



State of West Virginia

DEPARTMENT OF COMMERCE

August 25, 2020

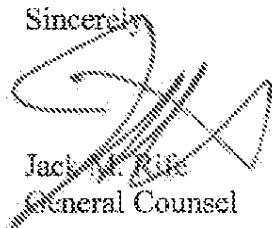
The Honorable Mac Warner
Secretary of State
State Capitol Complex – Building 1
1900 Kanawha Blvd., E.
Charleston, West Virginia 25305

RE: Legislative Rule Filing W.Va. 145CSR16 Tourism Development Districts

Dear Secretary Warner:

Please be advised that the West Virginia Department of Commerce/Development Office recently filed Legislative rule W. Va. 145CSR16 Tourism Development Districts for public comment. The public comment period ended August 21, 2020. Attached hereto are the comments received by the Department of Commerce/Development Office and my responses. The comments, universally, demonstrated support for the rule and SB 657, but no substantive recommendations or amendments to the proposed rule were offered. Accordingly, no changes were made to the previously filed W. Va. 145CSR16.

Sincerely,



Jack M. Rice
General Counsel

Attachments

JMR:tw

Rife, Jack M

From: Rife, Jack M
Sent: Monday, August 24, 2020 11:31 AM
To: The Anvil Restaurant
Subject: RE: [External] Comments on SB657

Ms. Smith,




Thank you for your letter in support of W. Va. 145CSR16 Tourism Development Districts. The Department of Commerce/Development Office welcomes and appreciates your comments and looks forward to future development of the tourism industry in your region. If I can be of assistance, please feel free to contact me at your convenience.

Best regards,

Jack M. Rife, Esq.

General Counsel

West Virginia Department of Commerce
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25305
(304) 389-7714 Cell
Jack.M.Rife@wv.gov

WestVirginia.gov   



WEST VIRGINIA
DEPARTMENT of COMMERCE

From: The Anvil Restaurant <anvilrestaurant@gmail.com>
Sent: Friday, August 21, 2020 5:49 PM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] Comments on SB657

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Please accept my attached letter in support of SB657.

Thank you,

Ann M. Smith

The Anvil Restaurant

304-279-3253



1290 W. Washington St., P.O. Box 707, Harpers Ferry, WV 25425
304-535-2582

Anvilrestaurant.com anvilrestaurant@gmail.com

Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. E. Building 3, Suite 600
Charleston, WV 25305

Jack.m.rife@wv.gov

Dear Mr. Rife,

I support large tourism development projects to be governed by the State of WV through Article 145. As a life long resident of WV, I understand how large tourism developments can create revenue for municipalities and surrounding areas. The creation of SB657 provides the tools to manage large scale development without incurring costs that small governments often cannot afford.

Please accept my support for SB657 and its revenue growth abilities and direction for West Virginias small municipalities.

Sincerely,
Ann M. Smith
owner

Rife, Jack M

From: Rife, Jack M
Sent: Monday, August 24, 2020 11:29 AM
To: Dennis Jarvis
Subject: RE: [External] JCDA Support letter

Mr. Jarvis,

Thank you for your letter in support of W. Va. 145CSR16 submitted on behalf of the JCDA. The Department of Commerce/Development Office values and welcomes the input of members of the public. We also look forward to working with members of your organization in the coming months. If I can be of any assistance, please feel free to contact me at your convenience.

Best regards,

Jack M. Rife, Esq.

General Counsel

West Virginia Department of Commerce

1900 Kanawha Boulevard East

Building 3, Suite 600

Charleston, WV 25305

(304) 389-7714 Cell

Jack.M.Rife@wv.gov

WestVirginia.gov   



WEST VIRGINIA
DEPARTMENT of COMMERCE

From: Dennis Jarvis <djarvis@jcda.net>
Sent: Friday, August 21, 2020 4:47 PM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] JCDA Support letter

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Mr. Rife:

I am forwarding you a support letter for Article 145 Tourism Development Districts.

Please contact me if you have any questions.

All my best

Dennis Jarvis, II
Executive Director
304-919-7451
djarvis@jcda.net



Jefferson | Development
County | Authority



Jefferson | Development County | Authority

August 21, 2020

Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. East
Building 3, Suite 600
Charleston, WV 25305

Dear Mr. Rife,

As the director of the Jefferson County Development Authority, we are writing to support the Rules and Regulations for Article 145 - Tourism Development Districts.

