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THIS PAPER WANTS TO BE RECYCLED.



West Virginia's Division of Highways has started work to widen Route 340 to the south of Charles Town. The project will connect the existing two-lane section of the road to a new two-lane roadway that will pass to the east of the historic Rippon village (behind the post office) then cross back over and run west of the existing single-lane roadway to avoid the historic Shady Grove Farm that straddles the border with Virginia. The path of the new road runs directly through the front door of the Rainbow Road Club, where singer Patsy Cline performed in the 1950s (story, page 7).

TO OUR READERS — There's a lot of dirt moving around in Jefferson County — not all of it according to plan. Route 340 is finally being widened south of Charles Town (above) and the construction of new homes continues to tick up dramatically (story, page 4). There is still a lot of open space and active farmland in the county, but many residents have concerns.

Last December, the County Commission heard from citizens asking if the Planning Commission had violated the WV Open Meetings Act with a sub-committee that met in private to draft the solar zoning. During January 24th's Planning Commission meeting, County attorney Nathan Cochran ran through a lengthy series of questions with the commissioners. Many of the questions focused on whether any deliberation occurred during the sub-committee meetings.

One question not asked was whether sufficient deliberation had occurred at the meetings that took place in 2020-2022, when the solar zoning was approved. That's one of the issues raised in court cases challenging the validity of the solar zoning, two of which are still ongoing. County residents are also asking why the first solar project has diverged from the sunny picture painted during the two and a half years it took to update the ordinance (story, page 6).

Looking back at the Planning Commission minutes from a decade ago, there are numerous examples of citizen committees appointed to assist with drafting zoning amendments. Adding more voices at the table might slow things down a bit, but it might help draft a better roadmap to guide the growth ahead.

Steve Pearson
EDITOR IN CHIEF



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// HOUSING DEVELOPMENT

HOUSING CONSTRUCTION CONTINUES TO INCREASE

Townhomes Account For Almost 50 Percent of Sales In 2023



“THE MARKET IS EXPLODING” was the quick response from Brett Keefer, the senior sales manager for Stanley Martin Homes at the Presidents Pointe development in Ranson (located just east of the Marketplace shopping center at Oak Lee Drive & Route 9). The development is predominantly townhomes, but Keefer says they are selling single family detached homes as well. He described the typical buyer he sees at this development as a young couple (under 35) with no kids who are buying for the first time. Since *The Observer* spoke with Keefer a year ago, prices have increased — the entry level townhome that sold for \$260,000 in early 2023 now sells for \$280,000 and tops out at \$340,000 for the larger models. The single family houses in this development range from \$385,000 to \$460,000. “These are cost-conscious buyers,” says Keefer “and they are no longer waiting to see if rates come back down. We’re delivering

5 to 8 townhomes and 3 to 4 single family units each month now.”

County-wide, including Charles Town and Ranson, there were 776 permits issued to begin new home construction in 2023. Excluding the 300 unit apartment building that was permitted in 2020, the 2023 number is double the average of the preceding three years (2020 - 2022) and more than 4 times the average rate seen between 2009 and 2019 (chart).

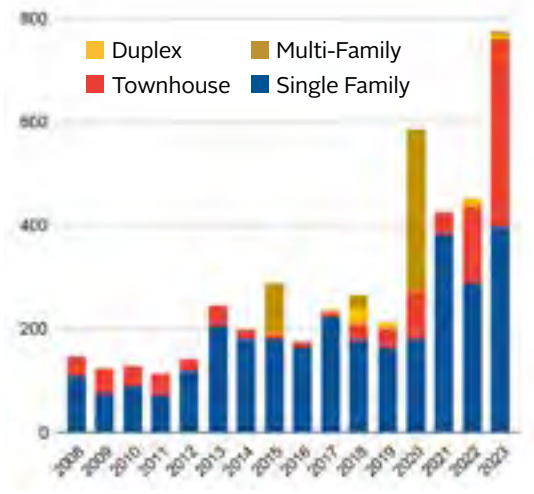
The county map (right) shows the major subdivisions (5 or more lots) outside of the core city/town areas. The subdivisions highlighted in purple were approved between 2008 and 2023 and include several thousand lots that are still awaiting construction. There are more proposed developments in the pipeline (including the Harvest Hills development highlighted on the next page) and there are no indications of a slowdown any time soon. 📈

