

McCORMACK

REPORT

ON THE

TOWN OF LEESBURG—COUNTY OF LOUDOUN

ANNEXATION AGREEMENT



COMMISSION ON LOCAL GOVERNMENT  
COMMONWEALTH OF VIRGINIA

March 1983

LEESBURG

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2. The second part is a list of dates.

3. The third part is a list of locations.

4. The fourth part is a list of events.

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ON THE  
TOWN OF LEESBURG--COUNTY OF LOUDOUN  
ANNEXATION AGREEMENT

PROCEEDINGS OF THE COMMISSION

On April 7, 1982 the Town of Leesburg filed notice with the Commission on Local Government, pursuant to the provisions of Section 15.1-945.7(A) of the Code of Virginia, of its intention to petition the court for the annexation of 15.35 square miles of territory in Loudoun County. Consistent with the Commission's Rules of Procedure, the Town's notice was accompanied by data and materials supporting the annexation action. 1/ Further, in accordance with statutory requirements, the Town concurrently gave notice of its annexation action to other political subdivisions with which it was contiguous or with which it shared functions, revenues, or tax sources. 2/

On April 23, 1982 the Commission met with representatives of the Town of Leesburg and Loudoun County for the purpose of exploring the possibility of assisting the localities negotiate a settlement of the annexation

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1/ Town of Leesburg, Annexation Exhibit Booklet, April 6, 1982.

2/ Sec. 15.1-945.7(A), Code of Virginia.

issue and for making preliminary arrangements for its formal review of the Town's action. At that meeting, and with concurrence of the parties, the Commission designated Dr. Roger Richman as independent mediator to assist the localities in negotiating the issue and established a tentative schedule for conducting its review of the proposed annexation. On May 11, and again on August 20, 1982, the parties requested postponement of the Commission's scheduled review to allow additional time for their negotiations.

Following further negotiations, on November 17, 1982 the governing bodies of the Town and County approved an agreement which included provisions by which (a) the Town would be granted an annexation of approximately 7.17 square miles of territory in Loudoun County, (b) the Town and County would accept various moratoria relative to their transition to city status, the immunization of areas pursuant to Chapter 21.2 of Title 15.1 of the Code of Virginia, and citizen-initiated annexations, and (c) the Town and County would agree to collaborate in public planning, zoning, and the regulation of development in and adjacent to the area proposed for annexation. 3/ On December 6, 1982, consistent with the terms of the agreement, the Town submitted to the Commission revised materials in support of the negotiated annexation. 4/

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3/ See Appendix A for complete text of the annexation agreement.

4/ Town of Leesburg, Annexation Exhibit Booklet (hereinafter cited as Leesburg Exhibits), November 29, 1982.

Following its receipt and review of these materials, a panel of the Commission toured relevant sites and facilities in the Town and in the area proposed for annexation on December 14 and received oral testimony from the Town and County on December 14 and 15, 1982. 5/

In addition to its receipt and consideration of materials and testimony from the Town of Leesburg and Loudoun County, the Commission solicited comment from other potentially affected political subdivisions and the public. Each political subdivision receiving notice of the proposed annexation from the Town under the provisions of Section 15.1-945.7(A) was invited by the Commission to submit testimony on the proposed action for its consideration. Further, the Commission held a public hearing, advertised in accordance with the requirements of Section 15.1-945.7(B) of the Code of Virginia, on the evening of December 15 in Leesburg. The public hearing was attended by approximately 30 persons and produced testimony from 3 individuals. For purposes of receiving additional public comment, the Commission agreed to keep open its record for the receipt of written submissions through January 14, 1983.

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5/ Under the authority of Sec. 15.1-945.4 of the Code of Virginia, the Chairman appointed a panel of William S. Hubbard, Wendell D. Hensley and Benjamin L. Susman, III to tour the area proposed for annexation and to receive the oral testimony.

## SCOPE OF REVIEW

The Commission on Local Government is directed by law to review proposed annexations initiated by local governing bodies, as well as various other interlocal issues, prior to their being submitted to the courts for ultimate disposition. Upon receipt of notice of a proposed action, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report containing findings of fact and recommendations relative to the proposed action to the affected local governments and to any court which may subsequently be asked to consider that action. The Commission's report on each proposed action must be based upon "the criteria and standards established by law" for the disposition of such issue. 6/

In this instance the Commission is required to consider an annexation which must be reviewed on the basis of statutorily prescribed criteria and factors set forth principally in Section 15.1-1041 of the Code of Virginia. While such criteria and factors must be considered in the disposition of all annexation actions, it is clear that the General Assembly encourages interlocal negotiations and local settlement of annexation issues. Indeed, one of the foremost legislatively prescribed responsibilities of this Commission is mediation of such interlocal

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6/ Sec. 15.1-945.7(B), Code of Virginia.



issues and the promotion of their settlement. 7/ Thus, the Commission concludes that its review of this and other interlocal settlements should be guided by a presumption of their compatibility with statutorily established criteria and standards. The Commission observes, however, that the General Assembly has elected not to exclude these interlocal settlements from its review and holds, therefore, that no such presumption should render the Commission inattentive to the concerns expressed by other parties, nor reduce its review to a pro forma endorsement of any action.

The analysis and recommendations which follow in the succeeding sections of this report are based upon this Commission's collective experience in local government administration and operations. It is our intention to leave questions of law for resolution in other forums. The Commission trusts that this report will be of assistance to the local governments and citizens of the area and to the Commonwealth generally.

GENERAL CHARACTERISTICS OF THE TOWN, THE COUNTY,  
AND THE AREA PROPOSED FOR ANNEXATION

TOWN OF LEESBURG

The Town of Leesburg was formally established by

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7/ Sec. 15.1-945.3(C) and Sec. 15.1-945.7(A), (E), Code of Virginia.

act of Virginia's colonial legislature in 1758. 8/ Leesburg, which is located in the east central section of Loudoun County at the intersection of U. S. Route 15 (the County's only major north/south transportation route) and State Route 7, has always been a focal point of the County's governmental and social life. In addition to the County's administrative and judicial offices which are concentrated in Leesburg, the Town has other public facilities, such as the Loudoun County Memorial Hospital, which serve the general area. 9/

Leesburg constitutes a major center of economic activity in Loudoun County. Due to its various public facilities and its commercial and industrial development, the Town provides significant employment opportunity within its boundaries. The evidence suggests that the Town is the locus of employment for many non-Leesburg residents. 10/ Further, the Town's historic sites are of major economic consequence to the general area. Assisted by the promotional efforts

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8/ Leesburg Exhibits, Exh. A-1.

9/ Kamstra, Dickenson and Associates, Inc., Town Plan for the Town of Leesburg in Virginia, draft (hereinafter cited as Town Plan, February 1982, p. 44.

10/ Ibid., p. 21; and U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Summary Tape File 3A, Town of Leesburg, Table 66. It is estimated that in 1980 the total number of employment opportunities in the Town was 3,900, of which approximately 2,100 were held by non-residents.

of both the Town and County, more than 26,000 tourists registered at the tourist center in Leesburg during calendar year 1982. 11/ The significance of this tourist trade to the area is evident.

Leesburg's population, unlike that of many municipalities, has experienced a growth greater than that in the unincorporated areas surrounding it. Between 1970 and 1980 the Town's population increased from 4,281 to 8,357, or by more than 95%. 12/ Based upon its 1980 population and its present land area (3.75 square miles), the Town's population density is 2,229 persons per square mile. 13/

As of 1982 approximately 987 acres of land within the Town, or 41.1% of its total area, were vacant or devoted to agricultural production. Excluding property located within the 100-year floodplain, approximately 888 acres, or 37% of the Town's total area, are vacant or engaged in agricultural activity. 14/ Thus, based

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11/ Data provided by Marc Weiss, Assistant Town Manager, Town of Leesburg, communication with staff of Commission on Local Government, January 25, 1983. This figure represents an increase of 67.4% since 1979.

12/ Leesburg Exhibits, Exh. B-3.

13/ Ibid. See Appendices B and C respectively for a statistical profile and map of the Town of Leesburg, County of Loudoun, and the area proposed for annexation.

14/ Ibid., Exhs. S-5, S-7. A significant portion (379.2 acres) of this vacant land was added to the Town's area by a citizen-initiated annexation in 1981.

on these aggregate statistics, Leesburg does not appear to suffer presently from a severe shortage of vacant land.

#### COUNTY OF LOUDOUN

Loudoun County was created in 1757 from territory formerly a part of the County of Fairfax. Loudoun County has been, and remains, one of the State's most significant agricultural areas. According to the 1978 Census of Agriculture, Loudoun County ranked seventh among all Virginia counties in the market value of agricultural products sold and fourth in the value of livestock and livestock products marketed. 15/ As of 1978 there were 836 active farms in the County cultivating collectively 228,503 acres. 16/ In addition to its agricultural properties, the County continues to have a vast amount of forest lands, with 1980 data indicating that more than 99,000 acres of County territory, or approximately 30% of Loudoun County's total area, were producing or capable of producing crops of industrial wood. 17/

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15/ U. S. Department of Commerce, Bureau of the Census, 1978 Census of Agriculture, County of Loudoun, Number AC78-A-46, May 1981, Table 10. It is significant to note that the County ranked second in the market value of horses and ponies sold (Ibid., Table 27).

16/ Ibid., Table 1.

17/ Loudoun Soil and Water Conservation District, Natural Resources Inventory of Loudoun County, 1982; and Virginia Division of Forestry, Forestry Resource Data, Northern Virginia Planning District, 1977, Table 2.

Loudoun County has experienced significant population growth and development in recent years. Between 1970 and 1980 the County ranked seventh in rate of population growth among all of Virginia's 136 counties and cities, with its populace increasing from 37,150 to 57,427, or by 54.6%. 18/ Based upon its 1980 population and its total land area of 517 square miles, Loudoun County's population density is 111 persons per square mile. 19/

While it is evident that Loudoun County continues to maintain its agricultural and forestal significance, development in the County has resulted in notable economic diversification. Data disclose that in the five-year period between 1975 and 1980 the number of nonagricultural wage and salary employment positions in the County increased from 11,640 to 17,527, or by 50.6%. Of these new employment positions, less than 300 were in the manufacturing sector, with the rest being in other forms of economic activity. 20/

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18/ County of Loudoun, Profile of Loudoun County, Virginia (hereinafter cited as Loudoun Profile), December 14, 1982, p. II-1. Chesterfield County is the only locality in the State over 50,000 population which grew at a greater rate between 1970 and 1980. Currently, Loudoun County is the tenth largest county in Virginia in terms of population.

19/ Ibid. Exclusive of the population residing in Loudoun County's seven incorporated towns (12,265 persons) and the aggregate area located therein (7.75 square miles), the density of the County's unincorporated area is 89 persons per square mile (Leesburg Exhibits, Exh. B-3).

20/ Virginia Employment Commission, Population and Labor Force Data, 1980.

Despite the nonagricultural development in Loudoun County, the data disclose that approximately 43% of the County's 1980 civilian labor force (31,579) continued to work beyond its boundaries, principally in Fairfax County and Washington, D.C. 21/

Finally, it is significant to note that Loudoun County's proximity to Fairfax County, Washington, D.C., and the growth areas to the east is likely to continue to foster development within the County. With more than 81% of its total land area being vacant or devoted to agricultural activity, the County can reasonably anticipate persistent pressure for development. 22/

#### AREA PROPOSED FOR ANNEXATION

The area proposed for annexation under the terms of the agreement approved by the Town and the County in November 1982 contains 7.17 square miles, 1,486 persons, and \$61.6 million in total property values subject to local taxation. 23/ Thus, the area embraces 1.4% of the County's

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21/ Ibid. The Virginia Employment Commission defines "civilian labor force" as the sum of those persons presently employed plus those individuals registered for unemployment compensation (R. Gary Tate, Research Analyst, Office of Research and Analysis, Virginia Employment Commission, communication with staff of Commission on Local Government, November 18, 1982).

22/ County of Loudoun, Resource Management Plan, May 21, 1979, p. 201.

23/ Leesburg Exhibits, Exhs. B-1, B-3. Total values are based on land use assessment for those properties qualifying for such.

total land area, 2.6% of its population, and 2.8% of its total assessed property values subject to local taxation.

In terms of development, the area contains the Leesburg Estates subdivision, which includes 75% of the area's total population; two industrial parks and one other existing industry; and a number of public facilities including the Federal Aviation Administration Flight Control Center, the Leesburg Municipal Airport, the Town's sewage treatment plant and a water storage facility, and one County middle school. As of 1982 approximately 6.5% of the area proposed for annexation was devoted to residential use, 1.7% to commercial and industrial enterprise, while more than 80% was engaged in agricultural production or was vacant. 24/ While the Commission notes that the area proposed for annexation contains an extraordinarily large amount of vacant land, we observe that the County's land use plans call for that area to be the focus of urban and suburban development in central Loudoun County and that 80.6% of the area is presently zoned for other than agricultural use. 25/ Thus, while this area is currently

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24/ Ibid., Exh. S-5.

25/ Data provided by John Niccolls, Town Manager, Town of Leesburg, letter to staff of Commission on Local Government, December 20, 1982.

predominantly vacant or agricultural in nature, it is planned for development and is presently experiencing developmental pressures. 26/

#### STANDARDS AND FACTORS FOR CONSIDERATION

In this report the Commission is required to review a proposed annexation which constitutes an element in a comprehensive interlocal agreement approved by the governing bodies of the Town of Leesburg and Loudoun County. The agreement is the product of a statutorily established mediation process and represents a reconciliation of the needs and interests of the Town and County approved by the elected leadership of those localities. With these conditions in mind, the Commission has not endeavored to analyze critically the relative merits of the agreement for each locality, but rather, it has focused its review on the general compatibility of the annexation provisions with statutory requirements and on the ramifications of the proposed annexation for other parties and the State. In addition, the Commission is cognizant of the fact that the proposed annexation is but one element in a multi-faceted interlocal agreement. In our judgment, the proposed annexation cannot be reviewed in isolation but must be considered in conjunction with other elements in the interlocal agreement.

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26/ Recent rezoning requests have sought more intensive use for approximately 900 acres in the proposed annexation area (Leesburg Exhibits, Exh, T-1).



INTERESTS OF THE PEOPLE OF THE TOWNLand for Development

While the data indicate that the Town presently has within its boundaries 986.7 acres of vacant land (representing 41.1% of its total area), this aggregate statistic obscures several significant qualifications which should be noted. First, this gross vacant land includes one parcel of 379.2 acres (38.4% of the total) which was added to the Town in 1981 by citizen-initiated annexation. While this parcel is clearly of great potential benefit to the Town, it may not constitute by itself an opportunity for broad and diversified development. Second, approximately 98.5 acres of the vacant land in the Town are located in the 100-year floodplain and, thus, are severely restricted in their development potential. 27/ Exclusive of the 1981 annexation and acreage lying in the 100-year floodplain, approximately 21.2% of the Town's area is vacant and suitable for development. Further, it is significant to note that only 9.1 acres of the Town's vacant land are considered to be appropriately zoned for industrial use and 169 acres appropriately zoned for commercial activity. 28/

The proposed annexation would add to the Town 3,696 acres of vacant or agricultural property which, assuming

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27/ Leesburg Exhibits, Exh. S-5.

28/ Niccolls, letter to staff of Commission on Local Government, December 20, 1982.

that 10% of that area is subject to environmental constraints (based upon known conditions in the Town), can be estimated to yield approximately 3,300 acres of vacant land unfettered for development. 29/ Further, as noted previously, 686 acres in the area proposed for annexation have already been zoned by the County for industrial use while 260 acres have been zoned for commercial activity. 30/

The data suggest that an expansion of Leesburg's boundaries may be necessary to permit the Town to share proportionately in the future economic growth of its general area. The Commission notes that existing industrial sites within the Town are generally too small to accommodate land intensive development and are poorly located in relation to transportation facilities. The larger amount of vacant land along State Route 7 east of Leesburg which is presently zoned for industrial and commercial places sites within the Town at a serious competitive disadvantage. 31/ Statistics regarding new development in the Leesburg area during 1981 support this concern. During that year 1 new firm employing 1 person and occupying a 300-square foot facility was established in Leesburg, while 2 firms employing an aggregate

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29/ Approximately 10% of the vacant land within the current Town boundaries is constrained by environmental factors.

30/ Niccolls, letter to staff of Commission on Local Government, December 20, 1982.

31/ Leesburg Exhibits, Exhs. T-2, T-3.

of 45 persons in facilities totaling 58,000 square feet of floorspace began operations in the area proposed for annexation. 32/ These data can be cited in support of the Town's need for land for development and of the proposed annexation.