Large Tourism Development projects create large revenue for municipalities and surrounding areas, but also require large amount of resources which many municipalities lack in both revenue, personnel, and expertise. The creation of SB657 provides municipalities the tools to manage large-scale projects without incurring new costs that small local governments often cannot afford.

West Virginia's municipalities don't have the resources or staffing to properly navigate important, but potentially complex development projects. Some municipalities have contradictory local ordinances, loose guidelines for permitting and fees, and limited expertise in the development realm. Also, in small governments, obstruction of an acceptable project can be stopped by a handful of opponents in decision-making seats.

The Rules and Regulations under review create firm regulatory certainty for developers granted a Tourism Development District. These requirements are clearly defined for developers with boundary and parcel delineation. Also, these rules lay out required reports from the developer to help provide clearer and more certain information to members of the local community. These requirements include: Traffic Impact Analysis (traffic impacts), Economic Impact Study (revenue impact), utility will serve letters (utility impact), and the concept plan (land use). Also, through the Rules, the State approves the guidelines for construction and permitting with a reasonable fee structure.

We greatly support large tourism development projects to be governed by State of West Virginia through Article 145. All municipality guidelines are different and varied from one another. Sometimes both ordinances and Town Council flavor prevents historical vernacular acceptable projects to occur which denies private property development, revenue growth, and stakeholder benefits both locally and statewide.

Sincerely,

Dennis Jarvis, II
Executive Director

Rife, Jack M

From: Rife, Jack M
Sent: Wednesday, August 19, 2020 2:02 PM
To: Cathy Gray
Subject: RE: [External] Support of Large Tourism Development

Mr. and Mrs. Gray,

Thank you for your email below concerning the filing of W. Va. 145CSR16 Tourism Development Districts Program by the Development Office/Department of Commerce with our Secretary of State. The DOC values the input of members of the public whom we serve and it is especially good to hear from business owners like yourselves who are located within Harpers Ferry proper. We recognize that the tourism industry is one of our State's best opportunities to grow and that municipalities may indeed lack the resources to give proper attention to a large scale tourism development project. The DOC looks forward to assisting in bringing these projects to reality through SB657 and W. Va. 145CSR16.

Best regards,

Jack M. Rife, Esq.

General Counsel

West Virginia Department of Commerce

1900 Kanawha Boulevard East

Building 3, Suite 600

Charleston, WV 25305

(304) 389-7714 Cell

Jack.M.Rife@wv.gov

WestVirginia.gov   



WEST VIRGINIA
DEPARTMENT of COMMERCE

From: Cathy Gray <harpersferrybikes@gmail.com>
Sent: Tuesday, August 18, 2020 1:10 PM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] Support of Large Tourism Development

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Jack Rife, General Counsel, Department of Commerce

1900 Kanawha Blvd. E,

Building 3, Suite 600

Charleston, WV 25305

Jack.m.rife@wv.gov

Aug 18, 2020

Dear Mr. Rife,

Large Tourism Development projects create large revenue for municipalities and surrounding areas, but also require large amount of resources which many municipalities lack in both revenue, personnel and expertise. The creation of SB657 provides municipalities the tools to manage large scale projects without incurring new costs that small local governments often cannot afford.

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Sincerely,

Bryan & Cathy Gray
Harper's Ferry Guest House
800 Washington Street
Harpers Ferry, WV 25425

Rife, Jack M

From: Rife, Jack M
Sent: Wednesday, August 19, 2020 1:54 PM
To: Nadine Snowden
Subject: RE: [External] Letter to Support Rules and Regulations for Article 145

Ms. Snowden,

Thank you for submitting your letter in support of W. Va. 145CSR16 Tourism Development Districts Program which the Development Office/Department of Commerce has filed with our Secretary of State. We value receiving input from the public whom we serve. Your insight and commentary are most helpful in understanding the local issues and the importance that SB657 represents in allowing the State to partner with large scale tourism development projects and bring them to fruition.

Best regards,

Jack M. Rife, Esq.