Upcoming County Meetings

- FEB 1 (9:30 AM)** — County Commission
- FEB 13 (7:00 PM)** — Planning Commission (Harvest Hills review, Solar Ordinance review)
- FEB 15 (5:00 PM)** — County Commission
- MAR 7 (9:30 AM)** — County Commission (public hearing & vote on Harvest Hills)

County meetings are held in the basement of the Charles Town Library (entrance on North Samuel St). The County Commission has an open public comment time at the beginning of each meeting. The Planning Commission does not have open public comment at its meetings. Written comments can be emailed to zoning@JeffersonCountyWV for the Planning Commission and info@JeffersonCountyWV.org for the County Commission.

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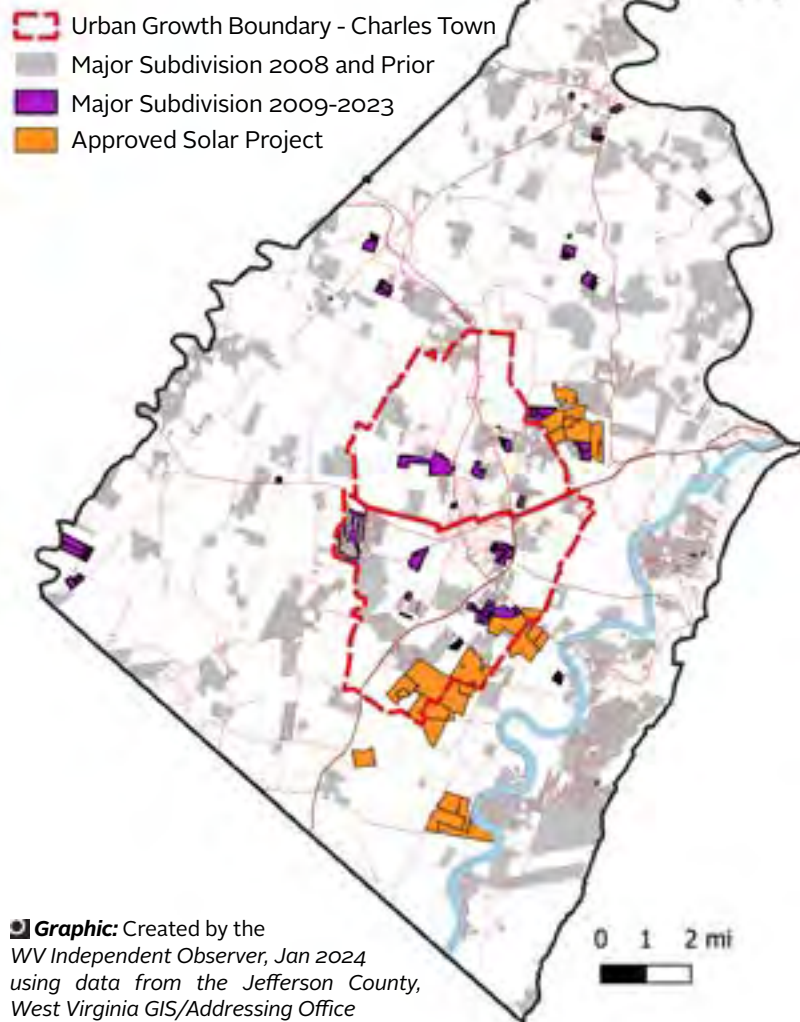
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MAJOR SUBDIVISIONS IN JEFFERSON COUNTY



Graphic: Created by the WV Independent Observer, Jan 2024 using data from the Jefferson County, West Virginia GIS/Addressing Office

CLUSTER DEVELOPMENT PROPOSED Plans For 1,000 Houses Near High School

ACCORDING TO JEFFERSON COUNTY'S PLANNING OFFICE, 392 houses were approved for the Harvest Hills subdivision in 2001. As of 2022 a total of 27 houses had been built in Phase 1 of the development — each on a roughly 1-acre lot. Arcadia Land, the developer, has submitted revised plans for Phase 2 of the development that would put an additional 1,009 homes on the 352 acres located off of Flowing Springs Road between Jefferson High School and the Duffields train station (image below).

