

**Report on the
Town of Orange - County of Orange
Settlement Agreement**



**Commission on Local Government
Commonwealth of Virginia**

September 1991

TABLE OF CONTENTS

PROCEEDINGS OF THE COMMISSION	1
SCOPE OF REVIEW	2
GENERAL CHARACTERISTICS OF THE TOWN, THE COUNTY, AND THE AREA PROPOSED FOR ANNEXATION	4
Town of Orange	4
County of Orange	5
Area Proposed for Annexation	8
STANDARDS FOR REVIEW	9
Interests of the Town of Orange	10
Interests of the Area Proposed for Annexation	15
Interests of the County	31
Interests of the Commonwealth	33
FINDINGS AND RECOMMENDATIONS	34
CONCLUDING COMMENT	36
APPENDIX A Agreement Between the Town of Orange and the County of Orange	
APPENDIX B Statistical Profile of the Town of Orange, the County of Orange, and the Area Proposed for Annexation	
APPENDIX C Map of the Area Proposed for Annexation	

**REPORT ON THE
TOWN OF ORANGE - COUNTY OF ORANGE
VOLUNTARY SETTLEMENT AGREEMENT**

PROCEEDINGS OF THE COMMISSION

On March 1, 1991 the Town of Orange 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 three parcels of territory in Orange County jointly encompassing 2.55 square miles. 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 Orange County and 14 other political subdivisions with which it was contiguous or with which it shared functions, revenues, or tax sources.² Furthermore, the Town's notice to the Commission advised that the municipality would continue to work toward an amicable resolution of this matter with the appropriate officials of Orange County.³

Following negotiations by representatives of the Town and the County, an interlocal agreement was reached by the jurisdictions and presented to the Commission for review on July 2, 1991.⁴ This proposed agreement contained provisions which granted the Town an annexation of 2.1 square miles of territory in Orange County and established a moratorium on further Town-initiated annexation for a period of six years subsequent to the effective date of the annexation of the

¹Town of Orange, Notice by the Town of Orange of Its Intent to Petition for Annexation of Territory in Orange County and Supporting Data (hereinafter cited as Town Annexation Notice).

²Sec. 15.1-945.7(A), Code of Va.

³This statement appeared in a resolution adopted by the Town Council on February 18, 1991. The resolution is set forth in Town Annexation Notice, p. 4.

⁴The proposed agreement was submitted for review by the Commission pursuant to Sec. 15.1-1167.1 of the Code of Va.

specified area.⁵ On July 16, 1991, consistent with a request from the Commission, the Town filed revised materials and exhibits in support of the negotiated settlement.⁶

On July 22, 1991 members of the Commission toured the area proposed for annexation and other relevant areas and facilities in the Town and County and received oral presentations from the parties in support of the settlement agreement.⁷ In addition to its receipt and consideration of materials and testimony from the Town and Orange County, the Commission solicited comment from other potentially affected local governments and from the public. Each locality qualifying for notice of the proposed annexation under the provisions of Section 15.1-945.7(A) of the Code of Virginia was invited by the Commission to submit testimony for its consideration. Further, the Commission held a public hearing, which was advertised in accordance with Section 15.1-945.7(B) of the Code of Virginia, on the evening of July 22, 1991 in the Town of Orange. The public hearing was attended by approximately 150 persons and produced testimony from 24 individuals. In order to permit the receipt of additional public comment, the Commission agreed to keep open its record for written submissions from the public through August 22, 1991.

SCOPE OF REVIEW

The Commission on Local Government is directed by statute to review proposed annexations, petitions for partial county immunity, other local

⁵Annexation Settlement Agreement Between the Town of Orange and the County of Orange (hereinafter cited as Settlement Agreement). See Appendix A for the complete text of the Settlement Agreement.

⁶Town of Orange, Supplemental Data by the Town of Orange in Support of an Annexation Settlement Agreement Between the Town and the County of Orange (hereinafter cited as Town Supplemental Data).

⁷Layton R. Fairchild, Jr., a Commission member who owns property in Orange County, did not take part in the July 22, 1991 proceedings and was not a participant in the discussions, deliberations, drafting, or approval of the Commission's report on the Town of Orange - Orange County settlement agreement.

boundary change and transition issues, as well as negotiated agreements settling such matters prior to their presentations to the courts for ultimate disposition. Upon receipt of notice of such proposed action or agreement, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report containing findings of fact and recommendations regarding the issue to the affected local governments.⁸ With respect to a proposed agreement negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia, the Commission is required to determine in its review whether the proposed settlement is "in the best interest of the Commonwealth."

As we have noted in previous reports, it is evident that the General Assembly encourages local governments to attempt to negotiate settlements of their interlocal concerns. Indeed, one of the statutory responsibilities of this Commission is to assist local governments in such efforts. In view of this legislative intent, the Commission believes that proposed interlocal agreements, such as that negotiated by the Town of Orange and Orange County, should be approached with respect and a presumption of their compatibility with applicable statutory standards.

The Commission notes, however, that the General Assembly has decreed that interlocal agreements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia be reviewed by this body prior to their final adoption by the local governing bodies. We are obliged to conclude, therefore, that while interlocal agreements are due respect and should be approached with a presumption of their consistency with statutory standards, such respect and presumption cannot be permitted to render our review a pro forma endorsement of any proposed settlement. Our responsibility to the Commonwealth and to the affected localities requires more.

⁸Sec. 15.1-945.7(A), Code of Va.

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

TOWN OF ORANGE

The Town of Orange was incorporated by the Virginia General Assembly in 1855, but it has been the seat of government for Orange County since 1749.⁹ Although the Town plays a significant role in the corporate life of Orange County, it experienced a population decline during the preceding decade, with its populace decreasing between 1980 and 1990 from 2,631 to 2,582 persons or by 1.9%.¹⁰ Based on its current land area of 1.11 square miles and its 1990 population, the Town has a population density of 2,329 persons per square mile.¹¹

With respect to the nature of its population, the evidence indicates that the Town's populace is significantly older than that of the State overall. Data reveal that, as of 1990, the median age of Town residents was 38.4 years, a statistic markedly greater than that for the Commonwealth generally (32.6 years).¹² Further, in 1990 the percentage

⁹J. Devereux Weeks, Dates of Origin of Virginia Counties and Municipalities (Charlottesville: Institute of Government, University of Virginia, 1967); and Land and Community Associates, Town of Orange Comprehensive Plan, p. 8.

¹⁰U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Population Characteristics, Virginia, Table 14; and 1990 Census of Population and Housing, Summary Population and Housing Characteristics, Proof Copy, Table 15. The Town's 1990 population represents 12.1% of Orange County's total population. Between 1960 and 1990 the Town's population declined by 12.6%. (Town Annexation Notice, p. 17.)

¹¹Town Supplemental Data, p. 1. The Town's last boundary expansion occurred in 1949. (Town Annexation Notice, p. 17.) See Appendix B for a statistical profile of the Town, the County and the area proposed for annexation. See Appendix C for a map of the Town and the area proposed for annexation.

¹²1990 Census of Population and Housing, Summary Population and Housing Characteristics, Proof Copy, Table 2. At the time of the 1980 Census, the median age in the Town of Orange was 40.3 years. (1980 Census of Population, General Population Characteristics, Virginia, Table 14.)

of the Town's population age 65 years and older was 26.7%, or more than double the comparable figure for the State collectively (10.4%).¹³

In terms of the Town's physical development, 1990 land use data indicate that 44.1% of the municipality's total area is devoted to residential development, 13.9% to commercial enterprise, 13.9% to industrial activity, 11.0% to public and semi-public uses, with 17.0% (121 acres) remaining undeveloped.¹⁴ While the development potential of the vacant property is not significantly constrained by steep slopes or location in the floodplain, much of that acreage has development limitations imposed by locational concerns, parcel size, access to utilities or public arterial, or appropriate land use considerations.¹⁵ Further, much of the growth that has occurred in the areas adjacent to the Town is due, in part, to the absence of vacant land suitable for development within the Town's current borders.

COUNTY OF ORANGE

The County of Orange was created in 1734 from territory formerly part of Spotsylvania County.¹⁶ The County's population increased from

¹³1990 Census of Population and Housing, Summary Population and Housing Characteristics, Proof Copy, Table 2. In 1980, only 22.9% of the Town's population was age 65 or over. (1980 Census of Population, General Population Characteristics, Virginia, Table 14.)

¹⁴Town of Orange Comprehensive Plan, Table 2, p. 51.

¹⁵Town of Orange Comprehensive Plan, p. 52. Only 1.6 acres of vacant property in the Town is unsuitable for development due to steep slopes or location in the floodplain. (Town Annexation Notice, Table 1, p. 71.) The Town's 1990 land use survey revealed that of the 121 acres of undeveloped property in the municipality, approximately 85 acres were zoned for residential uses, 30 acres zoned for industrial operations, and 6 acres for commercial enterprise. (Ibid.)

