in the State Code that does not have a separate section within the comprehensive plan is Financing (§8A-3-4(c)12). Instead of writing a separate section that describes how the county intends to achieve financing for each of the other sections, the Comprehensive Plan contains a discussion concerning how the county hopes to achieve the financing within each section listed below.

PROCESS

The comprehensive planning process for Tucker County initially began in 1992 with the preparation of the original Comprehensive Plan. In 1995, the County worked with the Canaan Valley Institute (CVI) to redraft the Comprehensive Plan. The Planning Commission continued the planning process by conducting a survey to gain information from the residents in 2008. In 2014, the Planning Commission revised the Comprehensive Plan, updating several sections.

With the construction of WV 48 (Corridor H), Tucker County may have the opportunity to experience growth and development that may affect its natural resources, and place a strain upon its ability to provide both community services and public facilities. While the new highway will provide economic benefits to the county, the road will also place increasing demands for utilities, transportation, infrastructure, and services that must be considered.

Faced with the prospect of development, the Tucker County Commission began the process of developing a Comprehensive Plan to help guide county growth for the next twenty years. Members of the Tucker County Planning Commission updated the current Comprehensive Plan.

PLAN OBJECTIVES

Although many of the objectives of the comprehensive plan will be individually set forth in each of the following sections of the Comprehensive Plan, six main objectives exist. The primary objectives are discussed in the pertinent sections of the comprehensive plan and consist of the following:

1. Preparation for the completion of WV 48 (Corridor H)

As described in the Transportation section, Tucker County will soon benefit from a multi-billion dollar highway system commonly known as Corridor H or officially designated WV 48. The highway is now open from Wardensville to Davis, WV. The section from Elkins to Parsons is currently under construction and is anticipated to be completed in 2025.

The final section in Tucker County between Davis and Parsons has been controversial. The West Virginia Department of Transportation, Division of Highways, and Federal Highways Administration have yet to choose which proposed routes will be built - the ROPA corridor (R-ROPA) or the Blackwater Avoidance Corridor Alignment. The alternatives for each of the proposed routes are being developed to compare the pros and cons of each

route, and then the final route will be selected. The design stage with construction is anticipated to begin in 2025.

As the Corridor H project nears completion, its impact on Tucker County is set to be significant. The new highway promises to bring a wave of positive changes, and the county and the West Virginia State Highway Department are working together to ensure that these benefits are maximized for the community.

2. Expansion of High Speed Internet

Any business that wishes to be competitive or remain competitive will need access to broadband communications. For Tucker County, this means a potential influx of businesses and economic growth. By providing the necessary infrastructure, the county can pave the way for businesses to establish a presence on the Information Superhighway, fostering a more competitive and vibrant business environment.

While Tucker County lacks a fiber backbone, several incorporated communities have access to cable and fixed wireless internet services. Most outlying rural areas in the county need more access to stable and reliable internet resources.

The Tucker County Commission and the Tucker County Development Authority are actively working to expand the broadband network and enhance the strength and reliability of local connections. With the state of West Virginia securing monies from the Federal Government to develop broadband throughout the state, we are hopeful that additional funds will be made available for Tucker County to make broadband communications, including high-speed internet, available to more of its residents.

3. Increase Tourism and Recreation

Tourism and recreation have become increasingly vital to Tucker County's economy, especially in recent years. A major boost came when Perfect North Slopes purchased the Timberline Four Seasons Resort in a bankruptcy auction. Since its grand reopening in 2020, the company has invested over \$15 million in improvements, transforming the resort into a key driver of local tourism.

The timing of these investments aligned with the COVID-19 pandemic, during which travelers sought outdoor destinations they could drive to rather than fly. This surge in interest helped propel Tucker County to the forefront of regional tourism, leading to a sharp increase in property values.

Tourism is now one of the county's primary industries, creating jobs and generating revenue for local businesses, including hotels, restaurants, and outdoor recreation services. Visitors spend on accommodations, dining, and activities such as skiing, hiking, and fishing, which boosts the hospitality sector and supports local artisans and service providers.

This growth in tourism has diversified Tucker County's economy, which was previously reliant on timber and coal mining. As those industries declined, tourism emerged as a sustainable alternative, supporting hundreds of jobs and contributing millions of dollars to the local economy annually.

4. Development of Community Infrastructure

With the anticipated growth of Tucker County from the completion of WV 48 and the migration of people from the surrounding states to Tucker County, the importance of community infrastructure rises to the top. Community infrastructure is a complex system of facilities, structures, and the neighborhood environment that contributes to a community's quality of life and overall safety, health, and economic development.

Road system care and maintenance in Tucker County are critical as they transport goods and services to businesses and make it easier for people to access outdoor recreation, tourism, healthcare, education, and employment opportunities. The Tucker County roads are in exceptionally good condition and are mainly under the control of the West Virginia Division of Highways. Not all roadways within the district belong to the West Virginia Division of Highways, with some being maintained by the governing municipalities.

The current level of public utility service for water and wastewater is a significant limiting factor for land development in Tucker County. Many wastewater systems in the County are over capacity, and in some areas, adequate wastewater treatment utilities are simply not available. This highlights the need for expanded services, a goal that the Tucker County Commission is actively working towards in collaboration with the West Virginia Development Authority.

5. Dependable Emergency Services

Emergency services are a challenge for most counties in West Virginia, including Tucker County. This problem is even more acute in a county positioned for abundant growth if the community infrastructure and housing issues can be resolved.

Currently, ambulances are stationed at two locations in Tucker County: Parsons and Davis. These two strategic locations allow an ambulance to respond to incidents in 14 minutes or less for most of Tucker County.

However, due to the vast area covered in Tucker County, response times can be as long as 45 minutes. Financial forecasts for 2025-26 fiscal year predict this may change unless additional funds are secured.

The Tucker County Ambulance Authority, in close collaboration with the Tucker County Commission, plays a pivotal role in ensuring round-the-clock emergency services from both stations. Their dedication and commitment to providing crucial training to staff and ensuring the availability of lifesaving equipment demonstrates a shared commitment to the community's safety, giving you confidence in our emergency services.

6. Expansion of Workforce Housing

There is a pressing need for more workforce housing in Tucker County. The average listing prices and property values have skyrocketed in the past three years, leading to the conversion of long-term rental units into vacation rentals. The ability of local businesses to thrive and expand is directly tied to the development of affordable and safe workforce housing units for working families and individuals.

Employers have indicated to public officials that the lack of affordable, safe, and available housing is the primary obstacle to their business and economic development. This challenge has been cited by significant employers (e.g., state parks, state juvenile detention centers, Board of Education, Cortland Acres, etc.) and small business owners (many in the service and tourism industry, but not exclusively).

Gov. Jim Justice and West Virginia Department of Environmental Protection Secretary Harold Ward have taken a significant step by allocating funds from the AML Economic Revitalization Program to kickstart the housing projects. This program, designed for economic development at abandoned mine land sites across West Virginia, provides federal grant funds to support initiatives that promote economic growth and community development.

As part of the Preston County - Build West Virginia District, Tucker County has a crucial role in advocating for and attracting much-needed workforce housing development projects. This act enables developers of qualifying housing projects to receive State Sales and Use Tax exemptions for building materials and a 10-year property value adjustment refundable tax credit to offset building costs, encouraging the construction of more workforce housing in our area.

TUCKER COUNTY LEVY ESTIMATE

Nothing within the Tucker County Comprehensive Plan is intended to conflict with the Tucker County Levy Estimate. The Levy Estimate serves as the Official Budget Document and remains the primary annual policy and planning document for the county. The Levy Estimate is approved by the Tucker County Commission and prepared by the county Clerk in March of each year before being submitted to the West Virginia State Auditor's Office for approval. The Levy Estimate contains a description of all estimates of all revenues coming into the county for the coming fiscal year (July 1 through June 30). The Levy Estimate also allocates how county revenues will be expended through the coming fiscal year. The Levy Estimate is reviewed by the county commission and updated by the County Clerk each December. It is then modified as necessary to track any changes in expenditures that occur throughout the year.

The Tucker County Comprehensive Plan is intended to supplement the Levy Estimate and serve as a multi-year narrative description for the expenditures contained within the Levy Estimate. Should the Levy Estimate begin to diverge from the Comprehensive Plan, the County Commission shall take steps in order to bring both documents into agreement.

AMMENDING THE TUCKER COUNTY COMPREHENSIVE PLAN

The Tucker County Comprehensive Plan is intended to remain a living document capable of adapting to changing circumstances within the county. As a result, the following procedures are in place to amend the Comprehensive Plan should changes be needed to make the plan either more current or more effective.

The procedures for amending the Tucker County Comprehensive Plan shall be in compliance with the West Virginia Code (§8A-3-11). Amendments to the Tucker County Comprehensive Plan shall be drafted by the Tucker County Planning Commission. The proposed amendment shall contain the proposed wording change and shall provide reasoning for the proposed change. Subsequent to drafting the proposed amendment, the Planning Commission shall hold a public hearing. After the public meeting, the planning commission will forward the amended plan to the County Commission for approval. The County Commission would then consider the approval of the amended plan in accordance with the state code.

If approved, a copy of the amended Comprehensive Plan shall be posted on the county website, in the county courthouse, and in the county public libraries. It would replace the previous copy of the plan document available at those locations.

CURRENT SITUATION

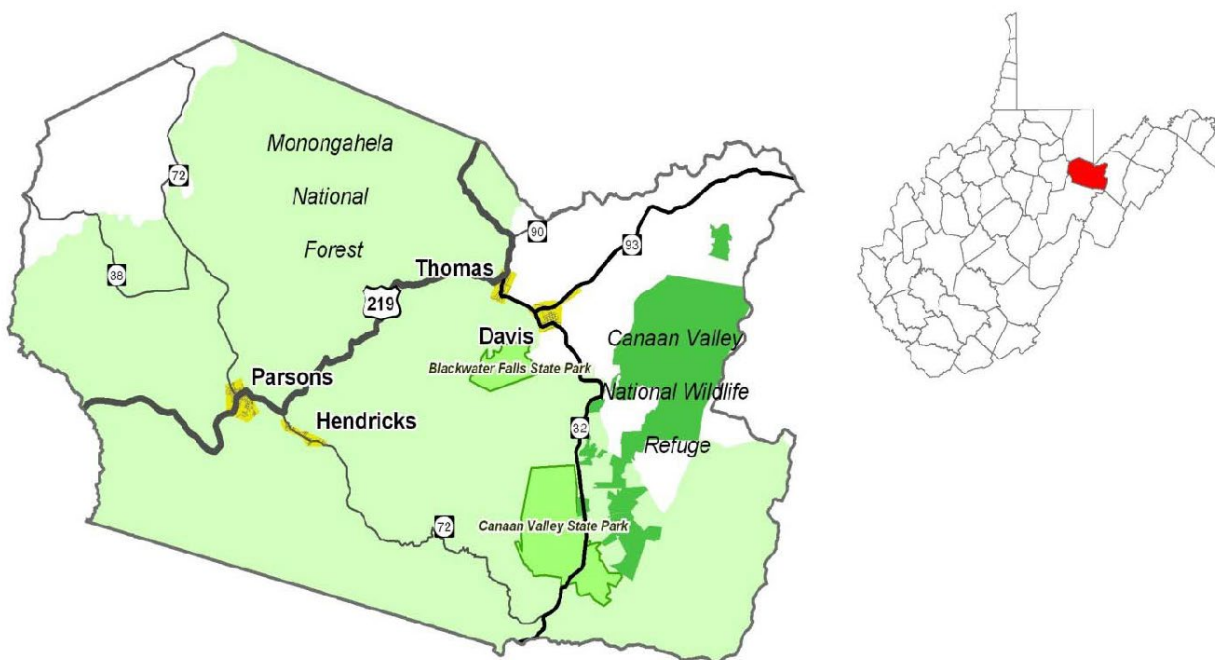
REGIONAL SETTING

Tucker County is located in the Potomac Highlands region of West Virginia just west of the Allegheny Front. Tucker County borders six counties – five in West Virginia and one in Maryland. The bordering counties are Randolph County to the south, Barbour County to the west, Preston County to the north, Garrett County, Md., to the northeast, Grant County to the east, and Pendleton County to the southeast.

Tucker County is approximately 419 square miles (including over 2 square miles of water area). The elevation of the county ranges from 4,420 feet at the top of Weiss Knob to 1,450 feet where the Cheat River crosses the Tucker/Preston County line.

The Tucker County seat is in Parsons. Other municipalities in Tucker County include Davis, Thomas, Hendricks, and Hambleton.

Map 1: Overview of Tucker County



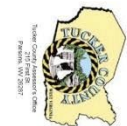
PHYSICAL LAND CONDITIONS

Tucker County is sparsely populated. The population of the county in the 2020 Census was 6,672 making the population density just under 15.9 persons per square mile. Only two counties in West Virginia have a lower population density. Those counties are Pocahontas County with a population density of 8.4, Pendleton County with a population density of 8.8, and Webster County with a population density of 15.1.

These U.S. Census figures are the most recent available and were measured during the COVID-19 pandemic.

Existing Land Use

The Existing Land Use Map (Map 1) provided by the Tucker County Tax Assessor's Office illustrates the county's land development patterns. The map indicates how large sections of the county consist of forested land that is owned either by the State or by the Federal Government. The county has not updated the map since the last Tucker County Comprehensive Plan in 2014.



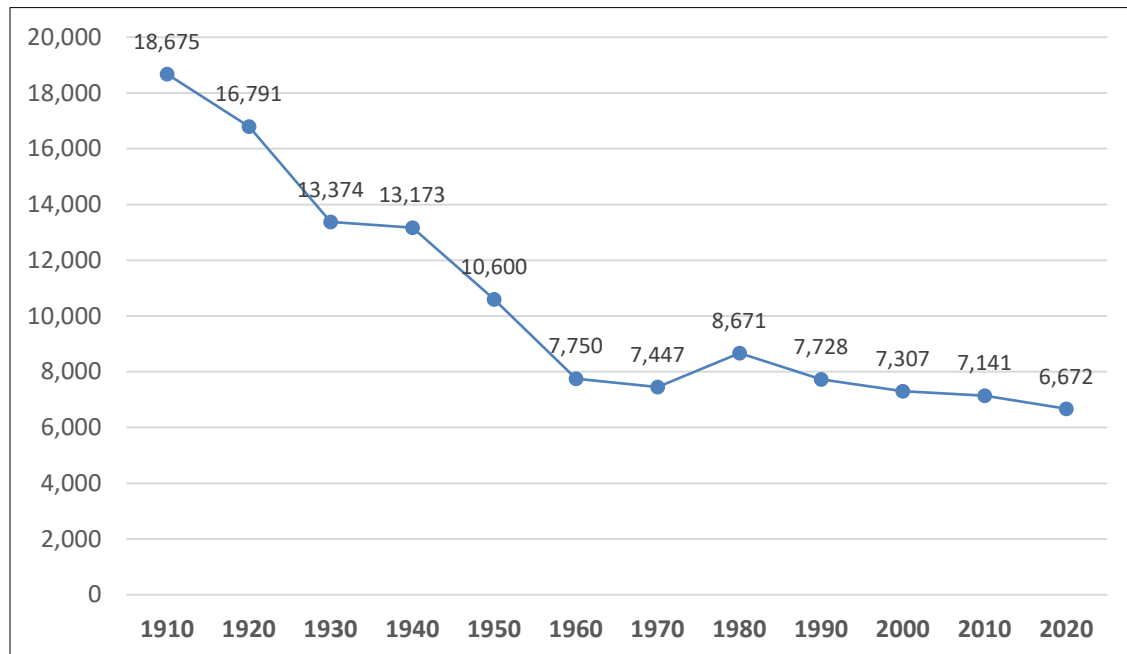
Tucker County Comprehensive Plan

DEMOGRAPHIC PROFILE

Population & Households

The 2020 U.S. Census found the population of Tucker County to be 6,672 residents. The county population reflects a steady decline for the past 110 years. The county population peaked in 1910 at 18,675. It fell between 1910 and 1920 and between 1920 and 1930. The population declined again after World War II until the county saw a population reversal with a population increase between 1970 and 1980. Since 1980, the county has experienced a steady decline in population. Since 1980, the Tucker County population has declined by 23 percentage points.

Chart 1: Population Change in Tucker County



Source: U.S. Census Bureau.

The county's rate of population decline is not expected to change in the next five years. Instead, based upon population projections by U.S. Census (Table 1) and the WVU Bureau of Business and Economic Research (Table 2), the ongoing decline in the Tucker County population is projected to continue through the next two decades.

Table 1: Comparative Population Change

	Tucker County	West Virginia	United States
1990 to 2000	-5.4%	+0.8%	+13.8%
2000 to 2010	-2.3%	+0.24%	+10.2%
2010 to 2020	-6.6%	-3.4%	+8.0%

Source: U.S. Census Bureau.

Table 2: Population Projections for Tucker County

	2020	2025	2030	2035	2040
Population	6,762	6,504	6,337	6,115	5,929
Percent Change		-3.8%	-2.6%	-3.5%	-3.0%

Source: WVU Bureau of Business and Economic Research

Age Structure

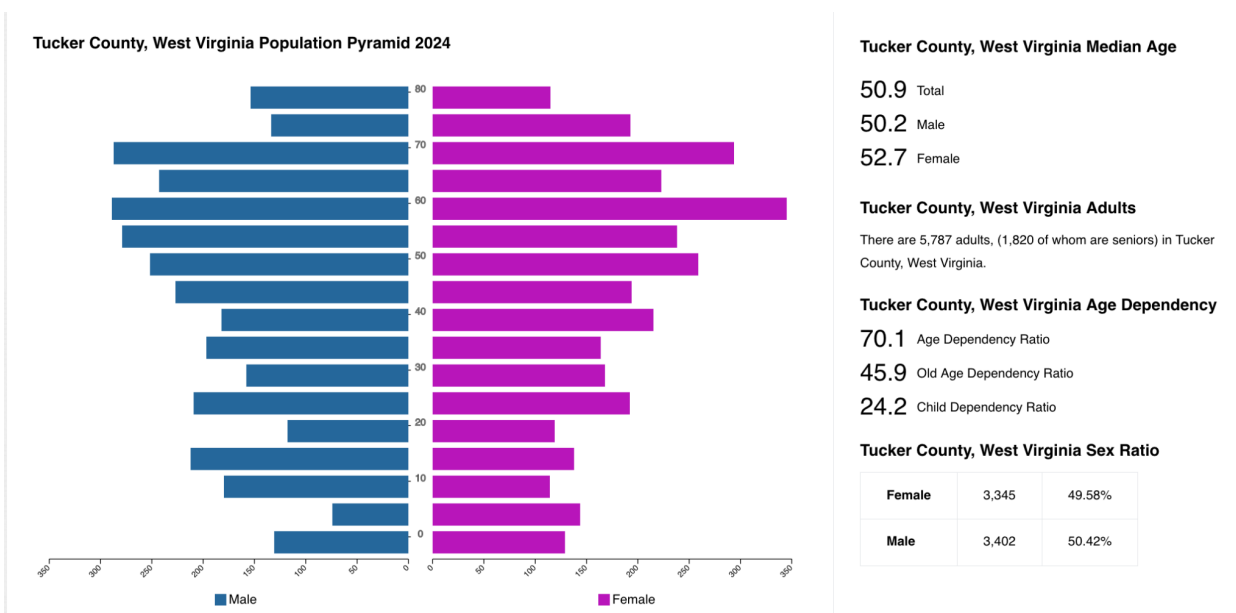
In addition to an overall population decline, the age of the average Tucker County resident is significantly higher than the national average. More than 28% of the Tucker County residents are over 65 years in age. The under age 18 group declined from 19% in 2010 to 13% in 2020. In comparison, 21% of West Virginia residents are over 65 years in age compared to 17% of the U.S. residents are over 65 years in age.

The age distribution in a region is important for many planning applications. Education, social services, recreational facilities, and a host of other services and facilities must be considered for the various age groups. In addition, commercial and industrial establishments tend to locate to areas where the demographic makeup includes a youthful and skilled labor force.

Table 3: Age Distribution in Tucker County

	Tucker County	West Virginia	USA
Persons under 5 years old, percent, 2020	3.3%	5%	5.6%
Persons under 18 years old, percent, 2020	13.4%	19.8%	21.7%
Persons 65 years old and over, percent, 2020	27.9%	21.2%	17.3%

Source: U.S. Census Bureau



Source: U.S. Census Bureau (<https://worldpopulationreview.com/us-counties/wv/tucker-county-population>)

Education

Education plays a critical role in the economic viability of a community. For example, when searching for new locations or for plant expansions, businesses tend to scrutinize the percentage of high school and college graduates, the quality of the local schools, and the availability of worker-readiness programs.

The proportion of adults in Tucker County that are high school graduates and college graduates is about the same average as the West Virginia and the national average.

Table 4: Education Statistics for Tucker County

	Tucker County	West Virginia	USA
High school graduates, percent of persons age 25+, 2017-2021	87.7%	88.1%	88.9%
Bachelor's degree or higher, pct of persons age 25+, 2017-2021	20.6%	21.8%	33.7%

Source: U.S. Census Bureau

Income

According to the Census Bureau, average income levels in Tucker County remain below the West Virginia average and the national average. The census indicates that the median annual family income for Tucker County was \$49,808 in the 2017-2021 period. At the same time, the number of persons below the poverty level is much lower in Tucker County as compared to the state.

Table 5: Income Statistics for Tucker County

	Tucker County	West Virginia	USA
Persons per household, 2017-2021	2.39	2.47	2.60
Per capita income in past 12 months (2021 dollars) 2017-2021	\$27,914	\$28,761	\$37,638
Median household income, 2017-2021	\$49,808	\$50,884	\$69,021
Persons below poverty level, percent, 2017-2021	14.7%	17.9%	11.5%

Source: U.S. Census Bureau

Conclusions

Although the Tucker County demographic profile indicates a county in decline, there are major forces for change that could reverse that trend.

1. The final section for completion of a multi-billion dollar transportation highway (WV 48) is anticipated to be finished in the next 5 to 10 years. The road carries the potential of providing a transportation route that will increase development opportunities, facilitate the transportation of goods and services, and increase affluence within the county.
2. The county continues to develop its outdoor recreation activities which includes a mountain bike and trail system connecting trails within the county and more ski trails. This will facilitate an increase in tourism year around.
3. The county is working toward the installation of a fiber-optic cable system for improved high-speed internet access and broadband communications in the underserved areas. The installation of a fiber backbone will provide these county residents access to the information superhighway and will facilitate business development.
4. The county is seeing an influx of a young artisan community that can contribute to a revitalization of the local municipalities and communities.

LAND USE

OVERVIEW

This section develops the overall land use profile plan for Tucker County.

The overall land use profile for Tucker County shows that the County's primary land use category comprises a combination of forest land, agriculture land, or undeveloped land (269,973 acres). Of the three, forest land occupies the largest amount. Agricultural land is relatively limited in Tucker County because of the prevailing rugged terrain. Much of the land base has remained underdeveloped because it is a steep slope area and as such is not developable.

Park land occupies a total of 8,372 acres with the two state parks (Canaan Valley Resort and Blackwater Falls) accounting for most of this acreage. The remaining acreage is Camp Kidd, the YMCA Camp Horseshoe, and municipal parkland.

Residential development and housing occupy some 2,105 acres or less that one percent of the County's total land area. More than half this acreage is to be found in Canaan Valley where recreation-related and resort development continued to grow during the past 25 years. The remaining residential development is largely concentrated in the county seat, the four towns, a series of settlement clusters, and some limited "strip" development along certain hollows and certain upland valleys.

Commercial and industrial developments occupy a total of 151 and 66 acres respectively. Public land uses occupy a total of 50 acres. Each of these last three land use categories is to be found at scattered locations throughout the County. Thomas and Davis have limited amounts of commercial development. However, recreation-related commercial development is to be found along WV 32 and at certain resort complexes within Canaan Valley. The overall land use profile has not changed significantly in recent years, except for the influx of recreation residential development that has taken place on large lots (one-, two-, and five-acre lots).

There are four major landowners in Tucker County:

Federal Government -- Monongahela National Forest	101,756 acres
Western Pocahontas Properties, Ltd.	38,000 acres
Federal Government -- Canaan Fish and Wildlife Refuge	16,987 acres
Canaan Valley and Blackwater Falls State Parks	8,372 acres

In total, over 54 percent of the county lands are federally owned and are non-taxable. Another 26 percent of the county lands fall under a subsidy and are subject to reduced taxation. As a result, less than 20 percent of the land within the county serves to make up the tax base used to support county activities. Table 6 below serves to summarize the amount of land available to provide tax revenues to serve the county.

Table 6: Tucker County Land Use

Ownership	Acres	Percent Acres Owned
National Forest	101,756	37.69%
Wildlife Refuge	16,987	6.29%
State Parks	8,372	3.10%
Nature Conservancy	2,243	0.83%
Other Non-Taxable	14,290	5.29%
West Virginia DNR	3,223	1.19%
Total Non-Taxable	146,871	54.4%
Managed Timber	44,249	16.39%
Farm Land	26,183	9.70%
Total Reduced	70,432	26.1%
Total Normal Tax Base	52,670	19.5%

Source: Tucker County Tax Assessor's Office, 2023 Tax Year

Land Use in Urban Areas

Urban areas in Tucker County are confined to the municipalities of Parsons Davis, Thomas, Hendricks, and Hambleton. This land use category includes residential, commercial, and industrial areas that support intensive human activity. Residential land use includes both single-family and multi-family development, and the commercial land use in the identified urban areas includes both the retail and the limited industrial activities that take place in the towns within Tucker County.

Land use recommendations for the five municipalities are not included in the countywide plan in accordance with state code. The Town of Davis approved an ordinance enacting a Comprehensive Plan on Jan. 11, 2023 while the City of Thomas finalize its Comprehensive Plan ordinance earlier this year, in 2024. The municipal plans are the official guide for land use, housing, transportation, economic development, infrastructure, public services and community character within city limits. It provides a foundation for decision-making that is based on

community consensus and an understanding of existing conditions and anticipated opportunities and issues.

Parsons: The City of Parsons is the county seat. The city is located in the southwest quadrant of the County along the Dry Fork/Black Fork tributary of the Cheat River. It has a population of 1,284 in 2022.

Davis: The Town of Davis is located in the northeast quadrant of the County at the confluence of Beaver Creek and the Blackwater River. At 3,101 feet in elevation, Davis is the highest municipality in the State of West Virginia and has the coldest temperature recorded in the State. It has a population of 579 in 2022.