General Counsel

West Virginia Department of Commerce
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25305
(304) 389-7714 Cell
Jack.M.Rife@wv.gov

WestVirginia.gov   



WEST VIRGINIA
DEPARTMENT of COMMERCE

From: Nadine Snowden <aprilwons@gmail.com>
Sent: Tuesday, August 18, 2020 2:37 PM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] Letter to Support Rules and Regulations for Article 145

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**Letter to Support Rules & Regulations for Article 145
Tourism Development District Act**

Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. E
Building 3, Suite 600
Charleston, WV 25305
jack.m.rife@wv.gov

August 16, 2020

Large Tourism Development projects bring economic benefits to small municipalities but require enormous assets which small governments often do not have. SB 657 gives the State of WV the means to oversee huge undertakings without creating new costs or depleting meager resources for small towns, thus allowing these projects to advance.

West Virginia's small municipalities do not always have the monetary resources, expertise or staffing to navigate through the requirements and constraints to move large projects forward. Sometimes local ordinances that are inconsistent from town to town throughout the state get in the way. This bill brings a measure of consistency to projects throughout the small cities and towns of West Virginia, assuring a path forward for large important projects that stand to benefit the entire state.

Large ventures can sometimes be halted by a small group of adversaries in strategic positions, to the detriment of the region and its residents that are positioned to benefit. While the rules and regulations under review in Article 145 provide a path forward for developers who have invested in a Tourism Development Project, they also use reasonable and necessary requirements that hold developers accountable to industry standards. This bill defines developers' responsibilities and reporting requirements for economic, land use, utility and traffic impact analyses designed to keep residents properly informed.

I am in support of governance by the State of West Virginia of the Tourism Development Districts that are implemented in Article 145. Through the passing of these Rules & Regulations that support SB657, we all stand to benefit, not only locally, but throughout the state of West Virginia.

Sincerely,

Nadine Snowden

Resident, Bolivar, WV

**Letter to Support Rules & Regulations for Article 145
Tourism Development District Act**

Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. E
Building 3, Suite 600
Charleston, WV 25305
jack.m.rife@wv.gov

August 16, 2020

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Sincerely,

Nadine Snowden

Resident, Bolivar, WV

Rife, Jack M

From: Rife, Jack M
Sent: Wednesday, August 19, 2020 1:47 PM
To: Ed Wheelless
Subject: RE: [External] Support for Tourism Development Act

Mr. Wheelless,

My apologies for not responding sooner. First off, I want to thank you for your email and letter in support of W. Va. 145CSR16 Tourism Development Districts Program. The Development Office, an agency organized within the Department of Commerce, will be responsible for administering this important program. I whole-heartedly agree with your observation that "tourism in the Mountain State is one of our best opportunities to grow". The passage of SB657 by the 2020 Legislature serves as recognition of that very same premise.

Best regards,

Jack M. Rife, Esq.
General Counsel
West Virginia Department of Commerce
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25305
(304) 389-7714 Cell
Jack.M.Rife@wv.gov
WestVirginia.gov

-----Original Message-----

From: Ed Wheelless <ewheelless@laurellodge.com>
Sent: Thursday, August 13, 2020 9:20 AM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] Support for Tourism Development Act

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Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. E, Building 3, Suite 600 Charleston, WV 25305

Aug 12, 2020

Dear Mr. Rife,

Small municipalities struggle to attract tourism projects to boost revenue and, when successful in recruiting a large project, can be overwhelmed by the complexity of the proposal and the demands on resources, finances, personnel and subject matter expertise. The creation of SB657 provides municipalities with the tools to welcome large scale projects without incurring the substantial costs that small local governments often cannot afford. Projects that qualify for the Tourism Development District Act benefit not only the municipality but will also benefit the region and the state. Giving entire control over such large projects to a small local body gives them, at worst, veto power and, at best, undue influence over a potential investment that could have a positive impact well beyond their borders.

As a former town council member, planning commission member and historic landmarks commission chair in a small municipality, I have first-hand experience with our limitations. Given a limited pool of volunteers, we often fall short of finding the professional, knowledgeable and experienced residents needed to fill all the seats required to keep our town functioning on a shoe-string budget. On at least three occasions in the past decade, our town was successfully sued for inadequate ordinances out of step with state code, failing to follow our ordinances and allowing nepotism to color our decisions - and that was in association with relatively small residential project proposals. A larger, more complex project would be completely beyond our means to address.