¹⁶County of Orange, Orange County Comprehensive Plan, Sep. 1, 1990, p. 30.

18,063 to 21,421 persons between 1980 and 1990, or by 18.6%.¹⁷ On the basis of its 1990 population and an area of 355 square miles, the County has an overall population density of 60 persons per square mile.¹⁸

With respect to the nature of its population, statistical indices disclose that the County's populace, like that of the Town, is older than that of the Commonwealth generally. Data indicate that, as of 1990, the median age of the residents of Orange County was 36.4 years, or somewhat in excess of that of the State as a whole (32.6 years).¹⁹ Further, statistics reveal that, as of 1990, approximately 15.8% of the County's population was age 65 or over, a statistic substantially less than that for the Town (26.7%) but greater than that for the State generally (10.7%).²⁰ Thus, these data, as those for the Town of Orange, reflect a population older than the Commonwealth overall.

In terms of the nature of its development, the data indicate that Orange County has experienced steady growth in commercial and industrial activity during the preceding decade. Statistics reveal that between March 1980 and March 1990 the number of non-agricultural wage and salary positions in the County grew from 5,802 to 6,977, or by 20.3%.²¹ Despite the significant growth in Orange County's non-agricultural wage

¹⁷1980 Census of Population, General Population Characteristics, Virginia, Table 14; and 1990 Census of Population and Housing, Summary Population and Housing Characteristics, Proof Copy, Table 2. The only other incorporated town in Orange County is Gordonsville, which had a 1990 population of 1,351. Between 1980 and 1990, the population of the unincorporated portion of Orange County increased by 24.8%.

¹⁸Orange County Comprehensive Plan, p. 151. The 1990 population density of the unincorporated portion of Orange County was 50 persons per square mile.

¹⁹U. S. Department of Commerce, Bureau of the Census, 1990 Census of Population, Summary Tape File 1A, Virginia. The data for Orange County include that for the residents of the County's two incorporated towns.

²⁰Ibid.

²¹Virginia Employment Commission, "Population and Labor Force Data, March 1980"; and "Covered Employment and Wages in Virginia by 2-Digit SIC Code for Quarter Ending March 31, 1990."

and salary employment during the previous decade, as of March 1990, approximately one-third of the County's total labor force (9,715 persons) either continued to be engaged in agricultural activity, was required to seek employment outside Orange County, or was unemployed.²² Indeed, the evidence suggests that agricultural and forestal activities remain significant components of the County's economic base. As of 1987, there were 424 farms in the County occupying a total of 113,175 acres (approximately 177 square miles), with the average market value of agricultural products sold by an Orange County farm being \$37,549.²³ Further, 1986 data disclose that 120,565 acres (approximately 188 square miles) in Orange County were considered forest land.²⁴ Moreover, a recent land use survey revealed that only 5.0% of the County land was devoted to residential, commercial, industrial or public uses.²⁵ These statistics suggest the predominantly rural nature of the County. In sum, while Orange County has experienced population growth during the past decade, and while it has witnessed growth in non-agricultural wage and salary employment, it remains largely rural and sparsely populated.

²²Virginia Employment Commission, Labor Market Review, Vol. 3, No. 3, March 1990.

²³U. S. Department of Commerce, Bureau of the Census, 1987 Census of Agriculture, Virginia, Table 1, p. 148; Table 2, p. 161. In 1987 the average market of agricultural products sold by farms in the State collectively was \$35,464.

²⁴U. S. Department of Agriculture, Forest Service, Forest Statistics for the Northern Piedmont of Virginia, 1986, Table 1. The Forest Service defines "forest" land as property being at least 16.7% stocked by forest trees of any size, or formerly having had such tree cover and not currently developed for non-forest use. Such property may also be included in the Census Bureau's definition of "farm land."

²⁵Orange County Comprehensive Plan, p. 151. The County's comprehensive plan stated that most of the developed property in Orange County was concentrated in and around its two incorporated towns, along major arterials, and within the Lake of the Woods subdivision located near the County's boundary with Culpeper and Spotsylvania Counties. In addition, the land use survey conducted for the comprehensive plan revealed that almost half of the County's land area is contained within 240 parcels, each containing 200 acres or more.

AREA PROPOSED FOR ANNEXATION

The area proposed for annexation in the agreement between the Town of Orange and Orange County consists of three separate areas adjacent to the Town which collectively contain 2.1 square miles of territory, 973 persons, and, based on 1990 assessment data, \$50.6 million in total assessed property values subject to local taxation.²⁶ Thus, the area contains approximately 0.6% of the County's total land area, 4.5% of its population, and 5.4% of its total 1990 assessed property values subject to local taxation. Based on its area and the 1990 population estimate, the area proposed for annexation has a population density of 463 persons per square miles, or more than nine times that of the unincorporated portion of Orange County (50 persons per square mile).

In terms of current development, the area contains four major residential areas, two shopping centers as well as other commercial establishments, three industrial operations, and several public facilities.²⁷ According to the most recent land use data, 22.9% of the area proposed for annexation is devoted to residential development, 8.1% to commercial enterprise, 3.1% to industrial activity, 8.1% to public and semi-public uses, with 57.8% (768 acres) remaining vacant or engaged in agricultural production.²⁸ Similar to vacant property within the

²⁶Town Supplemental Data, pp. 1,3.

²⁷The major residential subdivisions include Glebeway, Porterfield, Poplar Forest, and Greenfield. Commercial uses in the area include the Orange Village Shopping Center north of the Town, the Colonial Square Shopping Center along U. S. Highway 15 South, the Orange-Madison Cooperative, three automobile dealerships, a motel, and a facility owned by Virginia Power. Also located in that area is the Northern Piedmont Agricultural Experiment Station of the Virginia Polytechnic Institute and State University, the Central Virginia Regional Jail, which serves Orange, Madison, Louisa, Fluvanna, and Greene Counties, a portion of the Orange County High School complex, and the Orange County School Board offices.

²⁸Carter Glass, IV, Special Counsel, Town of Orange, letter to staff of Commission on Local Government, Aug. 2, 1991. The area proposed for annexation includes 337 acres contained in five parcels and a portion of three other parcels which currently qualify for the County's use value assessment

current Town boundaries, the undeveloped tracts in the area proposed for annexation have few development restrictions due to steep slopes or floodplain.²⁹ In sum, although the area proposed for annexation is predominantly vacant, it does contain significant focal points of development.³⁰

STANDARDS FOR REVIEW

As indicated previously, the Commission on Local Government is charged with reviewing proposed interlocal settlements negotiated under the authority of Section 15.1-1167.1 of the Code of Virginia for the purpose of determining whether such settlements are "in the best interest of the Commonwealth." In our judgement, the State's interest in this and other proposed interlocal agreements is fundamentally the preservation and promotion of the general viability of the affected localities. In this instance the Commission is required to review an interlocal agreement which provides for an annexation by the Town of Orange of 2.1 square miles of territory in Orange County and a moratorium on further Town-initiated annexation for a period of six years subsequent to the effective date of the annexation of the area specified. A proper analysis of the proposed Town of Orange - County of Orange Settlement Agreement, as mandated by statute, requires consideration of the ramification of these provisions with respect to the future viability of the two jurisdictions.

program. (Joyce L. Clark, Commissioner of the Revenue, County of Orange, letter to A. Terrell Baskerville, County Administrator, County of Orange, July 22, 1991.)

²⁹Only 8.7 acres of vacant land in the area proposed for annexation is restricted in its development potential by steep slopes and none of the vacant acreage in that area is located in the 100-year floodplain. (Ibid.)

³⁰The Commission notes that U. S. Highway 15 and State Routes 20 and 633 transit the area proposed for annexation. Further, portions of that area have access to Town water and sewerage.

INTERESTS OF THE TOWN OF ORANGE

Land for Development

While the data indicate that the Town of Orange presently has within its boundaries approximately 121 acres of undeveloped property (17.0% of its total land area), much of that acreage is limited in its development potential by parcel size or configuration, multiple ownership, access to major transportation thoroughfares, or other appropriate land use considerations.³¹ While the Commission recognizes that land ownership patterns and locational concerns are not absolute barriers to the development of land, they do render sites less attractive to potential commercial, industrial, and residential developers and which can, indeed constitute major impediments to development.