#### Tax Resources

Since towns in Virginia rely predominantly upon taxes of real property for local revenues, the assessed values of such property become the foremost consideration in town annexation issues. In this instance the data reveal that the Town of Leesburg has been experiencing a growth in its real property tax assessables slightly in excess of that of the County generally. Based upon assessments at 100% of fair market value, real property values in the Town increased from \$33.1 million in 1970 to \$227.9 million in 1981, or by 589.5%. 33/ During the same span of years such values in Loudoun County as a whole increased from \$249.7 million to \$1,591.3 million,

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32/ Ibid., Exh. T-2. In the County as a whole, 19 new firms, employing a total of 451 persons and an aggregate building area of 174,800 square feet, began operation in 1981.

33/ Ibid., Exh. B-1; and data provided by Jeffrey H. Minor, Assistant to the Manager, Town of Leesburg, letter to staff of Commission on Local Government, January 6, 1983. The real property values exclude public service corporation properties. Statistics for the County include the values located within the seven incorporated towns.

or by 537.4%. 34/ In terms of the assessed value of real property per capita, a comparable growth pattern may be noted. The evidence indicates that between 1970 and 1981 the per capita assessed value of real property in Leesburg increased from \$6,857 to \$27,271, or by 297.7%. In the County as a whole during the same period such values increased from \$6,720 to \$27,711, or by 312.4%. 35/ As of 1981, the per capita value of real property in Leesburg was 98.4% of that in the County as a whole.

The Commission notes that the Town has assumed a rather significant debt for the provision of public facilities for its residents and for its general area. Between 1970 and 1982 the Town's total long-term debt outstanding (both general government and utility) increased from \$2.3 million to \$9.1 million, or by 295.7%. 36/ On a per capita basis, the Town's outstanding long-term debt grew from \$468 in 1970 to \$1,085 in 1982. Debt figures for Virginia's counties and cities as of 1981 (the latest data available)

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34/ Loudoun Profile, p. X-10; and data provided by Edward J. Finnegan, County Attorney, County of Loudoun, letter to staff of Commission on Local Government, January 26, 1983. County values do not include public service corporation properties, and reflect the land use values for qualifying properties.

35/ Per capita values were calculated using 1980 population figures.

36/ Minor, communication with staff of Commission on Local Government, February 1, 1983; and Leesburg Exhibits, Exh. V-10.

indicate that Leesburg's debt was exceeded on a per capita basis only by that of Stafford County and the Cities of Fairfax, Manassas, and Richmond. 37/ While much of Leesburg's debt (18%) is for utility facilities which are intended to generate revenues sufficient for the retirement of such debt, the expansion of the Town's boundaries as well as other provisions in the agreement should assist Leesburg in the discharge of its long-term fiscal commitments. Since the proposed annexation will bring into the Town real properties assessed in 1981 at a value of \$56 million, and with a potential for significant additional growth, the fiscal benefits to Leesburg from the proposed annexation are evident. 38/

#### Other Considerations

In addition to the traditional benefits of an annexation cited above, the agreement between the Town of Leesburg and Loudoun County carries other beneficial consequences for the Town. First, the County offers in the agreement an unqualified commitment not to seek city status prior to 1995 and an assurance that if the County

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37/ Auditor of Public Accounts, Comparative Report of Local Government Revenues and Expenditures, Year Ending June 30, 1981, Exh. G. Debt statistics for towns in Virginia are not compiled by the Auditor of Public Accounts.

38/ Leesburg Exhibits, Exh. B-1. This figure does not include an estimated \$3 million in public service corporation values in the proposed annexation area.

determines to seek city status during the 15-year period following 1995, it will "waive objection to the filing, joint hearing and court adjudication" of transition petitions by both the Town and County. 39/ These provisions afford the Town, for the periods specified, a measure of protection against the freezing of its boundaries which would result from the transition of Loudoun County to city status. 40/

Second, the agreement contains provisions by which the County agrees not to seek total immunity, as authorized by Section 15.1-977.21 of the Code of Virginia, until the year 2015, or until final judicial disposition of a town-to-city transition petition initiated by Leesburg between the years 2009 and 2014. 41/ Further, by terms of the agreement the County also waives its authority until the year 2009 "to file a petition" for partial immunity, as authorized by Section 15.1-977.22:1 of the Code of Virginia, prior to Leesburg's initiation of a city

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39/ "Agreement between the Board of Supervisors of Loudoun County, Virginia and the Town of Leesburg in Virginia" (hereinafter cited as "Agreement"), November 15, 1982, Secs. 3, 4.

40/ If the Town did not make the transition to city status at the same time Loudoun County did so, it would be converted to the status of a township with no annexation authority.

41/ "Agreement," Sec. 5. Total immunity from city-initiated annexation and city incorporation as authorized by Sec. 15.1-977.21 requires a county to have a population of at least 20,000 and a population density of at least 300 persons per square mile or a population of at least 50,000 persons and a population density of at least 140 persons per square mile.

transition action. 42/ These various provisions of the agreement have the effect of preserving the current intergovernmental relationships between the Town and County while protecting the political options of those localities for the future.

Third, the agreement also calls for the County to take all legal steps to prevent the development of central water and sewerage systems, as well as the installation of large-scale multiple-user package treatment plants, in areas adjacent to the enlarged Town until 1994. 43/ This provision of the agreement would appear to encourage the concentration of development within the Town and to constitute a significant commitment by the

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42/ "Agreement," Sec. 6. Partial immunity from city-initiated annexation and city incorporation is based upon the provision of appropriate urban-type services by the county at a level comparable to that being provided by an adjoining city, whether the county has complied with State service policies, whether the community of interest between the area proposed for immunity and the remainder of the county is greater than that existing between the proposed immunity area and the adjoining municipality, and whether either party has arbitrarily refused to cooperate in the joint provision of services. Further, the Code of Virginia states that no area proposed for immunity can substantially foreclose a city of less than 100,000 persons from expanding its boundaries by annexation. The governing body of a county designates the boundaries of the area sought for immunity.

43/ "Agreement," Sec. 18. This policy will only apply in that portion of the County lying between the enlarged Town boundaries and Leesburg Area Management Plan study area boundaries. This area includes the watersheds of Big Spring, Cattail Branch, Tuscarora, Sycolin, and Goose Creeks.

County to the primacy of Leesburg's utility systems in the prospective growth of the general area. Moreover, the greater utilization of Leesburg's utility systems will promote a more economical use of those facilities.

#### INTERESTS OF THE PEOPLE IN THE AREA PROPOSED FOR ANNEXATION

The 7.17 square miles of territory proposed for annexation by the Town are estimated to have a population of 1,486, giving the area a population density of 207 persons per square mile. This population density is nearly twice the County's overall density of 111 persons per square mile in 1980. While the area proposed for annexation presently includes a large amount of vacant and agricultural property (more than 80% of the total), it also contains pockets of development as well as other major sectors zoned for prospective growth. The Commission notes that Loudoun County's long-range planning calls for the areas adjacent to Leesburg to be the focal point of growth in the central portion of the County. 44/ Indeed, the County has zoned more than 80% of the area proposed for annexation for uses other than agriculture, with approximately 50% of that area being zoned for residential development. 45/ It is significant, too, that because of the proposed intensity of development and environmental conditions, there

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44/ Leesburg Exhibits, Exh. F-5.

45/ Niccolls, letter to staff of Commission on Local Government, December 20, 1982.



will be a general requirement for central water and sewerage facilities. 46/ Thus, the evidence indicates that the area may be expected to experience significant development and will require additional urban services. By means of the proposed annexation the Town of Leesburg is committing itself to the extension of its utilities and other urban services to that area. 47/

#### Water

The Town of Leesburg currently draws its raw water from six wells which have a combined dependable flow of 1.35 million gallons per day (MGD). Since the Town's system presently consumes 1.17 MGD, the system currently has an unused capacity of approximately 0.18 MGD. 48/ To augment its supply of treated water the Town is presently constructing a 2.5 MGD treatment plant which will receive and process water from the Potomac River. This plant, which is expected to be operational in early 1983, can be expanded at modest cost to a treatment capacity of

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46/ "Agreement," Attachment 2, Annexation Area Development Policies, p. 13.

47/ The Town is the only jurisdiction currently able to serve the sewage needs of the area proposed for annexation. The Loudoun County Sanitation Authority, created in 1959, presently serves 6,631 sewer connections through 84 miles of sewer lines primarily in the eastern portion of the County.

48/ Leesburg Exhibits, Exh. D-1.

5.0 MGD. 49/ The completion of this plant will increase the Town's immediate water supply capacity to 3.85 MGD, providing a reserve of 2.68 MGD (nearly 70% of the system's capacity). It should be noted that the Town has undertaken the construction of this new facility, at a cost of \$7.3 million, without benefit of any State or federal assistance. 50/ In terms of its distribution and storage facilities, the Town owns and operates approximately 40 miles of lines and currently has 3 storage tanks with a combined capacity of 3.075 million gallons (MG). 51/ Further, the new treatment plant, when operational, will have storage for an additional .309 MG of treated water. Thus, the aggregate storage capacity of the Leesburg system will in the near future be approximately 3.4 MG, or more than a 2-day reserve based on present consumption levels. 52/

It is significant to note that the Town presently serves 267 connections in the area proposed for annexation, with the connections providing public water to approximately

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49/ Testimony by Niccolls, Hearings, Town of Leesburg and County of Loudoun Proposed Annexation Agreement (hereinafter cited as Hearings), December 14-15, 1982, pp. 121-130.

50/ Ibid. Provision for expansion to 5.0 MGD were included in the construction of the treatment plant.

51/ The Pitometer Associates, Engineers, Report on the Pitometer Water Waste Survey, Leesburg, Virginia, April 2, 1980, p. 2; and Leesburg Exhibits, Exh. D-1.

52/ Ibid.

1,400 persons, or more than 94% of the area's population. 53/ Further, in its proposed improvements for the area it seeks to annex, the Town has indicated its intention to extend its water mains along State Route 7 eastward during the first four years following annexation and subsequently into the State Route 7 Bypass area. The proposed annexation, thus, will be accompanied by an extension of water service to areas intended for development as well as by a reduction in connection fees and rates for service to properties annexed by the Town. 54/

In sum, the area proposed for annexation is presently heavily dependent upon Leesburg for its water supply and will confront increased need for water service with its anticipated development. 55/ The Town of Leesburg's water system, which is the only currently available source of central water in the general area, has the capacity to serve the area proposed for annexation.

#### Sewage

The Town of Leesburg owns and operates a sewage treatment plant, built in 1970 and expanded in 1974, with

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53/ Ibid.

54/ Secs. 19-21--19-23, Code of Leesburg, Virginia; and Testimony by Niccolls, Hearings, p. 116. Connection fees would be reduced by \$25 to \$150 for new water customers in the area annexed. In addition, monthly water rates would be reduced by approximatley 50%. The Town will continue to charge an availability fee for new connections of between \$1,155 and \$1,750 regardless of location.

55/ Leesburg Exhibits, Exhs. D-5, D-6.

a present treatment capacity of 1.3 MGD. With a current average daily flow through the plant of 0.875 MGD, the facility presently has an unused capacity of 0.425 MGD, or 32.7% of its rated capacity. 56/ The Town plans an expansion of the plant's treatment capacity to 2.5 MGD, and the project is currently on the State Water Control Board's priority list for construction funding in 1984. 57/ This project, which is estimated to cost \$8.3 million, is expected to be completed in 1985. 58/

The Leesburg sewerage system is served by approximately 37 miles of gravity lines, with 5 miles of those lines presently located beyond the Town's boundaries. 59/ The Town's sewerage system currently serves the Leesburg Estates subdivision, the Simpson Middle School, and commercial and

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56/ Ibid., Exh. C-1. The Commission notes that the total amount of infiltration of groundwater and inflow of stormwater into the Town's sewer system averaged 0.6 MGD in 1979. However, on rainy days the inflow is so high that the plant is unable to meet State Water Control Board discharge requirements due to plant overloading (Betz, Converse, Murdoch, Inc., Engineers, Wastewater Management Facilities Plan, March 1980, pp. 4-14). The Town has recognized the problem and budgets approximately \$60,000 annually to repair its sewer lines. In addition, Leesburg has an active program to eliminate illegal connections of storm drains to the sewer system (Testimony by Niccolls, Hearings, pp. 133-134).

57/ The State Water Control Board will provide 75% of the construction funds for sewage treatment plants on its priority list.

58/ Leesburg Exhibits, Exh. C-7.

59/ Wastewater Management Facilities Plan, pp. 4-10.

industrial sites along State Route 7 to the east. In sum, the Leesburg system is already serving 270 connections in the area proposed for annexation and providing public sewerage service to approximately 1,400 persons, or in excess of 94% of the area's population. 60/ As in the case of water service, the incorporation of this area into the Town will result in marked savings in connection fees and user charges. 61/

With continued development the area proposed for annexation will increasingly require central sewerage services. The Town of Leesburg should have the capacity to serve adequately that area. To meet the needs of the area proposed for annexation the Town has proposed to expand its treatment plant and, subsequent to the annexation, to extend its interceptor lines in the area. The proposed annexation should facilitate the expansion of central sewerage services to the developing segments of the annexed area and result in lower charges for those services to the area's residents.

#### Solid Waste

The Town of Leesburg provides its residents with

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60/ Leesburg Exhibits, Exhs. C-1, C-3.

61/ Secs. 15-12--15-14, Code of Leesburg, Virginia; and Testimony by Niccolls, Hearings, pp. 118-120. The resulting savings in connection fees for new customers in the enlarged Town would range from \$25 to \$150. Monthly rates would also be reduced by approximately 50%. The Town will continue to charge an availability fee between \$1,150 and \$1,750 for all new connections, regardless of location.

twice weekly curbside collection of solid waste and its commercial establishments with thrice weekly collections at curbside, or by container pickup where such is preferred by a proprietor. These services include leaf, brush, and large item collections. The Town's solid waste collection services are performed by a private contractor but are funded by general tax revenues. Data submitted by the Town indicate that this solid waste collection service is provided to 2,117 residential customers and to 227 commercial concerns. Leesburg disposes of these solid waste collections at the County's landfill, with the contractor paying for the use of that facility. 62/

Residents in the area proposed for annexation presently utilize for their solid waste collection services private contractors licensed by the County. Charges by the private collectors serving that area range from \$19 per quarter for once-weekly collections to \$24 per quarter for twice-weekly service. Subsequent to the proposed annexation, the Town proposes to extend immediately its solid waste collection services to the area annexed. The Town contemplates that approximately 415 residential customers and 26 commercial establishments in the area proposed for annexation will

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62/ Leesburg Exhibits, Exh. E-1; and testimony by Minor, Hearings, p. 24. As of December 1982, the Town paid its private contractor \$15.36 a quarter for each residential customer served.

benefit initially from the extension of this service. 63/ As the area to be annexed continues to develop and urbanize, this public service will increase in significance to the area and its residents.

#### Public Works

The proposed annexation will result in the application of the Town's development policies and in the provision of additional public facilities to the area to be annexed. With the continued development of the area, these policies and facilities will grow in significance. First, the proposed annexation will result in the extension of Leesburg's drainage policies and activities to the annexed area. Development review processes within the Town result in the scrutiny of all proposals for the identification of drainage problems. Where such reviews indicate that a proposed development will result in significant off-site drainage problems, the Town's policies require that the developers of such projects bear the expense of the necessary off-site drainage improvements. In other instances where drainage problems are considered appropriate for public financing, the Town has financed appropriate improvements. 64/ Data presented to the Commission show

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63/ Ibid., Exh. E-3.

64/ Testimony by Niccolls, Hearings, pp. 147-151. The County also addresses storm drainage concerns through the use of its development review process, and it employs two soil scientists to assist in the planning and inspection of stormwater management facilities (Profile, pp. V-18, V-19).

that since 1976 the Town has expended approximately \$1.2 million for drainage improvements. In conjunction with the proposed annexation the Town has indicated a commitment to identifying and addressing the drainage problems of the area to be annexed. 65/

Second, the Town's policy with respect to the provision of street lights should benefit the area proposed for annexation. The evidence indicates that the Town has been attentive to the need for street lights within its boundaries and is presently funding the operation of over 500 lights at a cost of approximately \$50,000 per year. Pursuant to the proposed annexation, the Town proposes to establish, at public expense, needed street lights in the annexation area upon request of abutting property owners. Leesburg's annexation plans call for the installation of 59 street lights of varying intensity during the first year following annexation. 66/

The proposed annexation will also result in the Town of Leesburg assuming responsibility for the construction and

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65/ Leesburg Exhibits, Exh. L-1. In 1979 the Town received approximately \$79,000 in Community Development Block Grant funds for storm drainage projects. Leesburg has acknowledged the presence of a drainage problem in the Leesburg Estates subdivision and proposes to address the problem (Testimony by Niccolls, Hearings, p. 151).

