

## **SHEPHERDSTOWN ANNEXATION POLICY**

The Corporation of Shepherdstown hereby adopts this annexation policy as a general guide for the future consideration of annexation requests. The Shepherdstown Annexation Policy establishes the general purposes for annexation, evaluation criteria, and procedures. The intent of this document is to ensure that a comprehensive and consistent review is held for all public or private annexation requests.

### **A. GENERAL PURPOSES FOR ANNEXATION.**

It is anticipated that the Corporation of Shepherdstown will need to annex property in the future to ensure that the Town prospers and the overall quality of life for its citizens is enhanced. The following statements are the primary reasons why future annexations should be considered:

- 1) The Town strives to direct new growth in a land use pattern that supports diversity and a variety of opportunities, but is also compatible with long-range land use goals of Shepherdstown and surrounding areas.
- 2) The Town strives to adapt to the demands created by modern society and new growth, while protecting and honoring the Town's unique historic character, charm and natural resources.
- 3) The Town strives to properly manage public facilities to achieve the highest level of service for the existing and future members of the general public.

### **B. EVALUATION CRITERIA.**

The Corporation of Shepherdstown shall consider each of the following evaluation criteria when considering annexation requests:

- 1) Planning & Zoning Compliance.
  - A. Comprehensive Plan. Annexation should be considered, if it is consistent with the approved Corporation of Shepherdstown Comprehensive Plan. If at the time of annexation the Planning Commission is in the process of revising the Comprehensive Plan, an annexation should be considered, if it is consistent with both the approved and draft Comprehensive Plan.
  - B. Urban Zoning. Annexation should be considered, if a Shepherdstown zoning classification may be more appropriate to promote urban development in the annexed area, ensuring orderly future growth that is consistent with the Shepherdstown growth policy.

- C. Contiguous Location. An annexation should only be considered, if it is contiguous to the existing corporate limits as required by the West Virginia Code.
  - D. Transportation Planning. Annexation should be considered, if it is compatible with the Town's effort to coordinate land use and transportation planning in order to avoid adverse traffic impacts on the community.
- 2) Economic Growth. An annexation should be considered, if it increases the Town's ability to create quality jobs, or establish retail, commercial, or light industrial business.
  - 3) Affordable Housing. Annexation should be considered, if it provides a significant component of housing for low and moderate-income households.
  - 4) Protection of Resources. Annexation should be considered, if it involves preservation and protection of important environmental, historic, cultural, scenic, or recreational areas.
  - 5) Municipal Infrastructure & Services. An annexation should not place a negative impact on municipal infrastructure or services. An annexation shall be served by the Corporation of Shepherdstown Water and Sewer Departments, unless warranted otherwise by extreme circumstances. An annexation should be considered if it adequately mitigates for impacts to capital facilities. The Shepherdstown Capital Improvement Plan shall guide the Town in understanding what capital facility needs are warranted in the future.
  - 6) Financial Impact. Annexation should be considered, if a positive fiscal impact could be expected from the future residents and/or business entities of the annexed area. Voluntary contributions as a condition of annexation may be used to compensate for anticipated negative fiscal impacts. As part of the consistent application of land use planning, and where retail, commercial or light industrial businesses are not appropriate, the Town shall recognize the need for additional voluntary contributions, such as, but not limited to, affordable housing.

**C. ANNEXATION PROCEDURES**

The following procedures are to be followed for annexation requests in accordance with Article 6 of Chapter 8 of the West Virginia Code:

□ **STEP 1 - Initial Meeting.**

Prior to the submission of an annexation petition, the prospective petitioner is strongly encouraged to request a meeting with the Mayor and Town Council to discuss the prospective annexation petition. The Mayor, or staff designees, shall schedule this meeting for the next available Town Council Meeting or at a special work session. In both cases, the meeting shall be posted and open to the public. The Mayor, Town Council Members, petitioner, staff designees, and petitioner

designees shall be invited to participate in this meeting. The intent of this meeting is to allow the Mayor and Town Council Members the opportunity to express their initial thoughts about the proposal prior to the submission of the annexation petition. Appropriate dialogue for the meeting may include discussion of potential positive and negative impacts; consideration of possible conditions of annexation; recommendations; review of state and local regulations; and detailed discussion of the procedures and policies established in this Annexation Policy, and as amended.