In terms of land for future development, the evidence reveals that the Town presently has approximately 30 acres of vacant land appropriately zoned for industrial activity.³² It should be noted, however, that the largest parcel zoned for industrial uses contains only seven acres, while the remaining vacant sites each average five acres or less. With respect to the Town's potential for commercial development, the municipality presently contains less than six acres of undeveloped property zoned for commercial uses, with only one commercial site being larger than one acre.³³

The relative scarcity of attractive sites for development within the Town of Orange contributed to the fact that the municipality experienced little industrial and commercial growth during the past decade. Much of the recent commercial and industrial development in the

³¹Town of Orange Comprehensive Plan, p. 52.

³²Ibid.

³³Ibid.

Town's environs has occurred in areas adjacent to the municipality, with some of the growth in those areas resulting from businesses leaving the municipality.³⁴ Further, the Commission notes that between 1980 and 1989 the Town issued only 19 building permits for the construction or improvement of commercial and industrial property, while during the same span of years the County issued 403 commercial and industrial building permits.³⁵ These data clearly suggest that the Town of Orange requires additional land to increase its opportunity to share in the commercial and industrial growth in the general area.

Finally, with respect to the Town's need for land for development, the Commission considers it important to note that the general viability of all localities rests, in part, upon the capacity of a community to attract and retain a heterogenous population. Given the scarcity and nature of vacant land in the Town, it is unlikely that the Town of Orange will be able to offer an array of housing alternatives sufficient to attract and retain younger families.³⁶ In support of this concern are data indicating that between 1980 and 1990 the number of married

³⁴Between 1988 and the first six months of 1991, approximately 22 businesses located ceased operation within the Town, with some of those firms relocating in the area proposed for annexation. (Donald A. Smith, Town Manager, Town of Orange, communication with staff of Commission on Local Government, Sep. 4, 1991.)

³⁵Town Annexation Notice, Table 2, p. 72. Since 1986 only four commercial building permits have been issued in the Town, while the County has issued more than 100 commercial building permits within the last two years alone. (Ibid., pp. 67-68.) Between 1980 and 1989 the value of the commercial and industrial building permits issued by the Town totalled approximately \$7.2 million while during the same period the value of such permits issued by the County totalled \$33.1 million. (Ibid., Table 2, p. 72)

³⁶The Commission notes that the 1990 land use survey conducted in conjunction with the Town's recently adopted comprehensive plan found that the Town had approximately 85 acres of vacant property zoned for residential uses. That property was comprised primarily of undeveloped parcels within established neighborhoods. Further, a majority of the undeveloped residential tracts contained less than one acre which rendered them suitable only for the construction of single-family detached dwellings. The largest tract of undeveloped residential property in the Town contained approximately 20 acres. (Town of Orange Comprehensive Plan, p. 52.)

couple families decreased in the Town by 7.9%, while the number of such families in the County overall increased by 22.5%.³⁷ In sum, the evidence suggests that the Town of Orange has a need for additional land for development.

Fiscal Assets and Public Service Liabilities

While the Commission notes that the Town of Orange is a major service and employment center in Orange County, the evidence suggests that the Town has not experienced growth in its fiscal base commensurate with that of its parent County. Data reveal that in recent years the growth in the true value of real estate and public service corporation property in the Town has been significantly less than that in the County generally. Based upon State Department of Taxation analyses of assessments in Orange County, the true value of real estate and public service corporation property values in the Town increased from \$58.7 million in FY1980-81 to \$90.6 million in FY1989-90, or by 54.2%.³⁸ During the same period, such values in Orange County as a whole increased from \$574.4 million to \$1,076.1 million, or by 87.3%.³⁹ These data suggest that the fiscal resources of the Town grew more slowly than those of the County over the last decade.

In terms of total local revenue derived from property assessables between FY1980-81 and FY1989-90, the Town's receipts from its property tax base increased by 99.8%, while those for Orange County grew by

³⁷1980 Census of Population, General Population Characteristics, Virginia, Table 39, p. 170, Table 49, p. 264; and 1990 Census of Population and Housing, Summary Population and Housing Characteristics, Proof Copy, Table 5, p. 54.

³⁸Town Annexation Notice, pp. 28, 29; and Virginia Department of Taxation, Virginia Assessment/Sales Ratio Study, 1980, Mar. 1982; and 1989 Virginia Assessment/Sales Ratio Study, Mar. 1991.

³⁹Ibid.

150.0%.⁴⁰ The Commission recognizes that the tax receipts from property subject to local taxation are, in part, a function of the tax rates established by the Town and the County, however, the data suggest that the Town of Orange's local tax base as assessed by Orange County has not increased in proportion with that of the County.⁴¹

The proposed agreement will permit the Town to annex an area containing approximately \$50.6 million in assessed values subject to local taxation, which, based on 1990 assessment data, will increase the Town's total assessed property values by approximately 63.5%.⁴² The area proposed for annexation, it has been estimated, will generate approximately \$271,117 in additional local source revenue for the Town.⁴³ These additional receipts would represent 33.8% of the Town's FY1989-90 total local source revenue.⁴⁴

The annexation, however, will present the Town of Orange with certain expanded public service responsibilities. In that regard, the

⁴⁰Town Annexation Notice, p.30. Local tax receipts for machinery and tools and merchants' capital assessed values were not included for both jurisdictions, since the Town does not tax merchants' capital and discrete historical data for the Town for each category of property tax revenues are not available prior to FY1988-89.

⁴¹Between tax year 1980 and 1989, the nominal real property tax rates for the Town and the County increased by 33.3% and 30.0%, respectively. (Ibid., p. 25.)

⁴²Town Supplemental Data, p.3.

⁴³Ibid., Table 2, p. 15. The area proposed for annexation also would generate approximately \$144,000 in additional categorical and non-categorical State aid for the Town, primarily for the maintenance of the roads in the area.

⁴⁴Ibid.; and Town Annexation Notice, p. 33. The Commission observes that following the effective date of annexation, however, the Town's utility customers in the annexed area will not be subject to the 100% surcharge the Town now imposes on water and sewer connections outside the corporation. Due to these reduced service charges, Town officials estimate that receipts into the Town's enterprise fund will be reduced by approximately \$229,000 annually for the first five years following the effective date of annexation. (Glass, letter to staff of Commission on Local Government, Aug. 2, 1991.)

Town has identified specific capital needs in the area to be annexed and has developed a plan to provide facilities to meet those needs. In terms of extending services to the area proposed for annexation, the Town contemplates that it will be required to expend \$329,114 annually for operational purposes and an additional \$610,000 within a six-year period for equipment purchases and capital improvements to serve areas annexed.⁴⁵ In order to finance the capital expenditures needed in the area proposed for annexation, the Town proposes to issue bonds and utilize revenue generated by its water and sewer service operations.⁴⁶

Based on the data cited previously, the Commission finds that the proposed annexation would bring within the Town's boundaries a reasonable balance of fiscal assets and public service liabilities.

⁴⁵Town Supplemental Data, Table 1, p. 14. More than 50% of the estimated increase in the Town's annual operating expenditures required to serve the area proposed for annexation will be due to the maintenance of roads in that area. The Town's projected capital expenditures following the effective date of the annexation include \$234,000 for the purchase of equipment and \$376,000 for the installation of water lines and appurtenances to serve areas annexed. (Glass, letter to staff of Commission on Local Government, Aug. 2, 1991.) Not included in that amount, however, is approximately \$200,000 for the installation of a backwash filter system which the Virginia Water Control Board is requiring the Town to install at its water treatment plant. (Smith, communication with staff of Commission on Local Government, Aug. 7, 1991.) Moreover, the Town has identified approximately \$1.3 million of potential sewerage needs in the area proposed for annexation. (Glass, letter to staff of Commission on Local Government, Aug. 2, 1991.) With respect to the proposed installation of public sewerage, however, Town officials have indicated that the municipality does not propose to undertake those improvements until such time as the facilities are deemed needed. Such a determination would be based on an evaluation of the number of septic tank failures, the density of development, the cost of each project and anticipated new development. (Town Supplemental Data, p. 8.)

⁴⁶Town Supplemental Data, p. 13. Since the Town of Orange had no outstanding general obligation debt as of June 30, 1990, it has available for use a legal debt limit of approximately \$8.0 million. In addition, as of that date the Town had approximately \$124,000 reserved for capital projects in its water and sewer fund for utility improvements. (Robinson, Farmer, Cox Associates, Town of Orange, Virginia, Financial Report, Year Ended June 30, 1990, Exh. 1.)

INTERESTS OF THE AREA PROPOSED FOR ANNEXATION

Community of Interest

One of the factors appropriate for consideration in the analysis of proposed voluntary settlement agreements is the strength of the community of interest which joins the area proposed for annexation to the adjacent municipality. In this instance the evidence suggests that the area proposed for annexation has significant ties to the Town of Orange.