66/ Ibid., Exh. M-1; and testimony by Niccolls, Hearings, p. 167. The Town has recently adopted a policy that establishes criteria for the installation of street lights requested by citizens. The County presently pays two-thirds of the operating cost of lights for County residents (Finnegan, communication with staff of Commission on Local Government, February 3, 1983).



maintenance of public thoroughfares in the annexed area. The evidence indicates that the Town will be responsive to the street and road needs of the area proposed for annexation. While Leesburg receives a significant contribution from the State for the improvement and maintenance of roads within its corporate limits, it has shown a willingness to invest additional local funds to address its thoroughfare needs. The data reveal that between 1979 and 1982 the Town contributed nearly \$58,000 of local revenue to improve and maintain the 23.37 miles of roadway within its corporate boundaries. 67/ The proposed annexation will add 5.08 miles of primary roads and 11.25 miles of secondary roads to the Town's road network. 68/ In terms of these additional roads, Leesburg proposes to improve 1.11 miles of the area's secondary roads, to assume maintenance of 0.52 miles of roadway not presently in the State system, and to improve 0.12 miles of the latter roads. Further, the Town has agreed to pave all the unpaved public thoroughfares in the area proposed for annexation. To meet the annexed area's road needs, the Town proposes to budget \$130,000 for relevant work during the first

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67/ Niccolls, letter to staff of Commission on Local Government, December 20, 1982.

68/ Leesburg Exhibits, Exh. O-6. Within the area proposed for annexation, there are 0.64 miles of roadway not in the State highway system. In addition, 2.8 miles of roadway in the area are unpaved.

three years following the annexation. 69/ Furthermore, with respect to the proper maintenance of the area's roads during inclement weather, the Town plans to purchase two additional trucks with snowplows and one motor grader subsequent to the annexation. 70/

Third, the municipal annexation will make all of the proposed annexation area subject to Leesburg's subdivision ordinance. By virtue of the application of that ordinance all new residential and commercial development in the annexed area will be required to have sidewalks, curbs, and gutters. The presence of these facilities in developing and urbanizing areas can be of considerable significance. 71/

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69/ Ibid., Exhs. 0-6, 0-7, V-8; and testimony by Niccolls, Hearings, p. 164. The Town will receive an additional \$102,000 in State funds for roadway maintenance in the annexation area (Weiss, communication with staff of Commission on Local Government, February 3, 1983).

70/ Ibid., Exh. V-8. The Town presently has five trucks with snowplows, two front-end loaders and two spreaders for snow removal (Ibid., Exh. 0-3). Upon annexation, the Town will assume the snow removal responsibility for all primary and secondary roads in the proposed area except for the U.S. Highway 7 Bypass (T. F. Butler, Jr., Resident Engineer, Leesburg Residency, Virginia Department of Highways and Transportation, communication with staff of Commission on Local Government, February 4, 1983).

71/ Because of its one-mile extraterritorial application, the Town's subdivision ordinance presently applies to approximately one-third of the area proposed for annexation (Secs. 15.1-467--15.1-469, Code of Virginia, and Chapter 251, Acts of the Assembly, 1979 Session). It is significant to note that while the County's subdivision and zoning ordinances do not mandate sidewalks, curbs and gutters, the County does require developers to provide pedestrian trails to schools and public areas in new developments. Moreover, developers are encouraged to install curbs and gutters and Loudoun County's review process has resulted in the provision

In sum, the proposed annexation should provide the area's residents with a variety of urban-type public facilities appropriate for developing areas.

Crime Prevention and Detection

Since the law enforcement activities of Virginia towns augment those provided by county sheriff departments, the proposed annexation by Leesburg will have the effect of extending supplemental law enforcement services to the area's residents. The Town of Leesburg presently has 14 full-time sworn law enforcement personnel of which 11 are assigned patrol responsibilities. 72/ This staffing level is sufficient to provide 1 patrol officer for each 760 Town residents and an average response time to calls for assistance of 3-4 minutes. 73/ Leesburg law enforcement efforts include a canine patrol and an active crime prevention program. 74/ The Town's criminal justice efforts are assisted by Loudoun County's provision of dispatch services, jail facilities, prosecutorial assistance,

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71 continued/ of those facilities in more than 80% of the subdivisions with lots of less than one acre (Profile, pp. V-18--V-19)..

72/ Testimony by Minor, Hearings, p. 26. These officers are served by eight vehicles (Leesburg Exhibits, Exh. I-1).

73/ Town Plan, p. 47.

74/ Leesburg Exhibits, Exh. I-1; and Niccolls, letter to staff of Commission on Local Government, December 20, 1982. Since 1977, the Town's police force has made 79 crime prevention presentations to approximately 3,900 persons.

as well as by the activities of the County Sheriff's Department with its complement of 102 personnel. 75/

It is significant to note that the data suggest that law enforcement efforts within the Town have had marked success in recent years. The evidence indicates the number of serious crimes reported to Town police decreased from 324 in 1980 to 256 in 1981, or by nearly 21%. 76/ Moreover, state records indicate that Town police have been effective in the investigation and prosecution of that serious crime, with 24.6% of such crime being cleared in 1981. 77/

As part of its plan to serve the area proposed for annexation, Leesburg proposes to add 4 full-time sworn law enforcement personnel to its staff, all of whom would be assigned patrol responsibility. This proposed increase in staff will result in the availability of 1 patrol officer for each 656 residents of the enlarged Town, an intensity of service exceeding that currently provided within the Town. 78/ The extension of the Town's law enforcement

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75/ Testimony by Minor, Hearings, pp. 26-27; Town Plan, p. 47; and Profile, pp. III-11, VII-6, VII-8.

76/ Virginia Department of State Police, Crime in Virginia, 1980 and 1981. Serious crimes reflect only the number of crimes in seven major categories of criminal activity (murder/nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft).

77/ Ibid. This statistic compares favorably with the clearance rate of 24.6% for all Virginia counties and 23% for all cities for the same year. It should be noted that the Town's clearance rate for serious crimes in 1980 was 33.6%.

78/ Leesburg Exhibits, Exh. I-2.

services should be of benefit to residents of the area proposed for annexation.

#### Public Recreational Facilities

The annexation proposed by the Town of Leesburg will result in the provision of additional recreational facilities for the area's residents. While Loudoun County has been vigorous in the development and extension of its recreational programs (including the development of 8 community centers, 27 school-related recreational facilities, and 2 parks, as well as participation in the Northern Virginia Regional Parks Authority), in the early 1970's Leesburg began the development of additional recreational facilities to serve its residents. 79/ Since that time, the Town has established 4 different facilities with a total of 7.5 acres of developed parkland. 80/

In conjunction with the proposed annexation the Town has committed itself to the development of 2 facilities within its corporate limits (a 10-acre park with ball-fields in 1983 and a community park in 1984), and the

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79/ The County operates recreational facilities and programs in Leesburg at 5 school sites and the Douglas Community Center, a 6.5 acre complex. Participation in County recreational programs conducted in the Leesburg area in 1981 exceeded 65,000 persons (Profile, pp. IX-6--IX-8).

80/ Niccolls, letter to staff of Commission on Local Government, December 20, 1983; and Town Plan, p. 52. The Town owns an additional 1.5 acres of undeveloped parkland adjacent to the Catoctin Circle tennis courts.

establishment of a 1.5 acre passive recreational facility not required by the Agreement in the Leesburg Estates area in 1986. 81/ Further, in accordance with policies jointly adopted by the local governing bodies with respect to the future development of the area proposed for annexation, the Town has accepted a set of principles, the Annexation Area Development Policies (AADP), which will guide the provision of additional parks and recreational facilities as that area grows. 82/ Under the terms of the AADP, which are incorporated by reference into the interlocal agreement, the Town has agreed to "secure" 3 acres of "neighborhood" parkland and to "work together" with the County to provide an additional 3 acres of "community" parkland for each additional thousand residents of the area as its population increases. 83/ The proposed annexation area should benefit

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81/ Leesburg Exhibits, Exh. V-8; and Niccolls, letter to staff of Commission on Local Government, December 20, 1982. The Virginia Commission on Outdoor Recreation defines a community park as a facility designed to serve two or more neighborhoods and provide a reasonable diversity of recreational opportunities for people of all ages. According to Outdoor Recreation standards, a community park should be at least 20 acres in size and should be planned at the rate of 3 acres per thousand population (Commission on Outdoor Recreation, Outdoor Recreation Planning Standards for Virginia, p. 4).

82/ "Agreement," Attachment 2, Annexation Area Development Policies, p. 10. Section 7 of the Agreement makes the Annexation Area Development Policies an integral element in the Town--County settlement.

83/ Ibid., pp. 10, 20. Neighborhood parks are conventionally defined as those facilities of 5 acres or less located within reasonable walking distance of the primary users (Outdoor Recreation Planning Standards for Virginia, p. 2).

from the additional recreational facilities which will result from the annexation and the policies incorporated into the Town--County agreement.

INTERESTS OF THE PEOPLE IN THE REMAINING PORTION OF THE COUNTY

Preservation of Integrity of County

A salient consideration in this interlocal agreement is the provision by which the Town agrees not to seek city status for a 25-year period, or until the year 2009. While this provision is qualified by one which permits the Town to seek city status between the years 1994 and 2008 if the County undertakes such an initiative, the availability of this option to the Town would be dependent upon the action of the Board of Supervisors. 84/ Since the transition of a town-to-city status in Virginia serves to remove land, population, and tax resources from the parent county, the significance of this commitment to the governmental and fiscal integrity of Loudoun County is major. In terms of tax resources alone, it is significant to note that as of 1982, the total assessed value of property subject to local taxation in Leesburg was \$258 million, or 11.8% of the total of such values in the County as a whole. 85/ The moratorium

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84/ "Agreement," Secs. 3, 4.

85/ Leesburg Exhibits, Exh. B-1. Values include real estate, public service corporation and tangible personal property, but is exclusive of machinery and tools. Presently, the Town does not participate in the use value taxation program.

accepted by Leesburg on its authority to seek city status constitutes a significant contribution to the integrity of Loudoun County for the next quarter century.

Collaboration on Development Policies and Public Facilities

The agreement contains a number of major provisions which require the collaboration of the Town and County in the development of the area proposed for annexation and in the provision of public facilities to meet the area's service needs. First, the agreement gives primacy to the Town's utility systems in the continued development of the Leesburg area and lessens pressure on the County for the provision of alternative utility sources in the general area. <sup>86/</sup> Since the County would be relieved for a quarter century of the potential loss of Leesburg which would result from the Town's transition to city status, the County can work in concert with the Town for the development of the incorporated area and benefit from the tax revenues generated therein. The provisions in the agreement which foster development in the Town and reduce the need for the construction of public facilities in outlying areas are of clear benefit to residents of the County generally.

Second, provisions in the interlocal agreement call for considerable cooperation between the Town and County with respect to public planning and development controls. The agreement

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<sup>86/</sup> "Agreement," Sec. 18. This section, which also calls for the County to oppose the installation of large-scale, multiple-user package sewage treatment plants, applies to the Leesburg Area Management Plan study area beyond the Town's expanded boundaries.



states that the County will be invited to participate in the development of the Town's comprehensive plan for the area proposed for annexation and that the views of the Board of Supervisors will be carefully considered in the preparation of that public planning implement. Further, until the Town adopts a comprehensive plan for the annexed area, the principles embraced in the Town--County agreement and as set forth in the Annexation Area Development Policies shall serve as that document. 87/ In addition, the agreement commits the Town to the revision of its zoning ordinance in such fashion that the revised ordinance "will reflect to the extent practical" the developmental policies incorporated into that agreement. Until the Town has revised its ordinance, the agreement provides for the County's zoning ordinance to continue to be applicable within the area annexed. 88/ Moreover, provisions in the agreement call for the localities to notify each other promptly of all requested or planned changes in land use, zoning, or development regulations which would affect the Town or the area encompassed by the Leesburg Area Management Plan (LAMP). This latter provision states that the governing bodies agree "to solicit, welcome and carefully consider the views of the other" with respect

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87/ Ibid., Sec. 9.

88/ Ibid., Sec. 10.

to such issues. 89/

Third, the agreement contains provisions which commit the Town to broad cooperation and fiscal support for the development of County facilities to serve the residents of the area to be annexed. The interlocal agreement provides that the Town will incorporate into its zoning ordinance reasonable provisions which will permit "the timely approval and location of County governmental and community facilities." 90/ Further, and most significantly, the County is aided by provisions in the agreement which commit the Town to the "timely acquisition of sufficient public and community facility sites" to meet the needs of the area. 91/ By terms of the agreement the Town commits itself "to assume responsibility for the provision" of sites for schools, parks, fire and rescue operations, a library, human service facilities, and general governmental offices. 92/ Furthermore, and of equal significance, the Town has agreed to contribute financially to the construction of County facilities if in its

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89/ Ibid., Sec. 16.

90/ Ibid., Sec. 11. This section of the agreement also states that the County's Leesburg Area Management Plan and zoning ordinance will make similar provisions for Town facilities.

91/ Ibid., Sec. 8.

92/ The conditions governing the numbers and size of the sites to be obtained are set forth in Sec. IV(A) of the Annexation Area Development Policies.

development of the area annexed it exceeds the intensity of residential development specified in the agreement. 93/ These various elements in the agreement afford the County a voice in the formation of policies guiding development in the area annexed and financial support for the provision of public facilities to serve the area's residents.

#### Protection of Agricultural Properties

By enabling the County to focus development within the enlarged boundaries of Leesburg, the agreement facilitates the County's efforts to regulate its development and to avoid undue pressure for the conversion of agricultural properties. The protection of these resources is a major stated goal of Loudoun County. Finally, it should be noted that the agreement also contains a provision stating that for a ten-year period the Town will tax at its land use value all annexed property certified by the County as qualifying for such method of assessment. 94/

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93/ "Agreement," Appendix 2, Annexation Area Development Policies, Sec. IV(B). The area proposed for annexation is divided into ten "planning sectors" with maximum authorized residential units established for each. Unused density may be transferred from one sector to another. The Town may also accept density transfers from outside its enlarged boundaries as long as Town public facilities are available to serve the proposed development in each planning sector.

94/ Ibid., Sec. 19. This section allows the Town to discontinue the application of use value assessments prior to the end of the ten-year period if the County abandons the land use assessment program.

INTERESTS OF THE STATE

The Commission notes that the Town of Leesburg--Loudoun County agreement is the product of negotiations conducted under a State-established process which encourages the negotiated settlement of interlocal issues. By the establishment of this negotiation process the State has expressed its desire for local governments to effect a resolution of their interlocal concerns within parameters established by law. This agreement, which constitutes a locally effected reconciliation of the needs and interests of the Town and County, is consistent with the interest of the Commonwealth in the promotion of negotiated settlements.

A second, and perhaps the paramount, interest of the State in the interlocal issues subject to the Commission's review, is the preservation and promotion of the viability of Virginia's local governments. This agreement provides the Town with additional tax assessables as well as a considerable amount of vacant land which can accommodate significant future development. Further, this infusion of present and prospective tax resources into the Town's fiscal base should not have any major adverse effect upon the County. <sup>95/</sup> While the County will experience a modest

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<sup>95/</sup> Town annexations do constrict some of the minor tax sources available to a county. Loudoun County has estimated that the revenues it will lose as a result of the proposed Leesburg annexation in FY 1982-83 would be \$132,787 (Profile, p. X-15). The County's estimated revenue loss from the annexation is approximately 0.24% of Loudoun's total budgeted revenues in FY 1982-83.

constriction of revenue by virtue of the proposed annexation, the agreement contains provisions, including the Town's commitment to the acquisition of sites for public facilities and potential funds for their development, which can offset even that modest impact. The agreement, in our judgment, is fully consistent with the State's interest in protecting and promoting the viability of its local governments.

Third, and clearly related to the previous concern, the State has an interest in the cooperation and collaboration of its local governments for the effective and efficient use of public resources. Where localities can collaborate in the joint development and financing of public services and facilities, it is distinctly in the interest of the State to encourage such concerted action. Moreover, the Commission is cognizant of the fact that a large and increasing number of public concerns transcend local boundaries and can only be effectively confronted by localities acting in concert. This agreement commits Leesburg and Loudoun County to continued, and indeed increased, cooperation in the decades ahead in meeting the needs of their residents. Such commitment to collaborative action is in the best interest of the State.