Arcadia is asking to rezone the land from Rural (which limits density) to Residential Growth (which would allow high density). This request will require a public hearing (see meeting schedule on previous page). *More on this story at ObserverWV.com.*



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COMP PLAN SURVEY
What Do You Want In Jefferson County?

Have a thought about future land use, road safety, or bike/pedestrian paths? The Jefferson County Comprehensive Plan Update survey is open until Feb 6 2024.

Scan QR code for survey link

// SOLAR / ANALYSIS

FARMLAND REMOVED FOR SOLAR PROJECT

Blake Project Receives Multiple DEP Violation Notices



Image above: The sediment-filled Evitts Run flows into the Shenandoah River just below the Bloomery Bridge (Route 115), downstream of the Blake solar facility. **Image next page:** Sediment discharge flows directly from the Blake solar facility. According to US EPA studies, excessive sediment runoff can alter river habitats, reduce water oxygen levels, and trigger declines in aquatic animal populations. **Text box next page:** Excerpt from violation notice issued by WV Department of Environmental Protection to the Blake Project in July 2023. **Visit ObserverWV.com/tracking-solar for more images and video links.**

THERE WERE A LOT OF QUESTIONS raised during the two and a half years (January 2020 through June 2022) that the County Commission and Planning Commission spent on amending the Jefferson County zoning ordinance to permit the construction of industrial solar facilities.

There were also a lot of assumptions and expectations about how these projects would roll out, based on the assurances of the solar developers who participated in the process — namely that the underlying farmland wouldn't need to be disturbed too much and that these

projects were a viable option to allow land to continue in farm use either on other parts of the sites or in the future if the panels were removed.

The County Planning Office website lists four industrial solar projects that have applied to build under the 2022 amended zoning ordinance (see map, page 5). The Blake project was the first to receive a conditional use permit (in July 2022) and so far it's the only project to start construction. The Blake project straddles the intersection of Old Charles Town Road (Route 115) and Kabletown Road, encompassing roughly 500 acres to the east of downtown Charles Town. The site was active farmland until 2022.

According to the county land records, the entire 500+ acre site has been sold to Horus West Virginia 1 LLC (a Delaware corporation set up by the developer). The concept plan shows that the solar facility will cover the entire site. Local farmers who spoke with *The Observer* described what they saw as “mass grading” that removed the topsoil from the site last year. The results of this soil disturbance are visible after each rainstorm, when sediment covers the nearby roads and flows into the Shenandoah River via Evitts run (see images above and right). *More on this story online at ObserverWV.com/tracking-solar.*

// COMMUNITY

MUSIC CLUB STILL OPEN FOR NOW Highway To Run Through Rainbow Road



January 28, 2024

DEP NOTICE OF VIOLATION (JULY 2023)

- 3.) Section I.D.2. - Horus West Virginia 1, LLC failed to report noncompliance using the designated spill alert telephone number (800-642-3074).
- 4.) I. Section I.G. - Horus West Virginia 1, LLC has failed to prevent sediment-laden water from leaving the site without going through an appropriate device.
- 5.) I. Appendix B.I.1. - Horus West Virginia 1, LLC failed to properly operate and maintain all activities and installed BMPs. Super Silt fencing at sediment basin 6 has been damaged and needs maintenance.
- 6.) Section III.A.3. - Horus West Virginia 1, LLC failed to provide interim stabilization on areas where construction activities have temporarily ceased for more than 14 days. Areas where pylons have been driven and no excavation work is being performed. Numerous areas through the project area have been idle for greater than 30 days and lack temporary stabilization.