□ **STEP 2 – Submission.**

After the initial meeting, if any, the next step is the submission of an annexation petition and a zoning classification request. Such a submission shall be prepared in accordance with the West Virginia Code and include all information required by § 9-1424 of the Town Code, unless waived by Town Council, to-wit:

1. Reasons for the annexation request, including any development plans, proposals for the subject property, and requested zoning.
2. A metes and bounds description and a survey (prepared by a duly registered West Virginia land surveyor) of the property subject to annexation.
3. A statement of projected impacts to the Corporation of Shepherdstown which would result from the proposed annexation and all associated development activities, including:
  - A. All public utilities services which would be required by the associated development activity (potable water, wastewater allocation, improvements to vehicular and pedestrian transportation systems, etc.).
  - B. Any and all voluntary proffers associated with the proposed development activity.
  - C. Financial impacts to the Corporation of Shepherdstown resulting from any proposed associated development activity.
  - D. A traffic study, conducted by a certified traffic engineering firm, which details the projected impacts on traffic from the proposed development activity.

Additionally, the following information can be required by the Corporation of Shepherdstown:

1. Copy of current deeds, existing plats and covenants, if any.
2. List of all adjoining property owners.
3. Proposed conditions of annexation (if any).
4. Any applicable fees, as may be set in the future by the Town.

The Corporation of Shepherdstown's attorney shall review the petition and other legal documents upon submission to certify that the documents are legally appropriate in form and content.

□ **STEP 3 – Notification.**

Once certified, the Town Clerk, or designee, shall issue a public notice. The public notice shall include the date, time and place of the public hearing with the Planning Commission, and must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of the West Virginia Code, at least fifteen days prior to the public hearing.

□ **STEP 4 – Preliminary Review – Public Hearing.**

The Zoning Officer, or designee, shall schedule meetings with the Finance Committee and Planning Commission to review the merits of the annexation petition based on Section B, Evaluation Criteria, listed above. The Finance Committee shall consider the petitioner's financial impact on the Town and make a recommendation to Town Council regarding Evaluation Criteria #6, Financial Impact. The Planning Commission shall consider and make recommendations pertaining to all other Evaluation Criteria listed above, including the petitioner's traffic study and the proposed zoning classification and conditions of annexation. The Planning Commission meeting shall be a public hearing. In addition, the Parks & Recreation Committee, the Historical Landmarks Commission, the Building Commission, the Public Works Committee, or the Water and Sanitary Boards may review the annexation petition, if determined necessary by the Planning Commission, or designee. All meetings shall be open to the public.

□ **STEP 5 – 1<sup>st</sup> Reading.**

After preliminary review is complete, the 1<sup>st</sup> reading of the proposed annexation ordinance and zoning classification shall be heard by Town Council. Town Council may take one of the following actions at 1<sup>st</sup> reading:

- 1) motion to schedule a 2<sup>nd</sup> Reading
- 2) motion to schedule a 2<sup>nd</sup> Reading with changes
- 3) motion to table
- 4) motion of denial

A motion to schedule a 2<sup>nd</sup> Reading with changes or a motion to table shall require consent from the petitioner, or designee.

□ **STEP 6 - 2<sup>nd</sup> Reading.**

After the 1<sup>st</sup> reading has taken place, the 2<sup>nd</sup> reading of the proposed annexation ordinance and zoning classification shall be heard by Town Council. During the 2<sup>nd</sup> reading, Town Council may take one of the following actions regarding the annexation petition and requested zoning classification:

- 1) motion of approval
- 2) motion of denial
- 3) motion to table

A motion to table shall require consent from the petitioner, or designee.

□ **STEP 7 – Forward & Action by Jefferson County Commission.**

The final step in the annexation procedure is for the Town to record their decision and forward it to the Jefferson County Commission for their entry of an Order pursuant to the West Virginia Code.

These guidelines are intended to assist Council in their deliberation process, and a failure to follow this policy shall not give rise to a cause of action other than is set forth in West Virginia Code § 8-6-4 et seq.

**D. CONDITIONS OF ANNEXATION.**

Voluntary contributions submitted as conditions of annexation by the legal owner(s) of the property(ies), for the purposes of mitigating potential impacts that the annexation may have, may be accepted by Town Council in legal form consistent with the attached exhibit, herein referred to as Exhibit 1.