Finally, the Commission notes that it is a fundamental concern of the State that the Commonwealth's agricultural properties be preserved as an indispensable

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foundation for the continued well-being of both Virginia and the nation. 96/ The agreement, as previously indicated, contains provisions which will focus development within the corporate boundaries of Leesburg and thereby reduce the pressure for the conversion of outlying agricultural lands. Moreover, the Town has committed itself to a system of land use taxation for the next decade for all qualifying property brought within the boundaries as a result of the proposed annexation. The consistency of these provisions with the Commonwealth's policy for the preservation of agricultural properties is evident.

#### ANNEXATION PROVISIONS

##### BASIS FOR ANNEXATION

##### Land and Tax Base

While the data previously reviewed indicate that Leesburg has grown during the past decade, both in population and per capita assessed real property values, in general proportion to the County as a whole, there is evidence which does suggest that the Town would benefit from additional land for development. At the present time the Town of Leesburg has within its corporate boundaries only 9.1 acres of vacant land

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96/ Sec. 15.1-1507 of the Code of Virginia states that it is a State "...policy to conserve and protect and to encourage the development and improvement of its agricultural and forested lands for the production of food and other agricultural and forestal products."

zoned for industrial development and 168.9 acres of vacant property zoned for commercial activity. 97/ Further, the relative unattractiveness of these sites for development in comparison to those beyond the Town's boundaries is suggested by the fact that during 1981 only 1 new firm employing 1 person in a 300-square-foot facility was established in Leesburg. 98/

The proposed annexation will bring into the Town 3,696 acres of vacant or agricultural property, of which 686 acres are zoned for industrial development and 260 acres are zoned for commercial use under County ordinance. 99/ Further, the relative attractiveness of these sites is revealed by the fact that approximately 400 acres of this property are currently being developed or subject to development proposals presently before the County's Department of Planning, Zoning, and Community Development. 100/ These statistics can be cited in support of the proposed annexation.

#### Provision of Services

While the proposed annexation will not disturb the County's continued provision of services (including

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97/ Niccolls, letter to staff of Commission on Local Government, December 20, 1982.

98/ Leesburg Exhibits, Exh. T-2.

99/ Niccolls, letter to staff of Commission on Local Government, December 20, 1983.

100/ Leesburg Exhibits, Exh. T-1.



education, health, welfare, libraries, recreation, and various criminal justice services) to the area's residents, it will facilitate an extension of the Town's utilities into the area and will provide additional, supplemental services to meet the needs of its residents. The Commission notes that the Town is presently providing water and sewerage services to the predominant portion of the area's population and is taking appropriate steps to assure its capacity to serve the growing needs of the area. The evidence indicates that the further development of the area proposed for annexation will depend heavily on the Town's utility systems and that Leesburg is prepared to meet the area's needs. Further, as the preceding sections of this report have indicated, the proposed annexation will result in the provision of supplemental or intensified urban services for the benefit of the area's residents. The evidence suggests that in terms of solid waste collection, law enforcement, recreational facilities, and various public works activities the area to be annexed will benefit from the extension of Town services. The urbanizing nature of the area and the Town's ability to extend appropriate services to that area can be cited in support of the proposed annexation.

#### Community of Interest

One of the statutorily prescribed considerations in annexation issues is the strength of the community of interest which binds the annexing municipality to the area

proposed for annexation. In this case the evidence presented to the Commission suggests that there does exist a significant community of interest between Leesburg and the area it proposes to annex. First, the evidence discloses that the Town is the site for a considerable number of public facilities which serve all residents of the general area. The Commission notes that within the corporate limits of Leesburg the County maintains its courts; library; health, mental health, welfare, and general governmental offices; four schools and other educational facilities. In addition, the State maintains a number of facilities in Leesburg (including those of the Virginia Employment Commission, the Department of Motor Vehicles, and the Cooperative Extension Service) which serve the general area. Finally, it should be observed that there are private entities (including the Red Cross, the volunteer fire and rescue departments, and the Loudoun Memorial Hospital) with facilities in Leesburg serving residents in and beyond the Town's corporate boundary. <sup>101/</sup> These governmental and public facilities do create an interrelationship and community of interest between the Town and adjacent areas.

Second, the evidence also reveals that there exist major economic ties between Leesburg and the area it proposes to annex. The data disclose that the Town has

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<sup>101/</sup> County of Loudoun, Leesburg Area Management Plan, draft, May 1982, p. 1.

within its boundaries 11 banks and other lending institutions which serve the residents of the general area. 102/ A 1982 survey of the residents of the area proposed for annexation revealed that nearly 88% of the respondents obtained their banking services within the Town. 103/ Further, statistics support the contention that Leesburg is a major center for retail trade and professional services in central Loudoun County. It is significant to note that 1977 data indicated that at that time nearly 43% of all retail sales positions in the County were located in Leesburg. 104/ While, doubtless, development throughout the County during the past five years has had an impact on the 1977 data, recent survey information suggests that the Town remains a center for the area's retail trade and professional services. More than 75% of the residents who responded to the Town's 1982 survey data indicated that they used facilities in Leesburg for the purchase of drugs/cosmetics, food/household items, and hardware/garden supplies as well as for their medical/dental and legal services. 105/ Finally, with respect to economic ties, the same 1982 survey revealed that 37.8% of the respondents living in

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102/ Leesburg Exhibits, Exhs. Q-2, Q-3.

103/ Ibid., Exh. Q-1. The Town conducted a survey of the 630 postal customers in the proposed area in January 1982 which resulted in a response rate of 43% (269 postal customers).

104/ U. S. Department of Commerce, Bureau of the Census, 1977 Census of Retail Trade, Virginia, Number RC77-A-47, August 1979, Table 7.

105/ Leesburg Exhibits, Exh. Q-1.

the area proposed for annexation held employment within Leesburg's corporate limits.

Third, the evidence also suggests that there exist significant social, fraternal, and religious ties which contribute to the community of interest between the Town and its adjacent areas. The 1982 survey of the area proposed for annexation revealed that the 12 places of worship in Leesburg served collectively more than 70% of the survey respondents. 106/

In sum, there is considerable data indicating a strong community of interest between Leesburg and the area proposed for annexation in terms of the use of public facilities, business and professional services, employment, and social interaction. These data may be cited in support of the proposed annexation.

#### Compliance with State Policies

Another factor which is statutorily prescribed for consideration in annexation issues is the extent to which the affected jurisdictions have made efforts to comply "with applicable State policies with respect to environmental protection, public planning, education, public transportation, housing, or other State service policies promulgated by the General Assembly." 107/ The evidence available to

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106/ Ibid., Exhs. Q-1, Q-3.

107/ Sec. 15.1-1041(b)(1)(iii), Code of Virginia.

this Commission indicates that both the Town of Leesburg and Loudoun County have made efforts to comply with those State policies applicable to their jurisdictions. Indeed, efforts by Leesburg and Loudoun County with respect to several fundamental State concerns merit positive comment in this report.

Housing. The General Assembly has stated that the provision of safe and decent housing to all residents of the State is a fundamental concern of the Commonwealth. 108/ The record discloses that both the County and the Town have made notable efforts to attend to this basic need of their residents. The Commission notes that Loudoun County has established an Office of Housing Services which administers a variety of housing programs including those which provide federal assistance for rental housing, the rehabilitation of rental property, and home improvements to homeowners. Further, the County has developed at local initiative a program designated as "Operation Match" which endeavors to match those seeking housing facilities with appropriate sources. 109/

The evidence also suggests that Leesburg is cognizant of the housing needs of its residents and has been responsive

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108/ Secs. 36-2 and 36-120, Code of Virginia.

109/ Profile, pp. IV-10, IV-11. During FY 1980-81, the County has contributed approximately \$19,400 in local monies to support its housing efforts (Finnegan, communication with staff of Commission on Local Government, February 14, 1983).

to those needs. The Commission observes that of the 167 units of assisted rental housing administered by County staff, a majority of these are located within the Town's corporate limits. 110/ In total, there are 564 units of assisted housing under various programs in Leesburg, constituting approximately 17% of the Town's total housing stock. 111/ Further, the Commission notes that the Town has sought and received a \$1.35 million three-year Community Development Block Grant from the federal government which will be used to revitalize a substandard neighborhood in a downtown area. One element of this program will provide for the rehabilitation of housing in the area. 112/ Furthermore, the Town has adopted a housing maintenance code to preserve the condition of its housing stock. It is significant to note that by cooperative agreement the Town's housing maintenance code is enforced by County staff. 113/ The Commission would conclude that both the County and the Town have made notable efforts to address the State's concerns with proper housing for its citizens.

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110/ Leesburg Exhibits, Exh. S-3. Seventy-four percent of those persons living in Section 8 rental-assisted housing in Loudoun County reside in the Town (Profile, p. IV-10).

111/ Ibid.; and Town Plan, p. 60.

112/ Leesburg Exhibits, Exh. F-4.

113/ Testimony by Niccolls, Hearings, p. 170. The County also administers the Town's Housing Rehabilitation Program (Profile, p. IV-11).

Education. By both constitutional and statutory provision the State has expressed a concern for the quality of education provided through the public school system. 114/ It is evident that Loudoun County has made a vigorous effort to address this concern of the Commonwealth. The Commission notes that Loudoun County operated the State's fifteenth largest school division in academic year 1981-82, having an average daily membership (ADM) at that time of 13,169. The educational needs of the County's students are met through 29 schools, a vocational-technical center, and a facility which houses an alternative educational program and various other special educational activities. It is significant to observe that in order to accommodate its rapidly growing student population the County constructed 13 new school buildings and made additions to 11 existing facilities between 1971 and 1980. 115/ The evidence indicates that despite the rapid increase in its school-age population and the present size of its student body the County has provided a quality education through its school division.

Testifying to the County's commitment to a quality educational program are data indicating that during school year 1980-81 Loudoun County expended \$1,271 in local funds for each student in ADM, or approximately 32% above the statewide

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114/ Article VIII, Section 1, Constitution of Virginia; and Chapter 578, Acts of the Assembly, 1982 Session.

115/ Profile, pp. VI-1--VI-5.

average (\$966) for all school divisions. 116/ The total investment in the County's educational program was such that during the 1980-81 school year Loudoun County maintained pupil/teacher ratios at both elementary (16.4:1) and secondary (13.5:1) levels considerably better than the statewide averages (17.2:1 and 14.5:1 respectively). 117/ Further, in terms of total instructional staff per thousand students in ADM, the County's staffing level (68.9) was conspicuously beyond the statewide average (63.0) for all school divisions. 118/ Furthermore, all County schools are accredited by the State, and all its high schools are similarly accredited by the Southern Association of Schools and Colleges. 119/ In sum, the evidence before this Commission reflects a strong commitment on the part of Loudoun County to public education fully consistent with the policies of the State. 120/

Agricultural Land Preservation. By various enactments the General Assembly has declared that it is a policy of the Commonwealth to protect and preserve the State's

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116/ Virginia Department of Education, Facing-Up 16, Statistical Data on Virginia's Public Schools, March 1982, Table 11.

117/ Ibid., Table 2.

118/ Ibid., Table 3.

119/ Profile, p. VI-5.

120/ The County also provides free textbooks to all students (Ibid., p. XI-9).



agricultural properties. 121/ The record indicates that Loudoun County has vigorously sought to protect its agricultural lands consistent with this State policy. The Commission notes that as early as 1972 the County adopted a system of use value taxation to lessen the pressures on its agricultural properties and that the land covered by that system has increased to 220,000 acres. 122/ Moreover, in 1979 the County exercised its authority to establish agricultural and forestal districts for further protection of such properties. At the present time 13 such districts have been established in the County comprising in the aggregate 75,000 acres. 123/ In addition, the County has adopted other conservation measures which, while addressing more general concerns, do contribute to the preservation of the County's agricultural heritage. 124/

It is significant to note that all of the County's planning and development control processes are designed to serve, as one of their goals, the preservation of agricultural lands.

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121/ Sec. 15.1-1507, Code of Virginia.

122/ Profile, p. IV-8. The program presently results in the deferral of approximately \$4 million in taxes annually on qualifying properties.

123/ Ibid. Where agricultural and forestal districts are established, restrictions are placed on the activities therein by the State, local, and special-purpose governments. In addition, efforts must be made by all public governing bodies to modify their rules and regulations to encourage farming and forestry operations within a district.

124/ Such programs include conservation easements, rural historic districts, protection of scenic rivers and floodplain management (Profile, p. IV-8--IV-9).

Loudoun County's investment in the development of rural management plans and its exploration of an innovative density transfer concept are also intended to protect the rural environment. 125/ It appears to this Commission that Loudoun County is the preeminent locality in Virginia in terms of its commitment to the preservation of agricultural lands and to the conservation of its natural resources generally.

Finally, the Commission observes that the Town of Leesburg has agreed to adopt for at least a decade, subject to the County's continued use of the system, a program of land use assessment for qualifying properties brought into the Town as a result of the proposed annexation. 126/ This action by the Town is obviously supportive of County actions and consistent with the State policies for reducing pressure for the conversion of agricultural lands.

#### Capacity of the Town to Finance the Annexation

While annexations by towns in Virginia, unlike those initiated by cities, do not require an assumption of county debt, the purchase of county facilities, nor payment to the county for the prospective loss of net tax revenue, they do, nevertheless, impose upon the annexing municipality a financial responsibility to serve the area annexed. 127/ In

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125/ Ibid., p. IV-9.

126/ "Agreement," Sec. 19.

127/ Town of Christiansburg v. Montgomery County, 216 Va. 654 (1976). The Virginia Supreme Court stated that "...in the area of financial adjustments, the court upon ordering annexation may require a city to compensate a county for its

accordance with that obligation the Town of Leesburg has developed plans for the extension of Town services to the area to be annexed. Data submitted by the Town indicate that Leesburg will experience initially approximately \$319,000 in additional operating expenditure annually on behalf of the annexed area and will incur an estimated \$8.9 million of expenditure for various capital improvements during the first four years following annexation. <sup>128/</sup> These capital improvements include \$602,500 for general governmental purposes and \$8.3 million for water and sewerage facilities.

With respect to the capacity of the Town to finance the proposed annexation, several statistical measures might be cited. First, the Commission notes that as of January 1981, Leesburg had a total long-term debt outstanding (both general obligation and revenue issues) of \$9.1 million, or 3.69% of the total assessed value of its real estate and public service corporation property. While there exists no central compilation of debt statistics for all Virginia towns, data for Virginia cities do provide a basis of comparison. Such data disclose that as of 1980 Virginia cities,

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<sup>127</sup> continued/ prospective loss of net tax revenues; but where a town is the entity awarded annexation such compensation may be required only if later the town becomes a city within the prescribed period."

<sup>128/</sup> Leesburg Exhibits, Exhs. V-8, V-9; and Niccolls, letter to staff of Commission on Local Government, December 20, 1982.

considered collectively, had a total long-term indebtedness equal to 3.82% of the aggregate value of their real estate and public service corporation properties. 129/

Second, considering only general obligation indebtedness, as of January 1981 Leesburg's debt was approximately \$7.5 million, or 30% of the Town's statutorily prescribed debt limit (\$24.6 million). 130/ Thus, Leesburg retained at that time 70% of its maximum authorized debt, or \$17.1 million, available for use. Moreover, the proposed annexation will add to the Town's property assessables resulting in an increase of approximately \$6.9 million in the Town's legal debt limit. 131/

It is significant to note that of the \$8.9 million of capital improvements proposed to be made by Leesburg during the four years following the annexation, \$8.3 million, or 93% of the total, is intended for water and sewerage facilities. 132/ Of these utility expenditures, the Town anticipates receiving approximately \$7.8 million from the State Water Control Board for improvements to its sewage treatment facility. 133/ Further, Leesburg contemplates that

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129/ Virginia Department of Taxation, Annual Report, 1980-1981; and Auditor of Public Accounts, Report of Auditor of Public Accounts of the Commonwealth of Virginia on Comparative Cost of City Government, Year Ended June 30, 1980.

130/ Leesburg Exhibits, Exh. V-11.

131/ Ibid.

132/ Ibid.

133/ Testimony by Niccolls, Hearings, p. 108.

its utility systems will generate revenues sufficient to cover both operating and capital expenses, thereby avoiding the need for support from the Town's general fund. 134/

In terms of current local tax burden, the Commission observes that the present nominal rate levied by Leesburg on real property is \$.20 per \$100 of assessed value. Only two of Virginia's seven towns with populations between 6,000 and 10,000 had an equal or lower nominal tax rate on real property in 1981. 135/ Thus, in relation to towns of comparable size, the evidence suggests that Leesburg's residents do not bear an inordinate real property tax burden.

In sum, based on the Town's debt capacity, real property tax rates, as well as the significant revenue potential of the area to be annexed, the Commission concludes that Leesburg can financially support the proposed annexation.