STORMWATER PERMIT — PUBLIC COMMENT OPEN

February 8 is the deadline to submit public comment to the West Virginia Department of Environmental Protection (WVDEP) for the 5 year renewal of the construction stormwater general permit (this permit applies statewide to all projects that don't need to get a special permit — essentially all projects except those that discharge specific hazardous materials). *Jefferson County Foundation has created a portal with information about the permit that residents can use to submit comments directly to WVDEP (scan QR code for link).*



RANSON COMPREHENSIVE PLAN - PUBLIC HEARING

The City of Ranson has published a draft of *Plan 2034*, a guide for residential and commercial development in Ranson over the next decade. The draft is available at the RansonRefined.com website. The City Council will hold a first reading of the draft text on Feb 6 (Tue) at 7:00 pm. A public hearing is scheduled for March 5 (Tue) at 7:00 pm. At the January council meeting, Jefferson County Foundation (JCF) noted a key omission in the document, which refers to a "light industrial" zoning definition that has not yet been written or adopted into the city's zoning ordinance. *All residents of the county are encouraged to provide comments. JCF has published its analysis online at JeffersonCountyFoundation.org (scan QR code for link).*



LARRY AND LIZ RUFFNER pointed at each other without hesitation when *The Observer* asked them what was their best memory of the Rainbow Road Club. Liz recalled the night back in 1997 that she first visited the club to compete in a Patsy Cline singing style karaoke contest. "There were 13 girls and I didn't win. But I got the prize," she said, pointing at her husband Larry. Liz has continued to sing and now packs the room here and elsewhere with her Patsy Cline tribute show.



If you drive south on Route 340 from Charles Town, you'll see the club on the right, just before you hit the state line. It's a country place — a pool hall and bar are the first things you'll see when you walk in the front door, if you don't get distracted by the pictures and memorabilia that seem to cover every inch of the walls (and a lot of the ceiling). Beyond the cozy front room is the main room that easily fits 300 people around the large dance floor in the center.

When Larry's parents, Louis and Ellen Mae Ruffner, purchased the club in 1984 it was the Orchard Inn (old maps show an orchard behind the building, so the name fit). In 1985, Hollywood came calling, using the club as a set for *Sweet Dreams*, the movie about Patsy Cline starring Jessica Lange. The movie director styled the club "Rainbow Road" and Larry remembers that the set included a giant horseshoe bar in the middle of the room. The Ruffners kept the name but took out the big bar — "it got in the way of the dancing," recalled Larry. 🍷

The Rainbow Road Club has music booked every weekend in February. The Route 340 widening plan puts the path of the new road through the front of the building, but the Ruffners have not yet received a firm schedule for the construction, so they plan to stay open as long as possible. Menus and show details are posted on their Facebook page (@RainbowDiner340). More photos and links at ObserverWV.com.



PERSPECTIVE // NATURE



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LEAD SHOT HITS THE FOOD CHAIN

By Doug Pifer

Doug Pifer is an artist, naturalist, and writer. He has a Master's Degree in Journalism from Penn State and has been an editor and art educator. His illustrations have appeared in various books and magazines and he has been a contributor to The Observer for several years. He lives with his wife and assorted animals on 5.7 acres in a historic farmhouse near Shepherdstown, West Virginia.

A **YOUNG BALD EAGLE**, grounded and unable to stand up, was brought to Blue Ridge Wildlife Center in Boyce, Virginia for treatment. Lab tests revealed high levels of lead in the bird's blood, and unfortunately, this eagle did not survive. Blue Ridge Wildlife Center treats many eagles each year. Most of them are victims of some kind of trauma: collisions with vehicles being the main suspect. However, the Center also finds that more and more rescued eagles show low levels of lead in their systems. The presence of lead, according to the Center's latest news release, can slow an eagle's reaction time, making it more prone to life-threatening situations.

Subsequent tests revealed the young eagle had 27 micrograms of lead per deciliter in its blood. The normal amount of lead in a healthy animal's blood is zero. And one lead fragment the size of a grain of rice is enough to kill an eagle.

How does lead enter an eagle's body? Gut piles left in the woods by deer hunters are a major source. When a hunter shoots a deer, they remove the internal organs. Some hunters bury the offal but most people leave the gut pile in the woods, knowing that it will soon be cleaned up by animals. Since prehistory, hunters have done this — it's a great example of recycling. Eagles, hawks, bobcats, raccoons, foxes — many animals people think of as predators — gather at gut piles. Even songbirds like chickadees appear when a hunter or another predator kills a deer. Everybody loves a free meal.

