

## **TOWN OF PURCELLVILLE PROCESS FOR ANNEXATION**

Without limiting or amending the statutory processes by which annexations may occur, the following describes the process by which the Town of Purcellville will generally accept, review, and act upon applications for Annexation. The following process may be condensed or modified to the extent permitted by state law when the Town Council finds that the land area proposed for annexation results in a minor adjustment to the municipal boundary or when the reason for annexation is unrelated to a proposed development project.

1. Community Briefing prior to Application. A person desiring to file an application to annex property into the Town of Purcellville will first schedule and conduct a Community Briefing for the purpose of informing the public of the anticipated application and any proposed land development. The person desiring to file a Boundary Line Adjustment application must notify the public of the Community Briefing by (a) sending a letter (with a copy to the Town Clerk of the Town of Purcellville) by certified mail, return receipt requested, at least 15 days and no more than 30 days prior to the Briefing, to each property owner adjacent to the land proposed for Annexation and, if one or more of the adjoining properties belongs to a Homeowners' Association, then also to each affected Homeowners' Association, (b) placing a weatherproof placard that (i) is clearly visible from each public road abutting the property proposed for Annexation, (ii) measures at least 24" by 24," (iii) states, "Proposed Annexation – Community Meeting on [Date] - Call [phone number] for information," and (c) publishing an advertisement in a newspaper of general circulation in the Town of Purcellville that is authorized by the Loudoun County Circuit Court to publish legal notices, which advertisement shall state the date, time, and location of the Community Briefing, and shall describe the property proposed for Annexation by address, location, and parcel identification number. Said advertisement must first appear in the newspaper at least seven days prior to the Community Briefing. The applicant shall provide to the Town evidence that all required notices of the Community Briefing were completed. Such evidence is considered part of a complete Annexation application.
  
2. Application Submission. Applications for Annexation to adjust the jurisdictional boundary line between the Town of Purcellville and Loudoun County will be submitted to the Department of Community Development for processing. Applications will be accepted subject to an application fee, as such fee may be adopted by Council from time

to time and reflected on the Town's Master Tax and Fee Schedule. The following application materials are required:

- a. A plat of the proposed boundary line adjustment that shows both a detail of the proposed boundary line adjustment and the boundary line adjustment in the context of the surrounding properties. The plat shall include the following information for the subject property and surrounding properties: zoning designation, existing use, parcel identification number, natural features, existing streets and driveways, and ownership information. This plat must be submitted in both digital and paper forms.
  - b. A description of the proposed project, including a concept development plan showing: (i) proposed land uses, (ii) the general location of proposed structures, (iii) a vehicular and pedestrian circulation plan, (iv) open space, (v) minimum and maximum proposed densities for each use, (vi) proposed Town zoning district(s), (vii) special amenities, and (viii) existing site features such as floodplain, steep slopes, and tree cover. The concept development plan and proposed project is not binding on either the applicant, or the Town.
  - c. A Statement of Justification, describing how the subject property is eligible for incorporation into the Town boundary under Virginia Code and how the proposed development will benefit the Town. The Statement of Justification should include a description of how the proposed development meets goals of the Town's Comprehensive Plan, and a proposed planned land use designation. The Statement of Justification should also describe how the land is planned and zoned under Loudoun County's plans and ordinances.
  - d. A traffic evaluation describing the capacity of surrounding roads, providing an estimate of existing traffic volumes (using available data to the greatest extent possible), and providing an estimate of the traffic generated by potential future land uses.
  - e. Evidence of a Community Briefing for which notice was provided as required herein.
3. Notification of Town Council and Loudoun County by Staff. The following persons will be notified of the Town's receipt of a Community Briefing notice letter, and notified again upon receipt of an application for annexation: all members of Town Council, the Loudoun County Administrator, the Blue Ridge District Supervisor, the Catoctin District Supervisor, and the Chair of the Loudoun County Board of Supervisors.