#### RECOMMENDATIONS

##### Boundary Line

For reasons set forth in previous sections of this report, the Commission recommends that the proposed annexation included in the Town of Leesburg--Loudoun County agreement of November 15,

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134/ Municipal Advisors, Incorporated, A Water and Sewer System Rate Study for the Town of Leesburg, Virginia, January 1979.

135/ Virginia Department of Taxation, Local Tax Rates, Tax Year 1981, Table 3. The towns within the population range are Christiansburg, Culpeper, Farmville, Marion, Pulaski, Vinton and Wytheville.

1982 be approved by the court. The Commission finds no basis for recommending any adaptation in the proposed boundary line adopted by the governing bodies of the two jurisdictions.

#### Provision of Services

Both by terms of the agreement itself and by the Town's proposed service plan for the area to be annexed, commitments have been made for the extension of public services and facilities to serve the enlarged Town. In the aggregate these plans appear to be appropriate to meet the needs of the area's residents. The Commission would recommend, however, that in the further development and refinement of its plan to serve the area proposed for annexation, which will subsequently be presented to the annexation court, the Town endeavor to add specificity to various elements. While the Commission recognizes that all such plans must allow flexibility for adaptation to changing circumstances and conditions, reasonable specificity as to dates for the completion of projects, the approximate location of facilities, and the anticipated municipal policies which will govern the extension of services to the area annexed can lessen the basis for citizen apprehension and subsequent complaint. For example, the Town should consider expressly indicating when various segments of unpaved road will be surfaced and/or the policies which will govern the prioritization

of various road segments for improvement. Again, experience has shown that ambiguity with respect to the extension of services can needlessly contribute to citizen disenchantment with the annexation process.

#### OTHER PROVISIONS OF AGREEMENT

The Commission is fully cognizant of the innovative quality of certain aspects of the Town of Leesburg--Loudoun County agreement. Various elements of the agreement represent, in essence, a joint commitment by the local governing bodies to long-term collaboration in addressing the multiple and diverse public concerns of the area. The breadth and nature of the agreement, to our knowledge, are without precedent in the nation. The long-term commitments made by the Town and County constitute acknowledgment by each jurisdiction that the other serves a vital role in meeting the needs of its residents. The agreement may also be seen as a mutual expression of confidence that both jurisdictions will continue to discharge with competence the public services and obligations for which they are responsible. With respect to such implicit understanding, the Commission would observe that, based upon the evidence available to it, the two jurisdictions have been both responsible stewards of the area's natural and historical heritage and agents for

the provision of quality contemporary services.

The Commission concurs with the observation of Thomas Dodson, Chairman of the Loudoun County Board of Supervisors, that the agreement "...is in the best interests of not only the citizens of Leesburg, but the citizens of Loudoun County as a whole." 136/ We add, that, in our judgment, the agreement is also in the interest of the Commonwealth.

#### CONCLUDING COMMENT

In this report the Commission has reviewed an annexation endorsed by the governing bodies of the Town of Leesburg and Loudoun County as one element of a comprehensive interlocal agreement between those jurisdictions. The Commission has reviewed the proposed annexation as part of that general interlocal accord, and, thus, conditioned and supported by the other provisions thereof. The Commission has not sought to analyze critically the proposed annexation as a discrete and separate action, and nothing in this report should be construed as an endorsement of the annexation distinct from the agreement of which it is a part.

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136/ Thomas S. Dodson, Chairman, Board of Supervisors, County of Loudoun, Hearings, p. 344.



Finally, the Commission notes that this interlocal agreement is made contingent upon the enactment of "appropriate legislation" during the 1983 legislative session which would remove any doubt concerning the authority of the local governing bodies to enter the long-term commitments contained therein. 137/ This report is submitted based upon the Commission's awareness that the enactment of appropriate legislation is deemed an indispensable condition of the agreement and of the annexation.

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137/ "Agreement," Sec. 25.

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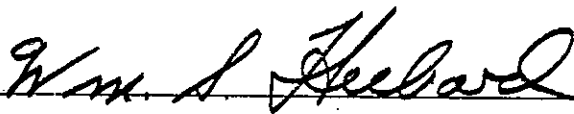
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Respectfully submitted,



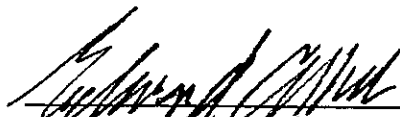
William S. Hubbard, Chairman



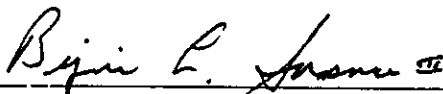
Wendell D. Hensley, Vice-Chairman



Harold S. Atkinson



Edward A. Beck



Benjamin L. Susman, III

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APPENDIX A  
AGREEMENT

(amended 1-26-83)

THIS AGREEMENT made and entered into this 15th day of November, 1982 by and between the Board of Supervisors of Loudoun County, Virginia, (hereinafter "Board of Supervisors") and the Town of Leesburg in Virginia (hereinafter "Town").

W I T N E S S E T H:

WHEREAS, the Council of the Town of Leesburg has declared through adoption of Ordinance No. 82-0-9 its desire to annex approximately 15.35 square miles (9825+ acres) of the territory in Loudoun County adjacent to its corporate boundary pursuant to the provisions of Article 1, Chapter 25, Title 15.1 of the Code of Virginia; and

WHEREAS, the Board of Supervisors of Loudoun County is opposed to this annexation, as it has been filed with the Commission on Local Government, hereinafter Commission; and

WHEREAS, the Town Council and the Board of Supervisors have each appointed a negotiation team to work together under the auspices of an independent negotiator appointed by the Commission in an attempt to settle their differences with regard to this proposed annexation; and

WHEREAS, the negotiation teams have carefully studied the annexation petition and related issues of concern to the Town and County; and

WHEREAS, the negotiation teams have brought forward an agreement regarding annexation which is acceptable to the Town Council and the Board of Supervisors and which the Board of

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Supervisors and Town Council believe will be in the best interests of all the citizens of the County, including the citizens of the Town and the Annexation Area; and

WHEREAS, the goal of this Agreement is not only to grant additional territory for the Town of Leesburg and to provide for the full range of governmental services and interests but also to delay for at least twenty-five years the issue of city status for either the Town or the County in order to develop a sound and efficient working relationship without the threat of a divided tax base; and

WHEREAS, additional State enabling legislation appears to be necessary in order to ensure the viability of the terms of this voluntary Agreement; and

WHEREAS, it is the desire of the Board of Supervisors and Town Council to accomplish the subsequent annexation effective January 1, 1984;

NOW, THEREFORE, the Board of Supervisors and the Town of Leesburg in consideration of the mutual covenants and agreements contained herein agree to perform the following acts and to be bound by the following statements and principles in settlement of the Annexation petition filed by the Town of Leesburg.

1. The Board of Supervisors agrees to the annexation by the Town of the territory containing approximately 7.17 sq. miles (4,589+ acres) and generally depicted on the map attached to this Agreement. Attachment 1. The Town and the Board of

Supervisors shall request the Court to declare January 1, 1984 the effective date of the annexation.

2. The Board of Supervisors and the Town agree that petitions for annexation by landowners or voters of adjacent territories, unless mutually agreed to by the Board of Supervisors and the Town Council, will be opposed until January 1, 1994.

3. Transition. Neither the Town nor the Board of Supervisors shall seek transition to city status for territory under their jurisdiction for a period of twenty-five years from January 1, 1984 to January 1, 2009.

4. Transition. Notwithstanding paragraph 3, in the event that the Board of Supervisors believes that county transition to city status subsequent to January 1, 1994 but prior to January 1, 2009 is in the best interest of the public, the Board of Supervisors and Town agree to waive objection to the filing, joint hearing and court adjudication of transition petitions by either the Town Council or Board of Supervisors.

5. Total Immunity. The Board of Supervisors agrees to waive its right to file for total immunity under Va. Code §15.1-977.21 for areas within the Town of Leesburg, until January 1, 2014 or until a final decision, including appeals, on any Leesburg city transition action filed between January 1, 2009 and December 31, 2013. The Board of Supervisors as a result of subsequent negotiations with the Town Council may at any time agree to extend the period in which it would waive its right to file for total immunity.



6. Partial Immunity. In the event the Town files a city transition petition between January 1, 2009 and December 31, 2013, the Board of Supervisors would retain its right to file a petition for partial immunity under Va. Code §15.1-977.22.1 and have said petition heard in the manner prescribed in Va. Code §15.1-977.20. The Board of Supervisors hereby waives its right to file a petition for partial immunity prior to the filing of a Town transition petition for areas within the Town of Leesburg until January 1, 2009.

7. The Board of Supervisors and the Town Council agree to implement the Annexation Area Development Policies set forth in Attachment 2.

(a) The purpose of these Policies is to provide mutual assurances, through the adoption of standards and guidelines, that the full range of governmental services and interests will be addressed and provided for as the annexation area develops.

(b) These Policies will include contributions for public facility improvements. The contributions payable by the Town to the County would be used to offset costs incurred by the County as the result of increases in residential density beyond the guidelines set forth in the Policies. The contributions would be

used for the provision of public facilities, such as school buildings. (c) These Policies have been developed with

reference to the Leesburg Area Management Plan (LAMP) and will be incorporated into the appropriate chapters of the Town

Comprehensive Plan. (d) These Policies will be the subject of five year reviews through the life of the moratorium on city

transition. Modifications of any policy items at the first five year review will be accomplished through the Town Plan review process and amendments will require the consent of both the Board of Supervisors and the Town Council. Subsequent five year revisions will not require formal Board of Supervisor approval so long as the Town Council does not attempt to modify its continuing responsibility for the provision of public facility sites and so long as the provisions for contributions to public facility improvements remain the same.

(e) The policies will provide for the establishment of a joint committee to provide a forum for the review of this Agreement and the Policies themselves as well as a forum for the resolution of any dispute related to their administration and enforcement.

8. The Town agrees to assume responsibility for the timely acquisition of sufficient public and community facility sites for the projected growth in the area subject to annexation. Sites will be acquired for, but not limited to, elementary, middle and high schools, for fire stations, and for community facilities. Ownership, timing of acquisition and general site location as well as a listing of those types of facilities which the Town shall be responsible for are set forth in Attachment 2.

9. The Town Council agrees to prepare for adoption a Comprehensive Plan for the enlarged Town. The County shall be invited to participate in the Town Comprehensive Plan amendment process. The Town shall carefully consider the views of the

Board of Supervisors in preparing this document. In the event the Comprehensive Plan is not adopted prior to January 1, 1984 this Agreement and the policies referred to in paragraph 7 shall serve as the comprehensive plan for the annexation area.

10. The Town agrees to prepare for adoption a revised Zoning Ordinance for the enlarged Town which will reflect to the extent practical this Agreement and the policies contained herein. The Zoning Ordinance shall include among other items regulations to govern planned development districts. Until such time as the revised ordinance is adopted, the Town Council agrees to apply the County Zoning Ordinance within the Annexation Area. The Town and the Board of Supervisors further agree that nothing in this paragraph shall be construed as to prohibit the Town Council from amending the County Zoning Ordinance regulations as they apply within the annexation area so long as the amendment is in accordance with the terms of this Agreement.

11. The Town agrees to incorporate into the Town Plan and Town Zoning Ordinance reasonable provisions which will allow for the timely approval and location of County governmental and community facilities. Similar language as to Town governmental facilities will be incorporated into the LAMP and the County Zoning Ordinance.

12. The Town agrees to enforce, including equal participation with the Board of Supervisors in lawsuits, any prof-  
fers in the annexation area. The Board of Supervisors and Town

agree to seek incorporation into the annexation order a provision to the effect that the Board of Supervisors retains the right and authority to enforce proffers made to the County.

13. The Town agrees to enforce existing special exception conditions within the annexation area until such time as a request for a change or modification in such conditions is approved by the Town.

14. The Board of Supervisors agrees to work with the Town in seeking an amendment to Va. Code §15.1-491(a) which would grant the Town the same authority regarding proffered zoning conditions currently enjoyed by the County.

15. The Board of Supervisors and Town agree that subdivision jurisdiction will be coterminous with the new corporate limits of the enlarged town. The Town Council shall amend its subdivision ordinance to delete all references to extraterritorial subdivision jurisdiction. This provision shall not be construed as to prevent the Town Council from requesting from the County extraterritorial subdivision jurisdiction pursuant to Va. Code §15.1-467 after January 1, 1994.

16. The Board of Supervisors and the Town agree to promptly notify each other of any requested or planned changes in land use, zoning, special use or development regulations which would affect the enlarged Town or the LAMP planning area. The Board of Supervisors and Town further agree to solicit, welcome and carefully consider the views of each other in this regard.

17. The Town Council agrees to acknowledge and hereby assents to the revocation of its permit to utilize its property on Rt. 860 as a landfill. The Board of Supervisors agrees to continue to provide the Town access to and use of the current or future County sanitary landfill.

18. The Board of Supervisors agrees to take all legal steps available in order to preclude the location of central water and sewer systems and of large scale multiple user package treatment plants in the LAMP planning area outside of the territory to be annexed until January 1, 1994.

19. The Town Council agrees to the continuation of the special assessment tax program for agricultural, horticultural, forest or open space real estate for a period of at least ten years or for so long as the Board of Supervisors has such a program, whichever period is shorter.

20. The Board of Supervisors agrees to direct the County Administrator to include in the recommended budget for each of the next ten years a line item which will defray expenses incurred by the Town for (a) prosecutorial services (b) jail services (c) Northern Virginia Police Academy assessments, and (d) police dispatching services.

21. The Town Council agrees not to seek reimbursement of town annexation expenses. However, the Town Council and Board of Supervisors agree to share equally the cost of preparing the necessary documents, exhibits and surveys for presentation of this Agreement to the Commission and the Annexation Court.

22. The Board of Supervisors and the Town Council agree to seek the support of members of the General Assembly, state agencies, other localities, VACO and VML in obtaining, during the 1983 General Assembly, legislation which will specifically authorize the terms of this voluntary Agreement.

23. This Agreement and the attachments thereto shall be presented to the Annexation Court for incorporation into its final Order. The Board of Supervisors and the Town Council intend that this Agreement shall bind and inure to the benefit of their assignees and successors.

24. This Agreement may be amended, modified or supplemented, in whole or in part, by mutual consent of the Board of Supervisors and Town Council by a written document duly executed by the authorized representatives of the Board of Supervisors and Town Council.

25. The Board of Supervisors and the Town agree that this Agreement constitutes an integrated package; no modifications, unless mutually agreed to, will be advocated at any time during the annexation proceeding. If the Board of Supervisors and the Town do not mutually agree to changes recommended by the

Commission or the Annexation Court or if appropriate legislation granting enabling authority for this Agreement is not obtained during the 1983 session of the General Assembly, this Agreement shall terminate.

Thomas S. Dodson  
Thomas S. Dodson  
Chairman, Board of Supervisors

Robert E. Sexila  
Robert E. Sexila  
Mayor, Town of Leesburg

James R. Brownell  
James R. Brownell

Charles A. Bos  
Charles A. Bos

Andrew R. Bird, III  
Andrew R. Bird, III

Reginald K. Gheen  
Reginald K. Gheen

Betty Tatum  
Betty Tatum

Marylou I. Hill  
Marylou I. Hill

Travis L. Sample  
Travis L. Sample

John W. Tolbert, Jr.  
John W. Tolbert, Jr.

Frank Raflo  
Frank Raflo

Howard M. Willis, Jr.  
Howard M. Willis, Jr.

John Milton  
John Milton

Edgar L. Coffey, Jr.  
Edgar L. Coffey, Jr.

Carl F. Henrickson  
Carl F. Henrickson

With amendments adopted by resolution of the Board of Supervisors of Loudoun County dated January 18, 1983 and by resolution of the Town Council of the Town of Leesburg dated January 26, 1983.

Philip A. Bolen  
Philip A. Bolen  
County Administrator

John Niccolls  
John Niccolls  
Town Manager

Attachment 1  
to  
Loudoun County/Leesburg Agreement  
Dated November 15, 1982

See Appendix C  
Proposed Annexation Area Map



(amended 1-26-83)

ANNEXATION AREA DEVELOPMENT POLICIES

Attachment 2

to

Loudoun County/Leesburg Agreement

Dated November 15, 1982

ANNEXATION AREA DEVELOPMENT POLICIES

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## I. INTRODUCTION

### A. Purpose

The Loudoun County Board of Supervisors and the Town Council of Leesburg are partners in the responsibility to plan for and provide the full range of governmental services to the citizens who will work and live in the annexation area. Both governing bodies foresee that the enlarged Town will remain the major commercial, industrial and residential growth center for approximately 300 square miles of the County west of the Goose Creek. Indeed, concentration of orderly growth in this area not only maintains Leesburg as the focal point of Loudoun County but also preserves the agricultural heritage and the sound economic base provided by agriculture. Furthermore, since the provision of all forms of governmental services is dependant upon the number of people to be served, development within the annexation area will significantly affect not only those services provided by the Town but also the services provided by the County. Citizens of the County, which, of course, include the citizens of the town, must be assured that the full range of governmental services and interests will be addressed and provided for in the annexation area. Thus, the purpose of this document is to provide the framework for a mutually supportive relationship between the governing bodies which is based upon sound policies, standards and guidelines.