First, data reveal that the Town of Orange is the source of certain public services to the area proposed for annexation. The Commission notes that the Town is presently providing water and sewer services to a substantial number of the annexation area's population and business establishments.⁴⁷ Further, the Town's recreational facility serves the residents of the general area.⁴⁸

Second, the Town is clearly a focal point of economic activity serving residents within and beyond its corporate limits. Statistics indicate that, as of 1988 (the most recent year for which data are available), there were approximately 600 manufacturing employment positions located within the Town, or more than half of the County's total manufacturing employment (1,187 positions).⁴⁹ Further, the

⁴⁷Within the area proposed for annexation there are 426 water connections and 213 sewer connections to Town-owned utility lines. (Town Annexation Notice, pp. 40, 42.)

⁴⁸Ibid., p. 50; and Town of Orange Comprehensive Plan, p. 43. The Town's Porterfield Park is the largest parcel in the entirety of Orange County in public use. (Orange County Comprehensive Plan, p. 130.) The park is used by Orange County High School for all its major athletic events. A portion of the Town's park is located in the area proposed for annexation.

⁴⁹Orange County Comprehensive Plan, pp. 91, 129. The statistics cited for manufacturing employment in the Town and County are for large manufacturing firms employing 35 or more persons. The Commission notes that shortly after that 1988 survey one industry located in the Town which employed

business establishments located in the area proposed for annexation are sustained, in part, by the patronage of Town residents.⁵⁰

Third, the presence of approximately 40 public and semi-public facilities in the Town and the area proposed for annexation increases the relationship between the municipality and the area on its periphery. Those facilities include 24 government offices, 4 schools (public and private), 2 recreational facilities, and more than 10 churches. In addition, the Town is the center for more than 56 professional service entities, non-public community facilities, health care facilities, and community service organizations.⁵¹

Finally, the area proposed for annexation has an urban character and service needs which more closely parallel those of the Town than those of the outlying portions of the County. With respect to urbanization in the area proposed for annexation, a number of developments along the primary and secondary highways radiating from the Town are, in our judgement, extensions of development patterns originating within the Town.⁵²

For the reasons cited above, the Commission finds that the area proposed for annexation has a strong and pervasive community of interest with the Town. Such a community of interest supports the proposed annexation.

approximately 125 persons ceased operation, while three new industries collectively employing approximately 150 persons announced their intentions to locate in the County. (Ibid., p. 91.)

⁵⁰The Commission observes that the two shopping centers in the area proposed for annexation each contain a grocery store which serves the residents of the Town as well as those of the surrounding area.

⁵¹Town Annexation Notice, pp. 58-64.

⁵²Ibid., Map M-6 ; Town of Orange Comprehensive Plan, Map 2; and Orange County Comprehensive Plan, Map 7. These development patterns include those along U. S. Highway 15 North and South, State Routes 20 and 615 east of Orange and in the Porterfield Road area.

Need for Urban Services

The 2.1 square miles of territory proposed for annexation by the Town of Orange under the terms of the agreement with the County are estimated to contain a population of 973 persons, giving the area a population density of 463 persons per square mile. While almost 60% of the area proposed for annexation is currently vacant or in agricultural use, the area does contain four major residential concentrations, two shopping centers, several industrial operations and a number of public and semi-public sites. With respect to future conditions, the current Orange County comprehensive plan, which was based upon an in-depth analysis of the County's needs and anticipated growth, calls for development to occur in the areas immediately adjacent to the Town of Orange and within the territory proposed for annexation.⁵³ Thus, the evidence indicates that the area proposed for annexation will experience future development and will increasingly need additional urban services.

Water Supply and Distribution. The Town of Orange is the only source of treated water available to the residents of the Town and the area proposed for annexation.⁵⁴ The Town's water treatment plant utilizes the Rapidan River as its raw water source and, according to its rated capacity, can receive and treat 2.0 million gallons per day (MGD).⁵⁵ Since the Town's present water distribution system requires

⁵³Orange County Comprehensive Plan, p. 25. The future land use map contained in the comprehensive plan identifies the Town and adjacent areas as an urban service center which is to be a focus of development in the County.

⁵⁴Public water service to County residents is provided either by the Town directly or by the Rapidan Service Authority (RSA) which was formed in 1969 by the Counties of Orange, Greene and Madison. The RSA operates a separate water system serving the Lake of the Woods subdivision on the County's northeastern border and purchases treated water from the Town of Orange to serve areas adjacent to that municipality (beyond the area proposed for annexation) and the Town of Gordonsville. (Orange County Comprehensive Plan, p. 139.)

⁵⁵Town Annexation Notice, p. 40. The Town is permitted by the Virginia Water Control Board to withdraw 2.0 MGD of raw water from the Rapidan River. The Town also can store additional raw water in the river during periods of drought or low flow by temporarily raising the height of the impoundment weir.

approximately 1.1 MGD, the system currently retains an unused capacity of 0.9 MGD.⁵⁶ This reserve should be sufficient to meet the needs of the Town and the areas covered by the annexation agreement for the foreseeable future.

The Town's water distribution system currently serves 1,751 connections, with 426 being located in the area proposed for annexation and an additional 135 in other areas of the County.⁵⁷ Water is distributed by the Town of Orange system through approximately 21 miles of transmission lines, of which 7 miles are located in the area proposed for annexation.⁵⁸ In terms of storage capacity, the Town has two storage tanks, which collectively hold 2.2 million gallons of treated water.⁵⁹

(Glass, letter to staff of Commission on Local Government, Aug. 1, 1991.)

⁵⁶Town Annexation Notice, p. 40. Of the total amount of potable water produced by the Town's treatment plant, 0.4 MGD are used to serve municipal connections in the Town and adjacent County areas and 0.7 MGD are sold to the RSA to serve directly its customers, including the Town of Gordonsville. (Ibid.) The Town is obligated under contract with the RSA to sell an average of 1.0 MGD to the authority, but it may use for its own purposes any portion of that contractually committed amount that is not used by the RSA. (Glass, letter to staff of Commission on Local Government, Aug. 1, 1991.)

⁵⁷Smith, letter to staff of Commission on Local Government, July 22, 1991. In the area proposed for annexation the Town provides water service to the Greenfield, Glebeway, Poplar Forest, and Porterfield subdivisions, properties adjacent to U. S. Highway 15 North and South and State Route 633, and other areas contiguous to the Town. [Town Supplemental Data, Map M-5 (Revised).] There are no connections served by the RSA located in the area proposed for annexation. (Smith, letter to staff of Commission on Local Government, July 22, 1991.)

⁵⁸Ibid. Approximately four miles of Town water transmission lines are located in the County, but outside the area proposed for annexation. The Town's recently adopted comprehensive plan indicates that some of the water transmission lines in the Town may need to be replaced or upgraded in the near future due to age or insufficient size for fire protection. (Town Comprehensive Plan, p. 41.) Town officials have indicated that consulting engineers have been retained to identify problem areas and that the Town began a program in 1990 to replace undersized lines. (Smith, communication with staff of Commission on Local Government, Sep. 4, 1991.)

⁵⁹Ibid.

With respect to the interests of the residents of the area proposed for annexation, it should be noted that their incorporation into the Town will have the effect of terminating their non-resident surcharges on connection fees and water rates, and, thereby, substantially reducing their cost for water service.⁶⁰ Further, the Town has indicated its intention to expend approximately \$376,000 to improve and extend its water distribution system in the area proposed for annexation for the benefit of the area's residents.⁶¹ In sum, the proposed annexation will result in lower water rates for residents of the annexed area, improvements in the current level of their water services and the extension of water lines to serve additional connections in that area.

Sewage Treatment. The Town's sewage treatment plant, which was constructed in 1990, has a rated capacity of 1.5 MGD and presently receives an average daily flow of 0.6 MGD, leaving an excess capacity of 0.9 MGD.⁶² The Town's present sewage collection system consists of approximately 15 miles of gravity lines and force mains located within and beyond its present boundaries.⁶³ The Town's collection system provides service to 1,417 connections, including 213 in the area

⁶⁰Town Supplemental Data, p. 7. For non-residents, the connection fee is 25% greater and the water rates are 100% greater than those applicable to Town residents. (Town Annexation Notice, p. 40; and Smith, letter to staff of Commission on Local Government, July 22, 1991.)

⁶¹Town Supplemental Data, p. 7, and Table 1, p. 11. The Town proposes to install 8,900 feet of water lines and other appurtenances within six years following the effective date of the annexation. Most of those improvements will address identified fire flow problems in the area proposed for annexation.

⁶²Smith, letter to staff of Commission on Local Government, July 22, 1991; and Town Comprehensive Plan, p. 41.