4. Application Review by Staff. Once the Department of Community Development receives a complete application for Annexation, including evidence of the applicant's notice to surrounding neighborhoods and the applicant's published advertisement for a Community Briefing, the Department of Community Development will distribute the Annexation application for review and comment to all Town departments and VDOT. The Town departments will evaluate the proposal for its impact on: (a) water and sanitary sewer capacity and infrastructure, (b) storm water, (c) emergency services, (d) recreational facilities, (e) tax revenues, (f) schools, (g) transportation infrastructure, (h) trash collection, snow removal, and other Town services, and will evaluate whether the proposal furthers goals set forth in the Town's Comprehensive Plan. Once these initial evaluations are complete, Community Development Staff will assess the various departmental evaluations, request additional information from the applicant as needed in order to finalize the evaluations, accept from the applicant any proposed revisions to address staff comments, and, finally, prepare a Staff Report to Town Council. The Staff Report will include a recommendation to either approve or deny the application for Annexation, and will describe what information, if any, would assist in further evaluating the application.
5. Town Council Briefing. Community Development Staff will present its Staff Report to Town Council at a public meeting.
6. Town Council Meetings. The Town Council will discuss at one or more of its regular public meetings the recommendations of Staff. The applicant should attend these meetings and be prepared to answer questions and provide requested information. Town Council may direct Staff to conduct further analysis, and may request that the application be amended.
7. Town Council Decision; Transmittal to Loudoun County. The Town Council will vote to either deny the annexation application, or to proceed with it. If the Town Council decides it would like to proceed with the annexation, then the Town will transmit the annexation application and related materials to Loudoun County with a request that Loudoun County commence work with the Town to reach an annexation agreement.
8. Negotiations. If the County agrees to work with the Town to reach an annexation agreement, the Town and County will negotiate the agreement and reduce it to writing.

**If there are no conditions attached to the annexation by the Town or County, then the agreement will most likely take the form of a Boundary Line Adjustment Agreement under Va. Code 15.2-3106, and the following process will apply:**

BLA-1 Staff Drafts a Boundary Line Adjustment Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Boundary Line Adjustment Agreement. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

BLA-2 Public Hearing. The governing bodies of the Town and County shall each hold a public hearing on the proposed Boundary Line Adjustment Agreement as required under Va. Code § 15.2-3107, as amended. Notice of the proposed Boundary Line Adjustment Agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

BLA-3 Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Boundary Line Adjustment Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

BLA-4 Council Votes to approve or deny the Boundary Line Adjustment Agreement. The Town Council will vote to either approve or deny the Boundary Line Adjustment Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

BLA-5 Process Duration. It is expected that a Boundary Line Adjustment Agreement could be processed within 12 to 15 months of receiving a complete application.

BLA-6 Circuit Court. If the Boundary Line Adjustment Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement.

BLA-7 Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

BLA-8 Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

**If there are conditions attached to the annexation by either the Town or County, then the agreement will most likely take the form of a Voluntary Settlement of Annexation Agreement under Va. Code 15.2-3400 et seq., and the following process will apply:**

VSA-1. Staff Drafts a Voluntary Settlement of Annexation Agreement AND a Water/Sewer Agreement. Town Staff will work with the County of Loudoun to draft a Voluntary Settlement of Annexation Agreement. The agreement may address the following: fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements, infrastructure arrangements, revenue and economic growth sharing arrangements, arrangements for the joint exercise of powers, and such other provisions as the parties deem in their best interest. Town Staff will also prepare a Water and Sewer Agreement that is conditioned upon incorporation of the property into Town limits, which will detail the minimum and maximum water usage by the annexed property, any new or upgraded infrastructure necessary to serve the annexed property, the party responsible for installing the new or upgraded infrastructure, and the party who will own and maintain the new or upgraded infrastructure.

VSA-2. Commission on Local Government. The Town and County will present their proposed Voluntary Settlement of Annexation Agreement to the Commonwealth's

Commission on Local Government as required under Virginia Code. The Commission will take all actions required under Virginia Code, which may include reviewing the proposed agreement, conducting a public hearing, and issuing an advisory report to the localities that sets forth its findings and recommendations as to whether the proposed agreement is in the best interest of the Commonwealth. The Commission should issue its report within 6 to 8 months of receiving the proposed Agreement.

VSA-3. Revisions and Public Hearing. The Town and County will review the Commission's report and may elect to amend the proposed Voluntary Settlement of Annexation Agreement accordingly. Once the Agreement is finalized, the governing body of each locality will hold one or more public hearings on the Agreement prior to voting on the Agreement as required under the Code of Virginia. Notice of the proposed Agreement shall be served upon the owners of all parcels proposed to be incorporated into the Town limits. One notice sent by first class mail to the last known address of the owners of such parcels as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of each local governing body shall make affidavit that such mailings have been made and file such affidavit with the localities' petition to the Circuit Court.