Thomas: The City of Thomas has developed along the drainage of the north fork of the Blackwater River, just below its confluence with Glade Run. Situated in a deep, narrow river valley, Thomas is tightly-packed against the surrounding mountains. It has a population of 603 in 2022.

Hendricks and Hambleton: These two towns are located in the southwest quadrant of the County along the Dry Fork/Black Fork tributary of the Cheat River. Hendricks is located at the confluence of the Blackwater River with the Dry Fork, which forms the Black Fork River, and approximately 12 to 15 miles downstream from Davis. Hambleton is downstream of Hendricks on the Black Fork River just upstream from where Roaring Run joins the Black Fork River. In 2022, Hendricks had a population of 219 and Hambleton had a population of 210.

The primary urbanized areas in the county can be found along the major thoroughfares such as US 219, WV 32, and WV 48 and at their intersection. Small commercial centers can be found along these roadways, consisting of one or more retail or service establishments to serve the local population. The distribution and location of growth in recent years have not always assured the efficient delivery of public services as the development pattern has been widely dispersed.

Land Use in Canaan Valley

Land use in Canaan Valley has varied. In the early 1900s, the area was extensively logged for its large stands of cherry wood, and after being cleared, the valley bottom and gentle foothills were developed for farming. Later, the majority of the Valley was purchased by the Monongahela Power Company in anticipation of the construction of an electrical generating dam at the exit of the Blackwater River from the west valley wall (between Brown Mountain to the north and the Canaan Mountain ridge to the south). Later legislation concerning the preservation of natural wetland resources, combined with the presence of rare floral and faunal species (possibly threatened or endangered), supported the

transfer of a majority of Canaan Valley (and its watershed) to a national wildlife refuge.

The majority of new housing development has been in the seasonal home market. This influx of seasonal residents is directly related to the climate of the area, the development of the ski areas and golf course in Canaan Valley Resort State Park, and the vacation home construction adjacent to and in the Canaan Valley and Timberline areas. Residents of these developments are generally from outside Tucker County and do not have either family or long-standing ties to the existing communities. Associated commercial development is of a convenient nature and is designed to support the lifestyle of the transient residents. Seasonal home construction generates a certain level of construction jobs in the short run and results in predominantly service-oriented, seasonal jobs in the long run.

Presently, construction is concentrated in the southeast quadrant of the County, at the south end of Canaan Valley, and along WV 32 at the east side of Canaan Valley Resort State Park. Numerous small developments of single-family homes and condominiums continue to be built, providing tourist/vacationer housing adjacent both Canaan Valley Resort State Park and the Timberline Ski Area.

Publicly-Owned and Tax Exempt Land

The major constraint to development in Tucker County is the extent of land that is publicly and corporately owned. As stated above, the amount of land in national forests and state parks, combined with the two large blocks of land that are owned by Western Pocahontas Properties (approximately 38,000 acres) limit's the areas of the county that can be considered for development.

In addition to the lack of "available" land, development has imposed restrictions on construction. These restrictions include constraints imposed by soils, topography, and wetlands.

With respect to much of the federally owned land, the government provides the county with Payments in Lieu of Taxes (PILT). These federal payments help offset losses in property taxes due to nontaxable Federal lands within the county boundaries. PILT is provided from the Federal Government to the county in compensation for services such as those related to public safety, environment, housing, social services, and transportation. Payment is made directly to the eligible local government. Payments are made based on the number of acres of "entitlement lands." The majority of payments come from lands administered by the National Forest System; the National Park System; BLM; the U.S. Army Corps of Engineers, and some military installations. Payments are currently made at a rate of 0.75 percent of the market value of the land, 25 percent of the net receipts derived from the land, or \$0.75 per acre (whichever is greater).

1. Monongahela National Forest

The Monongahela National Forest is the largest landowner in Tucker County. The Monongahela National Forest owns over 101,756 acres or 38 percent of the total acreage within the county. The Monongahela National Forest came into existence around 1915 when the Federal Government began the process of purchasing the slash, cut, and burned slopes that have been left denuded by the aggressive logging methods of the late 1890s and early 1900s.

Because the Forest Service acquired land via “willing-seller” to “willing-buyer” transactions, the boundaries to the national forest are very irregular with a large number of “in holdings” (private land largely surrounded by national forest).

Since the Monongahela National Forest is a federal entity that exists within the Department of Agriculture, it participates in the PILT program described above.

2. Canaan Valley National Wildlife Refuge

The Canaan Valley National Wildlife Refuge is the second largest Federal landowner in Tucker County. The wildlife refuge owns 16,987 acres within Tucker County. Because the Canaan Valley National Wildlife Refuge is completely contained within Tucker County, the wildlife refuge has a closer relationship to the County than it does with the national forest. The refuge manager makes it a point to have meetings with the county commission periodically in order to keep the county up to date with all activities within the refuge.

Canaan Valley National Wildlife Refuge was established when the Freeland Tract was purchased on September 11, 1994. Through various purchases between 1994 and 2001, the refuge slowly grew to just over 3,000 acres in size. In February 2002, the refuge acquired just under 12,000 acres from Allegheny Power Systems, including much of the wetlands in the central part of the valley. This purchase brought the acreage of the refuge to 15,245 acres.

In 2024, the Nature Conservancy purchased approximately 2,000 acres of additional property from Western Pocahontas Properties. The Nature Conservancy purchased the property with the intent to transfer the land to the Canaan Valley Wildlife Refuge.

The refuge would like to continue to acquire acreage to the extent that the acreage contributes to the mission of the refuge and to the extent that the land acquisition serves to benefit the local community.

Because the Canaan Valley National Wildlife Refuge is a Federal entity in the same respect as the Monongahela National Forest, the wildlife refuge provides the

county with payments in lieu of taxes via the same regulation as does the national forest. Although the Canaan Valley National Wildlife Refuge falls under a different Federal Agency than the Monongahela National Forest, the regulation that governs payments in lieu of taxes remains the same. Although the payments made to the county from the wildlife refuge are as described above, the Department of the Interior (the Agency that oversees the U.S. Fish and Wildlife Service) may appraise property differently than the Department of Agriculture (the Agency that oversees the Forest Service). In addition, payments to the county will depend on the Agency budget appropriation. These appropriations may vary from Agency to Agency.

3. Canaan Valley Resort and Blackwater Falls State Park

A third major governmental landowner within the county is the State of West Virginia. The State of West Virginia owns two major state parks within Tucker County, Canaan Valley Resort State Park and Blackwater Falls State Park. These two state parks combine to comprise 8,372 acres within the county.

As a state entity, the state parks make no payments in lieu of property taxes to Tucker County. However, any concessionaires that operate within the state parks are required to pay personal property taxes on the property owned by that individual concessionaire. In addition, the concessionaires pay the hotel tax on the hotel rooms, cabins, and campsites within the parks.

4. The West Virginia Division of Natural Resources

In 2012, the West Virginia Division of Natural Resources accepted control of 3,070 acres of land that formerly was under control of the Canaan Valley Institute (CVI). Under the West Virginia Division of Natural Resources (WV-DNR), the property remains tax-exempt and has been designated as the Little Canaan Wildlife Management Area.

The WV-DNR entity that accepted the CVI holdings is separate from the WV State Park System. However, WV-DNR will operate much like the state parks in that it will make no payments in lieu of property taxes to Tucker County.

Privately-Owned Forest Land

The major owner of private forestland within Tucker County is the Western Pocahontas Properties, Ltd. The timber management group owns approximately 38,000 acres within Tucker County. Although the Western Pocahontas Properties does pay property taxes on its land holdings, the property taxes for Western Pocahontas at the greatly reduced rate for managed timberland.

Western Pocahontas Properties plans to continue to log its property in a manner consistent with its forestry plan. Although Western Pocahontas Properties owns the mineral rights for its landholdings, the corporation does not own the oil and gas rights for its land. Therefore, they do not look forward to gas production from the oil shale.

Western Pocahontas Properties has undertaken a comprehensive master planning effort for its holdings along WV 32, between the town of Davis and the city of Thomas. It has defined the master planned area as Corbin Valley. Included in the Corbin Valley planning effort is a resource analysis to identify critical environmental elements (streams, wetlands, and steep slopes) to preserve and maintain. Existing road and trail infrastructure will be utilized to promote connectivity between the Davis and Thomas communities as well as the expansion of new trails that will further promote connection.

Corbin Valley will showcase and preserve the natural environment while creating sustainable, responsible, and environmentally sensitive residential and economic development focused on cultural growth and connectivity. The core values inherent to the existing area will be maintained in collaboration with the local community, respecting and fulfilling the needs of Davis and Thomas communities, Tucker County, and the greater region.

As part of the master planning process, an overall master utility plan has been created as a guide for future land use and development. The absence of sufficient infrastructure (wastewater, water, electric, natural gas, broadband) is currently a limiting factor for commercial and residential development efforts in the region. Western Pocahontas Properties will leverage existing infrastructure whenever possible and work with the new Blackwater Public Service District, regional economic development authorities, state and federal agencies to upgrade systems as the needs arise.

The company has also received a total of \$39 million of grants the past two years (2022 and 2023) to develop its managed timberland.

- In 2023 the Abandoned Mine Economic Revitalization Program awarded \$25 million to Western Pocahontas Properties, Ltd. These monies will be used for repurposing and revitalizing the existing structures (near Blackwater Falls State Park) in the Davis area for local residents and visitors to include multi-family dwellings, community arts center, community shops, outdoor amphitheater, office spaces, bike park and trailhead connectivity to existing trail system, wellness center, and a STEM educational facility.
- In 2022 the state of West Virginia awarded \$25 million to Western Pocahontas Properties, Ltd over a two-year time period and two phases of the project. These monies will be used to develop worker and residential housing in Grant and Tucker counties. The project referred to as the

Timber Tech Housing Development includes a two phased construction project of a 507 acre master planned community. It involves the construction of a variety of residential housing units and water and wastewater facilities which will be instrumental in helping meet the substantial housing challenges facing the current and future residents in these two counties.

Recently, Western Pocahontas sold approximately 2,000 to the Nature Conservancy. In 2019 the company publicly endorsed Cortland Acres' Vision 2030 plan allowing for the development of 100 acres or more.

Architectural Constraints to Development within Canaan Valley

The Tucker County Commission has found it advantageous to implement Architectural Constraints in the form of a Zoning Ordinance for buildings and structures within the Canaan Valley Region. The purpose of the architectural constraints is to segregate uses that are thought to be incompatible. The zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community.

A summary of the Canaan Valley Zoning Ordinance is included as an appendix to this comprehensive plan. A copy of the Zoning Ordinance is on file at the County Courthouse.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Retain the rural character of the county by preserving natural, scenic, and open space resources; enhancing the tax base through development in appropriate locations; and assuring the continued desirability of the county as a place to live, work and play.

Objectives

- Identify growth areas, which are logical extensions of existing concentrations and ensure that they have appropriate access and can be efficiently served by infrastructure systems.
- Encourage new development in the county in existing communities and growth areas.
- Discourage development in areas not suitable for on-site sewage disposal and which cannot feasibly be served by publicly-owned waste management.
- Encourage proper utilization of creek valleys, open areas, and steep slopes as open space.
- Encourage compact business development patterns along existing and new highways including WV 48 (Corridor H).
- Encourage suitable, attractive, and compatible commercial and office uses at appropriate locations, consistent with existing land use patterns, support services, and the transportation systems.
- Work to retain existing and attract new desirable businesses in the county, and foster the viability of commercial areas in the county through revitalization efforts and streetscape improvements.
- Increase the availability of affordable workforce housing within the county.

Strategies

- Develop and adopt a countywide policy in collaboration with the public service districts, which describes and enforces the boundaries of water and sewer service extensions in these areas.

- Develop and adopt a countywide growth management policy that identifies growth areas where the county will direct new development. New infrastructure systems should be emphasized in the growth areas so as to avoid rural sprawl development patterns.

Partners and Potential Partners

- The Tucker County Commission develops, incorporates and implements any Architectural Constraints developed by the County.
- The Tucker County “Board of Zoning Appeals” established by the Tucker County Commission provides and administers the zoning regulations for the lands, water, and wetlands that comprise Canaan Valley and its surrounding watersheds that drain towards Canaan Valley.

Fiscal Considerations

- Use funding streams appropriated by the Tucker County Commission.
- Seek additional county general revenues.
- Seek infrastructure grants wherever available
- Charge appropriate service/permit/application fees for new and existing activities.
- Seek financial contributions/assistance from external entities participating in work within the county.

HOUSING

OVERVIEW

In Tucker County, there are 4,650 total housing units, according to the 2020 US Census, a slight decrease from 2010. Most, or 79.6%, of the residences are occupied by primary owners, with the renter-occupied units comprising the remaining 20.4%.

Of the housing units classified as “occupied,” 80% (2,276 units) are considered owner-occupied. Significantly fewer units are classified as renter-occupied at 20% (560 units). This remains unchanged from 2010.

Tucker County household sizes have continued to decrease. In 1970, Tucker County’s average household size was 3.25 persons; that number has fallen from 2.77 in the 2010 U.S. Census to 2.13 in the 2020 US Census.

Table 7: Housing Occupancy – Owner-Occupied vs. Rental-Occupied

	2020	2010
Total Households	3,176	3,057
Average household size	2.13	2.77
Housing Occupancy		
Total housing units	4,650	5,346
Occupied housing units	2,993	3,057
Married householder	1,282	2,289
Single householder	189	123
Vacant housing units	1,657	2,289
Housing Tenure		
Occupied housing units	2,836	3,057
Owner-occupied housing units	2,276	2,458
Average household size of owner-occupied units	2.34	2.32
Renter-occupied housing units	560	599
Average household size of renter-occupied units	2.24	2.16

Source: 2022 ACS 5-Year Estimates, U.S. Census Bureau

A summary of housing statistics is provided above. Of the statistics, the most noticeable is the significantly high vacancy rate (1,657 or 36%). While this is significantly lower than 2010 (2,289 or 43%), it still remains high.

There are a couple of explanations for the high vacancy rate. First, the high vacancy rate may be explained by the large number of second houses that exist throughout the county.

The age of the housing stock is another indicator of housing condition and value. The median year in which these properties were built in Tucker County is 1976, with 32% being built before 1960. The advanced age of these structures makes many of them unlivable or difficult and cost prohibitive to renovate, which may explain part of why the higher vacancy rate. Those units that were not properly maintained became increasingly dilapidated over time, making the units uninhabitable or unsafe for occupation (whether occupied or not). It would be cost-prohibitive to address accessibility issues in many of these homes.

Table 8: Year House Built

	Tucker County	West Virginia
Built 2020 or later	-	-
Built 2010 to 2019	5%	6%
Built 2000 to 2009	10%	11%
Built 1990 to 1999	17%	13%
Built 1980 to 1989	25%	12%
Built 1970 to 1979	11%	16%
Built 1960 or earlier	32%	42%

Source: 2022 American Community Survey, DP04

Below are some additional housing characteristics for Tucker County regarding owner-occupied and renter occupied housing.

Table 9: Age of Householder

	Owner-Occupied	Renter Occupied
Age 15 - 34	9%	20%
Age 35 – 64	48%	49%
Age 65 plus	43%	31%

Source: 2022 American Community Survey

On average, the monthly rental rates for housing in Tucker County are lower than the average rental rates in West Virginia, \$783 versus \$850.

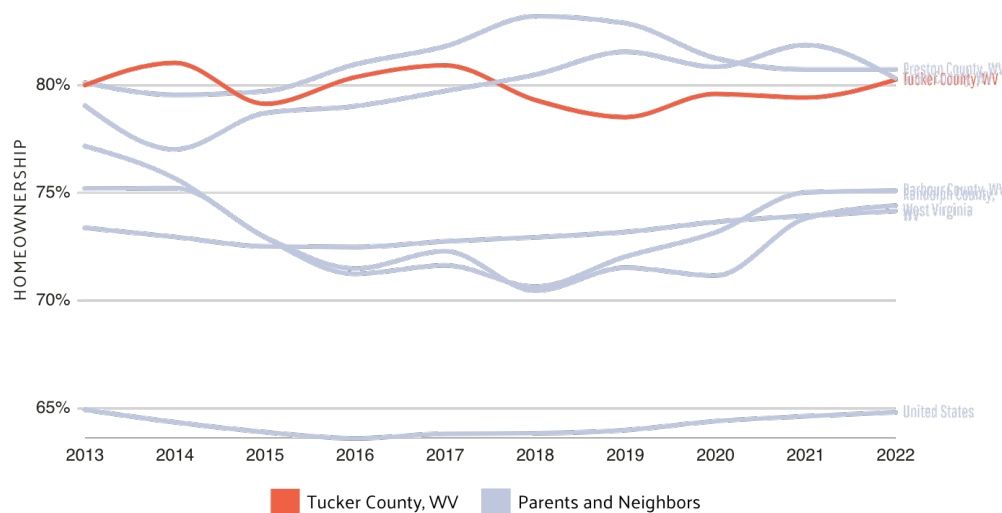
Table 10: Occupied Units Paying Rent

	Tucker County	West Virginia
Less than \$500	22%	16%
\$500 to \$999	58%	54%
\$1,000 or more	20%	30%

Source: 2022 American Community Survey

Homeownership rate in Tucker County is higher than the state of West Virginia and some surrounding counties. According to the 2022 American Community Survey (5-year estimate), 80% of the homes are owned in Tucker County as compared to the state, 74%.

Chart 2: Homeownership in Tucker County



Income and Housing Cost

Generally speaking, the price of housing in West Virginia can be considered low, however, it depends on other factors in order to determine if it is considered affordable. Incomes must be high enough for residents to purchase or rent housing, while other household expenses must not be too high. For housing to be

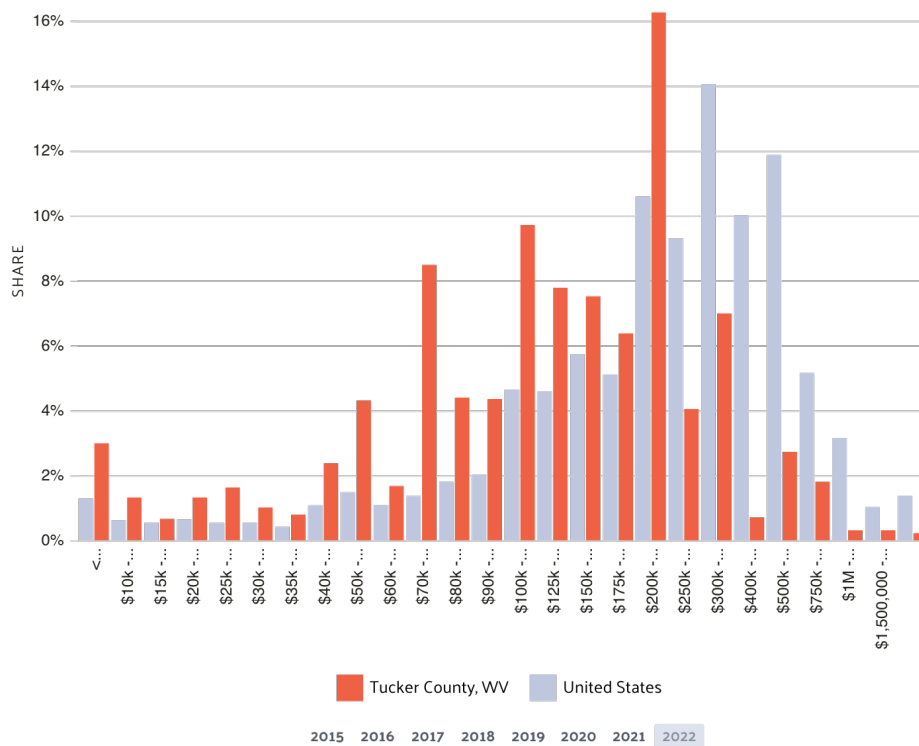
affordable, as defined by the US Department of Housing and Urban Development (HUD), a household cannot spend more than 30% of gross income on housing expenses. Households exceeding this limit are cost-burdened.

Table 11: Income, Employment, and Various Housing Costs

	Tucker County	West Virginia
Median Household Income	\$54,053	\$55,948
Unemployment Rate	3.70%	4.2%
Median Transportation Cost as a Percent of Income (2017)	35%	-
Median Gross Rent as a Percentage of Household Income	14%	15%
Median Monthly Ownership Costs as a Percent of Household Income	12.5%	13.7%

Source: 2022 American Community Survey, DP04

Chart 3: Housing Value – Owner Occupied



The median property value in Tucker County was \$141,100 in 2022, which is 0.501 times smaller than the national average of \$281,900. Between 2021 and 2022 the median property value increased from \$137,300 to \$141,100, a 2.77% increase. The homeownership rate in Tucker County is 79.6%, which is approximately the same as the national average of 64.8%.

Examining housing units with a mortgage, 65.6% of the housing units in Tucker County were occupied by their homeowners with a mortgage. This percentage is a slight decline from the previous year's rate of 65.8%.

Table 12: Housing Value – Owner Occupied

	Tucker County	West Virginia
Less than \$50,000	12%	14%
\$50,000 to \$99,999	23%	20%
\$100,000 to \$149,999	18%	17%
\$150,000 to \$199,999	14%	15%
\$200,000 to \$299,999	20%	19%
\$300,000 to \$499,999	8%	11%
\$500,000 or more	5%	4%

Source: 2022 American Community Survey, DP04

Cost Burden

The following tables provide cost burden data by income tier, tenure and elderly status. Cost burden is determined using 2011-2015 CHAS (Comprehensive Housing Affordable Strategy) data, the most recent year for which data was available at the time of analysis. CHAS uses the HUD definition of elderly which is 62 years of age or older.

Table 13: Cost Burdened Household By Income Tier, Tenure, and Household Type

AMI Tier	Total	Number	Percentage
Elderly Owner			
0-30%	20	10	50%
31-50%	50	8	16%
51-80%	85	4	4.7%
81% or greater	355	40	11.3%
Elderly Renters			
0-30%	-	-	-
31-50%	-	-	-
51-80%	4	-	-
81% or greater	20	-	-
General Occupancy Owners			
0-30%	170	80	47%
31-50%	315	150	47.6%
51-80%	400	70	17.5%
81% or greater	1,495	109	7.3%
General Occupancy Renters			
0-30%	155	85	54.8%
31-50%	145	65	44.8%
51-80%	70	35	50%
81% or greater	255	-	0%

Source: CHAS 2015 (Comprehensive Housing Affordable Strategy)

Unmet Needs

Current Units of Unmet Need

The following section is comprised of two parts – unmet need for households with incomes up to 80% (Area Median Income) and households with incomes above 80% AMI. Unmet Need is defined as the proportion of households in an income tier, tenure and elderly status without available and affordable housing. Units of Unmet Need is an estimate of the number of units needed to provide affordable housing to those households with Unmet Need.

Households with Incomes Up to 80% AMI (Area Median Income)

For low- and moderate-income households up to 80% AMI (Area Median Income), (Public Use Microdata Sample) data was utilized to determine the Unmet Need which was paired with HISTA data to determine the Units of Unmet Need. HISTA is a custom cross-tabulation of household data used by housing market analysts to analyze housing markets. Because there is no PUMS data available using 2019 data, it was assumed that the proportion of households without available and affordable housing has remained constant. In this analysis, elderly means age 55 and above.

Table 14: Unmet Needs and Units of Unmet Needs by Type and Tenure

AMI Tier	Number of HH	Unmet Needs	Units of Unmet Needs
Owners General Occupancy			
0-30%	153	78%	119
0-60%	330	62.2%	205
0-80%	454	44.9%	204
Owners Elderly			
0-30%	274	78.7%	214
0-60%	643	62.2%	400
0-80%	848	44.9%	381
Renters General Occupancy			
0-30%	77	60.9%	47
0-60%	178	5.1%	9
0-80%	227	-6.6%	(15)
Renters Elderly			
0-30%	131	60.9%	80
0-60%	164	5.1%	8
0-80%	184	-6.6%	(12)

Source: 2017 PUMS, HISTA data set from Ribbon Demographics, calculations by Mullin & Lonergan Associates, Inc.

Households with Incomes Above 80% AMI

For households with incomes above 80% AMI (Area Median Income), CHAS cost burden data was utilized to determine the percentage of households without affordable housing. This percentage was paired with HISTA data to determine the current Units of Unmet Need. It was assumed that the proportion of cost burdened households has remained constant. Within CHAS data, elderly is defined as age 62 and above. CHAS data allows for the calculation of cost burden broken down by the income tiers 81-100% AMI and above 100% AMI.

Table 15: Unmet Needs and Units of Unmet Needs by Type and Tenure, Household Income Greater than 80% AMI

Income Tier	Number of HH	Unmet Needs	Units of Unmet Needs
Owners General Occupancy			
81-100%	126	22.2%	28
101%	458	4%	18
Owners Elderly			
81-100%	154	37.5%	58
101%	380	3.6%	14
Renters General Occupancy			
81-100%	65	0%	0
101%	72	0%	0
Renters Elderly			
81-100%	9	0%	0
101%	32	0%	0

Source: 2015 CHAS, HISTA data set from Ribbon Demographics, calculations by Mullin & Lonergan Associates, Inc.

Future Unmet Need

Five-Year Projections of Number of Households by Income Tier, Tenure and Elderly Status

The following section includes projection data using HISTA tables produced by Ribbon Demographics, LLC for five-year projections to estimate the potential number of households by income tier, tenure and elderly status. To estimate AMI in 2024, an annual inflation rate of 2% was assumed and applied to the current HUD-provided AMI for each county for a family of four persons. The following table indicates the projected county AMI by income tier and are not programmatic income limits, which are released by HUD.

Table 16: Unmet Needs and Units of Unmet Needs by Type and Tenure, Household Income Greater than 80% AMI

Income Tier	2017	2024
30% AMI	\$15,870	\$18,230
60% AMI	\$31,740	\$36,459
80% AMI	\$42,320	\$48,612
100% AMI	\$52,900	\$60,765

Source: 2017 HUD; 2024 calculations by Mullin & Lonergan Associates, Inc.