⁶³Smith, letter to staff of Commission on Local Government, July 22, 1991. Approximately three miles of gravity lines and force mains and two of the Town's sewage pump stations are located in the area proposed for annexation. In addition, approximately two miles of sewer lines which connect the Town to the treatment plant and that facility to its outfall on the Rapidan River are located in other portions of the County.

proposed for annexation.⁶⁴ Further, it should be noted that the Town of Orange is the only source of sewage treatment presently available to serve the area proposed for annexation.⁶⁵ Residents of that area not served by the Town are dependent on individual septic tanks.⁶⁶

As in the case of water service, the Town places a surcharge on sewage connections and user charges for customers located beyond its present boundaries.⁶⁷ Thus, annexation will substantially reduce the cost of sewerage service to all residents and businesses connected to the Town's system in areas annexed. In terms of the expansion of public sewer service in the annexation area, the Town has developed a plan to install additional sewer lines in the area proposed for annexation based upon need and economic feasibility.⁶⁸ The Town of Orange proposes to install additional lines in that area based upon the incidence of septic tank failures, requests for service, the density of the development to be served, and the financial feasibility of each project.⁶⁹ For those

⁶⁴Town Annexation Notice, p. 42. In the area proposed for annexation Town sewerage serves all of Poplar Forest and Porterfield subdivisions, a portion of Greenfield subdivision, the Orange County High School complex, and the commercial-industrial area southwest of the Town along U. S. Highway 15.

⁶⁵County Comprehensive Plan, p. 139. The Commission notes that the RSA operates two sewage treatment facilities, one serving the Town of Gordonsville and the other serving the Lake of the Woods subdivision adjacent to the County's northeastern border.

⁶⁶Town Supplemental Data, Map M-6 (Revised). Two of the four residential subdivisions in the area proposed for annexation, Glebeway, and a portion of Greenfield, are served primarily by septic tanks.

⁶⁷Town Annexation Notice, p. 42; and Smith, letter to staff of Commission on Local Government, July 22, 1991. For residents of the area proposed for annexation, the connection fee is 25% greater and the water rates are 100% greater than for Town residents.

⁶⁸Town Supplemental Data, p. 8 and Table 2 (Revised), p. 12. In order to extend public sewerage to those portions of the area proposed for annexation presently without that service, the Town plans to install 37,000 linear feet of gravity lines and force mains and to construct two pump stations for a total cost of approximately \$1.3 million.

⁶⁹Town Supplemental Data, p. 8.

residents in the area proposed for annexation experiencing septic tank problems, the Town will provide septic pumping services on a fee basis until additional sewage lines can be installed.⁷⁰

With respect to the immediacy of any need to extend sewerage to the area proposed for annexation, the Commission notes that a survey made by the U. S. Soil Conservation Service and Virginia Polytechnic Institute and State University reveals that the predominant portion of the soils within the area proposed for annexation possess qualities which generally have only slight or moderate limitation for the disposal of effluent from septic tank drain fields.⁷¹ Further, County records reveal that most of the septic tanks in the area proposed for annexation are functioning properly and have experienced only a limited number of problems.⁷² Moreover, the lot size in a major portion of Greenfield subdivision, the largest in the proposed annexation area, will permit the installation of an additional drainfield if such are needed.⁷³ In the Commission's judgment, the Town's plans to extend sewer service to the area proposed for annexation will appropriately address the prospective needs of that area.

Solid Waste Collection and Disposal. The Town of Orange provides its residents with twice weekly curbside solid waste collection service financed with general fund revenues.⁷⁴ In addition, the Town extends to

⁷⁰Ibid.

⁷¹U. S. Department of Agriculture, Soil Conservation Service, Soil Survey, Orange County, Virginia, May, 1971.

⁷²Charles A. Richardson, Sanitarian, Orange County Health Department, communication with staff of Commission on Local Government, Aug. 12, 1991.

⁷³Ibid. The most recently developed section of Greenfield subdivision is comprised of approximately 72 residential lots with each lot containing three acres or more of land. Those lots have areas specifically designated for the installation of a second septic tank drainfield.

⁷⁴Town Annexation Notice, p. 44. The Town also provides leaf collection service and the annual collection of household trash at no extra charge.

its business concerns, on a fee basis, a schedule of collections dependent on their needs.⁷⁵ The Town disposes of its refuse at the County's landfill which is located approximately three miles east of that municipality.⁷⁶

Orange County does not provide any door-to-door solid waste collection services to individual residences or business firms. County residents can dispose of their household wastes at the County landfill. In addition, the County does offer a bulk container service, with "green boxes" being located throughout its territory for solid waste disposal.⁷⁷ Furthermore, County residents, including those in the area proposed for annexation, also have the option of contracting directly with private entities for collection services, with the cost of such services determined by the frequency of collection.⁷⁸

Following the effective date of the annexation the Town would extend its solid waste collection and disposal services to the areas annexed. In order to meet the demand for services in the annexed area, the Town has indicated its plans to employ three additional employees

⁷⁵Ibid. Approximately 109 business establishments use the Town's refuse collection service, which can be provided up to three times a week. Firms and industrial operations with a need for a more frequent collection contract for service with private collectors.

⁷⁶Ibid. The Town is permitted to dispose of 27 truck loads of refuse at the County's landfill before being charged for disposal services. (Smith, letter to staff of Commission on Local Government, July 22, 1991.) The County's landfill is currently undergoing an expansion which will extend its useful life by 16 to 20 years. (Baskerville, communication with staff of Commission on Local Government, Sep. 5, 1991.)

⁷⁷One such solid waste bulk container is located within the Town. (Smith, letter to staff of Commission on Local Government, July 22, 1991.)

⁷⁸Ibid. Private contractors providing residential solid waste collection services to the area proposed for annexation charge \$12.00 per month for weekly collection.

and to purchase an additional collection vehicle.⁷⁹ Residents of the area proposed for annexation should benefit from the Town's solid waste collection service. The general availability of publicly financed solid waste collection services promotes the use of the service, reduces the incidence of illegal disposal, and has a salutary effect generally on a community.

Crime Prevention and Detection. Since law enforcement activities of Virginia towns augment those provided by county Sheriff's departments, the proposed annexation by the Town of Orange would have the effect of providing additional and more intensive law enforcement services to residents of the area annexed. The Town presently has 10 full-time sworn personnel, of which eight are assigned patrol responsibility.⁸⁰ This staffing level is sufficient to give the Town one patrol officer per 323 municipal residents, to permit it to maintain on duty a minimum of two patrol officers per eight-hour shift, and to enable an average response time to emergency calls of two to four minutes.⁸¹ It should also be noted that the Town maintains an organized crime prevention program, with a portion of one officer's time consumed by those services.⁸² The Town's criminal justice efforts are, as noted previously, assisted by Orange County's provision of jail facilities and

⁷⁹Town Supplemental Data, p. 8. The extension of the Town's solid waste collection services to the areas annexed will require an additional \$69,000 in general fund expenditures and \$65,000 in capital purchases the first year following the effective date of annexation. (Ibid., p. 14; and Glass, letter to staff of Commission on Local Government, Aug. 2, 1991.)

⁸⁰Town Annexation Notice, p. 47. In addition to the patrol officers, the Town's police department also employs a Chief of Police and a dispatcher. During 1990 the department answered 3,365 calls for service, or 420 calls per patrol officer. (Ibid.) Included in that amount are approximately 360 calls for service from the area proposed for annexation which were responded to by Town police officers. (Smith, letter to staff of Commission on Local Government, July 22, 1991.)

⁸¹Town Annexation Notice, p. 47.

⁸²Ibid., p. 48. The Town's crime prevention program includes the escort of bank employees, the monitoring of vacant homes and participation in neighborhood watches within Orange.

by the activities of the County Sheriff's Department with its total complement of 23 sworn officers, of whom 11 are available for patrol service.⁸³

In order to extend its law enforcement services to the area proposed for annexation, the Town proposes to add two patrolmen to the police department and to purchase one additional police vehicle.⁸⁴ Although the Commission is unaware of any major crime problems in the area proposed for annexation, the anticipated growth of that area can be expected to result in a need for intensified law enforcement services in the future. In our judgment, the extension of the Town's law enforcement services to the area proposed for annexation will benefit its residents and businesses.

Public Works. The proposed annexation would result in the application of the Town's policies and procedures for the construction and maintenance of various public works in the areas annexed. Those policies and procedures are, in the Commission's judgment, properly designed to meet the needs of urbanizing areas and should be increasingly beneficial to those areas incorporated into the Town.

Presently, the Town of Orange bears total responsibility, without financial assistance from the State, for the maintenance of a significant portion of the public thoroughfares within its boundaries, while all of the public roads in the area proposed for annexation and the County generally are maintained by the Virginia Department of

⁸³James W. Matthews, Assistant Executive Secretary, Virginia Compensation Board, communication with staff of Commission on Local Government, Sep. 4, 1991. Jail services are provided to the Town by virtue of the County's participation in the five-county Central Virginia Regional Jail. In addition, the County provides after-hours dispatching services for the Town.