VSA-4. Council Votes on Water and Sewer Agreement. The Town Council will vote to either approve or deny the Water and Sewer Agreement associated with the proposed Annexation. This vote will occur prior to a vote on the Voluntary Settlement of Annexation Agreement. The Water and Sewer Agreement will be conditioned upon issuance of an annexation order by the Court.

VSA-5. Council Votes to approve or deny the Voluntary Settlement of Annexation Agreement. The Town Council will vote to either approve or deny the Voluntary Settlement of Annexation Agreement. This vote will occur after the Water and Sewer Agreement is fully executed by the Town and affected property owners.

VSA-6. Process Duration. It is expected that a Voluntary Settlement of Annexation Agreement could be processed within 18 to 24 months of receiving a complete application.

VSA-7. Special Court. If the Voluntary Settlement of Annexation Agreement is approved by both jurisdictions, the Town will coordinate with Loudoun County to petition, in accordance with all statutory requirements, the Loudoun County Circuit Court for approval of the Agreement. The Loudoun County Circuit Court will notify the Virginia Supreme Court, which shall appoint a Special Court to hear the case, composed of three circuit court judges from outside the Loudoun Circuit. The Special Court shall affirm or deny the proposed Voluntary Settlement of Annexation Agreement unless the parties agree to amendments of the agreement. If affirmed, the Voluntary Settlement of Annexation Agreement will become binding on the localities effective as of a date specified, or, if no date is specified, on the first day of the month following the Special Court's affirmation of the Agreement.

VSA-8. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the annexation application materials and referrals to the greatest extent possible.

VSA-9. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.

**If the jurisdictions cannot agree upon the proposed annexation and the Town believes the annexation is necessary, then the Town can pursue a Traditional Annexation as set forth under Va. Code 15.2-3200 et seq., and the following process will apply:**

TA-1. Town creates a metes and bounds or other reasonably certain description of the territory it seeks to annex.

TA-2. Town notifies the Commission on Local Government of its intention to file an annexation lawsuit.

TA-3. Town notifies Loudoun County of its intention to file an annexation lawsuit.

TA-4. Town may be required by the Commission on Local Government to submit a list of persons providing witness testimony by a certain date.

- TA-5. The Commission on Local Government holds a public hearing pursuant to advertised notice as required by the Code of Virginia.
- TA-6. The Commission on Local Government investigates and analyzes the proposed annexation, then produces a report within 6 months that is admissible as evidence before the Special Court.
- TA-7. Town adopts an Annexation Ordinance containing a metes and bounds description of the property to be annexed, after conducting a public hearing that is advertised for 4 weeks as required by the Code of Virginia.
- TA-8. Town serves the Annexation Ordinance on the County.
- TA-9. Town petitions the circuit court for annexation of the subject property, and the circuit court notifies the Supreme Court which shall appoint a Special Court to hear the case.
- TA-10. Qualified voters of the Town and of the territory proposed to be annexed may become parties to the proceeding by petitioning the Special Court.
- TA-11. The Special Court conducts an evidentiary hearing. The Town carries the burden of proof. The Special Court shall determine whether the Annexation is “necessary” and “expedient” and in the best interest of the people of the County and the Town, which involves consideration of the following:
- a) the need for urban services in the area proposed to be annexed,
  - b) the current relative level of services in the town and county,
  - c) compliance of the respective jurisdictions with state laws and policies,
  - d) natural boundaries that may exist between the jurisdictions,
  - e) any arbitrary refusal of either jurisdiction to enter into cooperative agreements regarding joint activities that would have benefited the citizens of both political jurisdictions,
  - f) the need for a town to expand its tax base,
  - g) the need for a town to acquire land for industrial or commercial use together with the adverse effect on the County of losing such land area,
  - h) the adverse impact on agricultural operations, and

- i) the adverse effect of the loss of tax resources and public facilities on the ability of the county to provide service to the people in the remaining portion of the county

TA-12. Special Court Rules Upon the Petition. If a majority of the Special Court finds the annexation is necessary and expedient, it shall enter an order granting the petition for annexation, which order shall set forth all terms and conditions of the annexation.

TA-13. Subsequent Rezoning. If the owner of property that has been incorporated into the Town limits seeks a rezoning of the property within 12 months of its incorporation, the Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.

TA-14. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council may elect to amend the Comprehensive Plan to assign a planned land use designation to the newly-incorporated property, and will refer such amendment to the Planning Commission for public hearing and recommendation, all pursuant to Va. Code § 15.2-2229, as amended.