Years ago, I watched a fellow who hunted on the property where we lived shoot a deer in the middle of the field behind our house. He field dressed it on the spot before loading it into his truck. This happened late one December afternoon and it snowed overnight. Next morning, five or six turkey vultures stood around the gut pile. One picked at the entrails while others stood in the snow, neck feathers fluffed around their bare heads like hooded messengers of death. Through their midst walked several crows seizing and fighting over bits of food.

As more vultures arrived, I set up my spotting scope at the window, got my sketchbook, and spent the morning watching various visitors come and go. By mid-afternoon the gut pile was gone and my sketchbook contained drawings of



Golden eagle, sketch by D. Pifer

vultures, crows, a raven, a red-tailed hawk, and a pair of red foxes. Later I wrote a story titled, "Gut Pile Party."

When a hunter shoots a deer, the soft lead bullet bursts into small fragments upon impact. Tests and x-rays show tiny pieces of lead that penetrate the flesh as far as 18 inches from the entry point. Even if the bullet pierces its heart or lungs, a deer is small enough that fragments can spread into internal fat, stomach and intestines, which when discarded are consumed by scavenging animals.

If a fox, vulture, or eagle eats meat containing lead fragments, its stomach breaks down the lead and its blood carries it throughout the body, causing neurological problems and organ failure. According to Blue Ridge Wildlife Center, "While most hunters trim some distance from the entry wound, many don't realize just how much meat has been contaminated, both for themselves when they consume this meat later, but also for the wildlife they leave to scavenge the gut piles."

Solving the problem of lead poisoning in wildlife includes the use of non-toxic ammunition. Many State and Federal wildlife management areas throughout the country have required waterfowl hunters to use non-toxic steel shot in their shotguns since the 1970s. Much research has gone into the manufacturing of non-toxic ammunition for big game animals, too. Several organizations have conducted ballistic studies and research on the use of copper bullets. The HuntingWithNonLead.org website is a good resource for information and sources of non-lead ammunition.

EXPLORE // FILM & THE ENVIRONMENT

FILM FESTIVAL BRINGS THE WORLD TO SHEPHERDSTOWN

American Conservation Film Festival Runs March 7-10



Photo credit: Carolyn Thomas

TRAVEL THE ENTIRE WORLD in four days and never leave town. Science fiction? No, just the 22nd edition of the American Conservation Film Festival which will run from March 7 through March 10 in Shepherdstown. The 2024 festival will screen 27 films at the Frank Center on the Shepherd University campus. If you're up for the entire voyage, the festival's films will take you across five continents. There are films that explore icy Antarctica, Africa's Serengeti, the rugged coastline of Wales, and the ancient villages of Lebanon. Touring North America, you can travel to the wild Pacific shores of Oregon, slither along with Pythons through the Florida Everglades, and — closer to home — wander through the Appalachian "hollers" of the West Virginia hills.

The festival is presenting four featured films. *Deep Rising*, by filmmaker Matthieu Rytz, highlights the mysteries of the deep oceans and presents a critical look at plans to extract metals on the sea beds that are critical to support the green energy economy. *Nuclear Now*, by Oliver Stone, presents the case for a fresh look at nuclear energy. *Food, Inc. 2*, by Robert Kenner and Melissa Robledo, examines the vulnerabilities of our industrial food system. *Clear Day Thunder*, by Adams Wood and Rod Murphy, tells the story of the decline, and attempts to revive, the mighty American Chestnut forests of North America.

The 2024 festival will kick off with a free nature hike, co-sponsored by The Nature Conservancy and the Potomac Valley Audubon



Photo credit: Maya Craig

Society, followed by a talk about Appalachian biodiversity. Additional programming includes a family-friendly film block, eco-activities for children, conversations with filmmakers, and book talk by local author Leah Rampy. The festival concludes with a community dinner at the Alma Bea restaurant featuring an Appalachian buffet.