⁸⁴Town Supplemental Data, p. 9. The estimated additional operating expenses to the Town to provide law enforcement services to areas annexed is \$44,000 annually. (*Ibid.*, p. 14.) Further, the purchase of an additional police vehicle will require a one-time capital expenditure of \$14,000. (Glass, letter to staff of Commission on Local Government, Aug. 2, 1991.)

Transportation in accordance with State-prescribed policies.⁸⁵ Since State statutes require incorporated communities with a population of 3,500 or more to maintain the public thoroughfares within their jurisdiction with State financial assistance, the population data indicate that the proposed annexation will result in the Town's assumption of that responsibility for the enlarged jurisdiction.⁸⁶ If this occurs, the Town will become responsible for the maintenance of the 33 lane-miles of primary and secondary roads located in the present Town and for approximately 20 lane-miles of roadway located in the area proposed for annexation.⁸⁷

In order to assume full responsibility for the maintenance of the streets in the enlarged municipality, the Town will be required to expend initially \$90,000 for the purchase of equipment and to allocate

⁸⁵Sec. 33.1-79, Code of Va. permits towns with a population of less than 3,500 persons to elect to maintain the public thoroughfares within their boundaries without receiving payments from the State for such purposes. Once this option has been selected, however, towns can request the Virginia Department of Transportation (VDOT), with the approval of the affected county board of supervisors, to add up to one-quarter mile of public roadway within the municipality each year to the State's secondary road system for maintenance, improvement, construction or reconstruction by VDOT. Since the Town of Orange previously elected to maintain its public streets without State assistance, it is responsible for approximately 70% of the 25 lane-miles of secondary roadway within its current corporate limits, while the State is responsible for the maintenance of the remaining portion as well as the primary highways in the Town. (Town Supplemental Data, p. 10.) During FY 1988-89 and FY 1989-90, the Town expended approximately \$260,000 in local funds for general street maintenance and repaving projects.

⁸⁶Sec. 33.1-41.1, Code of Va. Following the effective date of the annexation, the Town of Orange's population will increase from 2,582 to an estimated 3,555 persons.

⁸⁷Glass, letter to staff of Commission on Local Government, Aug. 2, 1991. Concurrent with the assumption of this responsibility, however, the Town estimates that it will receive approximately \$206,000 annually for the maintenance of roads within the current Town and an additional payment of \$140,000 for the maintenance of public thoroughfares in the area proposed for annexation.

an additional \$140,000 annually for operating expenses.⁸⁸ Further, with respect to those streets in the area proposed for annexation which do not qualify for State maintenance payments, the Town has indicated that it will assume responsibility for the maintenance of that roadway despite the absence of State assistance.⁸⁹

With respect to other public works activities, the Town of Orange also proposes to assume full responsibility for snow removal from public thoroughfares in the area proposed for annexation. Currently, the Town has three snow plows and one salt spreader assigned for snow removal purposes within its present boundaries.⁹⁰ Upon annexation, the Town will purchase an additional snow plow and a salt spreader to augment its current equipment inventory.⁹¹ The Town of Orange will also extend its policy of installing, maintaining, and operating streetlights at public expense.⁹² At the present time, there are 281 publicly funded

⁸⁸Ibid. Since the Town currently maintains the public roadways within its boundaries, it contemplates the necessity of purchasing only two additional pieces of equipment and proposes no increase in staff to meet the needs of the annexed area. Further, the Town plans to continue the current practice of contracting with private firms for the construction or reconstruction of its thoroughfares following the effective date of the annexation.

⁸⁹The Glebeway and Poplar Forest subdivisions in the area proposed for annexation are served by private streets which are maintained by the homeowners' association of each development. The residents of both subdivisions have indicated to Town officials their desire for the Town not to assume the maintenance of those streets following the effective date of the annexation. (Smith, communication with staff of Commission on Local Government, Sep. 4, 1991.)

⁹⁰Town Annexation Notice, p. 55. During the last three fiscal years the Town has expended an average of \$4,000 annually for snow removal services.

⁹¹Glass, letter to staff of Commission on Local Government, Aug. 2, 1991. Town officials have indicated their intention to provide snow removal services for private streets if so requested.

⁹²Town Annexation Notice, p. 54. The Town's policy is to install streetlights at every intersection and along secondary roads at intervals of 200 - 400 feet. The Town also considers requests from residents for the installation of new streetlights on an individual basis. (Ibid.)

streetlights within the Town's corporate limits.⁹³ In order to extend appropriate service to the area proposed for annexation, the Town proposes to install and operate, at public expense, approximately 50 streetlights at appropriate locations.⁹⁴ In our judgment, the area proposed for annexation would benefit from the application of the Town's policy regarding the installation and operation of these facilities.

Planning, Zoning and Subdivision Regulation. The Town of Orange conducts its public planning efforts with the assistance of a planning commission and a comprehensive plan which was revised in 1991.⁹⁵ Further, the Town has subdivision and zoning ordinances to assist in the management of its development.⁹⁶ The Town's zoning ordinance was originally adopted in 1968 and is presently undergoing revision to reflect the recently adopted comprehensive plan.⁹⁷ The municipality's

⁹³Smith, letter to staff of Commission on Local Government, July 22, 1991. In FY1989-90 the Town expended approximately \$36,500 for street lighting. The municipality contracts with Virginia Power Company to install and maintain the Town's streetlights. (Town Annexation Notice, p. 54.)

⁹⁴Smith, letter to staff of Commission on Local Government, July 22, 1991. The Town plans to install the streetlights over a period of five years following the effective date of the annexation in most portions of the area proposed for annexation. Town officials have informed the Commission that the residents of the Greenfield subdivision, the largest in the area to be annexed, have requested that streetlights not be installed in their development.

⁹⁵The Town's current comprehensive plan, which was completed with the assistance of a planning consultant, was adopted by the Town Council on April 22, 1991. The Town's first comprehensive plan was adopted in 1972 and updated in 1984. (Town of Orange Comprehensive Plan, p. 2.)

⁹⁶Town Annexation Notice, p. 46. Orange County has a planning commission, a revised comprehensive plan which was adopted in 1990, and zoning and subdivision ordinances. In addition, Orange County has employed a full-time planner since July 1990 to assist in the day-to-day management of the development process in the County. (Orange County Comprehensive Plan, p. 37.)

⁹⁷Town Annexation Notice, p. 46. The Commission notes that since the initial adoption of the Town's zoning ordinance, amendments to the ordinance have been made in order to maintain its relevancy to changing land use requirements and regulatory needs of the Town. Examples of such amendments

current subdivision ordinance, which was adopted in 1977, requires developers to meet the standards of the Virginia Department of Transportation for the construction of new roads and to install curbs, gutters, sidewalks and storm drains in new developments.⁹⁸ At the present time the Town has no staff assigned full-time to the administration and application of its planning and development control instruments, primarily due to the paucity of development in the Town in recent years.⁹⁹

Following the effective date of the annexation, the Town plans to review its recently adopted comprehensive plan, as well as its current zoning and subdivision regulations, for the purpose of considering appropriate adaptation for the areas annexed.¹⁰⁰ With regard to that review, the Commission observes that the Town's comprehensive plan contains a number of recommendations for revisions to the municipality's land development control instruments which could make those ordinances more appropriate for the management of the future growth in the area

include strengthened on-premises sign regulations and the addition of requirements for the submission and review of site development plans for certain types of rezoning proposals.

⁹⁸Ibid., pp. 52-53. In 1989 the Town adopted a public facilities manual which prescribes the standards and specifications for all public improvements. (Ibid., p. 46.) With respect to the installation of curbs, gutters, and sidewalks in existing developments, the Town will install those facilities at the request of property owners upon their agreement to bear 50% of the cost of installation. (Ibid.)

⁹⁹The Town Manager is primarily responsible for the administration and enforcement of the planning and development control ordinances. (Ibid.) With respect to the current need for a full-time planning staff for the Town, the Commission notes that Orange has employed planning consultants or the Rappahannock-Rapidan Planning District Commission for assistance in planning matters. Further, the record discloses that between 1980 and 1989 the Town issued only 17 building permits for the construction of new residential units and 19 permits for new commercial or industrial development within the Town's present boundaries. (Ibid., p. 72.)

¹⁰⁰Town Supplemental Data, pp. 8-9.

proposed for annexation.¹⁰¹ Once the Town's revised planning instruments and land development regulations are extended to the area proposed for annexation, the application of its policies can result in a more unified and comprehensive approach to managing future growth and to protecting the distinctive features of the Town and its environs.