Table 17: Number of Households by Income Tier, Tenure and Elderly Status

	2015		2019		2024	
AMI Tier	#	%	#	%	#	%
Renters General Occupancy						
0-30%	65	11.1%	77	13.1%	77	13.1%
0-60%	133	22.6%	178	30.1%	178	30.1%
0-80%	215	36.5%	227	38.5%	227	38.5%
81-100%	33	5.5%	65	11.1%	65	11.1%
100%+	117	19.8%	72	12.2%	72	12.2%
Renters Elderly						
0-30%	108	18.4%	131	22.2%	131	22.2%
0-60%	163	27.7%	164	27.8%	164	27.8%
0-80%	170	28.8%	184	31.2%	184	31.2%
81-100%	18	3.1%	9	1.5%	9	1.5%
100%+	37	6.2%	32	5.5%	32	5.5%
Owners General Occupancy						
0-30%	136	5.6%	153	6.3%	153	6.3%
0-60%	277	11.5%	330	13.7%	330	13.7%
0-80%	393	16.2%	454	18.8%	454	18.8%
81-100%	106	4.4%	126	5.2%	126	5.2%
100%+	540	22.3%	458	18.9%	458	18.9%
Owners Elderly						
0-30%	215	8.9%	274	11.3%	274	11.3%
0-60%	579	23.9%	643	26.6%	643	26.6%
0-80%	733	30.3%	848	35.1%	848	35.1%
81-100%	177	7.3%	154	6.4%	154	6.4%
100%+	473	19.5%	380	15.7%	380	15.7%

Note: The percentages by tenure and elderly status do not add to 100% because some income tiers are cumulative. That is, the percentage of households from 0-60% includes households from 0-30%. The percentages shown are the percentages of the total population.

Source: HISTA data projections by Ribbon Demographics; calculations by Mullin & Lonergan Associates, Inc

Additional information about the housing sector in Tucker County can be found in the Appendix.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Retain the rural character of the county by preserving natural, scenic, and open space resources; enhancing the tax base in appropriate locations; and assuring the continued desirability of the county as a place to live, work and play.

Objectives

- Identify growth areas, which are logical extensions of existing concentrations of development.
- Encourage new development in the county in existing communities and growth areas.
- Discourage development in areas not suitable for on-site sewage disposal and which cannot feasibly be served by publicly owned waste management.
- Encourage proper utilization of creek valleys, open areas, and steep slopes as open space.
- Encourage compact business development patterns along WV 48 (Corridor H).
- Recognize the variety of housing needs of county residents.

Strategies

- Develop and adopt a countywide policy in collaboration with the public service districts, which describes and enforces the boundaries of water and sewer service extensions in these areas.

Partners and Potential Partners

- The Tucker County Commission develops, incorporates and implements any constraints developed by the County.

Fiscal Considerations

- Use funding streams appropriated by the County Commission.
- Seek additional county general revenues.
- Charge appropriate service/permit/application fees for new and existing activities.
- Seek financial contributions/assistance from external entities with whom work is jointly done.

TRANSPORTATION

OVERVIEW

Although automotive transportation is emphasized in this chapter, alternative means of transportation are also considered. The primary transportation consideration for Tucker County focuses around the construction of WV 48 (Corridor H).

Tucker County is located in north-central West Virginia. The county is centrally located within one day's drive of half the population of the county. Driving distances to some of the nearest major metropolitan areas from Parsons consist of the following (mileage according to Google):

Pittsburgh, PA 135 miles,
Charleston, WV, 156 miles,
Washington, DC 192 miles,
Baltimore, MD, 230 miles,
Richmond, VA, 234 miles,
Columbus, OH, 263 miles,
Cleveland, OH, 263 miles,
Philadelphia, PA, 326 miles,
Virginia Beach, VA, 338 miles,
Cincinnati, OH, 345 miles,
Raleigh, NC 347 miles,
Charlotte, NC, 376 miles
New York, NY, 395 miles.

Although the completion of WV 48 (Corridor H) will not appreciably alter the travel distances, the new road will shorten some of the driving times by 45 minutes.

In addition to the completion WV 48, Tucker County is currently served by the following federal and state highways:

1. US 33 traverses an east-west corridor 5 to 10 miles south of the Tucker County line. This route links the county to Elkins and Buckhannon to the Interstate 79 corridor to the west and to Petersburg and then by WV 55 to the Interstate 81 and Interstate 66 corridors to the east.
2. US 50 traverses an east-west corridor 5 to 10 miles north of the Tucker County line.

3. US 250 traverses a north-south corridor 8 to 18 miles west of the Tucker County line.
4. US 219, which follows a north-south alignment from Pocahontas through Elkins into Tucker County and then a southwest-northeast alignment through the County; this route continues northward to reach both the I-68 corridor and the Pennsylvania Turnpike.

The construction and maintenance of public roadways in West Virginia have been a function of the West Virginia Division of Highways since 1933.

Scenic By-Ways

The State of West Virginia designated the route that runs from US 219 from Parsons up to WV 32 and back along WV 72 as the Monongahela Scenic By-Way. The route may receive a possible future designation as a Federal Scenic By-Way.

Major Highway Improvements

Tucker County is located in heavily mountainous terrain that, in the past, has been relatively inaccessible. Before the construction of WV 48 (Corridor H), Tucker County existed far from interstate highway corridors. Transportation routes to and from the county have been along narrow and winding mountain highways.

The general accessibility problem has now been cured with the extension of WV 48 to Tucker County. The expansion of the highway into Tucker County filled the need for improvement of Tucker County's general accessibility. With the improvement in highway access, the tourism industry has improved, and the county is becoming more accessible for other industrial and employment opportunities.

Corridor H (which has been officially designated WV 48) improved the general accessibility of Tucker County. The corridor is a part of the Appalachian Regional Commission's Appalachian Development Highway System and provides a four-lane highway between Interstate 81 in Front Royal, Virginia, and Interstate 79 to the west.

The completion of the corridor will link the state capital, Charleston, with the Washington-Baltimore area (via Interstate 66) and will benefit Tucker County in several ways. The highway will enlarge the number of potential industrial sites and enhance their development potential. The highway has already significantly shortened the commuting time for Tucker County residents to outside places of employment and employment centers. The Corridor makes Canaan Valley much more accessible to out-of-state tourists from the East Coast, the mid-south, and

Minor airports that exist near Tucker County include Morgantown, Clarksburg, Elkins, and Martinsburg. However, these minor airports do little to impact either passenger or freight transportation from Tucker County.

Trains

In the days of wood and mineral extraction, the railway system served as a major artery for moving goods from and equipment to Tucker County. With the diminution of coal mining as a major industry in West Virginia, the rail system has also declined.

Currently, CSX runs freight lines into Grant, Preston, and Barbour counties. However, active passenger and freight systems to and from Tucker County no longer exist and are not planned for the future.

Marine Transportation

Although West Virginia is landlocked, marine transportation has an economic influence. Since the beginning of transportation, man discovered that shipboard transportation is the most efficient way to move goods from one place to another. On a ton-per-mile basis, the costs of shipboard transportation equate to less than ten percent of the cost of any other transportation means. Although Tucker County has no direct access to marine transportation, the county does occupy the land bridge between the two premiere marine transportation networks within the United States.

The United States has the good fortune to hoist the most comprehensive marine waterway system anywhere on Earth. Between the Mississippi – Missouri River system and the Intercoastal Waterway that leads to Chesapeake Bay, the U.S. possesses the world's most viable sheltered marine waterway transportation systems.

Intercoastal Waterway is a 3,000-mile waterway along the Atlantic and Gulf coasts of the U.S. The waterway is a body of sheltered water that boats can navigate with a controlling depth of over nine feet throughout the system. The ICW consists of natural inlets, saltwater rivers, bays, and man-made canals that run from Florida to the Chesapeake Bay.



The Chesapeake Bay serves as an extension of the Intercoastal Waterway, and is the largest estuary in the United States. The Bay is approximately 200 miles from its northern port in Baltimore to its outlet in the Atlantic Ocean. Its total shoreline including tributaries is 11,684 miles with an Average depth of 21 feet (6.4 m), reaching a maximum of 174 feet.



The Mississippi-Missouri River system (including the Ohio River) is the fourth largest river system in the world and serves the transportation industry as the most important navigable commercial inland waterway in the world. (Navigable for this definition means a controlling depth of 9 ft for 11 months out of the year). The river system collects water from 41 percent of the contiguous United States reaching 31 U.S. states. The navigable river systems combine to a total length of 3,979 miles.



Public Transportation

Like most rural communities, Tucker County has very little in the way of public transportation for its residents. Of the options that exist, Tucker County does provide some limited transportation for its citizens at the Senior Center. Cortland Acres also provides limited transportation for its residents. Finally, the Canaan Valley Resort State Park provides limited bus transportation from the Lodge to the Ski Hill.

- The Tucker County Senior Center provides daily van transportation to transport seniors to nutrition sites and non-emergency medical transportation. The transportation service is provided under the Medicaid Program.

- Cortland Acres provides transportation for its residents to physician appointments.
- Canaan Valley Resort State Park provides limited shuttle bus transportation from the lodge to the ski hill. Once the ski season ends, the shuttle service also terminates.

Bicycle and Pedestrian Transportation

Tucker County continues to work with the West Virginia Division of Highways to establish a multimodal (bicycle and pedestrian) trail from Thomas to Davis. Currently, plans are to include such a trail as part of the WV 48 construction project.

The West Virginia Division of Highways has already established a multimodal trail from Parsons to Elkins. The trail has been temporarily interrupted while it serves as part of a staging area for the ongoing Corridor H construction. However, once construction is complete, the trail will be reestablished.

Recreational bicycle and hiking trails have been established throughout Tucker County. However, these trails have been established more for recreational than transportation purposes and are covered within the Recreation and Tourism part of this report.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

The county must plan for an orderly transition to the increased interstate transportation effectiveness that will be available when WV 48 (Corridor H) enters into Tucker County. In addition, the county should plan a circulation system of road, transit, and pedestrian facilities, which will allow safe and efficient vehicular and pedestrian travel throughout Tucker County.

Objectives

- Work with West Virginia Department of Transportation on the orderly design and construction of exits and access routes to facilitate the highest and best use of the new section of WV 48 (Corridor H).
- Coordinate land use and road improvement policies.
- Preserve and improve the capacity of the existing roads within the area as future development occurs through cooperative efforts with developers and West Virginia Department of Transportation.
- Assure adequate access management exists along major road corridors.
- Facilitate pedestrian circulation within the community business areas through such means as benches, landscaping, and other pedestrian amenities.
- Preserve the natural scenic quality of Tucker County while providing sufficient transportation systems consistent with the county's present and long-term needs.
- Encourage the development of trails linking residential areas to open spaces, and recreation resources located within or adjoining such developments.

Strategies

- Work with the County Commission to advocate for the implementation of the road and safety improvements recommended in the WV Division of Highways plans on WV 48 within the next five years.

- Conduct a corridor management study of Corridor H northern route to determine the highest and best use of land and to evaluate the need for development standards such as access management.

Partners and Potential Partners

- The Tucker County Commission develops, provides county funding and works with the West Virginia Department of Transportation with respect to the coordination of transportation issues.
- The West Virginia Department of Transportation provides the design, funding, and seeks matching Federal Funds for transportation routes within the county.
- The Federal Highways Administration provides matching funds for road construction and establishes design constraints for all transportation routes that are part of the National Highway System.

Fiscal Considerations

- Seek local funding to enhance West Virginia Division of Highways road improvement projects.
- Explore impact/development fees to augment existing revenue streams.

INFRASTRUCTURE

OVERVIEW

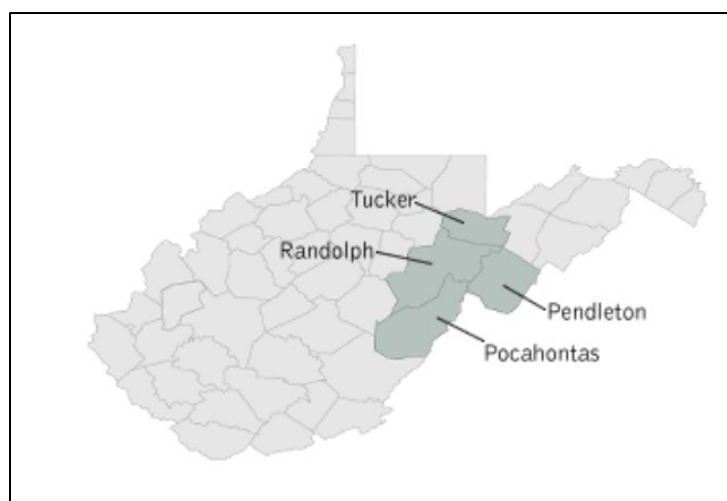
The Tucker County infrastructure is provided by or administered by various external government and private entities. The county infrastructure consists of the following:

- Roads
- Electrical Power
- Telecommunications Services
- Public Water
- Public Sewage
- Solid Wastewater
- Municipal Buildings

Roads

The majority of roadways in Tucker County mainly fall under the control of the West Virginia Division of Highways. The highway department is broken into multiple districts. The Tucker County highway system falls within District Eight (see below).

Map 5: West Virginia Division of Highways District Eight



Source: <https://transportation.wv.gov/highways/districts/district-eight>

Not all roadways within the district belong to the West Virginia Division of Highways. In West Virginia, small municipal roads are maintained by the governing municipalities. In some subdivisions, subdivision roads are maintained by the respective subdivisions. On Federal or State Land, some roads are owned and maintained by the forest service, the park service, or the individual state parks. However, most roads in Tucker County are owned, operated, maintained, and serviced by the West Virginia Division of Highways.

As part of District Eight, the Parsons Office (currently headed by Ken Hebb), takes responsibility for Tucker County. Tucker County roadway maintenance includes drainage, defoliation, road repairs, rights-of-way, signage, and snow removal operations.

Road system care and maintenance in Tucker County is exceptionally good. As a testimony to the local road system, the county is rewarded with frequent visits from sports car clubs and motorcycle clubs. The main purpose of these club visits is for members to enjoy riding the county roads and viewing the scenery.

Many of the backroads in the county are the type of roads that are of the type featured in car commercials. The Tucker County roads are scenic, well-maintained, a pleasure to drive and serve as an incentive for sports car enthusiasts and motorcycle riders to come and visit.

Electrical Power

FirstEnergy, Inc. is a regulated monopoly utility that provides electrical power to residents throughout the region through Monongahela Power (the service area provider).

First Energy (NYSE: FE) is an energy company headquartered in Akron, Ohio. First Energy includes one of the nation's largest investor-owned electric systems with a total capacity of more than 20,000 megawatts. In February 2011, FirstEnergy purchased Monongahela Power from Allegheny Energy. As a subsidiary of FirstEnergy, Monongahela Power is a regulated monopoly that is chartered through the Public Service Commission of West Virginia to provide safe and reliable electric power to the residents of Tucker County and the surrounding areas.

While the states of Maryland and Pennsylvania have deregulated the purchase of electric power and allow electric customers to choose the company that generates or supplies their electricity, no such option exists within West Virginia.

After the extensive power outages caused by Hurricane Sandy in 2012, First Energy has taken steps to improve power reliability to its customer base in West Virginia. Monongahela Power has set up a division to monitor and upgrade power

availability. Monongahela Power has also embarked on a concerted program to clear the existing power lines from foliage and to periodically maintain this foliage clearance. Although confirming statistics are not available, electric power availability in Tucker County appears to have improved.

First Energy is also taking energy conservation actions in conjunction with the recent Build Back Better Act. First Energy is looking to construct a solar plant adjacent to WV 48, near Davis. First Energy is also looking to follow through with other incentives established in the Act to reduce greenhouse gases.

Telephone Service

Frontier Telephone is a regulated utility that provides telephone service for county residents. Frontier provides landline telephone coverage through a copper wire distribution system. Frontier states that they have no plans to upgrade to fiber optic cables in the immediate future.

Unfortunately, the ability to receive reliable landline telephone service from Frontier Communications continues to decline. Frontier Communications continues to exist as a regulated monopoly. Frontier faces no competition for providing landline telephone service. Frontier's rates are guaranteed, and Frontier is obligated to provide a basic level of service.

The Frontier Communications landline system also provides the backbone for the 911 emergency services. Because cellular service does not exist in many locations in Tucker County, residents must use the Frontier telephone lines to contact emergency services if confronted with an emergency.

The copper wire landline telephone technology consists of antiquated technology where the provider continues to pay increasing costs for decreasing revenues. In many municipalities, customers have abandoned their landline telecommunications service and now make calls through either cellular service or digital voice-over-internet-protocol (VOIP). As this trend continues, the customer base for landline telephones will continue to decline while the number of telephone lines the carrier must maintain continues to remain constant. The evolving change in technology will mean that maintaining the existing copper landline telephone service will become less and less affordable for the provider.

In rural West Virginia, many people continue to rely on landline telephones as an essential service. We should not allow Frontier to fail to maintain these landline telephones simply because the provider finds that servicing such infrastructure no longer generates sufficient revenue.

Cellular and Internet Service

Various cellular and internet telephone providers work to improve the spotty telephone and internet service available in Tucker County.

Broadband Service

Tucker County currently has no fiber backbone. However, Zayo Communications is currently expanding its backbone network from Ashburn, Virginia to Columbus, Ohio with a new route through northern West Virginia. Once completed, the route will traverse Tucker County, following WV 48 in the eastern area of the county, and US 219 in the western area of the county. This expanded backbone has the potential to serve as a valuable resource for enhancing the strength and reliability of local connections within the county, particularly for middle and last-mile connections.

Tucker County currently has sparsely distributed middle-mile fiber resources, much of which is owned by and for the exclusive use of Frontier Communications for their telephone and digital subscriber line (DSL) services.

Cable Internet service is available from two providers: Breezeline (formerly Atlantic Broadband) and Shentel (formerly Canaan Valley Cable). Both providers have limited-service area footprints. Breezeline serves all five of the incorporated communities in the county, including Davis, Thomas, Parsons, Hendricks and Hambleton. Shentel serves the Canaan Valley area.

Fixed Wireless internet service is available from one provider: Micrologic based in Buckhannon but has an extremely limited-service area and uses line-of-sight from their tower locations.

Many of the households outside of the municipalities and Canaan Valley, where cable internet is unavailable are still utilizing Frontier Communications DSL, although many are now beginning to use satellite providers such as Starlink or Hughesnet to provide internet services.

Water and Wastewater

The existing level of public utility service for water and wastewater is the major limiting factor that impacts the development of land within Tucker County. Many wastewater systems in Tucker County exceed capacity and several water plants need upgraded. In other areas, adequate wastewater treatment utilities simply do not exist. In Tucker County, three Public Service Districts are either operational or are coming online to provide water and wastewater treatment to the residents.

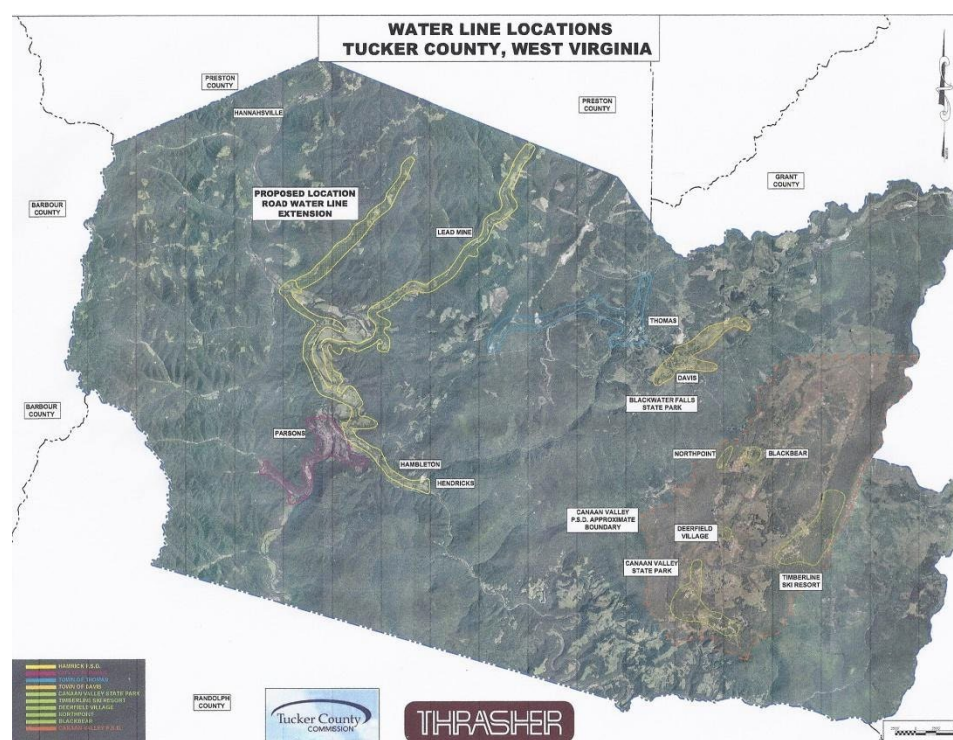
The three districts (in order by age) are the Parsons Public Service District, the Canaan Valley Public Service District, and the Blackwater Public Service District.

The various Public Service Districts and their functions are discussed below.

Water Systems

Davis, Parsons, and Thomas provide municipal water services. Meanwhile, the Hamrick Public Service District (PSD) serves Hambleton, Hendricks, Bretz, Blackman Flats, Holly Meadows, St. George, Leadmine, and Shaffer.

Map 6: Boundaries of the different municipal water supply and sewage treatment facilities within the county.



Source: Water Line Locations in Tucker County Courtesy of Thrasher Engineering, August 2013

The water service in Thomas has 350 customers and needs to be upgraded. The 2024 drought highlighted the system's shortfalls. The water reservoir contains high levels of iron and the current plant is without a sediment basin. The City of Thomas has secured partial funding for a new plant and hopes to secure the final piece in the next year.

The Hamrick PSD's water system is also in good condition and has excess capacity; it currently serves approximately 725 water customers and 450 sewer customers.

The water system at Davis is in poor condition with no excess capacity and suffers from leakage problems. This system supplies Davis households, the Blackwater Falls State Park, and the Honey Rubenstein Center. As an upgrade measure, the Town of Davis has been awarded a grant of \$500,000 by the West Virginia Governor's Office of Development to upgrade its water system.

Parsons' water system also needs upgrading as it is near capacity and unable to meet turbidity standards at either of its source locations. The Parsons system now serves 809 customers within the city limits and Kingsford Charcoal just outside the city limits.

Canaan Valley Resort State Park has a water plant for its own use, which draws water from the Blackwater River. It has a pump capacity of 200 gallons per minute (gpm) and is more than adequate for the current usage.

Also in Canaan Valley, a new water plant is scheduled to replace the Timberline Water treatment plant. The new plant will be located off Timberline Property but will fall under the control of the Canaan Valley PSD. The existing water treatment plant, although currently being operated by the Canaan Valley PSD board of directors, is not actually part of the PSD. Instead, the Canaan Valley PSD took control of the water treatment plant when the Timberline ski area fell into bankruptcy receivership. The acquisition funding will be used to construct a new water treatment plant that will serve the Timberline Four Seasons Resort. The funding will come from the U.S. Environmental Protection Agency and will be appropriated for the Canaan Valley Public Service District.

Water elsewhere in the County is obtained from wells. In Canaan Valley, private developers have installed small systems supplied by one or more wells to service individual developments.

Wastewater Treatment Systems

Currently, the availability of adequate wastewater treatment systems stands as the largest single impediment to future development in Tucker County

Wastewater treatment and disposal capability varies depending on location within the county. In Parsons, Davis, and Thomas, sewage disposal is handled through the municipality. There are pockets of residential and commercial buildings within these locations that are not connected to the municipality's wastewater treatment system. Many of the county residents not living in these locations rely on a private septic system for sewage disposal.

Parsons has a reconstructed treatment plant built to replace facilities destroyed in the 1985 flood. This system has substantial excess capacity that might be used to address deficiencies in adjacent areas. In other areas, wastewater treatment problems in Tucker County are a major obstacle to future development. The Town of Davis has a 6.5-acre stabilization pond that is functioning at capacity but does not meet WV Department of Environmental Protection standards. The Hamrick PSD ties into the Parsons Treatment plant. The City of Thomas faces a similar problem. The wastewater responsibilities of the Hamrick PSD consist only of transporting wastewater to the Parsons plant for treatment.

In the development known as Blackman Flats near the Bretz area between Parsons and Hambleton, a septic system was installed by the original developer of the property. This system is not functioning properly.

In many areas of the county, centralized treatment facilities are not cost-effective due to the dispersed nature of development. It is essential, however, that if increased development is to occur within Tucker County, shortcomings in the area of public utilities need to be addressed.

1. Canaan Valley Public Service District

In an effort to improve water and wastewater service in the resort areas in the Canaan Valley area, the Tucker County Commission authorized the creation of a separate Canaan Valley Public Service District in November 2006. The West Virginia Public Service Commission granted approval for the creation of the Canaan Valley Public Service District to provide water and sewage services within Canaan Valley in May 2007.

The goal of the Canaan Valley Public Service District was the consolidation of as many of the existing packaged wastewater treatment plants as possible into three decentralized treatment facilities. There were 17 small "Package Treatment Plants" serving the various small developments in Canaan Valley that were old, inefficient, and in disrepair. As water quality standards are becoming more stringent and sewage plant-treated discharge (effluent) is coming under increasing scrutiny by state and federal agencies, wastewater processing will need to improve.

The Canaan Valley PSD is in the process of assuming the administration of \$21 million worth of major water/wastewater projects. The three major projects being administered by the Canaan Valley PSD consist of the expansion of the D wastewater plant (cost \$3.5 million), the acquisition/conversions of a new Timberline Water Plant (\$8 million), and the acquisition of a new wastewater plant at the Canaan Valley Resort State Park (\$10 million).

The existing D wastewater plant at the North end of Canaan Valley is operating below full capacity and is scheduled to assume the treatment of wastewater in the locations that need assistance. These new locations include Cortland Road, the BFS gas station, Canaan Valley Volunteer Fire Department, Deerfield Village, the Canaan Hospitality Center, the St George Medical Facilities, the BFS gas station, North Point, Beaver Ridge, Black Bear, and the Windwood Fly-in Resort, and the homeowners along Cortland Road. D Plant currently serves Black Bear Woods, NorthPoint, Northlake, and the Beaver Ridge HOA's. The projected completion date for the D plant expansion will be May 2025.

A new wastewater project has been established to replace the existing plant at the Canaan Valley Resort State Park. The project is funded by the U.S. Environmental Protection Agency, the U.S. Economic Development Administration, the West Virginia Infrastructure and Jobs Development Council, and the West Virginia DEP. The new plant will replace the failed plant at the Canaan Valley Resort State Park. The new wastewater treatment plant will be constructed in the same location as the existing plant and will also pick up wastewater treatment including the Blackwater Center, and Land of Canaan.

2. Blackwater Public Service District

The Blackwater PSD is in the process of formulating and will take over wastewater treatment in Thomas and Davis areas and the Tucker County Landfill

The Blackwater PSD is in the process of applying for grants and will need a physical address to complete a System for Award Management (SAM) registration. A SAM registration is required to bid on federal contracts and non-profit grants.