For advance ticketing options, visit ConservationFilmFest.org

Free tickets are available for students and under 18



“One does not become enlightened by imagining figures of light, but by making the darkness conscious.”
—CC Jung
(Collected Works, Vol. 11 “The Philosophical Writings”, p. 264)

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EXPLORE // COMMUNITY ORGANIZATIONS

LOCAL GRANT GROUP NOW ACCEPTING APPLICATIONS

A GIVING CIRCLE IS A LITTLE BIT LIKE A CROP CIRCLE — you see the results but you don't necessarily see how it happens. And in the case of Women Investing In Shepherd (WISH), a lot happens. With its 2023 grants, the group has provided over \$1 million in grant funding since its inception in 2015. In 2023, WISH awarded four grants totaling \$142,000 collectively to two community nonprofits, Girls on the Run Shenandoah Valley and Jefferson County Community Ministries, and two Shepherd University projects.

WISH invites all Shepherd alumnae as well as women in the local community to become members. The group was established in 2014 by the Shepherd University Foundation with a mission to educate, engage, and empower women to achieve their philanthropic goals. For its 2024 cycle, WISH will be granting a total \$160,500, split among six grants. Nonprofit organizations and Shepherd University groups that are addressing critical community needs are invited to submit letters of inquiry by March 10 to be considered for this year's grants.

Eligible organizations must have a current 501(c)(3) public charity status and be based in (and primarily serve) one or more of the following counties: Jefferson, Berkeley, Morgan, and Hampshire (West Virginia); Frederick, Loudoun, and Clarke counties (Virginia); or Frederick and Washington (Maryland).

Scan the QR code for more information on how to apply or email Meg Patterson, director of donor relations, at mpeterso@shepherd.edu. More information at ShepherdUniversityFoundation.org.

Learn how to apply for a 2024 WISH Grant
Scan QR code for details



A SMALL TOWN WITH A LOT OF HISTORY ON DISPLAY

IF THE WALLS AT THE HISTORIC SHEPHERDSTOWN MUSEUM could talk, what would you hear? Probably some interesting stories, judging by the surprising variety of exhibits squeezed into two floors of the circa-1786 building that was formerly part of the Entler Hotel at the corner of Princess and German Streets. The building has seen many uses, but the museum, which will be commemorating 40 years of operation in 2024, looks as if it's going to stick around a while. In addition to the exhibits that chronicle town life from its early days, through the dark days of the Civil War, and into the twentieth century, the museum hosts an extensive archive of local photographs and records available for public research.

The museum is more than just static displays too, with an active membership that offers social programs and a speaker series that engages on topics that expand beyond Shepherdstown. For 2024, the lineup includes presentation on African American cemeteries in the local area on Apr 17; Native Americans in the Shenandoah Valley on May 15; the historic National Road (which runs through Boonsboro, just across the Potomac River) on Sep 4; and the architectural features of the Shepherdstown Historic District from 1850 to the present-day on Oct 16.



For museum hours, details on the speaker series lectures, and membership & volunteer opportunities, VISIT HISTORICSHEPHERDSTOWN.COM

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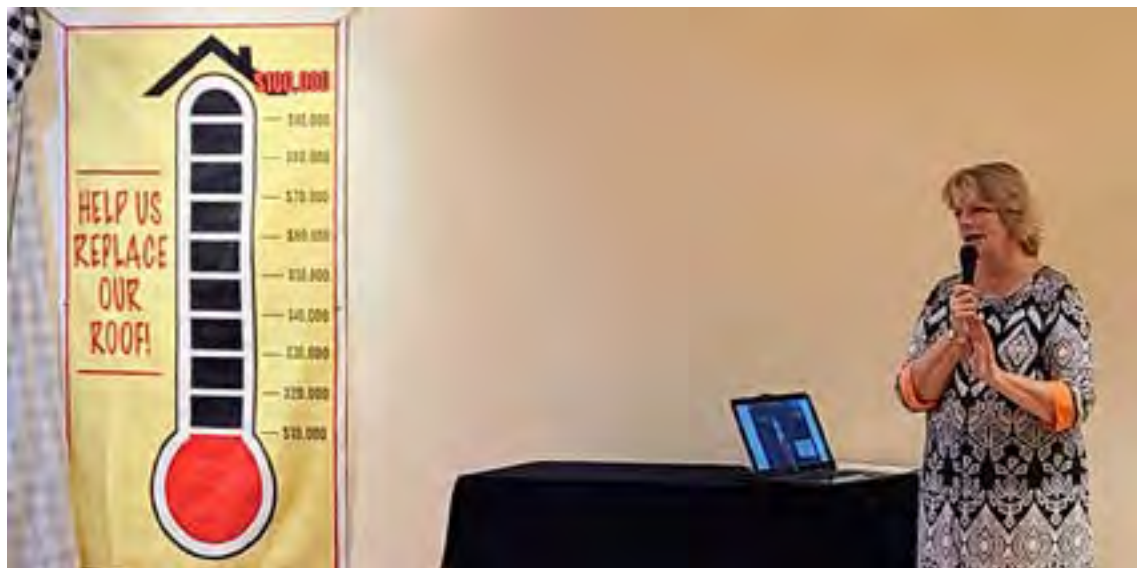
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CHARITY CASINO NIGHT IN SHEPHERDSTOWN