Other Service Considerations. The Commission notes that with respect to certain public services, residents of the area proposed for annexation will not experience any immediate change in service level as a result of their incorporation into the Town of Orange. In terms of fire prevention and protection and recreational services, the proposed annexation will have little immediate impact on the areas to be annexed.

With respect to fire services, the Town and Orange County jointly support the Orange Volunteer Fire Department (VFD), which serves the Town and areas outside the corporate limits, including the area proposed for annexation.¹⁰² The VFD, which has a complement of 42 volunteer firemen, responded to approximately 200 calls beyond the Town's corporate limits during 1990.¹⁰³ The fire suppression capabilities of the Orange VFD and the Town's water distribution system are such that properties within the municipality, as well as those portions of the area proposed for annexation which are located within 1,000 feet of a

¹⁰¹Town of Orange Comprehensive Plan, pp. 58-63. Examples of recommended revisions include adding open space standards for all zoning districts, adopting planned development and industrial park zoning districts, protecting single-family neighborhoods from inappropriate infill development and conversion of existing residences into multi-family dwellings, and increasing minimum lot size requirements in three of the Town's current residential zoning districts.

¹⁰²Town Annexation Notice, p. 49. During FY1989-90, the Town contributed \$13,560 to the operation of the Orange VFD. (Town of Orange, Virginia, Financial Report, Year Ended June 30, 1990, Schedule 1.) During that same period, the County contributed approximately \$19,000 to the Orange VFD. Further, the County pays for disability insurance for the volunteer firefighters.

¹⁰³Town Annexation Notice, p. 49. During 1990 the VFD also responded to 101 calls originating from within the Town's current borders.

Town fire hydrant are classified "6" by the Insurance Services Office (ISO) of Virginia in terms of their exposure to fire loss.¹⁰⁴ Other properties in the area proposed for annexation situated more distant from a fire hydrant have higher ISO classifications. Future plans of the Town to improve its water distribution system in the areas to be annexed should result in improved fire flow pressure for affected properties in that area.¹⁰⁵

In terms of public recreational services, residents of the Town are free to participate on an equal basis in the recreational programs sponsored by Orange County.¹⁰⁶ Similarly, residents of the area proposed for annexation and the County generally are free to utilize the Town's Porterfield Park.¹⁰⁷ The Town's park, which is a significant community

¹⁰⁴Smith, letter to staff of Commission on Local Government, July 22, 1991. The ISO classification is based on a scale of "1" to "10" for comparison with other municipal fire protection systems and represents an indication of a system's ability to defend against the major fire which may be expected in any given community. Where protection class "10" is assigned, there is no or minimal protection. Protection class "1" represents a fire protection system of extreme capability. The principal features used by ISO in grading a community's fire system are water supply, fire department, fire communications and fire safety control. [John L. Bryan and Raymond C. Picard, Managing Fire Services (Washington, DC: International City Management Association, 1979), p. 102.]

¹⁰⁵Improvements to the water system in the area proposed for annexation include the replacement of undersized distribution lines, the installation or replacement of pumping stations, and the addition of 14 fire hydrants. (Town Supplemental Data, Table 1, p. 11; and Taylor S. Turner, Jr., Consultant, Town of Orange, communication with staff of Commission on Local Government, Sep. 4, 1991.)

¹⁰⁶Orange County Comprehensive Plan, pp. 37, 57; and Debra Henshaw, Recreation Director, County of Orange, communication with staff of Commission on Local Government, Sep. 10, 1991. The County's recreation department, which is staffed by a full-time director and employs part-time and seasonal personnel, offers a variety of activities for children and adults. During 1990, the Department sponsored approximately 148 different programs for County residents, some of which were offered at facilities located in the Town.

¹⁰⁷Town of Orange Comprehensive Plan, p. 43. Area civic and service organizations sponsor recreational programs and organized athletic leagues at the Town's park. In addition, Orange County High School uses the facilities at Porterfield Park for its athletic events.

asset located on a 30-acre tract, offers lighted baseball, football and softball fields as well as a basketball court, picnic shelters, and hiking trails.¹⁰⁸

While the proposed annexation will not immediately affect the level of fire suppression and recreation programs in the area annexed, the Town's commitment to such services and programs will increasingly benefit that area and its residents.

Summary of Service Needs

In the preceding sections of this report the Commission has endeavored to analyze the existing and prospective urban service needs of the area proposed for annexation and the ability of the Town of Orange to meet those needs. On the basis of the data cited in those sections, the Commission finds that the existing development in the area proposed for annexation has been fostered, in large part, by the public utilities provided by the Town and, further, that the area will benefit from the extension of other Town services and policies.

INTERESTS OF THE COUNTY OF ORANGE

The annexation proposed in the agreement negotiated by the Town of Orange and Orange County would have minimal adverse fiscal impact on that County. Although the proposed annexation will not affect the County's receipt of any of its property taxes, it will reduce initially its receipts from some of its minor revenue sources. Estimates developed by the Town, with which the County concurs, indicate that the proposed agreement will result in the County's loss during the first year after annexation of approximately \$79,000 in general fund

¹⁰⁸Ibid. The Town also owns Taylor Park which is located on a vacant parcel in the central business district and is used for concerts during the summer months.

revenue.¹⁰⁹ That estimated revenue loss constitutes 0.3% of the County's budgeted general fund revenue collections for FY1990-91.¹¹⁰ Moreover, upon annexation the Town will assume responsibility for providing certain municipal services to the annexed area, such as law enforcement, planning, and development control, which should reduce to some degree the demand on County staff resources.

The proposed annexation also permits the Town of Orange to benefit from an immediate infusion of fiscal resources, will assure it of land for future development, and will, accordingly, increase the Town's ability to serve the general area. The Town's increased capability for the provision of public services can be a positive factor in supporting desirable development in the County. Further, the enhanced fiscal viability of the Town should strengthen the economy of the general area, with benefits accruing to the residents of the municipality and Orange County generally. Moreover, the annexation proposed by the agreement between the Town and the County will reinforce the stated goal of the County's recently adopted comprehensive plan by encouraging future growth in and around the existing urban areas and, thus, preserving " . . . the inherited natural, rural environment for the benefit and enjoyment of present and future generations of [County] residents"¹¹¹

Aside from the proposed annexation, there is another element of the settlement agreement which affects the interest of Orange County. The agreement contains a provision by which the Town agrees not to initiate any subsequent annexation for a six-year period following the effective date of the currently proposed boundary expansion. That provision allows the County, as well as the Town, an opportunity to become

¹⁰⁹Town Supplemental Data, Table 2, p. 6.

¹¹⁰Ibid. Orange County budgeted for FY1990-91 general fund receipts of \$26,131,256.

¹¹¹County of Orange Comprehensive Plan, p. 6.

acclimated to the extension of the municipal boundaries and ensures time for deliberate adjustment to changing circumstances. That portion of the proposed agreement coupled with the modest impact of the proposed annexation, are features of the settlement which are, in our judgment, in the best interest of Orange County.

INTERESTS OF THE COMMONWEALTH

The Commission notes that the Town of Orange - Orange County agreement is the product of negotiations conducted under a State-established process which encourages the 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.

The paramount interest of the State, in our judgment, in the resolution of this and all other interlocal issues subject to the Commission's review, is the preservation and promotion of the viability of the affected local governments. As previous sections of this report have indicated, the annexation proposed in the settlement agreement will provide the Town with additional fiscal resources and will afford the Town vacant land for future development while contributing to the social and economic viability of Orange County. In sum, the Commission finds that the proposed agreement, fashioned by the governing bodies of the Town and the County, is consistent with the interest of the Commonwealth in the promotion and preservation of the viability of Virginia's local governments.

FINDINGS AND RECOMMENDATIONS

Based upon our consideration of the evidence previously reviewed, the Commission finds the proposed agreement promotive of the viability of the Town of Orange and Orange County and in the best interest of the Commonwealth. Accordingly, we recommend the court's approval of the proposed agreement.

While finding the agreement, as presented, in the best interest of the Commonwealth, the Commission does recommend that the following actions be taken by the Town for the appropriate management of its enlarged jurisdiction.

AGRICULTURAL LAND PRESERVATION

The General Assembly of Virginia has declared that it is the policy of the Commonwealth to endeavor to preserve the State's agricultural properties.¹¹² Further, it is the Commission's collective experience that the preservation of agricultural properties adds to the diversity and richness of a community and contributes to its general viability.