The PSD has plans to access one of the following two funding sources, Abandoned Mine Land (AML) Funding or the Community Development Block Grant funding.

- Abandoned Mine Land (AML) Funding: This funding does not have to go through the County and the Blackwater PSD can apply directly for this funding.
- Community Development Block Grant (CDBG): Currently, \$300,000 for planning has been approved. A portion of this can be used to fund the Preliminary Engineering Report.

The Blackwater PSD will also have to address administrative functions like retaining a public service district accountant, determining the layout of the future wastewater treatment and collection system, and listing existing assets before any design or construction works can proceed.

The preliminary cost estimate for the construction of the Blackwater waste treatment facilities will be between \$50 and \$60 million.

Solid Waste Management Facilities

Solid Waste Management in Tucker County is done through the Tucker County Solid Waste Authority. The Authority owns and operates the Tucker County landfill as allowed under state law (*West Virginia Code §22C-4-3*). The Tucker County Solid Waste Authority sets as its priority the continued development of the Tucker County landfill into a well-designed, properly managed, and financially stable facility in full regulatory compliance with the solid waste rules of the State of West Virginia and other pertinent laws and statutes. The Authority seeks to provide the citizens and businesses of Tucker County and the neighboring counties with viable solutions to their solid waste disposal problems.

1. Solid Waste Collection and Disposal Facilities

Solid waste collection services exist for all of Tucker County. All households in the county are required to demonstrate that they have disposed of their solid waste in a legal manner. Residents can demonstrate legal waste disposal either by subscribing to a trash removal service or by showing landfill receipts.

The municipalities of Parsons, Hendricks, Hambleton, Thomas, and Davis provide curbside pick-up for their residents while Sunrise Sanitation Services provides private contract collection for rural residents and businesses.

2. Landfill Facilities

The Tucker County Solid Waste Authority operates a landfill that is located east of Pendleton Creek and north of Davis on WV 32. The facility began operation in 1989. It is open on weekdays and accepts solid waste, construction debris, and certain sludges. The landfill does not accept hazardous wastes and has implemented a rigorous waste screening program to preclude any such materials from making their way, either intentionally or inadvertently, into the landfill.

The Tucker County landfill uses double composite lined cells with a phased approach to new cell construction such that a new five-to-six-acre cell is constructed about every five years or as needed. The existing operational permit covers the operation of six landfill cells, five of which are currently inactive. The permitted area covers 59.7 acres of which 30.4 acres is occupied by the six landfill cells with a 72-acre tract of land contiguous to the current landfill for future expansion. Cell construction is financed by tipping fee receipts and bank loans.

3. Landfill Operations

Although termed the Tucker County Solid Waste Authority, the landfill is not part of Tucker County Governance. Instead, the landfill has fallen into receivership and is currently being administered by the State of West Virginia Public Service Commission.

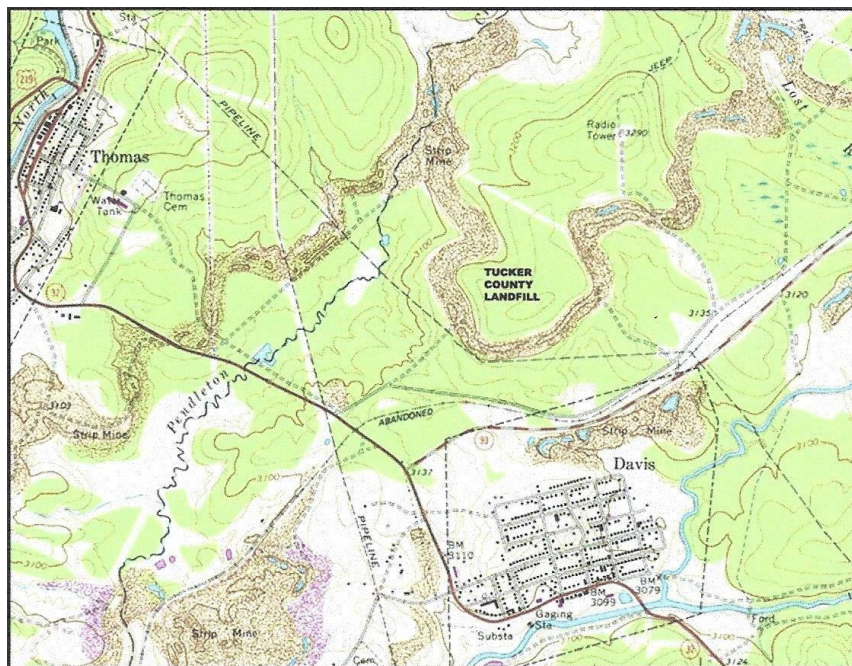
At the time of publication, Mark Holstine serves as the presiding chair for the Tucker County Solid Waste Authority. Mark Holstine is a Professional Engineer and previous director of the West Virginia Solid Waste Management Board. Mark assumed his position when the Tucker County Solid Waste Authority fell into receivership and was taken over by the State of West Virginia.

Subsequent to the takeover by the State, the financial position of the Tucker County Solid Waste Authority has improved. The authority has purchased more modern equipment and streamlined its operating procedures. However, the authority will continue to struggle financially until it finds an efficient means to dispose of the wastewater that leaches through the cells.

Until the individual landfill cells are capped by an impermeable barrier, surface water will leach through the cells and require proper disposition. In the past, the leachate was sent to the two nearest municipality's sewage treatment plants for disposal. Now that the plant in Davis is considered non-compliant with the West Virginia Department of Environmental Protection standards, the largest percentage of the leachate generated at the landfill is shipped to Westernport, with a small percentage going to Thomas.

Once adequate wastewater treatment facilities are constructed the leachate concerns will diminish. As an interim measure, the landfill uses Eco Mistlers to assist in the reduction of leachate volume. However, overspray from the Eco Mistlers can present a separate concern.

The existing landfill should remain operational for the foreseeable future. The landfill remains an asset to the county but will not be able to show a profit until the wastewater problems are resolved.

Map 7: Tucker County landfill

Source: Map provided by the Tucker County Solid Waste Authority

Municipal Buildings

In 2013, Tucker County completed the upgrade to the Tucker County Courthouse. The upgrade modernizes the courtrooms, makes them handicapped accessible, and makes the administrative offices more accessible to the public.

PLANNING CONTEXT

Infrastructure is important in County Planning in the aspect of situating the various types of land use throughout the county. Large densities of people should be centered on the more developed infrastructure networks and likewise, lack of infrastructure should reflect a more rural setting.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Allow Tucker County access to safe drinking water, adequate sanitation, safe transportation, reliable electric power, high-speed telecommunications, and other infrastructure are needed in the county.

Objectives

- Work jointly with state, federal, and private entities to promote and develop high-speed and wireless forms of data transmission and telecommunication through the county.
- Facilitate the county infrastructure committee to ensure its progress and vitality into the future.
- Pursue water and sewer projects to benefit currently un-served and under-served areas of the county, or areas that may need to be served due to health or quality issues.
- Provide adequate and timely Emergency Medical Services to county residents.

Strategies

- Encourage continued and improved communication and coordination among the entities, agencies, and organizations involved in providing infrastructure and related services.
- Undertake an aggressive approach to the development of high-tech, high-speed, and wireless data transmission and telecommunications through government and private sector joint ventures thus creating economic development possibilities while providing low-cost service to the general public.
- Ensure water and sewer projects are actively pursued in development and funding to guarantee projects reach construction.
- Commingle projects for cost-benefit in funding opportunities and construction feasibility.

Partners and Potential Partners

- The Tucker County Commission provides funding and approves any authorities that operate within the county.
- Tucker County Solid Waste Authority owns and operates the Tucker County landfill.
- The Canaan Valley and the Hamrick Public Service Districts both serve to oversee public utility use within the various portions of Tucker County.

Fiscal Considerations

- Use funding streams appropriated by the Tucker County Commission.
- Seek additional county general revenues.
- Charge appropriate service/application/permit and related fees for new and existing activities.
- Grants, user fees, and charges for services provided.
- Seek financial contributions/assistance from external entities with whom work is jointly done.

PUBLIC SERVICES

OVERVIEW

Tucker County public services are delivered by various entities and organizations. These public services consist of the following:

- Police Protection,
- Fire Protection,
- Education,
- Health Care,
- Emergency Medical Services, and
- Social Services.

Police Protection

Police protection in Tucker County is provided by the county sheriff and his five deputies operating out of Parsons. The West Virginia State Police also maintains an office in Parsons with patrolmen. The City of Parsons also maintains a police force of a part-time chief and one patrolman. The combined staff of these three organizations has a formidable task patrolling for an area the size of Tucker County. At times, only one sheriff's deputy and one state patrol are on duty to cover the entire 419 square miles of Tucker County outside Parsons Corporation limits. The sheriff's department and West Virginia State Police also provide protection for Thomas, Davis Hendricks, and Hambleton, all outlying areas.

The sheriff's department has a total of eight patrol cars, two of which are spares. A new radio system has been installed in the patrol vehicles to eliminate "dead spots" in the County where deputies cannot be reached by radio. Additionally, each vehicle is equipped with laptops and portable Wi-Fi.

In terms of jail facilities, Tucker County prisoners must be transported to and from the Tygarts Valley Regional Jail for court appearances. The sheriff's department recently hired two part-time court security officers.

Fire Protection

Fire protection in Tucker County is provided by four independent volunteer fire departments. These are located at Parsons, Thomas, Davis, and Canaan Valley.

All four fire departments are also equipped to provide rescue services and are highly rated by the West Virginia Fire Administrator.

The largest of these departments both in terms of equipment and in area of coverage is the Parsons Fire Department, which is responsible for fire protection throughout most of Tucker County's western half. The department's area of responsibility is defined by the county line on the south, west, and north areas of its district and by splitting the distance between Parsons and Thomas and Canaan Valley volunteer departments on the east side.

Fire departments and their services are rated on a scale of 1 to 10 with one being the best. through the Insurance Services Office of Commercial Risk Service, commonly referred to as ISO ratings. Categories considered in the ratings include manpower, training, equipment, water supply, and communications. In rural areas, dual ratings are given for areas with and without access to fire hydrants. Parsons and Davis Fire Departments each have an ISO rating of 4 in areas with hydrants and a 4 in those without. The Thomas and Canaan Valley Volunteer Fire Departments have an ISO rating of 5 in areas with hydrants and a 6 in areas without. It should be noted that 9 is the best rating obtainable for areas without hydrants unless a supplementary water supply is available.

The Tucker County 911 Communications Center provides dispatching services for all fire departments. The four departments have mutual aid agreements amongst themselves and also with neighboring areas.

Funding for fire protection services in Tucker County mostly comes from state taxes, hotel/motel taxes, and donations raised by the efforts of the individual fire departments. While these departments provide primary fire protection to the Monongahela National Forest areas within Tucker County, little direct contribution is made to their operating budgets either by the National Forest Service or by the County Commission from revenues obtained as Payment In Lieu of Taxes (PILT).

Tucker County experiences three problems in terms of fire protection, which are all typical of most rural areas. First, as a volunteer fire service, response times are slower than they might be if the firefighting staff was paid. Second, only a limited area of the County has fire hydrants. In those areas the capacity of the fire department to suppress fires is limited by the amount of water that can be carried on the trucks or can be obtained from nearby streams and ponds. Finally, there are a number of areas in the County that are beyond the maximum insurable distance of six miles from a firehouse. The northwestern sectors of the County in the Licking and St. George magisterial districts are the largest of these areas that are not adequately served.

As in the case with other services, West Virginia state policy is to encourage the consolidation of smaller service providers into a single, county-wide organization known as a County Fire Board.

Education

The Tucker County Board of Education maintains the following educational facilities within the county:

- Davis Thomas Elementary Middle School is a pre-kindergarten to eighth grade school located in Thomas.
- Tucker Valley Elementary Middle School is a pre-kindergarten to eighth grade school located in Hambleton.
- Tucker County High School is located on Backbone Mountain.

Tucker County High School is a school that educates students from grades 9 through 12. In the Tucker County High School, Career and Technical programming curriculums are available as well as basic education classes. In addition, the Tucker County High School hosts a Virtual college campus provided by Eastern West Virginia Community and Technical College and serves to provide some adult classes.

Over the past 40 years, enrollment in Tucker County High School declined. System enrollment in the 1973-1974 school year was 1,910 students. In 1989-1990, enrollment had declined to 1,428 students. In 2009-2010, enrollment was 1,096 students and dropped off in 2010-2011 to 1,054 students. By 2022-2023, enrollment was 960 students with a continued drop off in 2023-2024 to 942 students.

Table 18: Tucker County Schools Enrollment

	Davis-Thomas	Tucker Valley	TCHS	Total
2023-24	194	455	293	942
2022-23	205	462	293	960
2021-22	196	472	288	956
2020-21	179	446	303	928
2019-20	189	486	299	974
2018-19	211	477	321	1,009
2017-18	213	492	303	1,008
2016-17	200	476	302	978
2015-16	206	483	333	1,022
2014-15	212	487	324	1,023
2013-14	212	498	319	1,029
2012-13	202	521	308	1,031
2011-12	202	550	321	1,073

Data provided by the Tucker County Board of Education

The Kenneth “Honey” Rubenstein Juvenile Center

Another educational facility within Tucker County is the Kenneth “Honey” Rubenstein Juvenile Center. The Rubenstein Center is the state’s minimum security correctional facility for juvenile males. The facility has a capacity for 84 males ages 15 to 20.

The program takes the positive concepts of military regimentation and leadership and combines them with a cognitive therapeutic approach assisting youth in decision making, behavior management and other initiatives to promote positive productive citizenship. The core aspect focus on role modeling, teamwork, communication, responsibility, accountability, and high expectation. The Center provides cadets with the knowledge and skills necessary to lead a law abiding, productive and responsible life.

The Rubenstein Center Legislature was first created in 1955 as the West Virginia Forestry Camp for Boys. The name was later changed to the Davis Center in 1975. The initial purpose of the center was to provide an inmate labor force to build Blackwater Falls State Park. Until 1978, residents of the Davis Center were sent from the courts for status offenses as well as for being adjudicated delinquent. After 1978, the facility only housed adjudicated residents and became the state’s only minimum security correctional facility for juvenile males, as it still stands today.

Currently the Rubenstein Center, offers educational and vocational classes. While there, residents may receive their High School Diploma or the GED, as well as state and national certifications in both welding and building construction.

Libraries

Library services in Tucker County consist of two independently operated libraries, each with its own board of directors and staff. These libraries are: the Five Rivers Public Library in Parsons and the Mountaintop Public Library in Thomas. Both libraries depend heavily on state and local funding. Due to funding requirements, each of the library’s Board of Trustees, Friends of the Library and staff have various fundraisers throughout the year and apply for local, state, and private grants. Both libraries belong to a library consortium, West Virginia Library Network, which includes 37 counties and a total of 110 libraries including public, academic school and special libraries.

Technical support is offered by the West Virginia Office of Technology, which has highly increased the use of both libraries, especially Internet access. The West Virginia Library Commission provides library users access to many online databases, magazine articles, newspapers, encyclopedias, Tutor West Virginia, Tumble Math, Tumble Books, and Learning Express.

The Five Rivers Public Library serves the communities of Parsons, St. George, Hambleton, Hendricks, Dryfork, Licking, Moore, Limestone, Location, Porterwood, Pifer Mountain, Montrose, Auviltown, Bull Run, and surrounding areas beyond Tucker County. The library's service population is 3,854. The library has a collection of 41,284 volumes, including audio (23,972), videos (1,543), and print (15,758). Six public access computers are available for Internet and software programs. Wireless Internet is available at no cost to the public using their personal laptop.

Programming includes Toddler Time, Summer Reading, Monthly Movie Day, Adult Book Club discussion group, and craft workshops. Available on Microfilm is the local newspaper, *The Parsons Advocate*, and census records. Services available are copies, faxes, laminate, an AccuCut machine, scanning documents, notary services and printing from electronic devices.

The library building opened in 1974 with an expansion in 1985. The Board of Trustees built an expansion of 1,600 square feet in 2011, which includes a much needed meeting room.

The Mountaintop Public Library serves the communities of the Thomas, Davis, Canaan Valley, and the surrounding areas such as Benbush, Douglas, Coketon, Pierce, and William. The library's service population is 3,106. It has a collection of 31,955 volumes including, print, audio including e-audios (7,726), and videos (795). It has a small reference collection, children's and young adult collection. It also houses a moderate collection of West Virginia history. Services include a copy machine, printer, and a fax machine. Three public computers are available and free wireless for those patrons with laptops. Programming includes school story time and four book clubs for adults and young adults. For children, there is a summer reading program available in June and an autumn read in October.

Adult Education

Tucker County Board of Education Offices

The Tucker County Board of Education Offices provides free, individualized, backup education classes at the Board of Education office. Classes cover basic literacy skills, job readiness skills, test preparation assistance, life coping skills, and computer literacy. Instruction may be through books, videos, computer, individual activities and/or group activities. The purpose of the class is to help each student achieve their personal goal(s) through the best method available.

Health Care and Emergency Services

1. Emergency Medical Services

The Tucker County Emergency Ambulance Authority provides pre-hospital emergency care in Tucker County. The organization provides ambulance transport to the citizens and visitors of Tucker County. In addition, the ambulance authority has mutual aid agreements with neighboring counties to provide the ability for mutual assistance as needed. Annually, the ambulance authority responds to 1,250 to 1,500 calls for help including mutual aid with the local fire departments.

Funding for ambulance service is provided primarily by charging for a patient's insurance. The secondary line of funding is through the Tucker County Commission office as well as through hotel/motel tax revenue. The donations of local businesses and citizens provide the funding for continuing education and updating equipment as needed. The ambulance authority also seeks out contracts for events such as the local ski areas, races, and large-scale events in the area. The last line of funding sought by the organization is through various grants for equipment, ambulances, and training.

Ambulances are stationed at two locations in the County: Parsons and Davis. At location the ambulances are equipped with Advanced Life Support equipment.

These two strategic locations make it possible for an ambulance to respond to incidents in 14 minutes or fewer for the majority of Tucker County. However, due to the vast area covered in Tucker County response times may be more than 45 minutes, especially in the St. George Magisterial District, the County's Northern Area, and along the Dry Fork in the Southern portion of Tucker County.

There are two main medical centers where patients are transported, Davis Medical Center in Elkins, W.Va. and Garrett Regional Medical Center in Oakland, Md. For severe trauma cases and medical emergencies that require specialized medical care, Aeromedical Services are available through WVU Medical, Healthnet, Pittsburgh, and Cumberland. Most flights are 15 to 20 minutes to the receiving medical centers.

2. Medical Services

There are no hospital facilities in Tucker County. The nearest full-service hospital facilities are either the Davis Medical Center in Elkins, W.Va. or the Garrett Regional Medical Center in Oakland, Md.

Meanwhile, the only primary care in the area is through clinics such as Mountaintop Health Center in Thomas and through St. George Medical Center with clinics in St. George, Hambleton, and Canaan Valley. Both of these health

centers provide medical care for acute or chronic illness, preventive care, routine physicals, and laboratory testing.

Also, those eligible for assistance from the U.S. Department of Veterans Affairs (VA) can visit the Louis A. Johnson VA Medical Center. The center provides health care lab testing, immunizations and preventive health services for veterans in the Tucker County area.

Health Systems Services

St. George Medical Pharmacy has two locations in Canaan Valley and Parsons. These locations offer prescriptions and over-the-counter medications as well as personal care items. St. George Medical Clinic is a Federally Qualified Health Center (FQHC).

The St. George Medical Clinic is dedicated to the delivery of family-centered health care. The clinic provides child examinations, immunizations, adult care, chronic disease management, cancer screening, suturing, stitches, allergy shots, and home visits. It also provides transportation to appointments, case management, dental assistance to those who qualify, a social worker, and a 24-hour emergency on-call system.

Another pharmacy source in the community is Mountaintop Health Center in Thomas near Cortland Acres. The Mountaintop Health Center is part of the Preston-Taylor Community Health Centers headquartered in Grafton, W.Va. The clinic is open throughout the week and maintains one physician, two nurse practitioners, and a physician's assistant.

Cortland Acres is a 94-bed nursing and rehabilitation care facility near Thomas. The facility provides nursing, short-and long-term physical rehabilitation, post-hospital and post-surgical care, outpatient therapy services, memory impairment and dementia services, speech therapy services, therapeutic and specialized dietary services, and hospice services.

3. 911 Service

Tucker County's 911 service is a modern Enhanced 911 Public Safety Answering Point (PSAP). The Tucker County service receives all 911 calls for the county and handles dispatching duties for the county sheriff, The Parsons Police Department, the West Virginia State Police, county emergency medical services, West Virginia Department of Natural Resources, four fire departments, county animal control and all other related services.

Emergency 911 calls in the county are answered by specially trained Telecommunicators. The Public Safety Answering Point (PSAP) software

displays the location of the caller immediately upon call arrival of the call. Calls made to non-911 telephone numbers, even though they may be listed as an emergency telephone number, does not allow the PSAP system to function correctly.

4. Office of Emergency Management

The Tucker County Office of Emergency Management (OEM) is located in Parsons. It is funded by and operates under the Tucker County Commission and the West Virginia Department of Homeland Security and Emergency Management. The Tucker County Office of Emergency Management (OEM) has a part-time Director and Deputy Director.

The purpose of the office is to mitigate, prepare, respond and recover from natural or man-made disasters that occur in Tucker County. It works closely with other emergency service agencies before, during, and after disasters to ensure the safety and needs of the responders and the citizens of Tucker County have been met.

The Office of Emergency Management plans for the possibility of sheltering and evacuation with the Tucker County Local Emergency Planning Committee (LEPC). The OEM has two response trailers, one supplied with sheltering equipment for its citizens and the other for pets. If an event occurs that is beyond the local capabilities of the county, then the OEM will obtain assistance from neighboring counties in the region before requesting assistance from the state.

5. Social Services

Senior Citizens Services

Senior citizens' services are provided in Tucker County in several different ways, but primarily by independent organizations. The Tucker County Commission holds the title to a new senior center completed in 1988 and located in Parsons. This building is leased for \$10 a year to Tucker County Senior Citizens, Inc., a nonprofit organization that operates the center and also administers a number of federal aid programs for senior citizens throughout the County.

The county offers daily meals at the Senior Center in Parsons and the Mountain Top Senior Center in Thomas. The centers also provide limited weekend meals and home delivered meals.

Home care services are provided to senior citizens through Aged and Disabled Waiver Program, the Medicaid Community Care Program, the VA In-Home Care Program and other programs.

The WV Bureau of Senior Services also runs a medical equipment loan closet, subsidizes Ensure for those who want it, serves as community outreach facilities, provides facilities that can be used in times of disaster, and runs a food bank.

Family Resource Network

Tucker County supports a family resource network. The Tucker County Family Resource Network is a non-profit organization that provides family support services within the county. The Family Resource Network includes the following:

- A substance abuse prevention coalition.
- A child abuse and prevention program.
- A family support program to enhance parenting skills.
- An electronic tracking system for individuals who have cognitive disorders.
- And, such special events and activities as deemed necessary.

6. Other Resources Available Within Tucker County

Some of the resources that encompass multiple counties and contribute services to Tucker County are the Tucker Community Foundation, Region VII, and The West Virginia University Extension Service.

Tucker Community Foundation

Tucker Community Foundation is a non-profit organization based in Parsons. The Foundation has more than \$35 million in assets under management. The primary activities of the Foundation are its grant and scholarship programs that serve Tucker County and seven other counties including one county in Maryland. The Tucker Community Foundation is engaged in other community and economic development activities in its region. The Foundation manages the William Harman Trust which supports a variety of undertakings in and for the City of Parsons.

Region VII

Region VII is one of eleven planning and development regions established by the West Virginia Legislature in 1971 through the West Virginia Planning and Development Act. Region VII works with the state and local governments in guiding the orderly growth and development of the state. The role of the Region VII planning and development region entails facilitating grants and solving problems with growth and development that go beyond the jurisdiction of municipalities and counties, and that regional intergovernmental cooperation is needed.

West Virginia University Extension Service

The WVU Extension Office serves the citizens of Tucker County by bringing rings relevant, up-to-date information and research from West Virginia University

to the citizens of the county through educational seminars and workshops, newspaper articles, and newsletters mailings.

PLANNING CONTEXT

Public Services are important in County Planning. Although the county is sparsely populated and it is difficult to bring services to where large densities of people are centered, services are available within the county for those who choose to find them.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Allow Tucker County access to police protection, education opportunities, emergency services, health care services, and other public services needs.

Objectives

- Facilitate the county public services and ensure that necessary services are provided into the future.
- Work jointly with state, federal, and private entities to promote and develop police, emergency medical, education, and health services throughout the county.

Strategies

- Encourage continued and improved communication and coordination among the entities, agencies, and organizations involved in providing necessary public services.
- Ensure vital services are actively pursued in development and funding to guarantee these services remain available to county residents.
- Commingle services for cost benefit in funding opportunities and feasibility.

Partners and Potential Partners

- The Tucker County Commission provides funding and approves any authorities that operate within the county.
- Tucker County Senior Citizens, Inc., a nonprofit organization that operates the center and also administers a number of federal aid programs for senior citizens throughout the County.
- Tucker County Emergency Ambulance Authority functions as a volunteer organization to provide Ambulance Services within the county.
- Tucker County's 911 service is a call forwarding arrangement that funnels all emergency calls to the central dispatching facility operated by the County's Office of Emergency Services.
- The Tucker County Board of Education maintains educational facilities within the county.
- The County Sheriff and his deputies provide police protection for the residents of the county.
- The State Police provide further police protection for county residents.
- The Office of Emergency Services provides emergency response capability and emergency planning.
- The Tucker Community Foundation is a full service organization that facilitates grant applications and distributions, scholarship applications and distribution, and financial services for the various entities within Tucker County.

Fiscal Considerations

- Use funding streams appropriated by the Tucker County Commission.
- Seek additional county general revenues.
- Charge appropriate service and related fees for new and existing activities.
- Seek financial contributions/assistance from external entities with whom work is jointly done.
- Explore impact/development fees to augment existing revenue streams.

RURAL LAND NOT INTENDED FOR URBAN GROWTH

OVERVIEW

The county does not intend to set aside additional rural land. As described above, much of the county is currently set aside as a State Park, a National Wildlife Refuge, or a National Forest.

VISION

The county does not intend to set aside additional land as designated land not intended for urban growth.