The Annexation Area Development Policies (hereinafter Policies) which follow are intended to implement and maintain such a relationship. These Policies address land use patterns, public utilities, transportation facilities, community facilities, environmental and cultural factors, government facilities, parks and recreation and housing. Under each topic a general commentary, which is advisory only, sets forth pertinent goals, issues and rationales. The commentary is then followed by a listing of the policies which the Town and the County have agreed to follow.

### B. Definitions

"Agreement" means the Agreement entered into by and between the Board of Supervisors and the Town Council in settlement of the Petition for Annexation filed by the Town Council in March, 1982. The Agreement incorporates this document as Attachment 2.

"Annexation Area" means the area described in paragraph 1 of the Agreement. It is generally depicted on Attachment A of the Agreement and the maps contained in Section V of this document.

"Class IV Soil Areas" as defined in Interpretative Guide to Soils and Geology for Planning in Loudoun County, Virginia; Rick Weber, County Soil Scientist, 1979, means plastic soils with high

shrink/swell potential (jack); What soil with prolonged seasonal high water table less than 18 inches from the surface; rocky soil with rock outcrop land (more than 15% of the land surface covered by the stone and rock outcrop); soils with geomorphic instability such as in the limestone area or mountain colluvial with slippage potential; floodplain soils as defined by the recent alluvial parent material.

"Density" refers to the number of dwelling units which may be appropriate within a planning section designated for residential uses. The number of dwelling units which may be appropriate for a planning section or individual site is determined by multiplying the total acreage less nonresidential land uses and floodplains by the density figure.

"Density Transfer" describes a program by which a developer could obtain additional density in return for obtaining a preservation easement from a site located outside the enlarged town limits and approved by the Board of Supervisors as an appropriate sending site.

"LAMP Planning Area" means the area which lies within the Leesburg Area Management Plan adopted by the Board of Supervisors on November 1, 1982.

"Modification" means a change to one or more specific item contained in these Policies.

"Planning Section" refers to the residential areas identified on Map B of these Policies. Within each planning section a range of reasonable residential densities is designated. The bracketed figures on Map B indicate the gross density which could be achieved on a site through density transfers or a combination of density transfers and additional amenities.

"Preservation Easements" refer to private easements obtained for land dedicated in fee simple by a developer and transferred to an appropriate private or public entity. These easements would be for the purpose of preserving open space, agricultural lands, and historic sites which meet criteria adopted by the Board of Supervisors. The density transfer allowed for historical sites conveyed in such a manner as to allow for public use and enjoyment may include the theoretical density of any undevelopable land.

"Policies" refers to the Annexation Area Development Policies and this document as a whole.

"Pupil Generation Table" refers to the table which the Town and County have agreed to use as a means for projecting the need for additional school sites within the annexation area. The figures contained in this table were developed with reference to the 1980 U.S. Census and the actual number of children attending school in representative neighborhoods in and surrounding Leesburg.

"Review/Revision" refers to the process of an overall review and revision of these Policies.

"Rural Residential Clusters" is meant to serve as a transitional land use pattern between low-density, long-term, active farming areas and urbanizing areas. The intent is to allow new residential units onto smaller lots located on a small percentage of the site (about 20%). In return, the residual land (about 80%) would be placed under permanent deed restriction, thereby preserving the majority of the open space and agricultural land on the site in perpetuity, while still allowing residential development. The small lots created under a cluster provision would be permitted to use common access easements and common drainfield sites or other specially designed waste treatment facility. Such cluster would be exempt from restrictions contained in the Agreement on package treatment plants, as the overall density of the sites involved would not be increased by use of the cluster provision.

"Six-Year Plan" refers to the six year plan for transportation improvements to secondary roads adopted by the Board of Supervisors in consultation with the Virginia Department of Highways and Transportation.

## II. ADMINISTRATION

### A. General

It is the determination of the Board of Supervisors and Town Council that an administrative framework should be established to ensure that development within the Annexation Area will be consistent with these Policies unless there is a decision to modify them. This section provides for the establishment of a joint policy committee for the administration of these policies; provides for their review and modification, and establishes a forum for dispute resolution.

### B. Joint Policy Committee

#### Establishment and Appointment

A joint policy committee composed of two representatives each of the town and county will be created to exist for the term of the Agreement. The committee representatives shall be appointed by and for such terms as the respective governing bodies shall determine.

#### Duties

The committee shall have the following powers and duties:

1. To provide a forum for discussion and negotiations between the parties over the administration and enforcement of the agreement and the AADP, including discussions, negotiations over facility site location and acquisitions and contributions for public facility improvements.
2. To provide a forum for review and reports to the respective governing bodies on amendments of the agreement or AADP which are subject to approval by both parties.
3. To provide a forum for resolution of disputes between the parties as provided below.

Decisions of the committee shall be subject to approval of the parties as provided in the agreement.

### C. Five Year Review of Policies

These policies will be reviewed at least once every five years through the life of the moratorium on city transition; the first review to occur not later than December 31, 1989. Any revision prior to December 31, 1989 shall require the consent of both the Town Council and the Board of Supervisors. Revision after December 31, 1989 will not require formal Board of Supervisor approval unless the Town Council wishes to modify

either its commitment to acquire sites or to make contributions for public improvements. Revisions shall be made by formal resolution of each governing body.

#### D. Modification of Policies

Prior to December 31, 1989, any of the terms or policy statements contained in this document may be amended, modified or deleted subject to the mutual consent of the Board of Supervisors and the Town Council. Such modifications must be approved by formal resolution of each governing body.

#### E. Dispute Resolution

Either party may request the joint policy committee to convene, review and make recommendations on resolution of any dispute related to the administration and enforcement of the Agreement and the AADP. If the parties have not resolved a dispute through the auspices of the committee within sixty days from being requested to do so, the parties shall within 30 days thereafter select an impartial mediator to aid in the resolution of the dispute. This procedure shall be in addition to any legal remedy a party may wish to invoke.

### III. ANNEXATION AREA DEVELOPMENT POLICIES

#### A. Residential Land Uses

##### COMMENTARY

#### Overall Development Pattern

Compatible commercial, industrial, office, institutional and governmental, as well as residential uses, are contemplated in the annexation area as set forth in Map A.

Urban and suburban density residential development should be encouraged within the annexation area. Residential development should be supported by necessary commercial, school, public facility, utility and transportation networks. Development patterns within the annexation area would be focused around neighborhood convenience shopping and limited office centers surrounded by higher density townhouse or apartment development. Two community centers should be developed:

1. East of the Route 15 Bypass on the Carr Tract; and
2. South of the Route 7 Bypass between Routes 15 and 621.

#### Housing Pattern

Residential development within the annexation area should be designed to accommodate varying residential unit types from single-family detached and single-family attached dwellings to townhouses and multi-family housing in planned unit development (PD) zones. PD zones will allow varying unit types and higher densities than ordinary subdivisions. High density, traditional rental and/or condominium apartments; patio units; or townhouses should be located around the community centers.

#### Density Ranges

Increased density should be based on increased support facilities. The designation of an appropriate residential density and unit type for each parcel of land within a particular area should be based on factors such as proximity to public facilities; environmental features including steep slopes, soil suitability and flood plains; adjacent land use and zoning; and the preservation of important community resources including farmland, significant open space or historic sites. Development may occur between the upper and lower density figures dependant upon the quantity and quality of additional amenities. Furthermore developers of new communities and subdivisions must take into account facilities already in place or planned by the county and town when finalizing their development plans.



## Rural and Historical Easements

Higher density up to 1 unit per acre for each planning section may be granted in return for the acquisition of "off-site" open space which preserves historic and/or agricultural resources. The town may grant the developer higher density if the developer elects to voluntarily acquire a preservation easement which is located outside the enlarged town limits. The easement must meet Board adopted criteria for historic and agricultural value and be conveyed to a designated organization.

### RESIDENTIAL POLICIES

1. The town will provide a wide range of housing opportunities by type, density and price to meet the needs of all residents.

2. The town and county shall encourage housing development within the neighborhood framework by using schools, open space, recreation areas or shopping centers as focal points for new residential development.

3. The town shall maintain a balance between single-family and multi-family dwellings so that multi-family units generally comprise no more than thirty-five percent of the expanded town's housing stock.

4. The town will permit a variety of housing types within the annexation area to encourage density approximately equal to the town's historic gross residential density of 3.5 units per acre. The town's residential development decisions will be governed by the land use plan and density ranges shown by planning section on Map B. The lower number indicates the density which is allowed when a developer provides all public facilities required by the Leesburg Subdivision and Land Development Regulations. The upper number indicates the density which is allowed when a developer provides all public facilities required for the lower density plus significant additional amenities or facilities. Additional amenities or facilities may include:

- a. Historic preservation
- b. Innovative design
- c. Preservation of critical environmental areas
- d. Provision of open space and parks
- e. Provision of a fire/rescue site
- f. Preservation easements for agricultural and historical areas
- g. Provision of park and ride lots
- h. Provision of public service facilities including school sites

The density range for each planning section approximates the town's existing development pattern and is used to calculate public facility requirements referred to in these policies.

The town shall adopt land development regulations which consider these criteria.

5. The town will accept density transfers up to the bracketed figure from outside the enlarged town limits as long as town public facilities are available to serve the proposed development for each planning section. Residential density transferred into the annexation area will not be used for school site acquisition or to calculate contributions for public improvements.

6. The town and county establish an average rate of growth goal in the annexation area of 175 dwelling units per year for the ten-year planning period. The town however is not responsible for limiting development to achieve this goal.

7. The town and county agree that residential development within a 1000 foot radius of the Leesburg Municipal Airport runway is inappropriate.

## B. Commercial/Office/Industrial Land Uses

### COMMENTARY

Neighborhood commercial centers should range in size from 50,000 to 100,000 square feet of gross leasable area. Shopping areas should be located adjacent to, but not in the midst of, residential areas. Commercial centers should not be located adjacent to schools. Commercial centers should have direct access to roadways which have sufficient traffic capacity, but not have direct access to Route 15, Route 7 or the Leesburg Bypass. Local office and institutional uses are appropriate in locations adjacent to commercial areas, particularly when they form a land use buffer between commercial and residential uses. Shopping area design should take the cluster or plaza form--set back from the roadways--particularly from the Leesburg Bypass and Route 15. Avoidance of strip commercial development around the Town will help retain the identity and economic viability of the Town. Land use techniques such as the strategic location of landscape buffers, earth berms and reverse frontage development should be required where applicable along Route 15 and the Route 15 Bypass, Route 7 and the W&OD Trail. Shopping areas should also incorporate landscaped parking lots designed to reduce visual monotony and heat buildup. Commercial areas should also be readily accessible from pedestrian pathways and trails linked to adjacent residential neighborhoods.

### COMMERCIAL/OFFICE/INDUSTRIAL/POLICIES

1. The town shall plan new locations for retail and service uses which best serve residential needs, coordinate with transportation facilities and protect the function of the historic downtown core.

2. The town shall provide for new neighborhood shopping centers to serve planned residential growth east and south of the town as shown on Map A. The following standards should generally guide neighborhood commercial development.

a. Site size: 4-10 acres containing generally 50,000 to 100,000 square feet of gross leasable space.

b. Illustrative tenants:

Supermarket	Pharmacy	Cleaners
Beauty parlor	Barber shop	Filling station
Bakery	Shoe repair	Variety store

3. The town shall encourage the location of local office and institutional uses adjacent to and compatible with neighborhood commercial centers to provide a buffer between commercial and residential uses.

4. Regional office uses shall be located in the employment corridor along Route 7 East.

5. A well landscaped 100-foot set back shall generally apply along Route 7 East and Rt. 15 South unless topography or development plans warrant less.

6. Employment uses shall be focused in the following areas:

a. Along Route 7 East

b. Adjacent to the Route 15 Bypass

c. Around the Leesburg Municipal Airport

7. Office and industrial uses shall have proper access to major collector and primary roadways and share access points in order to minimize their number and frequency.

8. Neighborhood commercial development shall not be located along primary highways.

#### C. Institutional Land Uses

##### COMMENTARY

Institutional land uses are encouraged to locate in and around the Town of Leesburg. Institutional uses such as schools and libraries should form the nucleus of neighborhood community centers.

## INSTITUTIONAL POLICIES

1. Institutional uses shall be encouraged to locate in or around the Town of Leesburg if connected to the town's central water and sewer facilities.

2. Institutional uses will be encouraged to locate in Planning Section I as shown on Map B.

### D. Parks, Recreation and Open Space

#### COMMENTARY

Park, recreation and open space areas should be linked closely to both the pedestrian/bicycle circulation and recreational trail systems forming a network within the Leesburg area. Neighborhood parks should be closely associated with residential clusters and should contain facilities for small children, multi-purpose courts and open fields for organized games. Community parks should be provided for larger planned community developments and should contain areas for tennis, softball, swimming and other active recreational sports. Open space afforded by planned cluster and multi-family housing developments should provide for a mix of active and passive recreational uses. The county and the town should work together to preserve the area's major water courses as both environmental and open space resources.

#### PARKS, RECREATION AND OPEN SPACE POLICIES

1. The town will secure 3 acres of neighborhood park land for each 1000 residents within the annexation area. Neighborhood parks should be between five and ten acres in size.

2. The town and county shall work together to secure 3 acres of community park land for each 1000 residents within the annexation area. Community parks should be between 20 and 100 acres in size.

3. The county and town shall preserve the 100-year flood plains of the major water courses such as Goose, Sycolin and Tuscarora Creeks and the Potomac River through purchase, easement or other means.

4. A general plan for a bikeway/pedestrian system shall be adopted for the annexation area. Development of a bikeway/pedestrian system should be encouraged in all developments and be linked to the Northern Virginia Regional Park Authority Trail.

### E. Transportation

#### COMMENTARY

#### Airport

The Leesburg Airport is an economic asset for Loudoun County. Its future viability must be ensured through prohibition of resi-

Residential uses in close proximity to the runways or airport operations and through provision of central sewer and water service to the airport property. The airport should be developed according to an adopted Airport Master Plan. However, the airport must be a good neighbor to surrounding land uses. Therefore, planned expansion of the airport must be coordinated with the residential, transportation, environmental and employment growth plans of the town and county. A cross wind runway should be excluded.

### Highways

The Leesburg area is serviced by many secondary roads and two major primary roads (Routes 7 and 15) providing regional access to the town. Capacity is available to accommodate projected traffic on major roads except on the Route 15 Bypass where 4-lane sections must be completed within the planned right-of-way and where interchanges have been planned by VDH&T. Other major highway improvement issues involve coordination of secondary roads adjacent to and intersecting with Route 7 in the annexation area east of the Route 15 Bypass, and construction or improvement of secondary roads linking the growth areas south of the bypass and the growth areas north of Route 7 east of the bypass. (New Route 654 circumferential road.) These highway components are illustrated by Maps C, D and E, and summarized as follows.

#### Route 15 Corridor South and Southern Areas

- a. Four-lane improvements should be made from just south of Virts Corner to the edge of the Route 7 Bypass. A 100-foot setback should be provided along this corridor unless the Town Council determines that topographic characteristics, berms or other features provide an adequate buffer.
- b. At grade intersections should be adequately spaced with a maximum of three between Rt. 7 Bypass and Virts Corner.
- c. Route 643 to the east of the airport should be designed and improved as a four-lane roadway to the airport and as a two-lane roadway from the airport to Route 659. Sufficient right-of-way should be dedicated to accommodate these improvements.
- d. Route 654 should be designed as a four-lane collector roadway from Route 15 to Route 7. The extension north of Route 7 to Route 733 should also be designed as a four-lane road.
- e. Route 621 should be improved to accommodate anticipated growth with right-of-way dedicated for a four-lane roadway within the ULL.

## Areas East of Route 15 Bypass

- a. Route 15 Bypass (east and north of town) should be four-laned.
- b. The Balls Bluff Road, from its intersection with the Route 15 Bypass to the battlefield above the Potomac River, should be maintained as a gravel-surfaced approach to the historic site. This road should not be improved or used as an entrance to residential subdivisions in the area. A parallel road to the bypass should be designed as the collector road for these future subdivisions.
- c. The Edwards Ferry intersection should remain open and be made grade-separated.
- d. The Fort Evans Road intersection should be closed when development commences in the area to the east.

