



TOWN OF LEESBURG, VIRGINIA
PROCESS FOR ANNEXATION
(JULY 2016)

Without limiting or amending the statutory processes by which annexations may occur, and in order to expeditiously and thoroughly handle all annexation requests received by the Town of Leesburg, Virginia, (“Town”) the following Process for Annexation describes the process by which the Town will accept, review and act upon applications for annexation.

- A. Preliminary Application for Annexation Submission. All applications for Annexation to adjust the jurisdictional boundary line between the Town and Loudoun County will begin with a Preliminary Application Submission. **No application fee is required at this time.** The applicant shall submit to the Department of Planning and Zoning (“DPZ”), the following:
1. A statement setting forth the reason for the annexation;
 2. The parcel(s) address, parcel identification number(s), total acreage, County zoning district, and name of owner seeking to annex land into the Town;
 3. Whether the parcel(s) are located within the existing Joint Land Management Area; and
 4. The intended future use of the parcel(s) seeking annexation.
- B. Preliminary Conference with Town Staff. All applicants for Annexation or a representative of the applicant, shall meet with Town staff upon submission of a Preliminary Application Submission. DPZ shall schedule this conference. Town staff shall be comprised of a member of the following departments: DPZ, Utilities, Town Attorney, and the Town Manager’s Office. At this conference, the applicant shall discuss documents submitted during the Preliminary Application Submission and applicant inquiry of the feasibility as to water and sewer extensions to the parcel(s). After the Preliminary Conference, the applicant shall inform the Director of DPZ if and when the applicant wishes to discuss its application with Town Council. No further work shall be performed by staff after the Preliminary Conference unless Town Council directs staff, by resolution, to move forward with the application. The applicant shall contact the Director of DPZ to schedule a work session discussion with the Town Council.
- C. Applicant Presentation to Town Council. The applicant shall make a presentation to Town Council (“Council”) during a Work Session of the Town Council to inform Council of the Preliminary Application for Annexation and to obtain feedback from individual council members. Council shall direct staff through a Resolution at either the next, or future, regular business meeting.
- D. Application for Annexation Submission. All applicants having made a Preliminary Application Submission and having met with Town Staff shall file an Application for Annexation. The applicant shall submit to DPZ the following:
1. Application fee of \$ _____;

2. A plat of the proposed annexation area and boundary line adjustment (“BLA”) that depicts both a detail of the proposed BLA and the area proposed to be annexed with surrounding properties included. 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. The plat must be submitted in both digital and paper forms.
 3. 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 and traffic volumes, (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 submitted with the Application for Annexation is non-binding on the applicant or the Town.
 4. 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 the goals of the Town’s Comprehensive Plan. It must also include a statement that the applicant has notified Loudoun County and the County’s position on the application, if known.
 5. Copies of certified letters/notice sent to surrounding properties.
- E. Town Staff Review of Application. Upon a completed submittal of the Application for Annexation, DPZ shall circulate the Application amongst all Town departments, the Loudoun County Administrator, and VDOT. The Town departments will evaluate the proposal for its impact on: (a) water and sewer capacity and infrastructure, (b) storm water management, (c) emergency services, (d) recreational facilities, (e) tax revenues, (f) school capacity, (g) transportation infrastructure, (h) trash collection, snow removal, and other Town services. Town staff will evaluate whether the proposal furthers the goals set forth in the Town’s Comprehensive Plan. DPZ will assemble the comments and questions from various referral agents and incorporate them into a Staff Report for Town Council. The Staff Report will include a recommendation to either approve or deny the Application for Annexation based upon the information received, and will describe the information, if any, that is needed to further evaluate the application.
- F. Notification of Town Manager by Staff. Upon receipt of a completed Application for Annexation, DPZ will notify the Town Manager’s Office to inform Council and to schedule an agenda item regarding the Application at a Council Work Session.
- G. Staff Presentation at Council Work Session. Upon completion of Town Staff review of the application, the Town Manager will schedule a Council Work Session item on the proposed annexation. DPZ’s Staff Report will be submitted as the Agenda Memo for this item. Town Council will be briefed on the Application by DPZ staff and any necessary department directors will attend the Work Session to address any questions the Council may pose on the Application. Outside referral agents shall not be required to attend.
- H. AADP Meeting and Council Resolution. After any Work Session where Council is presented with an Application for Annexation, the Annexation Area Development Policies Committee (“AADP”) may meet with Loudoun County representatives to discuss the Application, if directed by Council. The

AADP Committee shall report and make a recommendation to the Council during a Regular Business Meeting scheduled to discuss the Application.