RECREATION AND TOURISM

OVERVIEW

The interaction between Economic Development and Recreation and Tourism in Tucker County is significant. Some of the major recreational features within the county include three ski resorts, fairs and festivals, the Heart of the Highlands trail system, the Allegheny Highlands Trail, the Cheat River Trail and many others rivers suitable for paddling, the Canaan Valley Wildlife Reserve, the Fernow Experimental Forest, and the Monongahela National Forest.

When faced with the decline in manufacturing and mining jobs, local leaders in many West Virginia counties have turned toward the service industry to sustain economic activity in their communities. For example, recreation and tourism facilities in Tucker County's Canaan Valley have expanded greatly. The Canaan Valley area has been rated one of the nation's top three vacation values and is also considered West Virginia's best-kept secret. Parsons has a rich cultural history that can be explored through its historical landmarks such as the Corrick's Ford Battlefield and features numerous fairs and festivals. According to the Tucker County Convention and Visitors Bureau, visitors to Canaan Valley and to Blackwater State Park constituted approximately 90 percent of total visitors to the area. These numbers translate into high revenue for industries related to recreation and tourism.

Tourism, second-home development, and recreation-related commercial activity in Canaan Valley have grown in the past decades. According to the *Economic Impact of Travel on West Virginia: 2000-2010 Detailed State and County Estimates* by Dean Runyan Associates, September 2011, the economic impact to tourist travel to Tucker County has been substantial. Survey estimates show Tucker County travel and tourism accounts for \$40.1 million in direct spending; \$13.0 million in earnings; 670 jobs; \$693,000 in local government revenue and \$2,622,000 in state government revenue.

Since Canaan Valley Resort State Park's \$36M renovation, the park has seen an increase in visitors. Recent campground expansion increased capacity for mobile home and tenting recreationists alike. Major snow making system renovations are planned for the future. Long-range plans for the resort include a new base lodge, additional cabins and campsites, and possibly a new golf course.

New ownership of Timberline Resort has invested \$15 million renovating the base lodge, overhauling the entire snowmaking system and installing the only six person high speed detachable chairlift in the state.

The U.S. Fish and Wildlife Service invested \$7 million in efforts to increase the quality of public preserved lands contained within the county in order to help produce a nature-based tourism product relatively unequaled on the east coast. Hiking trails, river and ADA access were improved to key sites. Complete renovation of the visitor's center located in Canaan Valley offers visitors an unparalleled opportunity to experience nature at its finest. Canaan National Wildlife Refuge Comprehensive Plan in Appendix.

Ski Resorts and State Parks

Tucker County's three ski resorts and two state parks are located within the Canaan Valley area. The ski resorts are Timberline, Canaan Valley, and White Grass and the state parks are Canaan Valley and Blackwater Falls. These resorts provide a significant draw for tourism during both the summer and the winter months.

The Canaan Valley Resort serves as both a Ski Resort and as a state park. The resort has 160 new guest rooms. In addition, the park maintains 23 cabins, 59 campground sites, and a restaurant. Recreation facilities include a golf course, an outdoor and indoor swimming pool, a gymnasium, mountain bike trails, and a skate park. The ski resort has 850 feet of vertical drop with 39 slopes, and three ski lifts. The ski area has snow making capabilities and supports night skiing and snowboarding and a snow tubing facility. In addition to the downhill ski and snowboarding facility, Canaan Valley Resort supports cross-country skiing and snowshoeing with marked trails and a rental facility along with mountain biking. An ice rink doubles as a pavilion in summer. During the summer the resort offers scenic chair lift rides.

The Timberline Ski Resort is located just down from the Canaan Valley Ski Resort on the same mountain. The Timberline Ski Resort features 20 trails, two ski lifts and two surface lifts with 1000 feet of vertical drop. The Timberline Ski resort also has snowmaking and night skiing. Timberline also has restaurant facilities and supports festivals and scenic chair rides and hiking in the summer.

Nestled between the Canaan Valley and the Timberline downhill ski resorts is the White Grass Cross Country Ski Resort. The White Grass resort includes over 30 kilometers of groomed cross-country skiing trails that transit over 1200 feet of vertical drop. White Grass features a gourmet café and a rental shop. Although White Grass has no snow making facilities, they do have a snow farm that is capable of making the most out of the naturally accumulated snowfall.

Blackwater Falls State Park is another resort facility in the Canaan Valley area. Blackwater Falls State Park also recently underwent a major renovation to include 54 guest rooms, 13 cabins and 65 campsites. In addition, the park hosts a restaurant, swimming pool, recreational pond, trading post and the longest sled

run on the east coast. Blackwater Falls State Park is the most visited park in the State due to these amenities and its 57 foot waterfall and 20 miles of hiking trails that support cross-country skiing in the winter and mountain biking in the summer months.

Heart of the Highlands Trail System

The Heart of the Highlands Trail System is a new concept in trail systems that will connect the non-motorized, multi-use trail systems of five land management agencies in Tucker County into a comprehensive, landscape oriented, environmentally sustainable, multi-use trail system that is accessible to the public. This trail system will combine recreational trails with alternative transportation routes within Tucker County and will further enhance the area's recreation and economic possibilities. Ultimately, the Heart of the Highlands will provide access to and from significant regional and national recreational trail systems.

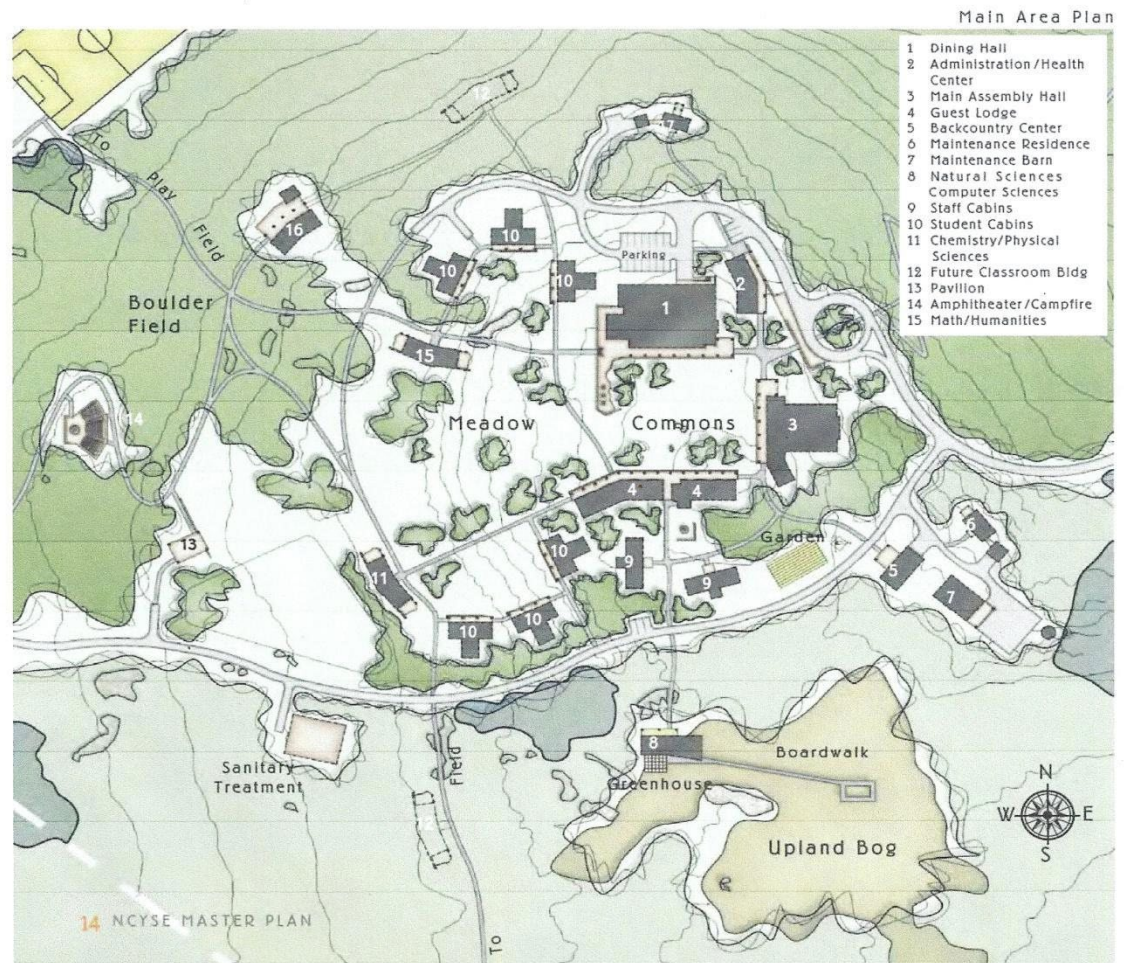
The first phase of the trail system is a 23-mile loop that will connect the five partner properties. Connecting trails will be established and existing trails improved to link the public lands in and around Canaan Valley to each other and to the Town of Davis. About half of this trail already exists. In 2010 funding was secured through the WV Division of Transportation Recreational Trails Program and Transportation Enhancement Program to build the connections from Davis through the National Youth Science Foundation and on to Canaan Valley National Wildlife Refuge to Cortland Road. The long-term goal of the trail system is to connect the Heart of the Highlands Trail System to the surrounding regional and national trail systems.

National Center for Youth Science Education

The National Youth Science Foundation (NYSF) owns 111 acres adjacent to Canaan Valley and has a Silver LEED certified facility by the Green Building Council considered the Davis Campus, with conference facilities, a computer lab, and a Makerspace available for use by area schools and public. The Center will allow the NYSF to improve and expand its programs and become a focal point for an informal science education that encourages and inspires youth to pursue scientific careers.

Future plans for the center features a pedestrian oriented, sustainable learning community consisting of educational, housing, dining, recreational and support facilities. The Center's remote mountain setting assists in creating a place that is part scientific community and part scientific field station. The center plans to engage and inspire students in their scientific explorations and professional journeys.

Map 8: National Youth Science Foundation Campus



Source: Photo from National Youth Science Foundation Master Plan 2013

Biking

According to Chris Bologiano's book *The Appalachian Forest*, the sport of mountain biking has become one of the most popular and one of the fastest growing outdoor activities throughout the Appalachian forest regions of the eastern U.S. The sport of mountain biking may soon overtake skiing as the major outdoor recreational activity in the region.

Tucker County has a wide variety of divergent mountain bike trails in Parsons, Hendricks, Hambleton, Davis, Canaan Valley, and Thomas to suit any desire or any skill level. The county has trails that range from beautiful and easy railroad grades to highly technical single-track trails.

Mountain bike trails are available at the Timberline Ski Resort, the Canaan Valley Resort State Park, the Blackwater Falls State Park, the Monongahela National Forest, Allegheny Highlands Trail, and at the West Virginia DNR property recently purchased from the Canaan Valley Institute. Of special note will be the

interconnected trail system being constructed as part of the Heart of the Highlands trail system. Evening trail rides along many of these trails are a sponsored event throughout the summer. Canaan Valley Resort State Park built the Promised Land Trail, a beginner rates trail by the International Mountain Biking Association.

The Allegheny Highlands Trail (AHT) follows the original route of the West Virginia Central and Pittsburg Railway, built by Henry Gassaway Davis in 1884. It is 26 contiguous miles from the Railroad Depot in Elkins to Hendricks, and an additional 5 miles in Tucker County near Davis. The scenic trail provides panoramic views of the West Virginia countryside, as it passes through a mountainous region with small towns and rural farmland.

River running and Canoe Sports

According to Charlie Walbridge in his guide to *Canoeing & Kayaking in West Virginia* the number of paddlers in West Virginia's rivers has increased dramatically. West Virginia now serves as a mainstay for canoe and kayak enthusiasts from around the world. Although the majority of West Virginia's commercial river traffic travels down the New and Gauley Rivers, Tucker County lays claim to both placid and as well as exciting and technical rivers for paddling.

Tucker County contains a wide variety of rivers and creeks that are for paddling and rafting trips. The paddling opportunities within the county include the Blackwater, DryFork, and Cheat Rivers. Paddling and rafting conditions vary from quiet flat-water trips to world-renowned highly technical Class V stretches of river.

Cheat River Trail

In addition to technical paddling, Tucker County contains a major portion of the newly organized Cheat River Trail.

The Cheat River Trail, opened in June 2013, focuses on the 40-mile recreational water trail between the towns of Hendricks and Rowlesburg, WV. This segment is Class I-II, a family-friendly river. Its beauty and other notable qualities make it very popular for people with all levels of experience and varied interests. It is a trail for boats. It is a network of access points, resting places and attractions for users of human powered craft on lakes and rivers.

The Cheat River Water Trail was designated a State Water Trail by the West Virginia Recreational Trails Advisory Board of the WV Division of Highways in December 2012.

The benefits provided by the development include fishing, canoeing or kayaking, and tubing. The trail serves to increase environmental awareness and knowledge of the river including stewardship and safety. Community benefits include additional local recreation opportunities, increased public awareness of safe river use, and promotion of the community's restaurants, gas stations, shops, B&B's, historic sites, and museums.

Motorcycle Riding

Motorcycle riding is a pastime that came to West Virginia without encouragement. On their own, motorcyclists discovered that the twisting mountain roads with sweeping curved roads and beautiful scenery of the Potomac Highlands of West Virginia makes the region a favorite ride for motorcyclists.

Motorcycle outings like the Hog Wild gathering frequently take place throughout Tucker County. These outings serve to benefit both the motorcycle clubs and the local businesses.

Music Venues

- Pickin' in Parsons
- Purple Fiddle
- Canaan Summer Music Series

Festivals

- ArtSpring
- Fly Fishing
- Mountaineer Days
- Leaf Peepers
- Artoberfest
- Mt Bike Festival
- Fireman's Homecoming
- 4-H Fair

Races

- Highland Sky
- Run for It
- Canaan Valley Half Marathon
- Moonlight on the Falls Marathon
- Canaan Valley Trail Run
- Blackwater Canyon Half Marathon

Public Land Available for Recreation

Because of the vast quantity of public land available within the county, considerable areas are available for recreation. In fact, much of the available lands are designated as recreation areas. Some of the public landholders that make recreational land available are the Monongahela National Forest, the Fernow Experimental Forest, Otter Creek, the Canaan Valley Resort State Parks, and the Canaan Valley Fish and Canaan Valley Wildlife Refuge.

Monongahela National Forest

The Monongahela National Forest is a national forest located that protects over 919,000 acres of federally-owned land within a 1,700,000 acres proclamation boundary that includes much of the Potomac Highlands Region and portions of 10 counties.

The Forest is noted for its rugged landscape with spectacular views, blueberry thickets, highland bogs and “sods”, and open areas with exposed rocks. In addition to the second-growth forest trees, the wide range of botanical species found includes rhododendron, laurel on the moist west side of the Allegheny Front.

The forest provides for camping, fishing, hunting, hiking, bicycle riding and other outdoor activities.

Considered gateway communities to the Mon Forest, the towns of Davis, Thomas and Parsons participate in the Mon Forest Towns Partnership. This partnership cultivates relations across lands and gateway communities to enhance the economy and quality of life for residents and visitors while sustaining the quality of the environment.

Fernow Experimental Forest

Located in north central West Virginia, the 4,700-acre Fernow Experimental Forest was set aside in 1934 and named after Bernhard Fernow. The Fernow is renowned for long-term silvicultural research and long-term watershed research, both spanning more than 50 years. Current research topics include silviculture, hydrology, soil productivity, the use of fire for restoration purposes, managing for threatened and endangered wildlife species, and the effects of acidic deposition on forest ecosystems. The information gleaned from the Fernow has significantly improved management of these mixed-hardwood forests and still provides practical information to forest managers and landowners. Research in the Fernow is in demand by public and private landowners, policymakers at the State and Federal level, and scientists around the globe. The Fernow is part of several

national and international scientific networks, including the National Atmospheric Deposition Program, the National Trends Network, and the Long-Term Soil Productivity Studies.

West Virginia State Parks

The West Virginia State Park system supports two parks in Tucker County. The two parks consist of the Canaan Valley Resort State Park and Blackwater Falls State Park. Both parks provide for camping, bike trails, nature hikes and other diverse outdoor activities.

The Canaan Valley and National Wildlife Refuge

The Canaan Valley National Wildlife Refuge occupies the unique Canaan Valley wetlands. Although the refuge does not support camping, they do offer wildlife dependent recreation including hunting, fishing, photography, bicycle riding, environmental education, and interpretive programs.

Arts Communities

Tucker County is home to a vibrant arts community that has grown substantially over the past two decades. Although the arts may initially be seen to be a luxury, they have been proven to be a valuable way to rejuvenate districts and boost communities that once relied on other income sources. Studies have shown that in a labor market that prizes well-educated workers, the best way to lure them is often by attracting creative people first.

In Tucker County, growth in the arts communities is evident by the numbers of resident artists, craftspeople, and musicians who pursue their art as livelihood. These craftspeople feed the galleries and performance venues that contribute to the County's economic viability. It is notable also that, for the most part, this growth has been self-motivated and independently developed, and that artists of all types are both long-time residents and people who have chosen more recently to settle here. These artists live throughout the County and their work can be seen and heard locally in multiple performance venues, six different galleries, and various other retail outlets.

The local arts community have emerged as a magnet for financial support for both the general public good and specifically for arts education in the County's public schools. Local businesses have provided sustaining support for this effort. The evidence of combined individual and corporate sponsorship for the arts can be seen in the long history of the Alpine Festival and more recently the STArt Project (the educational outreach program of the WV Highlands Artisans Group).

Cottrill's Opera House in Thomas has been raising funds to renovate and reopen to the public the 450 seat historic venue.

As a result of the focus on the arts within Tucker County, the West Virginia State legislature established a **Tucker County Cultural District Authority** in 2013. This Cultural District Authority exists as the only cultural district authority within the state.

The strong presence of the arts in Tucker County, in addition to benefiting the local population, increasingly takes its place alongside sports, recreation, and nature as a motivation for tourism in Tucker County.

PLANNING CONTEXT

The recreation activities, the arts, and the park facilities are essential in the physical and mental health of a community. Leisure time is needed to rest and relax the human body from the everyday rigors of life. Therefore, providing these services is required for a prosperous and thriving county. In addition to recreation, tourism remains a major source of revenue for the county.

Planning is necessary in the endeavor for the proper location of the county recreation and tourism facilities to best suit the needs of county residents.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Provide leisure opportunities to the residents of Tucker County in an unobtrusive and cost effective manner.

Develop facilities to encourage tourist traffic and their associated revenues.

Objectives

- Acquire land and construct parks and facilities in currently unserved or underserved areas.
- Expand the activities and programs currently offered.
- Facilitate the development of a Tucker County Visitors Information Center.

- Increase revenues to broaden and help develop Tucker County into a recreation and leisure destination.

Strategies

- Establish and enact the Tucker County Cultural District Authority.
- Survey residents to investigate wanted leisure activities.
- Encourage continued and improved communication and coordination among the entities, agencies, and organizations involved in recreation and tourism activities.
- Work with the private sector to establish support businesses to embellish the tourist industry in Tucker County.
- Support efforts to protect and promote existing recreation and tourism-related activities.
- Undertake advertising campaign to attract tourists to Tucker County, concentrating on the D.C. Metropolitan and Pittsburgh areas.
- Work in conjunction with the planning of subdivisions through the Planning Commission to ensure recreational opportunities for new planned developments.

Partners and Potential Partners

- The Tucker County Commission authorizes funding and provides support for the various activities that operate within the county.
- The National Forest Service manages the Monongahela National Forest
- The Heart of the Highlands committee manages the development of the Heart of the Highlands Trail System.
- Tucker County Cultural District Authority promotes fine arts within the county.
- The WV Highlands Artisans Group promotes the development of arts in Tucker County.
- The US Fish and Wildlife Service manages the Federal Lands contained within the Canaan Valley Wildlife Refuge.

- The West Virginia State Park system manages the Canaan Valley and Blackwater Falls State Parks.
- The West Virginia Division of Tourism promotes ski resorts and other tourist activities throughout the state.
- The West Virginia Division of Natural Resources operates the West Virginia State Parks.
- Mon Forest Town Partnership promotes tourism in gateway towns.

Fiscal Considerations

- Use existing revenue streams.
- Explore impact/development fees to augment existing revenue streams.
- Support efforts of external entities to find appropriate financial resources (i.e., recreation facilities construction grants).
- Create traditional and innovative measures for increased money flow for facilities improvements, expansions, and program development (e.g., fund-raisers, auctions, pavilion rentals, and special event fees).
- Pursue bestowments for park and facility property and additional assets.
- Work in conjunction with local, county, state, and national entities to develop revenue flow for the increased development (e.g., grants, gifts, and low interest loans).

ECONOMIC DEVELOPMENT

OVERVIEW

This section of the Comprehensive Plan provides guidance on bolstering the economic vitality of the county. A robust and diversified economic foundation is essential for Tucker County to effectively implement numerous strategies outlined in the Plan, as well as to generate and retain employment opportunities while enriching overall quality of life.

The Tucker County Development Authority is responsible for leading economic development in the county. It operates in accordance with state code (§7-12) and has a full-time Executive Director governed by a volunteer board consisting of 12 to 21 members appointed by the Tucker County Commission. This board represents the county's five municipalities and diverse citizenry. Additionally, one member of the County Commission serves on the board.

PLANNING CONTEXT

Tucker County is revered for its distinctive charm and outstanding quality of life, drawing both residents and visitors with its breathtaking natural scenery, vibrant communities, and rich cultural heritage. However, despite these appealing features, the county is facing economic headwinds that demand deliberate attention and proactive strategies to overcome.

Based on data from the U.S. Bureau of Economic Analysis titled “CAINC30 Economic Profile” (accessed on Tuesday, February 6, 2024), the total employment in the county was 3,692 in 2017. However, updated figures for 2022 reveal a rise in total employment to 4,025. This suggests that the county’s employment base is expanding and a departure from the past trend of people leaving the county for work opportunities.

However, the county is experiencing a contradiction: while job opportunities are increasing, the workforce is shrinking, partly due to an aging population and overall population decline. Data from the U.S. Census Bureau’s population estimates and projections show that Tucker County has been steadily declining in population over the past few decades. For example, the population was 7,141 in 2010 but decreased to an estimated 6,227 in 2020, indicating a loss of about 914 individuals over the previous decade.

Moreover, the county’s remote geographical location, coupled with a scarcity of affordable housing options, poses considerable hurdles for the local business

community in terms of attracting and retaining a workforce, particularly in lower-wage industries.

In terms of public sector employment, Tucker County holds a considerable number of governmental positions, totaling 720 across various levels. This includes a significant presence at both the state, with 200 positions, and local levels, comprising 470 positions.

In the private sector realm, as Tucker County establishes itself as an increasingly popular tourism destination, recent data from the U.S. Bureau of Labor Statistics (BLS) highlights a significant location quotient (LQ) of 1.62 for its leisure and hospitality industry sector. A location quotient above 1 emphasizes a higher-than-average concentration of industry businesses compared to the national average.

Accordingly, a significant portion of the county's private sector workforce is employed in service-providing enterprises, spanning various sectors such as accommodations, food services, outdoor recreation, and other consumer-oriented services tailored to both tourists and residents.

Despite its tourism-centric reputation, Tucker County also boasts a noteworthy presence of goods-producing (1.67 LQ) and manufacturing industries (1.24 LQ). These sectors offer some of the highest average weekly wages among private industries in the county. The county's strategic location near abundant natural resources such as timber and coal, along with its skilled and dedicated workforce, are key factors contributing to the prosperity of its manufacturing enterprises.

Moreover, recent BLS data highlights significant job growth in additional private industry sectors within Tucker County from June 2022 to June 2023. Notable increases during this period were observed in professional and business services, other services, as well as education and health care industries, indicating a multifaceted expansion of the county's economic landscape.

Table 19: Top 10 Employers in Tucker County

Rank	Employer
1	Regency West Virginia Ventures, LLC (Canaan Valley Resort)
2	Mettiki Coal (WV), LLC
3	Tucker County Board of Education*
4	Timberline Mountain Operations, LLC
5	Cortland Acres Nursing Home
6	Kingsford Manufacturing Company
7	Tucker County Senior Citizens, Inc.
8	West Virginia Division of Natural Resources*
9	West Virginia Division of Juvenile Services*
10	Tucker County Commission*

Source: Workforce WV. Data set March 2021

Note: Governmental entities are marked by an asterisk (*).

Canaan Valley is a State Park but its facilities are operated by a private concessionaire.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Sustain and enhance the economic vitality of the county, while maintaining the rural character.

Objectives

- Identify, attract, and locate industry and business enterprises that create jobs and advance the overall well-being of Tucker County.
- Retain or expand existing business and industry in Tucker County.
- Advance entrepreneurship throughout Tucker County to lead to business and job growth. Work to identify and support potential entrepreneurs and serve as a clearinghouse for information and support services, and to identify networking and training for local entrepreneurs.
- Improve the economic well-being of Tucker County through effective collaborative work that leverages resources, builds capacity and achieves common objectives.
- Maintain a close working relationship with state and federal partners in economic development.
- Identify opportunities to collaborate with other organizations in the county that can influence, and advance effective collaboration with other Tucker County organizations that directly link or can influence economic development within their mission.
- Communicate positive points regarding the value of Tucker County as a place to do business. Included in this objective will be the design of a web portal that will provide a positive image of the county.

Strategies

- Actively participate in collaborative marketing efforts with the Tucker County Development Authority, Chamber of Commerce, and the West Virginia Development Office.
- Actively promote ongoing and established festivals and encourage additional community festivals.

- Target employers who are interested in locating/expanding to a rural environment within easy commuting distance to a major metropolitan area and are interested in diversifying the employment opportunities needed for long-term economic vitality and stability. Identify businesses that are not detrimental to the natural resources of Tucker County.
- Develop a comprehensive infrastructure initiative for internet, cable, phone, cell phone, and wireless internet. The infrastructure will serve to support business development within the county.
- Encourage creation of a business base to support other business, such as food service, recreation facilities, outlet shops, rental properties, and other amenities.
- Support efforts to protect and promote existing tourism-related activities.

Partners and Potential Partners

- The Tucker County Commission authorizes funding and provides support for the various activities that operate within the county.
- The Tucker County Development Authority provides guidance and leadership for economic development within the county.
- The West Virginia Development of Commerce assists with and encourages economic development within the state.

Fiscal Considerations

- Use funding streams appropriated by the County Commission to attract business to Tucker County.
- Develop funding mechanisms (e.g., tax increment financing) to encourage desirable economic development.
- Utilize grants and low-interest loans.
- Support efforts to create a revolving loan fund to enhance development efforts and opportunities.
- Seek other appropriate funding sources for further economic opportunities from state, regional, and national sources.