The Legislative Rule 145-16 under review creates the firm regulatory foundation and professional oversight for developers granted a Tourism Development District, while protecting the municipality's interests. The rule clearly defines for developers the requirements for an application, a reasonable fee structure, and a concrete timeline for a response from the Development Office. The process allows a suitable opportunity for public comment early in the 90-day evaluation period. The rule relieves the local municipality of the burden and legal exposure of managing a large, complex investment project while creating new jobs, securing tax revenue and enforcing compliance with state building and environmental codes. The rule requires a documented land use plan, economic development plan, traffic study and utility compatibility agreement to ensure transparency.

I think tourism in the Mountain State is one of our best opportunities to grow. I support the enticement of large tourism development projects to be managed by the State of West Virginia through Legislative Rule 145-16. The rule will uphold private property development, ensure revenue growth, and grant stakeholder benefits both locally and statewide.

Sincerely,

Ed Wheelless

[REDACTED]
[REDACTED]
Harpers Ferry, WV 25425
[REDACTED]
[REDACTED]

Jack Rife, General Counsel, Department of Commerce
1900 Kanawha Blvd. E, Building 3, Suite 600
Charleston, WV 25305

Aug 12, 2020

Dear Mr. Rife,

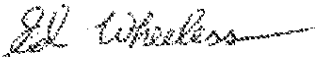
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Sincerely,



Ed Wheelless

[REDACTED]
Harpers Ferry, WV 25425
[REDACTED]

Rife, Jack M

From: Rife, Jack M
Sent: Tuesday, August 18, 2020 9:59 AM
To: Patricia Noland
Subject: Re: [External] Letter Supporting Rules and Regs for Tourism Development Districts

Commissioner Noland,

Thank you for your letter in response to the filing of W.Va. 145 CSR 16 Tourism Development Districts. The Development Office wholly supports the tourism industry and anticipates tremendous economic benefits for the State of West Virginia that will derive from projects such as Hilltop House and other similar tourism projects. Your input is valued and we look forward to working with you and other interested parties in the coming months to bring this project to fruition.

Best regards,

Jack Rife

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From: Patricia Noland <patsynol@gmail.com>
Sent: Sunday, August 16, 2020 8:11:09 PM
To: Rife, Jack M <Jack.M.Rife@wv.gov>
Subject: [External] Letter Supporting Rules and Regs for Tourism Development Districts

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Dear Mr. Rife,

Please find attached to this email my letter of support for the Rules and Regulations for Tourism Development Districts for small municipalities that are currently under review.

Thank you,
Patricia Noland

Patricia A. Noland
124 E. Washington Street
Charles Town, WV 25414
E-mail: commissionerpnoland@gmail.com

August 16, 2020

Jack Rife, General Counsel,
Department of Commerce
1900 Kanawha Blvd. E
Building 3, Suite 600
Charleston, WV 25305
Jack.m.rife@wv.gov

Re: Letter to Support Rules & Regulations for Article 145
Tourism Development District Act

Dear Mr. Rife,

I am writing this letter as a Jefferson County Commissioner, however I want to be clear that the County Commission has not taken a formal position on this issue. The comments in this letter are being made by me as an individual commissioner in support of Article 145 of the Rules and Regulations for the Tourism Development District Act.

As you are most likely aware, while large Tourism Development projects create needed revenue for municipalities, small municipalities do not have the resources to process large tourism development projects. They can be overly complex projects that require expertise as well as personnel and other resources that small municipalities cannot afford.

Senate Bill 657 provides municipalities the tools to manage large projects without the costs associated with a large project. Furthermore, large projects can often be controversial in small towns and can be delayed for months and often stopped completely by a few opponents that hold the decision-making seats.

Additionally, West Virginia's municipalities often have contradictory local ordinances, loose guidelines for permitting fees and limited expertise in areas of development.

The Rules and Regulations under review create firm regulatory certainty for developers granted Tourism Development District. The requirements are clear and these rules lay out required reports from the developer to help provide clearer and more certain information for the local community. These requirements include impact on traffic,

Tourism Development
Rules Letter
Page 2

revenue, utilities and land use. Also, through the Rules the State approves the guidelines for construction and permitting with a reasonable fee structure.

In conclusion, for the reasons stated above, I support large tourism development projects to be governed by the State of West Virginia for small municipalities through Article 145 and believe the benefits to our State, local communities and stakeholders will create a positive outcome for everyone.

Sincerely,

Patricia A. Noland

Patricia Noland
County Commissioner
Jefferson County, WV
Phone No. (304) 279-1330