## U.S. Business Route 15 North

- a. Planned growth in this corridor does not indicate the need for four-lane improvements to U.S. Business Route 15.

## Route 7 Corridor

The provisions of the Route 7 Corridor Study submitted by VDH&T in August, 1977, should be adopted with amendments as shown on Map E and as follows:

- a. Six lanes will eventually be required within the ULL. Necessary right-of-way and turning lanes should be acquired during the next ten years.
- b. Existing crossovers at the Route 7 Bypass and existing Route 654 should be closed.
- c. The existing intersection of Route 654 with Route 7 should be closed and realigned to intersect with adjacent Leegate Industrial Park to the south. Route 654 should be improved to a four-lane, divided roadway from Route 643 to Route 7 and as a reverse frontage, four-lane road north from Route 7 to California Road (Route 773).
- d. Route 653 should be improved to adequate industrial standards as the area develops with the use of industrial access funds, if possible.
- e. The total number of at-grade crossovers between the Route 7 Bypass and Goose Creek should be limited to seven.
- f. Route 654 should extend north from the Leegate Industrial Park in a direct line to Route 773 (California Road). All adjacent properties north of Route 7 should access off this major collector, four-lane divided highway.

g. The area north of Route 7 should be served by a single access point off Route 7 with service roads or cul-de-sacs providing access to the adjacent properties north of Route

7. Access through to Route 773 should be discouraged until this road is upgraded to an improved VDH&T standard.

#### TRANSPORTATION POLICIES

1. Maps C, D and E show planned transportation facilities to be constructed through the subdivision or land development process by the town or by the town and VDH&T cooperatively.

2. The county will be given an opportunity to review and comment on the proposed Airport Master Plan prepared by SH&E and Dewberry & Davis prior to adoption.

3. The county will implement projects in the LAMP planning area outside the annexation area as shown on the current six year secondary road improvement plan.

#### F. Water and Sewer

##### COMMENTARY

New residential and industrial growth within the annexation area must be provided with central water and sewer facilities. The Town of Leesburg anticipated that growth within the annexation area would occur at levels similar to those within the existing town boundaries. Therefore, the Town made a substantial capital investment in new water and sewer treatment facilities in order to serve the anticipated growth. Service by the Town within this area will amortize the Town's investment in these facilities.

The enlarged town limits have been established as a boundary line beyond which central water and sewer service should not be provided in order to concentrate growth in and around the town with the exception that the Town may choose to serve either the recreational use approved by the Board of Supervisors on the property identified as Tax Map 49, Parcel 32 ("J.R. Goodtimes, Inc., Festival Lake Park") or the industrial use approved by the Board of Supervisors on the property identified as Tax Map 61, Parcel 4 (East Leesburg Hills).

Beyond the enlarged town limits package treatment plants will be considered for the following uses: (1) in circumstances of failing septic drainfields, (2) when needed to ensure the continued viability of existing institutions, (3) in cases where a new institution in these areas would generate positive community benefits and (4) rural residential cluster.

As capacity in the Town sewer plant approaches the planned design limit of 2.5 MGD, the Town and County should work together to determine and implement the most cost effective and environmentally sound method of providing additional sewer service.

## WATER AND SEWER POLICIES

1. Central water and sewer facilities shall be provided by the town within the annexation area.

2. Central water and sewer facility extensions and package treatment plants shall be precluded in the LAMP planning area outside the annexation area until January 1, 1994 unless necessary to protect public health or mutually agreed upon by the town and county.

### G. Educational Facilities

#### COMMENTARY

Growth projections for Leesburg indicate that Loudoun County may need to build an additional elementary school by 1992, while the increased number of middle and high school students could be accommodated through geographical catchment boundary changes or additions to existing facilities. The town shall reserve land in the annexation area for three elementary schools, one and a half additional middle schools and one and a half additional high schools to accommodate growth beyond 1992. Actual number and type of sites acquired should be based upon the number of residential units approved and related school seat generation. School properties should be centrally located within residential communities in order to achieve community goals, promote local use of active recreation spaces during nonschool time and reduce busing. Consequently, the location of school sites should be identified at the earliest possible time and should be a factor for consideration in any rezoning.

While the final location of all school sites must be subject to the approval of the County Board of Supervisors and its School Board, new schools should be located to encourage efficient pedestrian and vehicular access. School grounds and buildings should be designed for cooperative use by the Parks and Recreation Department and community groups.

#### EDUCATIONAL FACILITIES POLICIES

1. The town shall acquire six school sites of the type and size indicated below, when warranted by rezoning actions which increase residential density in the annexation area.

- a. Elementary: 4 at 15 acres each
- b. Middle: 1.5 at 25 acres each
- c. High: 1.5 at 40 acres each

2. School site shall be generally located as shown on Map A.

3. The number of pupils will be determined and school sites should be reserved by the town during the rezoning process.

4. Sites shall be acquired by the town not later than when preliminary subdivision plats or development plans are approved which, according to the table below, generate sufficient number



of pupils to require additional schools. The pupil generation table will be revised upon the most recent triennial school census.

PUPIL GENERATION BY HOUSING  
TYPE AND EDUCATIONAL DIVISION

	<u>Elementary Grades K-5</u>	<u>Middle Grades 6-8</u>	<u>High Grades 9-12</u>	<u>Special Education</u>	<u>Total School Seats Per Unit Type</u>
Apartments	0.16	0.1	0.12	0.	0.38
Townhouses	0.34	0.21	0.25	0.02	0.82
Single-family	0.47	0.28	0.35	0.02	1.13

5. Upon acquisition of the site, the Town shall provide the County with site access.

6. The site shall be transferred to the County not later than upon the Town's receipt of a Board of Supervisors resolution that a school facility is to be built on the site within two years and that county funds are to be designated for the project.

7. Schools should be located to promote pedestrian use, concentrated residential development within a community context, and be designed for joint park, recreation and community center use.

8. In the event the overall maximum planned residential units described in Section IV and depicted on Map B is exceeded, the Town shall acquire additional school sites as necessary. Likewise, if the overall maximum planned residential units actually realized is less than that described in Section IV, then the Town's commitment as set forth in paragraph 1 above shall be reduced.

H. Government Facilities

COMMENTARY

Government and recreational facilities, health and human services and libraries should be centrally located in and around the Town of Leesburg whenever possible. Examples include:

- a. A new fire/rescue station site should be located on the new circumferential road near the community center located east of the Route 15 Bypass.

b. A range of public service facility sites should be located within the Town. For example, areas adjacent to the Simpson Middle School to the west of Route 643 could be considered for County school vehicle storage and maintenance facilities and a site for a high school.

c. A full range of public human services facilities should be located within the Town, including but not limited to: transition home, halfway house, youth shelter, group home for the mentally handicapped, housing for the elderly, daycare operations.

#### GOVERNMENT FACILITIES POLICIES

1. Recreation, health, social services, libraries and other facilities should be conveniently located in or around the Town of Leesburg.

2. A new fire/rescue station site shall be located east or south of the bypass as determined in consultation with the fire and rescue squads.

3. The town and county will facilitate the location of required public and human service facilities within or adjacent to the Town of Leesburg.

#### I. Environmental, Historic and Cultural Factors

##### COMMENTARY

Future development within the annexation area must take place in recognition of the area's natural, historic and cultural context. The following goals should guide the land development process within the annexation area:

##### Slopes

Slopes greater than 25 percent should be preserved in their natural state allowing for only passive recreational use. Development on slopes of 15 percent to 25 percent will be discouraged; when development occurs it should be subject to special restrictions such as grading requirements, stormwater management techniques, and vegetation protection to ensure environmental stability.

##### Water Resources

a. All future planning, growth and land use decisions should maintain and protect the Leesburg area's hydrologic system and water resources, both surface and underground.

b. Naturally formed wetlands and natural habitats of endangered, rare or threatened plant or animal species shall be identified and located according to adopted criteria and steps shall be taken to encourage their preservation.

## Soils

a. Development within the limestone formation north of Leesburg should be subject to performance standards which will:

1. Protect the basic drainage and hydrologic system;
2. Prevent groundwater pollution;
3. Minimize ground subsidence or structural damage from sinkhole collapse.

b. Development in Class IV soil areas should be subject to performance standards specific to each soil type that minimize building, road and foundation problems.

## Natural Areas

Proposed developments should protect existing trees and natural vegetation to the maximum extent possible and significant woodlands should be conserved and controlled by the use of special performance standards.

## Historic/Heritage

a. Easements: The Town should accept preservation easements on any of those properties identified by the Virginia Historic Landmarks Commission, and deemed by the Town to be historically or archaeologically significant. The Town should also encourage and promote such donations by private landowners to other agencies such as the Virginia Historic Landmarks Commission or the Virginia Outdoors Foundations.

b. Density Transfer: The Town and County should encourage the transfer of the development densities of designated historic properties to other properties within the Town.

## ENVIRONMENTAL POLICIES

1. Slopes greater than 25 percent shall be preserved in their natural state to the maximum extent possible, allowing only for passive recreational use.

2. Preservation of slopes between 15 percent and 25 percent shall be encouraged through the use of cluster development.

3. The preservation of wetlands and natural habitats of endangered, rare or threatened plant or animal species shall be encouraged.

4. Existing trees and natural vegetation shall be protected to the maximum extent possible in new developments.

5. Proposed developments around the Leesburg Municipal Airport within the NEF 30 noise zone or equivalent shall be required to use special noise-proofing techniques in all residential, commercial, light industrial and office buildings.

6. The town shall encourage the preservation of historic and cultural sites within the annexation area.

7. The town will permit the transfer of densities from historic properties to other sites within the town.

8. The town and county shall cooperate in the development of town sign regulations affecting the annexation area. These regulations shall reflect a generally consistent approach between the town and county with respect to sign regulations appropriate to particular land use categories in the annexation area.

#### J. Joint Development Review

##### COMMENTARY

In order to facilitate the realization of these objectives and policies in the future development of the Leesburg area, the town and county should cooperate in the joint review of development applications.

##### POLICY

1. The town and county shall refer land development applications to each other for review and comment prior to Planning Commission public hearings or recommendation to the approving body. All comments shall be provided in a timely manner in order to expedite the review process.

2. The area to be covered by this joint review shall include all areas within the town and within the LAMP planning area.

#### IV. SITE ACQUISITIONS AND CONTRIBUTIONS TO PUBLIC FACILITY IMPROVEMENTS

The Town and County have agreed on policies for the residential commercial, office, industrial and institutional development within the annexation territory. Maximum residential density limitations have been established under Section III A which reflect the Town's and County's ability to provide the public facilities and services which accompany growth. The Town and the County are committed to these policies. However, actual land use patterns including residential densities will be established through the Town's zoning authority. Because of this, the County's obligation to citizens of the annexation area for public facilities and services will be directly dependant upon the Town's zoning decisions, and indeed could be increased above the planned levels called for in these policies. As a result, the Town agrees to assume responsibility for the provision of certain public facility sites and further agrees to make contributions for County operated public facility improvements in the event increases in residential density in a planning section above the maximum density level shown on Table 1 is approved by the Town. The Town will not be required to obtain sites or make contribution as a result of the needs generated by the development already approved on the Hoffman Tract, the Country Club Apartment Tract, and the Holden PDH-30 tract, but the Town will work with the County to assure sites which are capable of serving these tracts will be provided.

##### A. Site Acquisition

Town and County facilities will be located within the annexation area in order to provide necessary services. Suitable sites free of encumbrances on uses will be acquired for schools, a library, fire and rescue squads, parks, human services facilities and town and county governmental offices.

School sites shall be acquired by the Town in the manner set forth in Section III G 4 elementary, 1.5 middle and 1.5 high school sites are contemplated.

A one acre site suitable for a library shall be acquired by the Town not later than when the residential population within the annexation area reaches 6,000. One library site is contemplated. Ownership of the site shall be transferred to the County not later than upon the Town's receipt of a Board of Supervisors resolution stating that funds are to be designated for the construction of a library on the site within three years.

One acre sites, suitable for fire and rescue squads shall be acquired for each additional 5,500 person increase in population. Each site shall be located on an arterial or major collector road. Each site shall be acquired not later than when the residential population within the annexation area exceed by 5,500 persons the 1980 population figure. The site(s) may be leased to a volunteer fire company or rescue squad or deeded to the County.

Park sites shall be acquired by the Town and the County in the manner set forth in Section III D. One community park site and seven neighborhood park sites are contemplated.

A commitment by a developer to integrate a school site, library site, fire and rescue site, park site or other governmental site as part of a plan of development shall satisfy the responsibility of the Town to provide such site.

B. Contribution to Public Improvement

For the purpose of determining if and when Town contributions are required and calculating the amounts of contributions, the annexation area is divided into ten annexation area planning sections. For each planning section, the maximum planned residential densities are shown below and on Map B:

TABLE I

RESIDENTIAL DENSITY PLAN FOR ANNEXATION AREA

<u>Planning Sections</u>	<u>Acreage</u>	<u>Density Range</u>	<u>Maximum Planned Residential Units</u>
A	185	2.6 [total]	475
B	177	2-3 [4]	530
C	334	2-4 [5]	1,334
D	396	2-4 [5]	1,585
E	120	1.5-2 [3]	240
F	280	2-3 [4]	840
G	400	3-4.75 [6]	1,900
H	425	2-3 [4]	1,275
I	245	2-3 [4]	735
J	30	4-6 [7]	180

The Town shall contribute to the General Revenue fund of the County \$1,750.00 per dwelling unit as calculated in 1983 dollars for each dwelling unit for which a zoning permit has been issued in excess of the maximum residential density within each planning section listed above.

Provided, however, in the event the territory within a planning section(s) has been fully developed at a residential density less than the maximum, then the undeveloped density from that planning section(s) may be credited, as determined by the town, on a unit for unit basis to another planning section(s).

Provided, however, no payment shall be required on account of dwelling units permitted by the Town within a planning section by virtue of the county "density transfer" regulations.








Provided, further, that in the event the Town and County agree these contributions may be waived by the County.

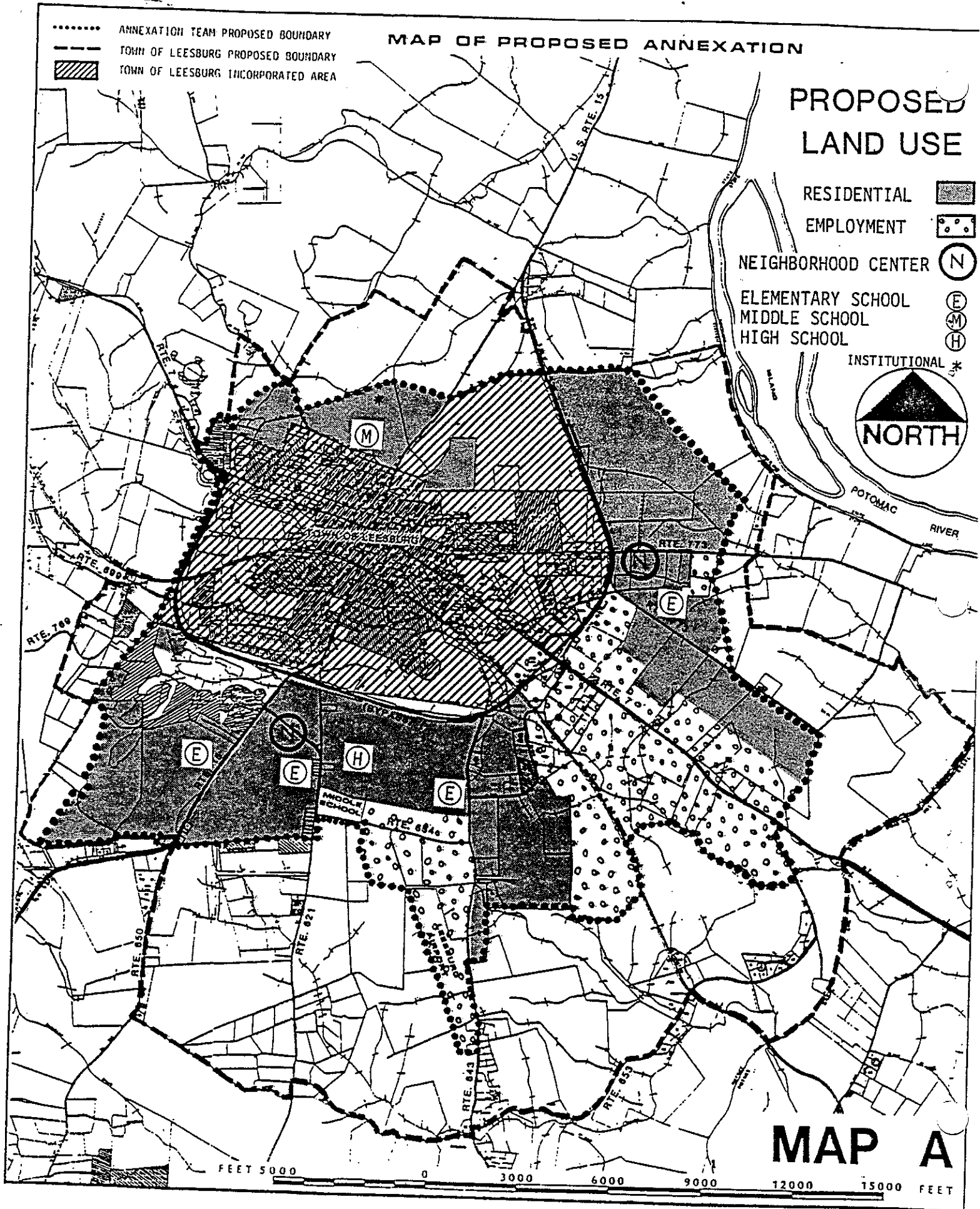
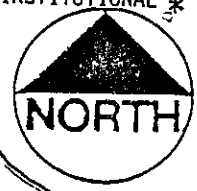
Contribution shall be due not later than the first month of the Town's budget year following the year in which the residential density is exceeded.