COMMUNITY DESIGN

OVERVIEW

This element of the Comprehensive Plan provides guidance, consistent with the land use component, to set goals, plans and programs to promote a sense of community, character and identity.

PLANNING CONTEXT

Tucker County is a special place that offers a high quality of life. Yet, the county also has its share of economic challenges that must be addressed if it is to increase its tax base, create job opportunities for its residents, provide services to all segments of the population, and support its schools, parks, infrastructure and cultural amenities.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Enhance the community designs within the county. Increase the vitality of the communities while maintaining the rural character of the county.

Objectives

- Enhance the quality of life in Tucker County through economic mobility.
- Encourage appropriate re-use of vacant and underutilized properties.
- Support programs and efforts to promote economic development in the county and to retain, replace, and increase jobs for county residents.
- Encourage additional, appropriate commercial and industrial development areas along the Corridor H areas of influence located in Tucker County.
- Facilitate pedestrian access to community businesses where appropriate.
- Foster county and business community cooperation in promoting economic development, community attractiveness, and activities and events.

Strategies

- Actively participate in collaborative marketing efforts with the Tucker County Development Authority, Chamber of Commerce, and the West Virginia Development Office.
- Target employers who are interested in locating/expanding to a rural environment within easy commuting distance to a major metropolitan area and are interested in diversifying the employment opportunities needed for long-term economic vitality and stability. Identify businesses that are not detrimental to the natural resources of Tucker County.

Partners and Potential Partners

- The Tucker County Commission authorizes funding to provide support for the various activities that operate within the county.
- Tucker County Development Authority oversees development in Tucker County.
- West Virginia Development Office supports community design and development throughout West Virginia.
- Local chambers of commerce and business organizations help foster the vitality of the communities and participate in local community designs.

Fiscal Considerations

- Use funding streams appropriated by the County Commission.
- Develop funding mechanisms (e.g., tax increment financing) to encourage desirable economic development.
- Utilize grants and low-interest loans
- Support efforts to create a revolving loan fund to enhance development efforts and opportunities.
- Seek other appropriate funding sources for further economic opportunities from state, regional, and national sources.

PREFERRED DEVELOPMENT, AND REDEVELOPMENT

OVERVIEW

This element of the Comprehensive Plan shall be consistent with the land use component of the plan. It shall identify areas where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.

PLANNING CONTEXT

Tucker County is a special place that offers a high quality of life. Yet, the county also has its share of economic challenges that must be addressed if it is to increase its tax base, create job opportunities for its residents, provide services to all segments of the population, and support its schools, parks, infrastructure and cultural amenities.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Seek the highest and best use for developable land within the county. Encourage such development while maintaining the basic rural character within the county.

Objectives

- Enhance the quality of life in Tucker County through economic mobility.
- Encourage appropriate re-use of vacant and underutilized properties.
- Encourage development in designated areas.
- Encourage additional, appropriate commercial and industrial development areas along the newly developing WV 48 (Corridor H), along WV 32, and other areas where infrastructure supports development within Tucker County.

Strategies

- Actively participate in collaborative marketing efforts with the Tucker County Development Authority, Chamber of Commerce, and the West Virginia Development Office.
- Target employers who are interested in locating/expanding to a rural environment within easy commuting distance to a major metropolitan area and are interested in diversifying the employment opportunities needed for long-term economic vitality and stability. Promote their location into the preferred locations.

Partners and Potential Partners

- The Tucker County Commission authorizes funding to provide support for the various activities that operate within the county.
- Tucker County Development Authority oversees development in Tucker County.
- West Virginia Development Office supports community design and development throughout West Virginia.

Fiscal Considerations

- Use funding streams appropriated by the Tucker County Commission.
- Develop funding mechanisms (e.g., tax increment financing) to encourage desirable economic development.
- Utilize grants and low-interest loans.
- Support efforts to create a revolving loan fund to enhance development efforts and opportunities.
- Seek other appropriate funding sources for further economic opportunities from state, regional, and national sources.

HISTORIC PRESERVATION AND RESOURCE CONSERVATION

OVERVIEW

The Tucker County Historic Landmark Commission oversees Historic Preservation and Resource Conservation within the county. The commission plays a role in the review process for potential historic sites that are listed or eligible for listing on the National Register of Historic Places. It operates as part of the Certified Local Government program which gives national recognition to local preservation commissions and empowers communities in their preservation efforts.

As of 2024, Tucker County has 11 properties listed on the National Register.

- Fairfax Stone, junction of Grant, Preston, and Tucker Counties (1972)
- Cottrill Opera House, Thomas (1979)
- Tucker County Courthouse and Sheriff's Residence/Jail, Parsons (1984)
- Western Maryland Depot, Parsons (1996)
- Thomas Commercial Historic District, Thomas (1998)
- St. George Academy, St. George (2001)
- Herman August Meyer House, Davis (2010)
- Tucker County Bank Building, Parsons (2010)
- Davis Coal and Coke Company Administrative Building, Thomas (2011)
- National Bank of Davis, Davis (2020)
- Buxton and Landstreet Company Store, Thomas (2022)

Additionally, the Thomas Commercial Historic District was listed on the National Register of Historic Places in 1998. The district includes 61 resources, 48 which are considered contributing buildings. In addition to these resources, Cottrill Opera House is centrally located in the district and was listed individually in 1979. The district is made up of two parallel streets -- Front Street (or East Avenue) and Spruce Street. A public access alleyway provides views of the backs of the properties and bisects the district. Sidewalk improvements and ample parking make the district walkable and easy to access by car. These resources are set in an exceptionally scenic area with abundant outdoor activities and other tourism activities.

The Tucker County Historic Landmark Commission proposes to expand on these assets by utilizing Thomas' historic properties to educate the public about their historical and cultural significance and to promote and encourage heritage tourism activities available in the area through walking tours, interpretive signage and website development.

In addition to the above-mentioned listings, there are many other properties that have been determined eligible for the National Register or are considered significant on a local level.

PLANNING CONTEXT

The Tucker County Historic Landmark Commission will continue to review eligible properties for inclusion on the National Register of Historic Places. This review is important because the landmarks contribute to the character of the county and provide a sense of history.

GOALS, OBJECTIVES & STRATEGIES

Goals Statement

Sustain and enhance historic landmarks while maintaining the rural character.

Objectives

- Enhance the quality of life in Tucker County.
- Encourage appreciation of county, state and national history by acknowledgement of historic landmarks.

Strategies

- Actively participate in historic appreciation efforts with the Tucker County.

Partners and Potential Partners

- The Tucker County Commission authorizes funding to provide support for the various activities that operate within the county.
- The Tucker County Historic Landmark Commission oversees Historic Preservation and Resource Conservation within the county.

- The State Historic Preservation Office seeks to identify, recognize, preserve and protect West Virginia's prehistoric and historic structures, objects and sites.

Fiscal Considerations

- Develop funding mechanisms (e.g., tax increment financing) to encourage historic appreciation.
- Seek other appropriate funding sources for further economic opportunities from state, regional, and national sources.
- Use funding streams appropriated by the Tucker County Commission.

APPENDICES

1. Canaan Valley Zoning Ordinance
2. Summary of Open Meetings Concerning the Comprehensive Plan

Appendix 1

Canaan Valley Zoning Ordinance

CANAAN VALLEY ZONING ORDINANCE

Tucker County, West Virginia

Adopted by the Tucker County Commission on June 24, 1998,
with an Effective Date of July 31, 1998.

Developed by the Canaan Valley Zoning Committee,
with assistance by the Tucker County Planning Commission

Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

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ADOPTION

WHEREAS the Tucker County Planning Commission held a series of meetings regarding the initial establishment of a Zoning Ordinance in the Canaan Valley; and a major public meeting was held regarding the proposed revised Zoning Ordinance; and

WHEREAS the Tucker County Planning Commission has received reports and recommendations from representatives of the Canaan Valley Landowners Association regarding the original establishment of and these revisions to the Canaan Valley Zoning Ordinance; and

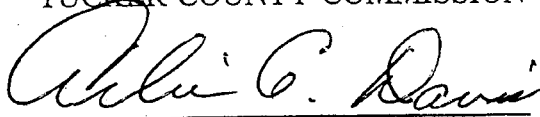
WHEREAS through such meetings and recommendations the Tucker County Planning Commission now is able to state in this Report to the Tucker County Commission that the purposes stated in Section 102 would be well served by this revised Zoning Ordinance; and

Therefore, following a public hearing, the Tucker County Commissioners hereby enact and adopt the attached Canaan Valley Zoning Ordinance. This revised Zoning Ordinance shall become effective on July 31, 1998.

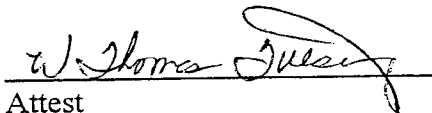
If any provision of this ordinance is invalidated by any superseding law or court of competent jurisdiction, all of the remaining provisions shall nonetheless be deemed severable and shall continue to full force and effect. The preexisting Canaan Valley Zoning Ordinance, except the Zoning Map, is hereby repealed.

Enacted this 24th day of June, 1998.

TUCKER COUNTY COMMISSION



Chairperson



Attest

**ARTICLE 1
APPLICABILITY AND PURPOSES**

101. APPLICABILITY.

- A. This Zoning Ordinance provides zoning regulations for the lands, water, and wetlands that comprise Canaan Valley and its surrounding watershed that drains towards the Canaan Valley. This Canaan Valley Zoning Ordinance shall only apply within the area shown on the attached "Canaan Valley Zoning Map," which encompasses the geographical watershed area of Canaan Valley.
- B. This Ordinance shall not regulate:
 - 1. lands and structures owned by the Governments of the United States or the State of West Virginia;
 - 2. any lands outside of the area shown on the Canaan Valley Zoning Map; and
 - 3. areas within the official boundaries of the "Davis Power Project" provided that such lands are developed in full compliance with an active license for such project issued by the Federal Energy Regulatory Commission (formerly Federal Power Commission).
 - a. However, if such license is not approved, is revoked or is suspended, or if the Davis Power Project is abandoned or not pursued, or if any such lands are sold, transferred or conveyed to any party other than the owner of record at the time such license is issued, then this Ordinance shall fully apply to all such lands.
- C. See certain exceptions for pre-existing uses and previously recorded plats in Article 6.

102. PURPOSES. This Zoning Ordinance is intended to serve the following purposes:

- A. To serve the authorized purposes for zoning under State law;
- B. To promote the public health, safety, comfort, morals, convenience and general public welfare of the Canaan Valley;
- C. To recognize that the quality of the water and wetlands, together with the underlying aquifer, are precious assets and natural resources to this area that must be preserved and protected;
- D. To conserve the mountains, tundra and other surrounding lands that provide a unique upland phenomena for the benefit of present and future generations of this area of Tucker County, West Virginia;
- E. To maintain a special scenic and rustic character of the Canaan Valley to promote outdoor recreation and related tourism and residential development.

103. EXTERIOR BUILDING MATERIALS - ADVISORY GUIDELINES.

- A. To maintain the special scenic and rustic character of the Canaan Valley, it is very strongly encouraged that wood, stone, brick and similar exterior building materials be used, as opposed to metal. Natural earth tone colors are strongly encouraged to be used, to blend in with the natural landscape, as opposed to overly bright or garish colors.
 - 1. For example, sides of buildings are encouraged to be constructed of wood stained a natural color and roofs of cedar shakes or a material with a closely similar appearance.
 - 2. Stucco, cinderblock and concrete should be avoided as exterior building materials.
- B. In locations where it is not feasible to construct a building as described in part "A" above, then it is strongly encouraged that substantial landscaping be placed to buffer views of such building.
- C. Subdividers are strongly encouraged to place deed restrictions on lots to require conformance with standards similar to those described in part "A."

**ARTICLE 2
ZONING DISTRICTS**

201. ESTABLISHMENT OF ZONING DISTRICT.

- A. The area regulated by this Ordinance is hereby declared a zoning district as shown on the Zoning Map.

202. USES PERMITTED.

- A. No structure shall be used, erected or expanded and no land shall be used unless it is in conformity with the regulations of this Section 202 and the other applicable regulations of this Ordinance.
- B. Unless specifically stated otherwise, any land or structure shall only be used or occupied for a use specifically listed in this Section as being permitted by right or special exception within the applicable zoning district.
- C. Similar Uses. The Board of Zoning Appeals may approve an application for a use that is not addressed by the following table if the Board determines:
1. such use is similar in character and impacts to uses that are permitted,
 2. such use will not threaten a significant hazard to the public health and safety, and
 3. such use would generally be consistent with the purposes of the applicable zoning district.
- D. The following uses shall be permitted by right, permitted by special exception or not permitted with the territory regulated by this Zoning Ordinance. For the purposes of this Section 202, the following abbreviations shall have the following meanings:
- | | | |
|----|---|---|
| P | = | Permitted by Right, with the zoning decision made by the Zoning Inspector |
| SE | = | Permitted Special Exception Use, with the zoning decision made by the Board of Zoning Appeals. See Section 804. |
| N | = | Not Permitted |

TYPES OF USES	<u>PERMITTED OR NOT PERMITTED</u>
<i>(See definitions in Article 9)</i>	

RESIDENTIAL USES

Single Family Detached Dwelling	P
Mobile Home	N
Mobile Home Park	N
Twin Dwellings, Townhouses or Apartments	P
<i>(Note - may be in condominium or fee-simple ownership or rental.)</i>	
Home Businesses - See under "Commercial Uses"	

COMMERCIAL USES

Adult Use - In recognition that such uses are not prohibited N by zoning regulations in the remainder of Tucker County, such uses are prohibited within the portion of Tucker County that is regulated by this Ordinance.	N
Auto Repair Garage, Gas Station or Car Wash	N
Auto Sales Use	N
Bed and Breakfast Inn	P
Campground	P*
Casino Gambling	N
Commercial Recreation, other than uses listed separately in this table:	
- Primarily Indoor (such as bowling alleys, roller-rinks and closely similar uses)	P
- Primarily Outdoor (such as canoe rental, bicycle rental and closely similar uses)	P
Commercial Communications Antenna (see Section 403)	SE
Contractor's Headquarters, Temporary	P
Custom Crafts or Artisan's Studio (such as custom manu- facture or repair of recreation equipment or manufacture of custom glass, ceramic or fabric items, and related retail sales)	P
Day Care - See under "Institutional Uses"	
Exercise Club	P
Financial Institution	P
Funeral Home	P
Golf Course or Golf Driving Range	P
Grocery Mart (not full service, small)	SE

See Notes at end of this table.

TYPES OF USES

PERMITTED OR NOT PERMITTED

(See definitions in Article 9)

COMMERCIAL USES (Cont.)

Home Business, involving a clearly routine and customary accessory use to a dwelling, provided the use:

P

- a) involves a maximum of 3 non-residents working on the site,
- b) does not involve on-site retail sales or manufacturing (other than manufacture of custom crafts or sale of agricultural products produced by the operator),
- c) does not involve any outdoor storage or display,
- d) does not involve storage of hazardous substances, beyond amounts and types typically found in a dwelling,
- e) does not generate levels of exterior noise in excess of that typically generated by a dwelling, and
- f) does not operate between 9 p.m. and 7 a.m. in a manner discernable from beyond the property.

Kennel, provided any area used for the keeping of animals is a minimum of 200 feet from an existing dwelling in different ownership

SE

Laundromat

P

Mobile Home Sales Use

N

Motel or Hotel

SE**

Office

P

Personal Services (includes tailoring, haircutting, drycleaning, shoe repair and closely similar uses)

P

Photocopying or Printing

P

Racetracks for competitive racing of animals, motor vehicles, snowmobiles, motorcycles or all-terrain vehicles, but with the following being permitted by right: Temporary Human, Bicycle or Horseback Races.

N

Repairs of Household Appliances

P

Restaurant, without drive-through or drive-in service

P

Restaurant with drive-through or drive-in service

SE

Retail Store, other than uses listed separately in this table (may include a deli and a convenience store with gasoline sales)

P

Self-Storage Development

SE**

Skiing, including Lodge and Accessory Facilities

P

Stable for Horses, or Horse-Riding Academy, with

P

a 5 acre minimum lot area, provided any structure or outdoor feeding area is located a minimum of 200 ft. from an existing dwelling

Supermarket

SE

TYPES OF USES (See definitions in Article 9)	<u>PERMITTED OR NOT PERMITTED</u>
--	--

COMMERCIAL USES (Cont.)

Target Range	
- Firearms Range, with a minimum setback of 200 feet from any lot	SE
- Archery, Indoor (for commercial use)	P
- Archery, Outdoor (for commercial use)	SE
Tavern or Microbrewery	P
Theater, Drive-In	N
Theater or Amphitheater, other than Drive-In	SE
Trade School or School for Martial Arts, Ceramics or Similar Hobby	P
Outdoor Schools	P

AGRICULTURAL USES

Crop Farming, Orchards, Forestry, Christmas Tree Farm, Greenhouses and customary accessory raising of livestock	P
Raising of Livestock as a Principal Use, provided any structure or outdoor feeding area is located a minimum of 200 feet from an existing dwelling	P

INSTITUTIONAL/PUBLIC/SEMI-PUBLIC USES

Cemetery without a crematorium	P
College or University	P
Community Center or Library	P
Crematorium	N

Day Care Center, involving:

- care of 10 or more persons at one time	P
- care of 4 to 9 persons at one time	P
- care of up to 3 persons at one time	P
Drug or Alcohol Treatment Center	N

Fire, Ambulance or Law Enforcement Station	P
Government Owned and/or Operated Uses, Other than uses listed separately in this table	P
Group Home, housing up to 6 persons who need supervision because of a "disability" protected by Federal law, plus necessary paid staff-persons, within a lawful dwelling unit.	P
Hospital	SE

TYPES OF USES (See definitions in Article 9)	<u>PERMITTED OR NOT PERMITTED</u>
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INSTITUTIONAL/PUBLIC/SEMI-PUBLIC USES (Cont.)

Membership Club (which shall not include a tavern, restaurant or other uses listed separately in this table, unless all requirements for such uses are also met):	
- Facilities for meetings by members	P
- Fishing, Hunting, Boating, Archery or Closely Similar Outdoor Recreation Facilities	P
- Other Facilities	P
Museum or Nature Center	P
Nursing Home or Personal Care Center	SE
Place of Worship (includes Church)	P
School, Primary or Secondary	P
Swimming Pool	P
U.S. Postal Service Facility	P

MISCELLANEOUS USES

Fuel Storage, Bulk Above-Ground (other than for on-site use)	N
Junkyard	N
Manufacturing, other than Custom Crafts and other than uses listed separately in this table	N
Mineral Extraction - See Section 301.A	
Recreation Facilities limited to use by occupants of a development and their invited guests:	
- Non-commercial and primarily outdoor	P
- Other	P
Recycling Collection Center	SE
Solid Waste Landfill, Transfer Facility or Incinerator	N
Utility Facilities (Underground Utilities encouraged)	
- Utility Lines, Poles or Substations	P
- Water or Sewage Facilities	P
- Other Facilities	SE
Warehousing as a Principal Use	N

See also the list of prohibited uses in Section 302.

Notes:

- * Campgrounds for transient motor homes and travel trailers and/or tents will not be permitted unless such campgrounds are located: 1) a minimum of 100 feet from the right-of-way of public roads, and 2) a minimum of 100 feet from adjoining property lines. This 100 feet wide area shall serve as a buffer zone and shall be free from buildings and shall be landscaped with trees and shrubs, except for portions where a substantial buffer of existing trees and shrubs will be preserved.

- ** Self-Storage Developments and Motels/Hotels are to be located: 1) a minimum of 100 feet from the right-of-way of public roads, and 2) a minimum of 100 feet from adjoining property lines. This 100 feet wide area shall serve as a buffer zone and shall be free from buildings and shall be landscaped with trees and shrubs, except for portions where a substantial buffer of existing trees and shrubs will be preserved.

Notes:

- P = Permitted by Right, with the zoning decision made by the Zoning Inspector
SE = Permitted Special Exception Use, with the zoning decision made by the Board of Zoning Appeals. See Section 804.
N = Not Permitted

**ARTICLE 3
GENERAL RESTRICTIONS**

301. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

- A. Mineral Extraction. No mining or drilling of any oil, gas or other minerals shall be permitted by any person or entity upon any lands unless the same is in full compliance with all federal, state and county laws, ordinances, and regulations controlling the same. This provision is intended to be consistent with and augment the provisions of Chapter 8, Article 24, Section 50, of the West Virginia Code as amended.
- B. Concerts. Music concerts open to the public which are held out-of-doors and for which admission fees are charged or donations are accepted shall not exceed twelve hours in total length and shall not include overnight on-site camping, unless the site was previously permitted as a campground.

302. SPECIFICALLY PROHIBITED USES. Any use not specifically permitted by this Ordinance is hereby prohibited. In addition, the following express prohibitions apply throughout the entire area regulated by this Ordinance:

- A. Junk. No junked motor vehicles of any kind nor abandoned appliances or furniture, nor parts thereof, nor more than three disabled vehicles, nor salvage material associated therewith, shall be kept or maintained outside of any building nor within public view for a period in excess of 90 days on any premises within one calendar year.
- B. Wastes.
 - 1. No land or building may be used to house or operate any business or other activity engaged in collection, binding, storage or sale of refuse paper products, rags or scrap metal, nor the abandonment, demolition, storage, salvage or sale of used vehicles or used machinery.
 - 2. The disposal of petroleum products of all kinds, paints, chemicals, insecticides, herbicides, hazardous materials, radioactive materials, salt water, septic sludge (unless treated and permitted in accordance with and by the West Virginia Departments of Health and Natural Resources), motor vehicles, bottles, containers or vehicles and parts hereof, into the streams, ponds, lakes, wetlands, caves and/or lands shall be expressly prohibited.
- C. Amusements. The erection, maintenance and operation of permanent amusement parks, permanent circuses and permanent carnivals shall be expressly prohibited. Nothing herein shall be construed to prohibit the operation of limited amusement activities such as miniature golf courses, conventional golf courses, tennis facilities, swimming pools, driving ranges, ski areas, waterslides, playgrounds and similar activities.

- D. Sawmills and Kilns. The construction and operation of sawmills and/or lumber kilns are expressly prohibited. This provision is intended to comport to and augment the provisions of Chapter 8, Article 24, Section 50 of the West Virginia Code as amended. This provision is not intended to prevent the use and alienation of timber.

303. NATURAL FEATURES.

- A. Wetlands. If the Zoning Inspector has reason to believe that an area proposed for building, development or site alteration may intrude into "wetlands" under Federal and/or State definitions, then the Zoning Inspector may at his/her option require that the applicant submit a wetland delineation prepared by a qualified professional.
1. At his/her option, the Zoning Inspector may condition the issuance of a permit under this Ordinance upon the applicant: a) submitting a wetland delineation and b) providing evidence that any required permit applications have been submitted to State and Federal agencies. However, the Zoning Inspector and the County do not guarantee that all wetlands are delineated as part of the permit process.
 2. Wetland delineations shall not be required as part of a permit under this Ordinance if the permit application does not propose any building, development or site alteration on any area suspected of being a wetland.
- B. Steep Slopes. This Section 303.B. shall apply to lot proposed to be recorded after the effective date of this Ordinance.
1. If slopes of over 25 percent are present, then the applicant shall submit a site plan that designates the *maximum* portions of the lot that will be used for construction of a principal building. In many cases, an applicant may be able to avoid the requirements of this Section 303.B. by restricting construction to portions of a lot that are not very steep.
 2. Based upon the site plan, if the lot will involve a new principal building on land areas with a natural slope over 25 percent, then a minimum lot area of 3 acres shall be required. However, if the lot will involve a new principal building on land areas with a natural slope over 35 percent, then the minimum lot area shall be increased to 5 acres.
 3. Exceptions. The following exceptions shall apply to this Section 303.B.:
 - a. **A Planned Development approved under Section 405 shall be exempt from this Section 303.B.**
 - b. A larger minimum lot area shall not apply if less than 200 square feet of the proposed building site has a slope over 25 percent.
 - c. As part of a subdivision plat, the Zoning Inspector shall allow a minimum lot area of 2 acres, provided all of the following standards are met:
 - 1) the *average* lot area for the entire plat shall be a minimum of 3 acres,
 - 2) the applicant shall prove that the lot layout will minimize disturbance of slopes over 25 percent, waterways, scenic ridgelines and wetlands,

- 3) a minimum of 20 percent of the total land area shall be permanently preserved in public, semi-public or private ownership, through one or more of the methods listed in Section 406.
 - d. A developer may be granted a special exception from the Board of Zoning Appeals to modify the steep slope provisions of Section 303 if the applicant proves to the Board that the development:
 - 1) will be constructed following adequate professional engineering of road layout and storm water to minimize negative effects of construction on steep slopes and
 - 2) will hold disturbance of slopes over 25% to a reasonable minimum.
 - e. See also Sections 304 and 307.
- C. Setbacks from Waterways. No new principal building, or portion thereof (other than unenclosed elevated decks), shall be constructed within the following:
- 1. 75 feet from the centerline of the main stem of the Blackwater River;
 - 2. 50 feet from the centerline of any other perennial (as opposed to "intermittent") waterway.
- D. Tree Protection Recommendations.
- 1. Subdividers are strongly encouraged to place appropriate deed restrictions on lots to require that the removal of mature trees be held to a minimum.
 - 2. Developers and builders are strongly encouraged to place temporary fences underneath the "drip line" of trees intended to be preserved. This temporary fencing is intended to keep vehicles and equipment from compacting the root system of trees, which will eventually kill the trees over time. In addition, any grade changes around the base of trees should be minimized to protect the trees.

304. STORMWATER AND EROSION CONTROL.

- A. If an application will eventually involve more than 20,000 square feet of new total "impervious surface" (see definition in Article 9), then the applicant shall provide a stormwater management plan prepared, signed and sealed by one of the following State licensed/registered professionals: professional engineer, surveyor or landscape architect. Such professional shall certify that such plan has been prepared to comply with the following standards:
- 1. The post-development peak rates of runoff from the site shall not exceed the pre-development peak rates of runoff, based upon a "2 year" and a "10 year" storm.
 - 2. A "100 year" storm shall be able to be safely routed and accommodated without jeopardizing the structure of any principal building on or off of the site, other than buildings that are already subject to a 100 year flood.
 - 3. Any detention basin shall be designed with an emergency spillway that is designed to pass a 100 year storm.