March 9 Event To Raise Funds for Community Club Roof



IT'S HARD TO MISS the War Memorial Building in the heart of downtown Shepherdstown. Throughout the year, the building hosts municipal meetings, cultural gatherings, seasonal holiday celebrations, crafts shows, and the Community Club's Legendary Book Sale. It's a building that suits Shepherdstown to a "tee" — in fact it's host to many "teas", including the Back Alley Garden Tour & Tea.

Originally built as a church following the Civil War, the building was rededicated as the War Memorial Building after World War II when it was turned over to the Shepherdstown Community Club (known as the Men's Club at the time) in 1947. It's a pretty sturdy building (and luckily, unlike the old Market House next door, it hasn't been hit by any vehicles either). Still, historic is a nice way of saying old, and the building definitely needs some restoration and repair.

Club president Jennifer Wabnitz announced last November that the Club has received a grant for restoration and repairs to maintain the building's integrity and safety. The grant is contingent on the club raising matching funds of \$50,000. "For generations, caring community members have maintained this historic structure. This is the community's home," says Wabnitz. "We now have the opportunity to partner with generous funders to do the necessary repairs." First on the list of priorities is replacing the roof, which appears to be original, dating back to 1868.

"The West Virginia Division of Culture and History which has prompted this matching challenge have shown that they believe in this historic treasure, and they believe in us,"

Wabnitz says. "And with good reason. When it comes to pitching in, the Shepherdstown community is the real deal. There is such a sense of civic pride here. It's just good stewardship. So, here we go! It's time for all of us to get together and 'Raise The Roof!'"

The club will host a dinner and casino night fundraiser on March 9 to launch the campaign. Details and advance ticket purchase at ShepherdstownCC.org.



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AWARD-WINNING LINEUP FOR FEBRUARY!

FEB 3 – OPPENHEIMER

Enjoy a block-buster Hollywood movie. Nominated for 13 Academy Awards. Cillian Murphy portrays J. Robert Oppenheimer, the complex and often troubled scientist who led the team that developed the atomic bomb during WW2. Rated R.



FEB 10 – FLEABAG

Cinematic Theater from National Theatre Live. Starring Phoebe Waller-Bridge. The rip-roaring, award-winning play that inspired the BBC's hit TV series Fleabag, captured live on stage in London's West End in 2019. Rated R.



Feb 16 – Tyler Smilo & Dom DeCecco

Live music on stage. The guitar & banjo duo of Smilo and the Ghost deliver hard-driving, old-time influenced folk-rock. This will be a high-energy show — Come ready to dance! All Ages.



FEB 17 – BARBIE

Grab your popcorn and sit back. Nominated for 8 Academy Awards. Margot Robbie and Ryan Gosling pair up as Barbie and Ken. Barbie Land is seemingly perfect, but they leave to discover the joys and perils of living among humans. Rated PG-13.

FEB 24 – ANATOMY OF A FALL

An international award-winning film. Nominated for 5 Academy Awards. Sandra Hüller stars as a doting wife whose husband is murdered. Both she and her blind son, the only witness, struggle over what secrets to keep (or not). Rated R.



More events coming in March & April

Showtimes, ticket purchase, and full calendar on website

131 W. German St, Shepherdstown | OperaHouseLive.com

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