



TO: Jefferson County Commission

FROM: Jefferson County Historic Landmarks Commission

RE: Justification for Alternative Archaeological Survey Text Amendment

DATE: 1/12/2026

Purpose:

The Historic Landmarks Commission (HLC) submits this memorandum in support of its alternative text amendment to Sections 24.133(B)(10) and 24.122(B)(10) of the Subdivision and Land Development Regulations. This alternative language restores archaeological review requirements to professional, state-accepted standards and corrects deficiencies in the staff-proposed amendment that would substantially weaken the protection of historic and archaeological resources in Jefferson County.

Background:

Jefferson County has long required Phase I archaeological investigations for major subdivisions, intended to identify and protect archaeological resources prior to ground disturbance. The staff-proposed amendment, however, narrows this requirement by explicitly stating that subsurface testing is not required. This approach departs from established professional standards and from the West Virginia State Historic Preservation Office (WV SHPO) Guidelines, which define Phase I investigations as including both background research and field testing where appropriate.

Under the staff-proposed language, applicants could satisfy the County's archaeological requirement through limited records review and surface inspection alone. Such an approach cannot reliably identify buried archaeological resources, which are common in Jefferson County's river valleys, floodplains, and historic settlement areas. Without subsurface testing, significant archaeological resources could be permanently destroyed before they are documented.

Need for the Alternative Amendment:

The HLC's alternative amendment restores archaeology requirements consistent with accepted professional practice and WV SHPO guidance:

- It distinguishes between a Phase IA research and sensitivity study and a Phase IB field survey.
- It requires systematic subsurface shovel testing for all major subdivisions and major site plans.
- It requires all work to be conducted by qualified professionals meeting the Secretary of the Interior's Standards (36 CFR Part 61).
- It preserves the Planning Commission's authority to require additional Phase II or Phase III investigations where warranted.

These provisions are not new or excessive; they reflect the minimum professional standards already used by WV SHPO, federal agencies, and neighboring counties, notably Loudon County, to ensure credible and defensible archaeological review.

Proposed Review Mechanism:

Concerns have been raised by the Planning and Zoning Office regarding the absence of a subject matter expert within staff and the lack of a permanent HLC employee to monitor compliance with archaeological regulations. To address this, all Phase I surveys would be submitted to the HLC in the same manner as Concept Plans, allowing the Commission to provide affirmative or negative comments within a specified timeframe. If no response is provided within that period, it would be understood as passive approval. This review mechanism is already successfully employed for new Concept Plans and major site plans and is entirely appropriate to ensure effective and timely oversight of archaeological compliance while maintaining consistency with existing County review procedures.

Conclusion:

The Historic Landmarks Commission respectfully recommends adoption of the alternative text amendment. It preserves Jefferson County's historic and archaeological resources, aligns County regulations with WV SHPO and federal standards, and ensures that development proceeds in an informed and responsible manner.