4. New bridges, culverts under roads, stream enclosures, drainage channels, drainage ditches and drainage pipes shall be designed to pass or convey a "10 year" storm, except crossings of a 100 year floodplain shall be designed to pass or convey a "100 year" storm.
- C. If more than 5,000 square feet of land area is disturbed, then proper measures shall be designed and used to control soil erosion. This section shall not apply to crop farming.
1. The smallest practical area of earth shall be exposed at any one time. The amount of time that earth is exposed shall be minimized, before the ground is stabilized with vegetation or other suitable material.
 2. Silt fencing or similar material shall be installed at low points of a site around areas of earth disturbance. Stakes shall be securely placed into the ground to support the fencing, and the ground should be compacted around the fence. Straw hay bales or similar methods should also be used to filter soil from stormwater runoff.
 3. Natural and man-made drainage channels shall be seeded and mulched, or covered by stone rip-rap or other suitable material to avoid significant soil erosion.
- D. The stormwater and erosion control plans shall clearly state:
1. which entity(ies) shall be responsible to complete the improvements and controls, and
 2. the required timing of installation of improvements and control measures in relation to different phases of development, to make sure that installation occurs prior to the phase causing the need for the improvements and control measures. For example, a plan might state that a stormwater detention basin must be in place prior to the construction of any buildings in Phase B.

305. EMERGENCY ACCESS.

- A. All new driveways serving principal buildings and all new roads and bridges shall be designed to provide adequate access by fire trucks and ambulances. Adequate access shall include: a) suitable turning radius, b) suitable weight limits, c) 15 percent maximum slope, d) 8 feet minimum width, and e) 10 feet minimum height clearance.
- B. Adequate access to each new commercial, industrial or apartment building shall be provided for fire trucks and ladders.
- C. The Zoning Inspector may request a review by one or more appropriate emergency service officials to determine compliance with this Section.

306. FLOOD-PRONE AREAS. All development shall comply with the Tucker County Floodplain Ordinance, as amended. (Note: Such ordinance generally controls building and other development within the area expected to be flooded during the worst flood in an average 100 year period, based upon mapping provided by the Federal government.)

307. LANDSCAPING AND BUFFER YARDS.

- A. A minimum of 10 percent of all lots intended for new or expanded commercial, industrial, apartment or townhouse buildings shall be preserved in trees and/or landscaped with trees and shrubs.
- B. A planting strip with a minimum width of 15 feet shall be maintained in grass or other attractive vegetation adjacent to any road. The planting strip shall only be interrupted by driveway crossings that are approximately perpendicular. Vegetation within the strip shall not obstruct safe sight distances.
- C. Any new commercial or industrial principal use or parking area for 5 or more vehicles that has a side or rear yard that is directly adjacent to a residential use on another lot shall provide a buffer yard along the residential lot. The buffer yard shall include at least 15 feet of width that is free of parking, structures, storage and paving. The buffer yard shall be planted with substantial trees and shrubs and/or preserved existing vegetation that provides a significant visual screen. New trees and shrubs shall have an initial minimum height of 3 feet.
- D. Substantial landscaping shall be provided to buffer sewage lagoons, sewage treatment plants and stormwater detention basins/ponds from views of homes and roads, except where a stormwater pond is clearly designed to resemble a natural pond.
- E. Substantial landscaping, mostly solid wood fencing or decorative masonry walls shall be used along 3 of 4 sides of any trash dumpsters as necessary to screen them from view of roads and homes on other lots.

**ARTICLE 4
BUILDING AND STRUCTURE REGULATIONS**

401. WATER AND SEWAGE SERVICES.

- A. Prior to Building. Prior to the construction of a principal building, plans for adequate and lawful water supply and sewage treatment and disposal to serve the building must first have been approved in writing by the applicable Department of Health (and where also required by law, by the West Virginia Department of Natural Resources).
 - 1. A site plan shall be submitted showing the proposed location of water systems and sewage systems in relation to buildings and other improvements.
- B. New Lot. Prior to the creation of a new lot, the applicant shall provide evidence from the County Department of Health that a site has been approved for an on-lot septic system based upon a percolation test, unless written evidence is provided that another method of sewage treatment will be used that will meet State regulations.

402. MINIMUM SETBACKS.

- A. Setbacks from Roads. No building shall be constructed within any of the following: a) 60 feet from the centerline of West Virginia Route 32, b) 50 feet from the centerline of any other public road, c) 10 feet from the cartway of a private road.
- B. Fences and Walls.
 - 1. Only the following types of fences or walls shall be constructed within the above minimum setback from a road:
 - a. a split rail, picket or similar mostly "open" type of fence with a maximum height of 5 feet, and provided such fence is constructed of wood or materials with a similar appearance,
 - b. necessary retaining walls, and
 - c. decorative walls with a maximum height of 5 feet serving as a backing for permitted signs.
 - d. Agricultural Use are exempt from this Section 402.B.1. Other fences and walls may be exempted by granting of Special Exceptions.
 - 2. No fence or wall shall be constructed within the right-of-way of a public road, except necessary retaining walls.
- C. Setbacks from Property Lines. No building, structure or any part thereof shall be erected within 20 feet of the boundary line of an adjoining property owner unless such adjoining owners agree in writing to a reduced setback or if a lesser setback is established by deed restrictions as part of a subdivision, or unless townhouses or other attached housing is approved under this Ordinance. Such setback shall be increased to 30 feet for commercial and institutional buildings from property in different ownership, unless adjoining owners agree in writing to a reduced setback.

403. **MAXIMUM HEIGHT.** A maximum height of 35 feet shall apply to all structures, except as provided below:

A. **Height Exceptions.**

1. Projections such as towers, steeple, spires, cupolas, chimneys, water tanks, flag poles, monuments, radio, television and citizen band aerals and antennas, transmission towers, fire towers and similar structures and mechanical appurtenances not used for human occupancy shall be limited to 35 feet above ground level if not attached to a building. Any of the above attached to a building shall not project more than 12 feet above the highest point of that building, except a steeple or bell tower of a place of worship may project 25 feet above the building.
2. A commercial communications antenna or antenna operated by Tucker County, the State of West Virginia or emergency service providers for emergency communications may be approved as a special exception with a maximum total height of up to 75 feet if the applicant proves such antenna:
 - a. Needs to be such a height;
 - b. Has been designed and located to minimize negative impacts upon the scenic character of the Canaan Valley, such as by incorporating an antenna into a church bell tower and/or using a monopole design with an earth tone color;
 - c. Has sufficient setbacks to allow it to collapse on the ground without causing hazards to roads or other properties, in event of very high winds or structural failure;
 - d. Is constructed of corrosion-resistant non-combustible material; and
 - e. The owner agrees in writing to remove the antenna within 6 months after it is no longer in use.
3. A building exceeding the 35 foot height restriction will be granted a variance provided:
 - a. it does not adversely affect the current Insurance Services Organization (ISO) rating,
 - b. it does not adversely impact the aesthetics, public health, safety, comfort, morals, convenience and general public welfare of the community regulated by this Ordinance, and
 - c. it complies with subsection "B." below.

B. **Watershed Boundary.** The highest point of any building shall not exceed a height of 10 feet below the watershed boundary, or 10 feet below surrounding trees atop the watershed boundary. The watershed boundary is the topographic line that separates areas that flow into the Canaan Valley from areas that flow away from the Canaan Valley.

404. MAXIMUM DENSITY. A minimum lot area of 1 acre shall apply for any lot recorded after the effective date of this Ordinance, and a maximum density of one dwelling unit per acre shall apply, except as provided:

- A. within a "Planned Development" approved under Section 405, or
- B. under Section 303 for lots involving steep slopes over 25 percent.

See Section 602.B. which allows any existing lot of record to be used for a single family detached dwelling, regardless of the size of the lot.

405. PLANNED DEVELOPMENTS.

- A. This Section is intended to encourage developments that: a) are planned in a manner that provides compatibility between different land uses, b) provide well-coordinated roads and utilities, and c) properly relate to the natural features of the land. If a "Planned Development" is approved under this Section 405, then it is possible to obtain **increased density and great flexibility in site layout**, as described in this Section.
- B. As part of a subdivision plat, the density of a "Planned Development" may be increased as provided in Section 405.C., and no minimum lot area shall apply for each individual dwelling, provided all of the following standards are met:
 - 1. Any dwelling on a lot of less than 1 acre shall be served by a central water and central sewage system meeting State and County requirements.
 - 2. The owners shall agree to establish a long-term operation and maintenance contract for the central water and sewage systems with a qualified individual or firm, unless the systems will be operated by an incorporated Town, City or Public Service District.
 - 3. The maximum density shall be determined based upon the total lot area of the tract, minus the following: a) land within the right-of-way of existing public roads, and b) land proposed for commercial and industrial buildings and related parking. The resulting acreage shall then be multiplied by the maximum average density (see below) to determine the maximum number of dwelling units or hotel/motel rental units.
 - a. In determining the maximum density, portions of a Planned Development involving golf courses, ski trails, wetlands, steep slopes, open space and proposed roads may be included in the acreage to determine maximum density. In addition, land within hotels and motels may be included in the acreage to determine maximum density.
 - 4. The applicant shall prove that proposed layout of lots, buildings and roads will fully consider slopes over 35 percent, waterways, scenic ridgelines and wetlands, and hold their disturbance to a reasonable minimum.
 - 5. A minimum amount of land area as provided in Section 405.C. shall be in preserved open space, through one or more of the following methods:
 - a. Through setting aside land owned by the applicant through one of the methods provided in Section 406; or

- b. Through counting lands that are occupied by existing or to-be-donated publicly-owned open space, existing ski trails or an existing golf course within a 2,000 feet wide radius of the boundaries of the Planned Development as the open space. Such lands are not required to be owned by the applicant for the Planned Development.
 - (1) For example, if an applicant owns 20 acres of land, and another 50 acres of a golf course or publicly-owned recreation land are located within a 2,000 feet radius of the applicant's land, then the applicant could multiply 70 acres by the average density of 2 dwelling units per acre, to result in a maximum density of 140 dwelling units on the applicant's land. This assumes that the applicant uses the 20% open space standard.
 - (2) As a second example, if an applicant owns 300 acres, the applicant might place a conservation easement on 20 percent of the land (or 60 acres) and use it as a private commercial golf course. The golf course land could still count towards the permitted density of the remainder of the land. Therefore, the applicant could develop 600 dwelling units (300 acres multiplied by 2) or 1,500 motel/hotel units (300 acres multiplied by 5). This assumes that the applicant uses the 20% open space standard.
 - (3) The same area of land outside of a Planned Development (such as U.S. Forest Service land) may be used by more than one Planned Development to count towards their maximum average density.
 - (4) The same area of land outside of a Planned Development shall only be used by one Planned Development to count towards its minimum open space.
 - (5) Land outside of the Canaan Valley Zoning District may be used to count towards the maximum average density and/or minimum open space of a Planned Development provided:
 - (a) Such land is preserved in public ownership or deed restrictions or conservation easements will be in place to make sure that the land will continue to serve the intended purposes;
 - (b) Such land meets all other provisions of this Section; and
 - (c) Such land is immediately adjacent to the Canaan Valley Zoning District.
- 6. **The steep slope provisions of Section 303 shall not apply within an approved Planned Development.**
- 7. The applicant shall provide evidence of compliance with Sections 304 and 305. All of the plans shall be prepared to a standard scale. The road, stormwater and all other plans shall be stamped by a registered professional engineer. For a development of 10 or more acres, it is strongly encouraged that a landscape architect also be involved in the site layout, at a minimum.
- 8. The buffering requirements of Section 307 shall be met.
- 9. The tract shall include a minimum of 5 acres of land.
- 10. A Planned Development shall be offered for review by the Review Board, as established in Section 802. The Review Board may provide advice to the applicant on potential improvements to the development, and may advise the Zoning Inspector concerning compliance with this Ordinance.

- C. The following maximum average density shall apply within a Planned Development if land area equal to the following minimum percentages of the total land area of the Planned Development are set aside as open space (as provided in Section 406.B.).

Maximum Average Density Per Acre:		Minimum Land Area Preserved in Public
<u>Dwelling Units</u>	<u>or Motel/Hotel Rental Units*</u>	<u>Semi-Public or Private Open Space</u>
2	5	20% **
3	6	30%
4	7	40%
5	8	50%
6	9	60%
7	10	70%
8	11	80%
9	12	90%

* The maximum density for motel or hotel rental units provided above shall be increased to 20 units per acre, with 20 percent open space, if a use is within 1,000 feet of the centerline of West Virginia Route 32 or Courtland Road.

** Absolute minimum to qualify as a Planned Development.

406. PRESERVED OPEN SPACE. Trail Systems are encouraged within Developments. Open space is not required to be open to access to the general public. Where preserved open space is established on land controlled by the applicant, as provided by Section 303 or 405 above, it shall be protected by one or more of the following methods:

- A. By conservation easements or deed restrictions on appropriate portions of one or more privately owned lots. Such areas may be used for horse riding areas, golf courses, ski trails, crop farming, Christmas Tree Farms, playgrounds and similar open space uses.
- B. By dedication to a Federal, State, County or Town Government or an incorporated non-profit nature conservation organization for use as public recreation land or a nature preserve, provided such agency or organization agrees in writing in advance to accept such dedication.
- C. By dedication to a property-owner association as commonly owned open space, with appropriate deed restrictions or conservation easements to ensure the preservation of the land.

**ARTICLE 5
SIGN REGULATIONS**

501. SIGN PERMIT REQUIRED.

- A. To make sure there is compliance with these regulations, and to protect property owners from costly construction errors, no one may construct, erect, alter or relocate any sign without first obtaining a permit, except as specifically excluded below.
- B. A change in lettering or symbols on an existing sign by itself shall not require a new permit.
- C. The sign permit shall be issued through the office of the Zoning Inspector. Dimensional drawings of the sign, and its location relative to property lines, must accompany the permit application.
- D. Once a sign permit is issued, it shall be unlawful to change, modify, alter, relocate or deviate from the terms of the permit without obtaining a new permit in the manner provided herein.

502. SIGN EXEMPTIONS. The following types of signs do not need a permit and are exempt from this Article 5, except for safety regulations and the following standards:

- A. Public Signs. Signs of a noncommercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his/her public duty, such as directional signs, regulatory signs, warning signs and informational signs.
- B. Signs with a maximum sign area of 3 square feet involving the following messages and closely similar purposes: no trespassing, no hunting, no fishing, no parking, no swimming, beware of dog, garage sale, yard sale, local produce for sale, and local crafts for sale.
- C. Plates or signs on residential structures or premises giving the name or address of the occupant and plates on mailboxes, paper tubes and similar uses customarily associated with residential uses are not to exceed six square feet, but in no event shall said sign measure more than three feet in length or height.
- D. Contractors' temporary signs for buildings under construction not exceeding 12 square feet.
- E. Real estate for rent, for sale or open house signs not to exceed 12 square feet, erected on or adjacent to individual homes, townhouses, condominiums, lots, etc. However, real estate for sale, for rent or open house signs pertaining to subdivisions or developments where two or more homes, condominiums, townhouses or lots are being offered shall require a permit.

503. TEMPORARY SIGNS.

- A. Temporary signs or banners indicating an occasional event held within Canaan Valley shall require a permit and the payment of a fee of \$25.00, except that charitable or religious events or functions shall not require a fee.
- B. Such sign or banner may not be erected more than two weeks prior to the event and must be removed no later than three days after the event. Failure to comply with regulations or to remove such sign or banner in the allotted time shall result in the denial of the issuance of a similar permit for a period of 13 months.
- C. The Zoning Inspector shall have authority to have any sign or banner removed at the owner's expense if not in compliance with this ordinance. The Zoning Inspector may remove any unauthorized sign within the right-of-way of a public road.

504. SPACING OF SIGNS. Freestanding signs along a public road shall be maintained at a distance of at least 1,000 feet between signs, except that individual business establishments with road frontage of less than 1,000 feet may erect one freestanding business sign. Business franchises having a frontage on more than one street may erect an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 200 square feet.

505. GENERAL SIGN REGULATIONS.

- A. No sign other than a traffic sign or highway identification signs shall be permitted in a public right-of-way along any public road or highway except as permitted herein.
- B. No sign shall be placed in such a position as to endanger traffic on a public road or highway, nor at any intersection. No privately owned or privately constructed sign which purports to direct or regulate traffic along any road which is regulated by the Division of Highways, shall be permitted. Likewise, no such sign which interferes with or purports to duplicate a lawful governmental highway sign, traffic signal or device shall be permitted.
- C. No sign, other than one identifying trails, the owners of property or residents living thereupon, or posting the property, shall be permitted to be affixed to or constructed upon any rock or tree. Likewise, no sign or writing may be drawn, written or painted upon any tree or rock.
- D. Lighting of Signs and Buildings.
 - 1. Lighting of a sign or building shall not be of such intensity and shall not be directed in a manner that:
 - a. causes a nuisance to residents or other users of adjacent buildings or lands; and/or
 - b. blinds, causes glare to, obstructs the view of, or causes a serious distraction to drivers of vehicles on public roads; and/or
 - c. lighting is shined into the eyes of motorists on a public road.

2. All outdoor light sources shall be properly diffused with a translucent or similar cover to prevent exposed lighting elements from being directly visible from roads or adjacent buildings.
 3. Reflective devices, shields and similar devices shall be used as needed around lighting sources to meet the requirements of this Section.
 4. This Section "D." shall not prohibit or restrict the lighting of ski lifts and trails.
- E. Every sign must be constructed of durable materials and must be kept in good condition and repair. Each sign shall be erected and maintained in accordance with the any applicable construction, electrical and safety codes that may be established by the federal, state or county government.
- F. No sign or billboard may be placed along or in view of any public road if the same uses for illumination (or is placed in conjunction with) any flashing or flickering light or neon light. Neon light shall not be used on the outside of a building.
- G. No sign or billboard of a permanent nature may be erected which advertises or promotes anything outside of the area regulated by this Ordinance.
- H. No sign or billboard of a permanent nature may be erected which is rental in nature, such as a sign or billboard leased or rented out to various subscribers whose advertisements may change from time to time.
- I. No political campaign signs with a sign area of over 20 square feet shall be allowed. Any political signs shall be removed within 7 days after the election that they relate to.
- J. All signs and billboards advertising businesses within the area regulated by this Ordinance shall be located on the land where the actual business is located. All signs must be rustic in appearance, constructed of wood, and aesthetically unobtrusive.
- K. All freestanding signs and billboards on a lot that are visible from a lot line shall have a maximum total sign face of 100 square feet and a maximum total height of 12 feet above the ground level.
- L. All signs attached to buildings shall not project above the roof line or wall lines at any given point.

**ARTICLE 6
PRE-EXISTING USES AND PLANS**

601. PURPOSE. This Article 6 is intended to recognize and augment the provisions regarding existing uses in Chapter 8, Article 24, Section 50 of the West Virginia Code, as amended. The overall intent is to generally "grandfather" or "safeguard" pre-existing lawful uses, so that they may continue in operation, even though they would not meet current zoning regulations.

602. SAFEGUARDING OF EXISTING USES AND RECORDED PLATS.

- A. Existing Uses. Notwithstanding the regulations of this Ordinance, any use of land, building, waters or wetlands that lawfully existed prior to the adoption of this Ordinance may continue, and may be sold to other parties.
1. Exemption. To comply with State law, any agricultural use, industry or manufacturer that lawfully existed prior to the adoption of this Ordinance may be altered and may expand, notwithstanding the regulations of this Ordinance.
 2. Expansion. A use (other than an agricultural, industrial or manufacturing use) that lawfully existed prior to the adoption of this Ordinance, but which would not be permitted under this Zoning Ordinance, may expand a maximum total of 25 percent beyond the land area or building floor area, whichever is more restrictive, occupied by such use at the time the use was no longer permitted.
 - a. For example, a use that covered 1 acre could be expanded an additional 0.1 acre one time and 0.15 acre a second time, for a maximum total size of 1.25 acres. A use that occupied 10,000 square feet of floor area could add a grand total of 2,500 square feet of new floor area.
 3. Abandonment. If a use (other than an agricultural, industrial or manufacturing use) is abandoned for a period of 18 or more months, it shall lose its right to continue and to expand, and instead shall be required to comply with this Ordinance.
 4. Changes in Use. A lawful pre-existing use that would not be permitted under this Ordinance may be converted to a different use that would not be permitted under this Ordinance, provided that the applicant proves to the Zoning Inspector that the new use would be less intense in its external effects, on the whole, than the previous use.
 - a. If the Zoning Inspector has difficulty making such a determination, then the Zoning Inspector may require that the applicant apply for a decision by the Board of Zoning Appeals.
 - b. To determine whether a new use would be less intense than a previous use, the following factors shall be considered:
 - (1) amount of truck and other vehicle traffic,
 - (2) noise, dust, odor, glare,
 - (3) hazards to public health and safety,
 - (4) compatibility with the character of the surrounding area,
 - (5) appearance, such as outdoor storage and signs, and
 - (6) hours of operation.

- B. Single Family Lots. In no case shall this Ordinance prevent the use of a lot that legally exists "of record" according to official County land records for a single family detached dwelling and its customary accessory structures.
- C. Recorded Plats. If a plat was recorded in the Office of the Clerk of the County Commission of Tucker County prior to the adoption of this Ordinance, then provisions of this Ordinance shall not apply that are inconsistent with matters specified on such plat. However, any new or expanded portions of buildings shall still comply with the setback requirements of this Ordinance.
- D. Previous Permits. If a structure or use was granted a permit prior to the effective date of this revised Canaan Valley Zoning Ordinance of 1998, then such structure or use may occur consistent with matters specified on such permit. However, if the structure or use is not completed within 10 years after the issuance of such a permit, then such permit shall become null and void, and any structure or use shall comply with the Zoning Ordinance currently in effect. See Section 802.C.2. for permits issued after the effective date of this Ordinance.

603. LOCATION OF IMPROVEMENTS. The provisions of Section 802 that require the submission of a site plan for proposed buildings, expansions and other improvements shall apply regardless of whether a building or lot is regulated by this Ordinance, unless such improvement is already shown on a previously recorded plat.

604. REBUILDING OF PRE-EXISTING USES.

- A. If a lawful pre-existing use is damaged or destroyed by fire or other natural cause, such use may be reconstructed or replaced, provided there is no increase in the non-conformance with this Ordinance.
 - 1. For example, if a building was destroyed that had a 10 feet setback from a road and a 50 feet height, it could be rebuilt with a setback of 10 or more feet and a height of up to 50 feet, but could not be rebuilt with a 5 feet setback and a height of 60 feet.
 - 2. Time Limit. If such existing use is to be rebuilt, the property owner must apply for a permit to replace or reconstruct the structure within one year.
 - a. If, due to events beyond his/her control, the applicant is unable to replace or reconstruct said structure, he/she may apply annually for a renewal of the permit, which shall be issued at no additional cost, until replacement of the structure is completed.
 - b. Failure to renew the permit annually shall constitute abandonment, and the grandfather status will be terminated.

**ARTICLE 7
PARKING**

701. MINIMUM NUMBER OF PARKING SPACES.

- A. Dwellings. Every dwelling shall provide sufficient parking spaces, located off of roads, to provide for reasonably expected demand. It is recommended that one parking space is provided per one bedroom for units that may be occupied by more than one family, or 2 parking spaces per dwelling for other housing.
- B. Employees. A minimum average of 1 off-street parking space shall be provided for each employee working during peak periods who does not live on-site.
- C. Size. Outdoor parking spaces shall have a minimum size of 9 by 18 feet.
- D. Surface. Parking spaces shall be constructed of stone, asphalt, concrete, paving blocks or similar material.

702. HANDICAPPED PARKING. To comply with the Federal Americans With Disabilities Act, the following minimum amounts of parking spaces shall be provided:

- A. Number of Spaces. Any lot including 4 or more off-road parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans With Disabilities Act:

TOTAL NUMBER OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NUMBER/PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- B. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
- C. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by 2 handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
- D. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
- E. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
- F. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is accessible with a wheelchair.

**ARTICLE 8
ADMINISTRATION**

801. ZONING INSPECTOR.

- A. Appointment. This Ordinance shall be administered and enforced by a Zoning Inspector who shall be appointed by the County Commission of Tucker County. The Zoning Inspector shall be a resident and freeholder of the area regulated by this Ordinance, and a person of good moral character.
- B. Authority of Zoning Inspector. The Zoning Inspector shall be authorized and empowered to do the following:
1. Permits. After acceptance and review of a written and signed application and any accompanying plans and plats, the Zoning Inspector shall issue permits under this Ordinance, if the application demonstrates that such structures and uses will comply with this Ordinance.
 2. Inspections. The Zoning Inspector may inspect completed buildings, development projects, lands, sewage systems, water systems, other improvements, businesses and other uses to determine whether or not such are in compliance with this Ordinance.
 3. Variances and Special Exceptions. The Zoning Inspector shall review and accept applications for variances to requirements of this Ordinance or for approval of uses permitted by special exception by this Ordinance, for a decision by the Board of Appeals, in accordance with Chapter 8, Article 24, Section 55 of the West Virginia Code, as amended.
 4. Fees. The Zoning Inspector shall collect fees from applicants for permits under this Ordinance. An application shall not be considered complete until all fees required by this Ordinance are paid in full.
 - a. Said fees shall be deposited in an interest bearing checking account in a bank or savings and loan association, the funds of which are guaranteed by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Said account shall be in the name of the Canaan Valley Zoning District. The Zoning Inspector shall be bonded in the amount of at least \$10,000.00 by a bonding company qualified to do business in the State of West Virginia and approved by the Insurance Commissioner of West Virginia.
 5. Expenses and Compensation. The Zoning Inspector may draw funds upon said account for the payment of administrative costs of said Zoning Inspector including payment of such fees or salary as may be approved by the Tucker County Commission as compensation for: services rendered by the Zoning Inspector, reimbursement of actual reasonable and necessary expenses, and actual costs of clerical and office expenses incurred by the Zoning Inspector in the performance of his/her duties.
 - a. The receipts and expenditures of said office shall be audited from time to time by the Auditor of the State of West Virginia, or his/her designee. The Zoning Inspector shall be required to keep such records, journals and logs as may be required from time to time by the Tucker County Commission and the West Virginia State Auditor.

6. Records. The Zoning Inspector shall keep and preserve all applications for building permits and all requests for exceptions, special exceptions and variances from this Ordinance; to keep and preserve all building plans, development plans, plats, maps and other documents submitted to the Zoning Inspector in the course of his/her duties.
 7. Additional. The Zoning Inspector may perform such additional tasks and duties as may be prescribed by the Tucker County Commission and by any rules and regulations adopted by the Tucker County Board of Zoning Appeals from time to time.
- B. Term and Removal of Zoning Inspector. The Zoning Inspector shall be appointed and employed by the Tucker County Commission. His/her term of office shall be for a period of three years, and he/she may be reappointed. He/she may be removed during such term of office for: a) malfeasance, misfeasance or nonfeasance; or b) for willful, arbitrary and capricious action in the performance of his/her duties.