- I. Town Council Meetings. The Council will discuss at one or more of its regular business meetings, the Application, the recommendations of Town Staff, the AADP Committee and any outside referral agents. The applicant should attend these meeting(s) and be prepared to answer questions and provide requested information.
- J. Selection of Process. Based upon the recommendations and information presented, the Council will vote to either deny the application, or to proceed with the application by way of (i) Boundary Line Adjustment, (ii) Voluntary Settlement of Annexation, or (iii) Traditional Annexation. The vote will be reflected in a Resolution drafted by DPZ.

If the Method Selected is Boundary Line Adjustment under Va. Code 15.2-3106 or Voluntary Settlement of Annexation under Va. Code 15.2-3400 et seq., the following process applies:

- 1. Upon a resolution by Council, Staff Drafts Either (i) a Boundary Line Adjustment Agreement, or (ii) a Voluntary Settlement of Annexation Agreement AND a Water and Sewer Agreement. After the selection by the Council as to the method of Annexation, Town DPZ and Town Attorney Staff will work with the County of Loudoun to prepare a Boundary Line Adjustment Agreement or Voluntary Settlement of Annexation Agreement for public hearing. Town Utilities 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.
- 2. Public Hearing. The Council will hold at least one duly-advertised public hearing on the proposed Agreement. 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.
- 3. Council Votes on Water and Sewer Agreement. The 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 Annexation Application. The Water and Sewer Agreement will be conditioned upon annexation. Any vote to approve the Water and Sewer Agreement shall satisfy the requirements set forth in Town Code Sections 34-25 and 34-123 that Council must approve all water and sewer extensions.
- 4. Council Votes to approve or deny the Boundary Line Adjustment Agreement or the Voluntary Settlement of Annexation Agreement. The Council will vote to either approve or deny the Boundary Line Adjustment Agreement or 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. All votes shall occur by Resolution.

5. Process Duration. Because of the multi-jurisdictional nature of annexation, and the potential for involvement by the Commonwealth, it is difficult to estimate the process duration. It is expected that if the Town elects the Boundary Line Adjustment method for annexation, the application could be processed within 12 months of receiving a complete application.
6. Circuit Court. If the 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.
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 applicant shall contact the Director of DPZ to schedule a pre-application meeting for the rezoning. The Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.
8. Comprehensive Plan Amendment. After property is brought into the Town’s jurisdictional limits, the Council will initiate an amendment to the Comprehensive Plan that assigns 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 Method Selected is Traditional Annexation under Va. Code 15.2-3200 et seq., the following process applies:

1. Town Staff (DPW contracts with Town’s consultant) creates a metes and bounds or other reasonably certain description of the territory it seeks to annex to be paid for by the applicant.
2. Town notifies the Commission on Local Government (“COLG”) of its intention to file an annexation lawsuit.
3. Town notifies Loudoun County of its intention to file an annexation lawsuit.
4. Town may be required by COLG to submit a list of persons providing witness testimony by a certain date.
5. COLG holds a public hearing pursuant to advertised notice.
6. COLG investigates and analyzes the proposed annexation, then produces a report within 6 months that is admissible as evidence before the Special Court.
7. Town adopts an Annexation Ordinance containing a metes and bounds of the property to be annexed, after conducting a public hearing that is advertised for 4 weeks.
8. Town serves the Annexation Ordinance on the County.
9. A Special Court is appointed and conducts an evidentiary hearing. The Town carries the burden of proof. The Special Court must grant the Annexation if it determines that the annexation is “necessary” and “expedient,” which involves consideration of:
 - 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, and
- h) the adverse impact on agricultural operations

10. 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 applicant shall contact the Director of DPZ to schedule a pre-application meeting for the rezoning. The Town will utilize in its review of the rezoning application the Annexation application materials and referrals to the greatest extent possible.

11. Comprehensive Plan Amendment. After property is brought into the Town's jurisdictional limits, the Town Council will initiate an amendment to the Comprehensive Plan that assigns 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.