# MAP OF PROPOSED ANNEXATION

- ..... ANNEXATION TEAM PROPOSED BOUNDARY
- TOWN OF LEESBURG PROPOSED BOUNDARY
- ▨ TOWN OF LEESBURG INCORPORATED AREA

## PROPOSED LAND USE

- RESIDENTIAL 
- EMPLOYMENT 
- NEIGHBORHOOD CENTER 
- ELEMENTARY SCHOOL 
- MIDDLE SCHOOL 
- HIGH SCHOOL 
- INSTITUTIONAL \* 



## MAP A

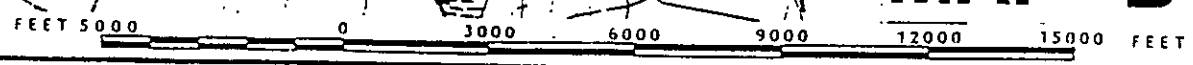
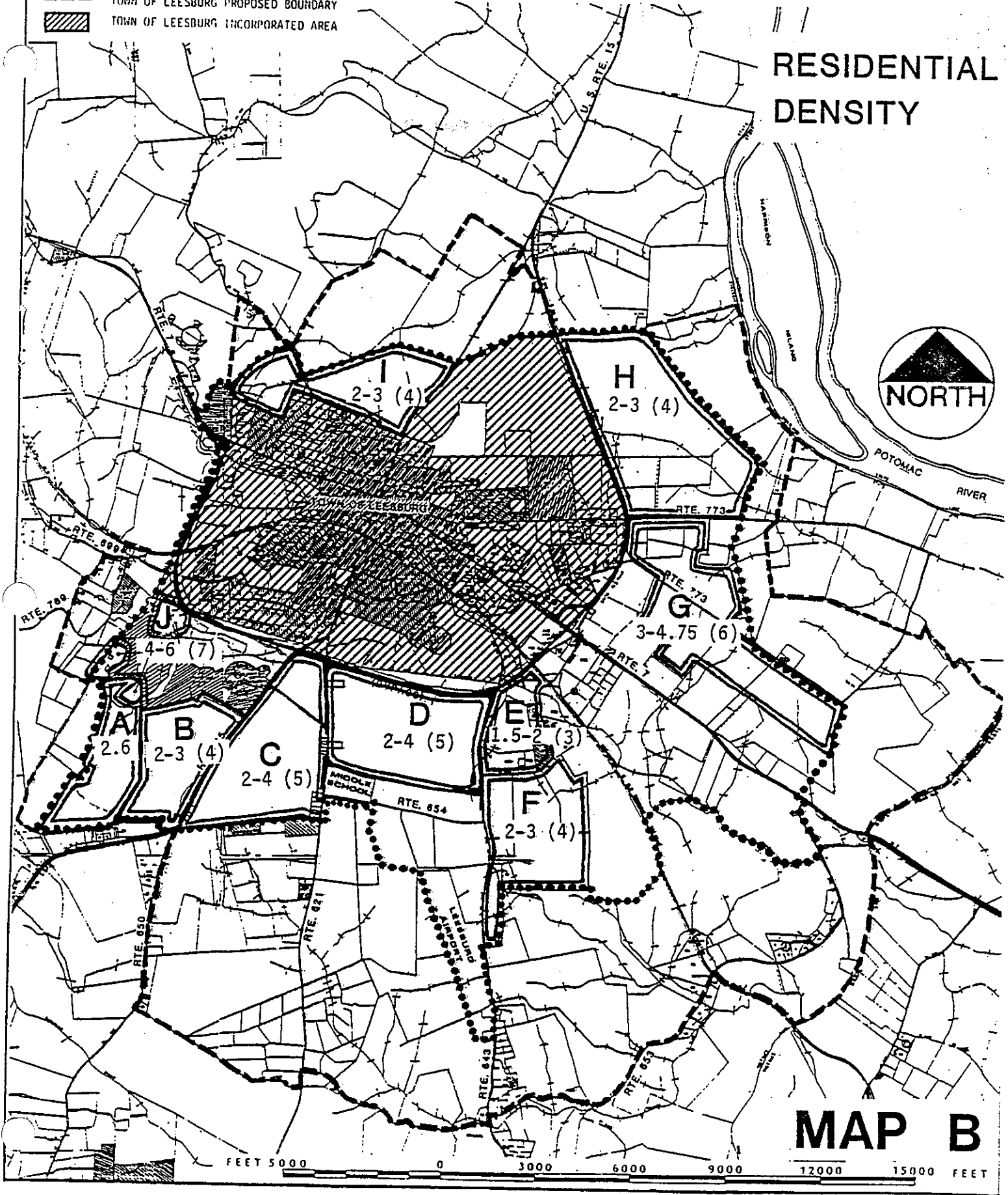
FEET 5000 0 3000 6000 9000 12000 15000 FEET



- ..... ANNEXATION TEAM PROPOSED BOUNDARY
- TOWN OF LEESBURG PROPOSED BOUNDARY
- ▨ TOWN OF LEESBURG INCORPORATED AREA

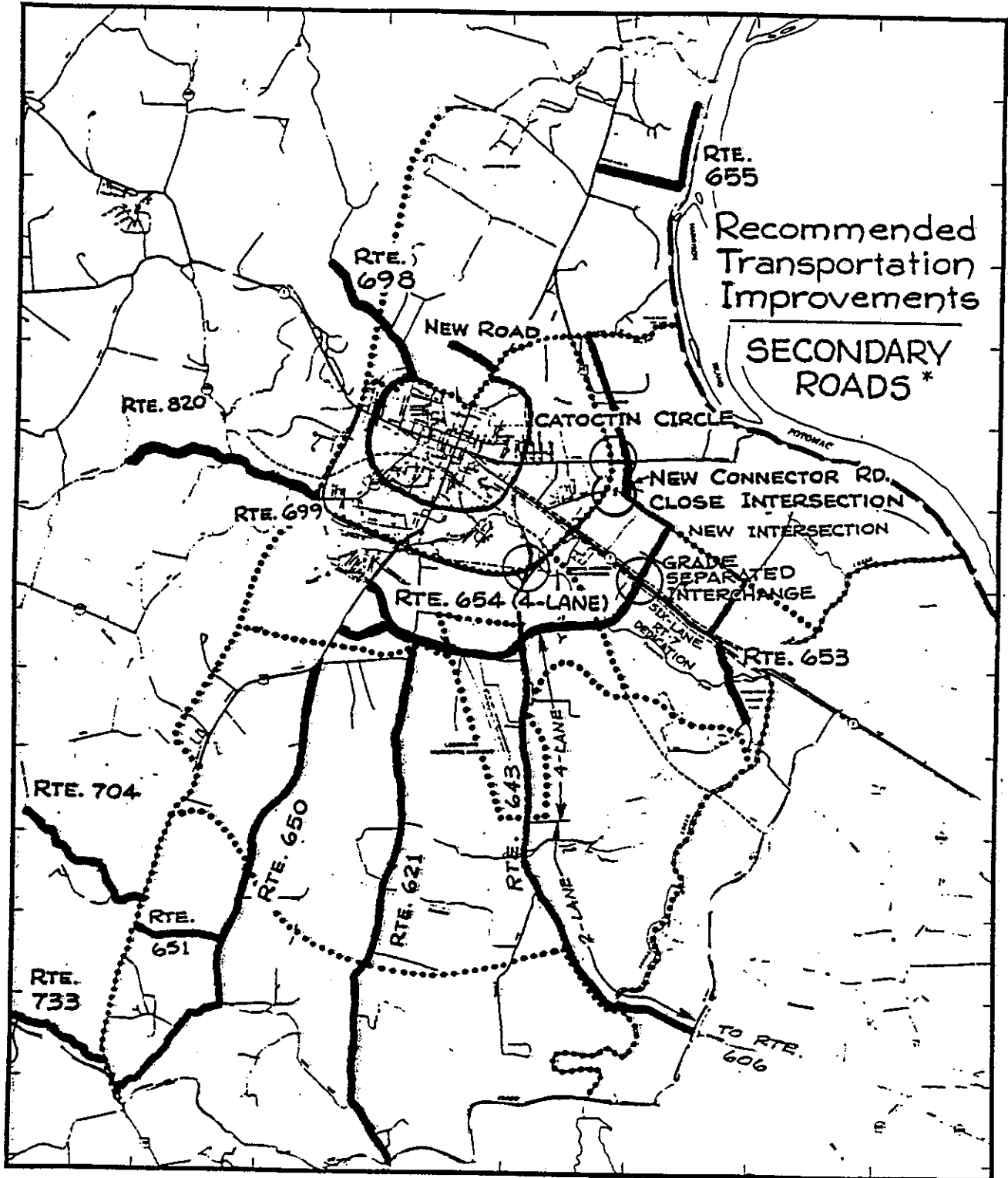
# MAP OF PROPOSED ANNEXATION

## RESIDENTIAL DENSITY



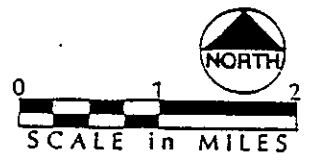
# MAP B

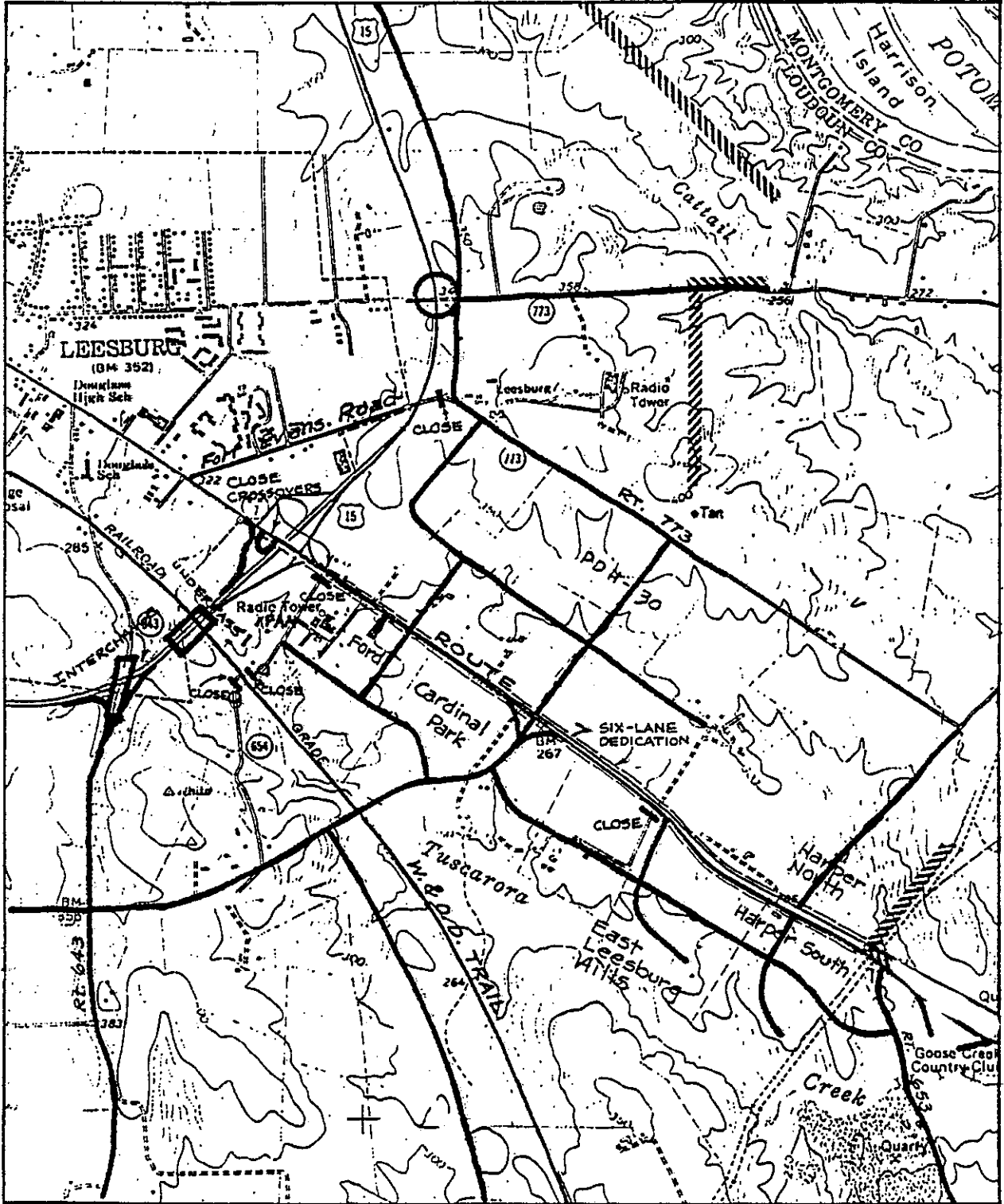




\* See MAP E for Route 7 Corridor Improvements East of the Town of Leesburg

# MAP D





ROUTE 7 CORRIDOR

URBAN LIMIT LINE

PROPOSED IMPROVEMENTS

MAP E



APPENDIX B

Statistical Profile of the Town of Leesburg, County of Loudoun,  
and the Area Proposed for Annexation

	<u>Town of Leesburg</u>	<u>County of<sup>1</sup> Loudoun</u>	<u>Area Proposed for Annexation</u>
Population (1980)	8,357	57,427	1,486
Land Area (Square Miles)	3.75	517.00	7.17
School Average Daily Membership (1981)	1,610	13,094	287
Total Taxable Values (1981)	\$258,007,699	\$2,179,793,284	\$61,590,885
Real Estate Values (1981)	\$227,906,571	\$1,943,622,820 <sup>2</sup>	\$55,951,283
Public Service Corpora- tion Values (1981)	\$18,071,190	\$127,906,354	\$3,000,000 <sup>3</sup>
Personal Property Values (1981)	\$12,029,938	\$105,181,860	\$2,639,602
Machinery & Tools <sup>4</sup> Values (1981)	N/A	\$3,082,250	N/A
Sales Tax Receipts (1981)	\$177,006	\$2,622,724	N/A
Existing Land Use (Acres) <sup>5</sup> (1982)			
Residential	665	45,962	300
Commercial	191	195	52
Industrial	43	1,000	27
Public & Semi-Public	242	14,513	406
Streets & Rights-of-Way	273	N/A	110
Agricultural, Wooded & Vacant	987	269,210	3,696

NOTE: N/A = Not Available

1 - Statistics for Loudoun County include data from the seven incorporated towns within its boundaries.

2 - Real estate values reflect use value taxation.

3 - Estimates.

4 - The Town of Leesburg does not levy taxes on machinery and tools.

5 - Land use figures for Loudoun County were collected in 1979.

SOURCES:

Town of Leesburg, Annexation Exhibit Booklet, April 6, 1981, Exhs. B-1, B-3, S-5, S-8.

Yount, Hyde and Barbour, Certified Public Accountants, Town of Leesburg, Comprehensive Annual Financial Report, June 30, 1981, October 7, 1981, p. 22.

County of Loudoun, Resource Management Plan, May 21, 1979, p. 199.

Auditor of Public Accounts, County of Loudoun, Report on Audit, for the Fiscal Year Ending June 30, 1981, December 8, 1981, Schedule 1.

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