802. PERMIT PROCESS.

A. Applications and Permits.

1. Development Permit. It shall be unlawful for an owner, tenant, user or operator of any lands, business or structure within the area regulated by this Ordinance to permit or do the following or to officially record a subdivision plat or condominium or a new lot until such person or entity has filed with the Zoning Inspector an application for a Development Permit, and the Zoning Inspector determines the application complies with this Ordinance and issues such Permit:
 - a. To establish a new non-residential use, or expand the non-residential use of land or an existing building; or
 - b. To undertake the development of any attached housing or resort project; or
 - c. To undertake a "Planned Development" as provided in Section 405; or
 - d. To create a new lot, new subdivision or change existing lot lines (other than a simply resolution of a disputed boundary lot line).
2. Building Permit. It shall be unlawful for an owner, tenant, user or operator of any lands, business or structure within the area regulated by this Ordinance to permit or do the following until such person or entity has filed with the Zoning Inspector an application for building permit, and until the Zoning Inspector has issued a building permit certifying that the plans and intended uses of such lands, use and structures comply with this Ordinance:
 - a. To erect, expand or extend any structure, the total cost of which will exceed \$500.00; or
 - b. To move any structure.

3. Plans. Any application for a building permit shall include sufficient written plans, plats, location drawings and a description of the proposed uses to allow the Zoning Inspector to determine compliance with this Ordinance. A site plan, at a minimum, shall show the approximate location of any proposed new or expanded building, road and driveway.
 - a. Proposed Covenants. Applicants proposing a subdivision are strongly encouraged to submit a proposed set of deed restrictions/restrictive covenants that will assist in carrying out Section 103 of this Ordinance.
 4. Non-Residential Buildings or Attached Housing. As part of an application for any permit for a new non-residential principal building or new townhouses or apartments, an applicant is strongly encouraged to provide an architectural sketch of the proposed typical exterior of the building(s) and a description of the types and colors of exterior building materials.
- B. Violations. It shall be unlawful for an owner, tenant, user or operator of any lands, use or structure to accomplish or permit any action which is prohibited by any provision of this Ordinance or to fail to do any action which is required of him/her by any provision of this Ordinance unless he/she is specifically exempt under Article 6, or unless he/she has obtained a written variance in accordance with this Ordinance.
- C. Time Limits. If the Zoning Inspector determines that the plans and intended uses of such lands, use and structures comply with this Ordinance, he/she should issue the building permit within 7 business days.
1. Time Limit on Start of Work. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire and shall be cancelled by the Zoning Inspector; and written notice thereof shall be sent to the applicant. The Zoning Inspector may extend the time limit to a total of one year if the applicant proves good cause. See exceptions below and in Section 602.D.
 2. Time Limit on Completion. If the work described in any building permit has not been completed within 2 years of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Inspector, and written notice thereof shall be given to the applicant, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained. The Zoning Inspector may extend the time limit to a total of 3 years if the applicant proves good cause. See exceptions below and in Section 602.D.
 3. Phased Developments. A development application may be approved by the Zoning Inspector or Board of Zoning Appeals with clearly established phases of construction. In such case, the Zoning Inspector or Board of Zoning Appeals may establish longer time limits for the completion of a development than are stated above.
 - a. However, each phase shall be designed to allow it to comply with this Ordinance and function independently, in case later phases are not completed.
 - b. **Applicants are strongly encouraged to submit a site plan for an entire development, as opposed to small piecemeal areas. To provide an**

incentive, no changes to this Ordinance shall adversely affect approved aspects of a development plan that received a permit under this Ordinance for 5 years after such permit is granted.

- D. Denial. If the Zoning Inspector determines that such plans or intended uses do not comply with this Ordinance, he/she shall deny a written application in writing, stating one or more reasons for such denial.
- E. Review Board. An advisory Review Board shall serve in an advisory capacity to the Zoning Inspector and/or Board of Zoning Appeals. **Applicants are strongly encouraged to seek an advisory review from this Review Board.** The Zoning Inspector, at his/her discretion, may refer any application to the Review Board. This Review Board may provide advice to the Zoning Inspector and the applicant concerning the intent and meaning of provisions of this Ordinance. The Review Board shall consist of a maximum of 13 members, appointed by the County Commission, who should have overlapping terms. Each member of the Review Board shall live within, work within, or own property or a business within the area regulated by this Zoning Ordinance.
- F. Fees. The application for any permit under this Ordinance, or for modification or expansion thereof, shall be filed with an application fee to be determined as follows, unless such fees are increased by future resolution by the County Commission:
1. Construction of a building for a utility or detached accessory building or farm or livestock buildings shall be charged at a rate of \$0.07 per square foot.
 2. Construction of any other buildings shall be charged at a rate of \$0.15 per square foot of total new building floor area.
 3. Remodeling shall, by itself, be exempt from payment of a fee.
 4. A change of use of a building shall require a fee of \$75.00.
 5. Signs shall be charged at a rate of \$35.00 for each sign greater than 2 square feet in sign area.
 6. For a development permit, the initial project application fee shall be \$75.00, except such fee shall be \$300.00 for a project involving 10 or more dwelling units or over 20,000 square feet of non-residential building floor area.
 - a. In addition, after a development permit is issued, construction occurring within the project shall also be charged according to the above rates at the time a building permit is issued.
- G. Recording. Proposed new lots and condominiums shall be recorded in the County Clerks Office prior to the sale of any lot or condominium unit. The Zoning Inspector shall allow an approved development to be recorded in logical phases, while still maintaining the right of the applicant to develop the entire development that was approved, within the provisions of Section 802.C.

803. ENFORCEMENT AND PENALTIES.

- A. Enforcement. The Zoning Inspector shall afford any person or entity charged with a violation of this Ordinance with at least minimal due process of law in effecting abatement or removal of the violation. A written notice of violation shall be sent or delivered, which shall state the specific alleged violation(s). Such notice shall state that

there is a right to appeal to the Board of Zoning Appeals, provided that a written application is made to the Zoning Inspector within a maximum of 30 days of receipt of the notice.

1. The alleged offender shall be allowed a minimum of 5 days after a written notice of violation is delivered to remove or abate the violation. The Zoning Inspector may specify a longer period if he/she determines such is necessary. If the violation is not removed or abated within said period of time, the Zoning Inspector shall be empowered to resort to the remedies afforded under this Ordinance and State law.

B. Violation of Ordinance.

1. Any violation of this Ordinance shall constitute a misdemeanor in accordance with the provisions of Chapter 8, Article 24, Section 68 of the West Virginia Code, as amended. Upon conviction, a violator shall be fined not less than \$10.00 nor more than \$300.00 per violation. Each day that a violation continues shall constitute a separate offense.
2. In addition to the foregoing, any structure which is erected, raised, modified or converted in violation of any provision of this Ordinance shall constitute a common nuisance. Likewise, any land or premises used in violation of any provision of this Ordinance shall constitute a common nuisance. The owner of such structure, land or premises shall be liable for maintaining a common nuisance.

C. Injunctive Relief. In accordance with the provisions of Chapter 8, Article 24, Sections 54 and 67 of the West Virginia Code as amended, the Zoning Inspector, the Board of Zoning Appeals or the Tucker County Planning Commission, or their designees, may:

1. seek an injunction in the Circuit Court of Tucker County to restrain a person, legal entity or unit of government from violating provisions of this Ordinance; and/or
2. seek a mandatory injunction in such Circuit Court directing a person, legal entity or unit of government to remove a structure erected in violation of the provisions of this Ordinance.

D. Costs. If an injunctive action is successful, the respondent shall bear the costs of the action.

804. BOARD OF ZONING APPEALS.

- A. Organization. In accordance with the provisions of Chapter 8, Article 24, Section 51 of the West Virginia Code, as amended, the existing Tucker County "Board of Zoning Appeals" is hereby continued in full effect. Such Board shall consist of five members to be appointed by the Tucker County Commission. The members of said Board shall be individuals who are freeholders of Tucker County and at least three-fifths of said members shall have been residents of the Canaan Valley Zoning District for at least ten years preceding the time of their respective appointments. A member of the Board of Appeals shall not hold elective or other appointive office in County government, such Planning Commission membership.

1. Expenses. Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties.
 2. Terms. The existing terms of office shall be continued. Each appointment shall be for a 3 year term. If a vacancy occurs, by resignation or otherwise, among members of the Board, the Tucker County Commission shall appoint a member for the unexpired term.
- B. Officers, Quorum, Compensation of Staff. At its first meeting of each year, the Board of Zoning Appeals shall elect a chairperson and vice chairperson from its membership. The vice chairperson shall have the authority to act as chairperson during absence or disability of the chairperson.
1. A majority of the members of the Board of Zoning Appeals shall constitute a quorum. No action of the Board shall be official, however, unless authorized by a majority of all of the members of the Board.
 2. The Board of Zoning Appeals may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, provided such is in conformity to and in compliance with a budget established by the Tucker County Commission.
- C. Offices; Appropriation for Expenses. The Tucker County Commission shall provide the Board with suitable offices for the holding meetings and preserving plans, maps, documents and accounts, and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Board.
- D. Board Regulations, Procedures, and Records. The Board of Zoning Appeals may adopt such rules and regulations concerning the filing of appeals, applications for variances and special exceptions, the giving of notice and the conduct of hearings as shall be necessary to carry out its duties under the terms of this article.
1. The Board shall keep minutes of its proceedings, keep records of all official actions and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Board and shall be public records.
- E. Board's Authority. The Board of Zoning Appeals shall have the authority to:
1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Zoning Inspector,
 2. Permit and authorize permitted "special exceptions" to the regulations of this Ordinance only as specifically authorized by this Ordinance, and
 3. Authorize upon appeal in specific cases one or more variances from provisions of this Ordinance, provided that the applicant proves such variance:
 - a. will be contrary in the public interest,
 - b. is needed because of special conditions that would cause unnecessary hardship if the Ordinance would be literally enforced,
 - c. would still allow the spirit of this Ordinance to be observed and substantial justice done, and

- d. is not being requested because of a hardship that was created by actions of the applicant.
- F. Special Exceptions. If a use is listed as a permitted special exception use, then the Board of Zoning Appeals shall approve the use if the applicant proves that the application will meet all specific requirements of this Ordinance, and if the Board determines that the following additional standards will be met:
 - 1. The use will not threaten a significant hazard to public health or safety.
 - 2. The use will include appropriate measures to properly manage stormwater runoff and erosion.
 - 3. The use will not have significant negative impacts on the character of any existing residential area.
 - 4. The use will involve appropriate site planning and design measures to reasonably minimize its impacts upon important natural features and scenic areas.
 - 5. The development will meet Section 305 regarding Emergency Access.
- G. Conditions. The Board of Zoning Appeals may place reasonable conditions of the approval of a variance or a special exception, as are needed to protect the public health and safety, assist in assuring compliance with Federal and State regulations, and protect the character of the surrounding area. Such conditions may include but are not limited to: limits on the hours of operation of a business, requirements for additional setbacks or requirements for additional landscaping.
- H. Authority. When exercising its authority in response to a matter properly brought before the Board, the Board of Zoning Appeals may reverse, affirm or modify a determination or action of the Zoning Inspector.
- I. Persons With Disabilities. After the proper submittal of a completed written application, the Board of Zoning Appeals shall have the authority to grant a special exception that modifies specific requirements of this Ordinance if the applicant proves to the satisfaction of the Board of Zoning Appeals that:
 - 1. such modifications are necessary to provide a "reasonable accommodation" under the Americans With Disabilities Act and/or the Federal Fair Housing Act, as amended, and
 - 2. such modifications are needed for persons who the applicant proves have "disabilities" as defined in and protected by such Federal laws.

805. APPEALS TO BOARD AND COURT.

- A. Appeal from Decision of Zoning Inspector. An appeal taken from any order, requirement, decision or determination made by the Zoning Inspector shall be filed in writing with the Zoning Inspector within 30 days after such action. An appeal shall follow any form that may be prescribed in writing by the Board. An appeal shall specify the grounds for the appeal, and the exact appeal that is being sought. The Zoning Inspector, upon request of the Board, shall transmit to it all documents, plans and papers constituting the record of the action from which the appeal is taken.

- B. Hearing of Appeal. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal. Public notice shall be given in accordance with the provisions of Chapter 8, Article 24, Section 18, of the West Virginia Code as amended. Additionally, due notice shall be given the interested parties. At the hearing, any party may appear in person, by agent or by attorney at law licensed to practice in this State.
1. When an appeal has been taken and filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed unless the Zoning Inspector certifies to the Board of Zoning Appeals that by reasons of facts provided to the Zoning Inspector, a stay would cause imminent peril to life or property.
 - a. If such certification is made, proceedings or work on the premises shall not be stayed except by a restraining order which may be granted by the Circuit Court of Tucker County, upon application therefore, on notice to the Zoning Inspector and to the owners of the premises affected and on due cause shown.
- C. Petition to Court. Every decision or order of the Board of Zoning Appeals shall be subject to review by certiorari. Any person or persons jointly or severally aggrieved by any decision or order of the Board may present to the Tucker County Circuit Court a petition duly verified, setting forth that such decision or order is illegal in whole or in part, and specifying the grounds of such alleged illegality. The petition must be presented to the Court within 30 days after the date of the decision or order of the Board complained of.
- D. Notice of Appeal.
1. Upon filing a petition for a writ of certiorari with the Clerk of the Circuit Court, the petitioner shall cause a notice to be issued and served by the Sheriff of said county upon which the adverse party or parties, if any, as shown by the record of the appeal in the office of the Board of Zoning Appeals, and upon the chairperson or secretary of the Board of Zoning Appeals.
 2. The adverse party or parties shall be any property owner whom or which the record of the Board of Zoning Appeals shows to have appeared at the hearing before the Board in opposition to the petitioner. If the record shows a written remonstrance or other document opposing the request of petitioner containing the names of more than three property owners, the petitioner shall be required to cause notice to be issued and served upon the three property owners whose names first appear upon the remonstrance or document. Notice to the other parties named in the remonstrance or document shall not be required.
 3. The notice shall state that a petition for a writ of certiorari has been filed in the Circuit Court asking for a review of the decision or order of the Board of Zoning Appeals, shall designate the premises affected and shall specify the date of the decision or order complained of.
 4. Service of the notice by the Sheriff on the chairperson or secretary of the Board of Zoning Appeals shall constitute notice to the Board and to the county and to the Zoning Inspector and no further summons or notice with reference to the filing of such petition shall be necessary.
- E. Action of Court. Upon presentation of a petition for a writ of certiorari, the Circuit Court, or a judge thereof in vacation, shall direct the Board of Zoning Appeals to show cause within 20 days from the date of such citation why a writ of certiorari should not be issued.

1. If such Board fails to show to the satisfaction of the court or judge that writ should not issue, then the court or judge may allow a writ of certiorari directed to the Board of Zoning Appeals. The writ shall prescribe the time in which a return shall be made to the Board. This time shall not be less than 10 days from the date of issuance of the writ and may be extended by the court or judge thereof.
- F. Stay of Work. The allowance of the writ of certiorari shall not stay proceedings or work on the premises affected by the decision or order to be brought up for review.
1. The court or judge may, however, upon application and on notice to all parties to the decision or order and on due cause shown grant such relief as the circumstances of the case may require, including an order staying the proceedings or work until final determination of the case by the court or judge thereof.
 2. Such staying order may be issued by the court or judge without requiring the petitioner to enter into a written undertaking with the adverse party or parties affected thereby for the payment of damages by reason of such staying order.
- G. Return. The return to the writ of certiorari by the Board of Zoning Appeals must concisely set forth such facts and data as may be pertinent and present material to show the grounds of the decision or order appealed from. The return must be verified by the secretary of the Board.
1. The Board shall not be required to return the original papers acted upon by the Board. It shall be sufficient to return certified copies of all or such portion of the papers as may be called for by the writ.
- H. Action by Circuit Court. The court may consider and determine the sufficiency of the allegations of illegality contained in the petition without further pleadings and may make a determination and render a judgment with reference to the legality of the decision or order of the Board of Zoning Appeals on the facts set out in the petition and return to the writ of certiorari.
1. If it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court or judge may take evidence to supplement the evidence and facts disclosed by the petition and return to the writ of certiorari, but no such review shall be by trial de novo.
 2. In passing upon the legality of the decision or order of the Board of Zoning Appeals, the court or judge may reverse or affirm, in whole or in part, or may modify such decision or order.
- I. Appeal from Circuit Court. An appeal may be taken to the Supreme Court of Appeals of this State from the final judgment of the court reversing, affirming or modifying the decision or order of the Board of Zoning Appeals within the same time, in the same manner and upon the same terms, conditions and limitations as appeals in other civil cases.

**ARTICLE 9
DEFINITIONS**

The following terms shall have the following meanings:

1. Adult Use. A use with one or both of the following characteristics:
 - a. A significant portion of all of the items offered for sale or rent include books, magazines, films, videotapes and similar materials which is distinguished by an emphasis on the display or description of uncovered male or female genitals and/or human sexual activities.
 - b. Persons display uncovered male or female human genitals or female breasts in relation to some form of monetary compensation.
2. Board or Board of Zoning Appeals. Tucker County Board of Zoning Appeals.
3. Building. A structure having a roof and walls and which is intended as a work area, dwelling, storage area or animal shelter. See also "Principal Building."
4. Building, Height of. The height measured from the average finished grade ground level along the side of the building nearest the vehicular access driveway or roadway, private or public, to either the highest point of a flat roof or to the point one-half the distance between the eaves and the highest point of a pitched roof.
5. Building Permit. An improvement location permit as defined in Chapter 8, Article 24, Sections 36 and 37, of the West Virginia Code, as amended.
6. Campground. A place where tents are erected for temporary shelter and/or transient motor homes, travel trailers and recreational vehicles are parked.
7. Commercial Construction. New construction of a facility not designed for use as a residence nor designed for a utility purpose.
8. Group Home. The use of a lawful dwelling unit that involves the care and supervision who need special oversight by paid in-house staff because of a physical handicap, old age, mental retardation, or another "disability" or "handicap" protected under the Federal Fair Housing Act Amendments of 1989 and/or the Americans With Disabilities Act of 1991, as amended. This use shall not permit the housing of persons who could reasonably be considered a threat to the physical safety of others.
9. Home Business. A routine, accessory and customary non-residential use conducted within or administered from a dwelling or its accessory building, and which is primarily conducted by a resident of the dwelling. See standards in Section 202.
10. Impervious Surface. Areas covered by roofs, concrete, asphalt, compacted stone or similar man-made surfaces.

11. Maximum Average Density. The maximum permitted residential development on a tract. Such density shall be calculated based upon the total number of existing and proposed dwelling units divided by the total land area of all lots in a Planned Development. (Note: Additional areas of land outside of the Planned Development may be permitted to be included under Section 405.B, such as open space within a 2,000 feet radius.)
12. Mobile Home. A detached structure that meets the following standards:
 - a. A unit which is intended to serve as a dwelling and which is designed to be transported on roads on either attached wheels or some form of trailer.
 - b. It retains the frame upon which it was constructed and transported, and is not designed to be supported by a conventional perimeter foundation.
 - c. It arrives at the site where it is to be occupied in one or two substantial pieces complete and ready for occupancy except for the following: minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities and the like.
13. Mobile Home Park. A lot used or intended to accommodate two or more mobile homes for temporary or permanent purposes.
14. Mobile Home Sales Lot. A lot, site or parcel of land where unoccupied mobile homes are parked for inspection and sale.
15. Ordinance, This. The Canaan Valley Zoning Ordinance, as amended.
16. Planned Development. A proposed project that will meet the standards of Section 405 of this Ordinance and be approved under such section. A Planned Development may include a mix of housing types, including but not limited to: single family detached houses, twin houses, townhouses and apartments. Such housing may sold in fee-simple or condominium ownership, be rented, or involve time-shares. A Planned Development may also include motel/hotel and non-residential uses that are permitted by this Ordinance.
17. Principal Building. The building in which the primary or main use of the lot is conducted.
18. Project. Development of any land subdivision, multi-family housing, resorts, ponds and lakes.
19. Public Road. A road owned and/or maintained by the West Virginia Division of Highways.
20. Racetrack. A site upon which races are held more than twice annually and at which admission charges for observers are imposed and at which awards, money or other prizes are given to competitors.
21. Remodeling. Any remodeling, maintenance and repair of an existing structure that does not increase the square footage of the structure.
22. Resident. For the purpose of Section 804, a "Resident" shall be a person who maintains their primary legal address within the Canaan Valley Zoning District, or who otherwise resides within the Zoning District a minimum of six months of the year.

23. Residential Construction. New construction of a structure which is designed to be used or be occupied as a residence, or which is serving that purpose.
24. Signs. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, fixtures, illumination or projected images.
25. Sign, Freestanding. A permanent sign supported by a permanent structure, other than a building, that is affixed to the earth.
26. Structure. A man-made object having a stationary location.

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Canaan Valley Zoning Ordinance

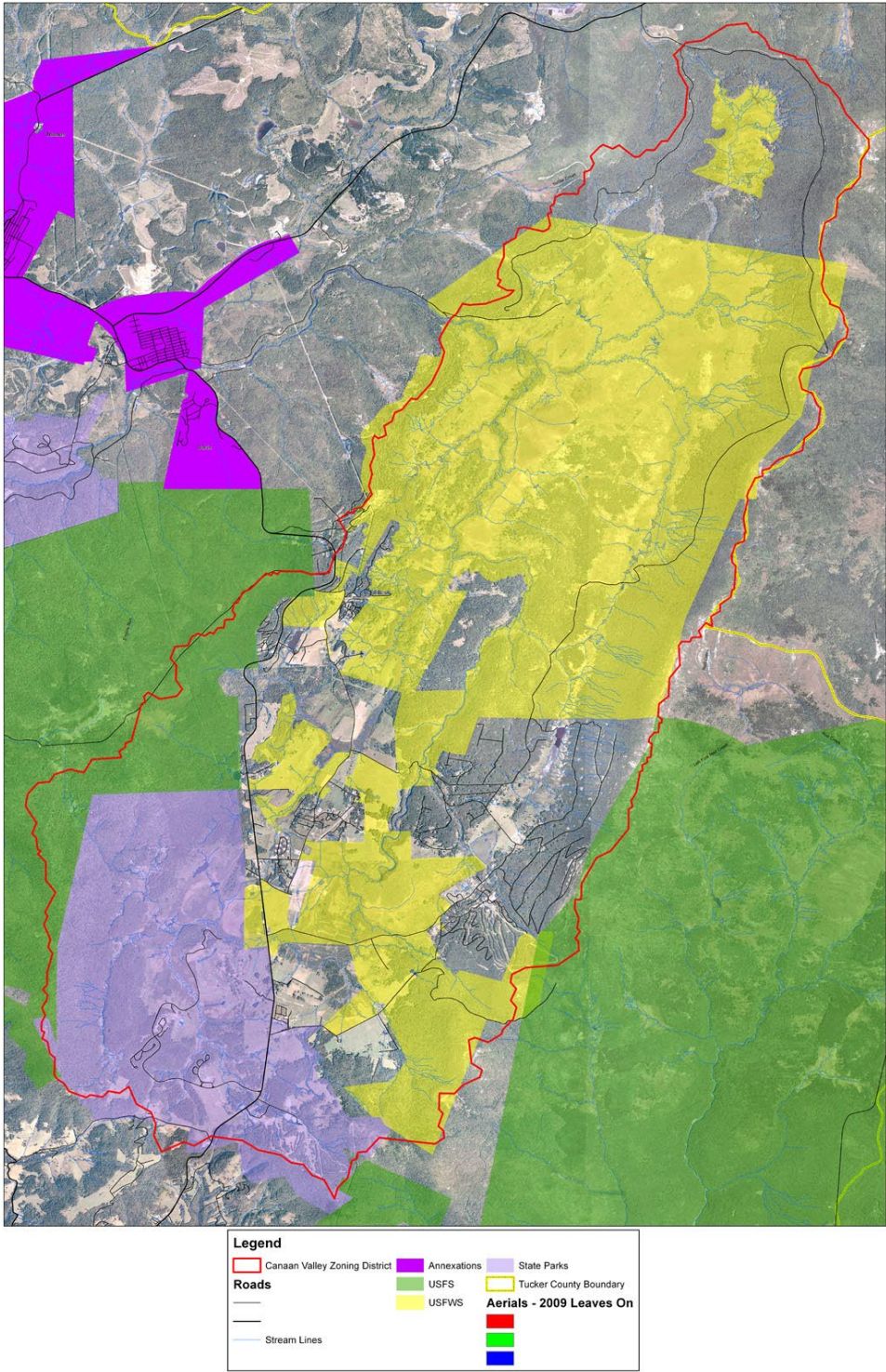
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Tucker County Board of Zoning Appeals Members

Roscoe Beall	866-4188 ✓
Karen Bonner	866-4680 ✓
David Downs	259-4802 ✓
Reva Harman	866-4185 ✓
Kenneth Sturms	866-2120 ✓

Canaan Valley Zoning Ordinance Map



Appendix 2

Summary of Open Meetings Concerning the Tucker County Comprehensive Plan

Summary of Open Meetings Concerning the Tucker County Comprehensive Plan

The Tucker County Planning Commission hosted two public meetings concerning the Tucker County Comprehensive Plan. The first meeting was held at 6 p.m. on Tuesday, Feb 25, 2025, in the Davis Town Hall (505 William Avenue) in Davis. The second meeting was held at 6 p.m. Thursday, Feb 27, 2025, in the Old Courthouse Courtroom (211 First Street) in Parsons.

Public meeting of February 25, 2025

The first public meeting took place on February 25 and hosted three participants from the county. In the meeting, the Tucker County Planning Commission described the purpose of the comprehensive plan, the legal requirements behind the comprehensive plan, and the need for a comprehensive plan. The Tucker County Planning Commission further explained that the existing draft stands as a revision to the previous comprehensive plan.

During the meeting, the Tucker County Planning Commission generally described the changes that had taken place in the county since the previous plan had been adopted.

During the meeting, no substantive changes to the Tucker County Comprehensive Plan were proposed.

Public meeting of February 27, 2025

The first public meeting took place on February 27 and did not have any county participants attending the meeting.

The meeting opened and adjourned without action.