Consistent with the State's policy and in recognition of the importance of agricultural operations to the economy of the general area, in 1978 Orange County adopted an ordinance instituting use value assessment for all qualifying agricultural and horticultural properties within its boundaries, including those located within the Towns of Orange and Gordonsville. Officials of the Town of Orange have indicated, however, that the municipality has not adopted a similar assessment program for qualifying properties.¹¹³ Data presented to this Commission reveal that more than 25% of the land in the area proposed for annexation currently qualifies for the County's use value assessment

¹¹²Sec. 15.1-507, Code of Va.

¹¹³Smith, letter to staff of Commission on Local Government, Sep. 20, 1991.

program. Since such land will be subject to the real property tax of the municipality as a result of the proposed annexation, the Commission recommends that the Town of Orange adopt a use value assessment program for all qualifying agricultural and horticultural properties to reduce the impact of the incorporation of this land into the Town.

DEVELOPMENT CONTROLS

The area proposed for annexation would almost triple the area of the Town of Orange and increase its population by approximately 40%. In addition, the area possesses significant potential for future development due to the presence of public utility services provided by the Town and access to major arterial highways. Indeed, the County's current comprehensive plan calls for the territory surrounding the Town of Orange to be one of the centers of future developments in the County. This situation, coupled with the necessity to protect and enhance the area's aesthetic and natural attributes, renders essential the need for the Town of Orange to improve its development control instruments. While this Commission recognizes that the Town's current zoning and subdivision ordinances are suitable for the character of development which has occurred within its present boundaries, and while we acknowledge the Town's recent effort to revise its comprehensive plan, we vigorously encourage the Town to review its zoning and subdivision regulations. Revisions to the Town's development control instruments should address the existing development patterns in the area proposed for annexation and provide appropriate public regulation of new development which will occur in the enlarged municipality.¹¹⁴ In

¹¹⁴Examples of recommended amendments to the Town's zoning and subdivision ordinances include the incorporation of provisions which safeguard existing neighborhoods from inappropriate infill development, require open space in all zoning districts, promote the long-range planning and development of large vacant parcels, and enhance the Town's ability to control signs. (See Town of Orange Comprehensive Plan, pp. 58-63.) Further, the Town should establish a zoning district which would have as its primary purpose the protection of agricultural operations and which would prohibit all incompatible uses, even on a conditional basis.

particular, the Town's development control instruments should be revised to ensure that the distinctive character of the Greenfield and Glebeway subdivisions be protected.

Further, we recommend that the Town adopt annually a capital improvements program as authorized by Section 15.1-464 of the Code of Virginia.¹¹⁵ While this Commission recognizes that the annexation authorized by the proposed agreement will provide the Town with additional tax resources, the Town of Orange will be concurrently confronted with additional public service responsibilities in the areas incorporated into the Town. Additionally, a capital improvement program will assist in the proper implementation of the Town's revised development control measures.

CONCLUDING COMMENT

The Commission on Local Government acknowledges the considerable effort devoted by officials of the Town of Orange and Orange County to the negotiation of the agreement currently before us. The agreement reflects a notable commitment by the leadership of both jurisdictions to address in a collaborative fashion the concerns of their localities and the needs of their residents. While proposing the recommendations set forth above, we commend the officials of the two jurisdictions for their public leadership and for the interlocal agreement which they have negotiated.

¹¹⁵Sec. 15.1-464, Code of Virginia authorizes local planning commissions to prepare and revise annually a five-year capital improvement program, based on the comprehensive plan of the locality, for submission to the governing body or chief administrative officer of the affected jurisdiction. While the Commission acknowledges that the Town of Orange has an adopted capital improvements plan, there is no evidence to indicate its relationship to the Town's comprehensive planning process.

Respectfully submitted,

Wm S. Hubbard
William S. Hubbard, Chairman

Mary Sherwood Holt
Mary Sherwood Holt, Vice Chairman

Harold S. Atkinson
Harold S. Atkinson

Frank Raflo
Frank Raflo

ANNEXATION SETTLEMENT AGREEMENT BETWEEN
THE TOWN OF ORANGE AND THE COUNTY OF ORANGE

This Agreement is made and entered into this 28th day of June, 1991, by and between the Town of Orange, a municipal corporation of the Commonwealth of Virginia, and the County of Orange, a county of the Commonwealth of Virginia.

WHEREAS, on March 1, 1991, the Town of Orange initiated a proceeding before the Commission on Local Government to annex certain territory within the County of Orange;

WHEREAS, the continued pursuit of a contested annexation action would involve great expenditures of time and money by the Town of Orange and the County of Orange;

WHEREAS, the Town Council and the County Board of Supervisors have sought to find an amicable solution to this controversy; and

WHEREAS, the Town of Orange and the County of Orange, pursuant to Chapter 26.1:1 of Title 15.1 of the Code of Virginia (1950), as amended, have reached a voluntary settlement which provides for the annexation of certain territory, the waiver of certain annexation rights, and other terms and conditions;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

ARTICLE I

Definitions

Section 1.1. "Code" shall mean the Code of Virginia (1950), as amended. References to Code provisions shall mean those particular Code provisions or similar provisions if the Code is amended after the execution of this Agreement.

Section 1.2. "Commission" shall mean the Commission on Local Government.

Section 1.3. "Town" shall mean the Town of Orange.

Section 1.4. "County" shall mean the County of Orange.

Section 1.5. "Special Court" shall mean a special three-judge court appointed by the Supreme Court of Virginia pursuant to Chapter 26.2 of Title 15.1 of the Code.

ARTICLE II

Voluntary Annexation

Section 2.1. The Town's corporate boundaries shall be modified by the annexation to the Town of three areas of County territory containing approximately 2.1 square miles which are described by metes and bounds as follows:

AREA A

Beginning at a point on the Northern Corporate limits of the Town of Orange, Virginia, said point being at the intersection of the north corporate limit with the western property line of the Southern Railway, then from said point in a northerly direction along the western property line of the Southern Railway to its intersection with the property line between parcels 29-50 and 29-51, thence from said point northwesterly on the line between parcels 29-51 and 29-50 and

29-50D to the intersection with the southern right of way of Route 632, thence in a westerly direction along the southern right of way of Route 632 to a point on the southern right of way which is 800 feet east of its intersection with the eastern right of way of Route 15, thence from said point in a north westerly direction across Route 632 on a line perpendicular to the southern right of way of Route 632 to its intersection with the northern right of way of Route 632, thence in a north westerly direction from said point across parcels 29-30A and 29-30, to a point being the southeast corner of parcel 29A-D-2, thence in a north westerly direction following the eastern boundary of Glebe Way subdivision along the line of parcels 29A-D-2, D-3, D-5A, D-5B, C parcel B, C parcel B2, to the intersection of the north east property line of parcel 29A-C parcel B2, thence following the property line between parcels 29A-C parcel B1 and 29A-C parcel B2 and 29A-C-9, in a north westerly direction to a point at the intersection with the south eastern right of way of Route 634, thence extending the line between parcels 29A-C-9 and 29A-C Parcel B1, north westerly across Route 634 to a point on the north western right of way of Route 634, thence following the right of way of Route 634 in a south westerly direction to a point at its intersection with the eastern right of way of Route 15, then from said point across Route 15 on a line which is perpendicular to the centerline of Route 15 to a point where it intersects the western right of way of Route 15, thence in a south easterly direction along the western right of way of Route 15 to a point at its intersection with the property line between parcels 28-87 and 28-86, thence following the line between parcels 28-87 and 28-86 in a south westerly direction to its intersection with the property line between parcels 28-87 and 28-82, thence in a south easterly direction along the north eastern boundary of Parcels 28-82 28-35, 28-35A, 28-34, 29-43B, 29-43 and 29-43A to its intersection with the north right of way of Route 633 (Spicers Mill Road),

thence in a westerly direction along the northern right of way of Route 633 to a point being the intersections of a northerly projection of the line between parcels 28-14 and 28-18 and the northern right of way of Route 633, thence southerly across Route 633 to the point of intersection of the southern right of way of Route 633 with the property line between parcels 28-14 and 28-18, thence in a southerly direction following the line between parcels 28-14 and 28-18 to its point of intersection with the line between parcels 28-18 and 28-15, thence in an easterly and southerly direction following the line between parcels 28-18 and 28-15 to a point at its intersection with the line between parcels 28-17 and 28-18, thence in a southerly direction along the line between parcels 28-17 and 28-15 to its intersection with the line between parcels 28-15 and 43-3-15, thence in a southerly direction along the eastern property line of parcel 43-3-15 to its intersection with the line between parcels 43-22 and 43-24, thence in an easterly direction along the line between parcels 43-22 and 43-24 to the southern most corner of parcel 44A3-16-19, thence easterly along the southern boundary of parcel 44A3-16-19 to the point of intersection with the line between parcels 43-24 and 44-2, thence following the line between parcels 43-24 and 44-2 in a southerly direction to its intersection with the line between parcels 43-25 and 44-2, to its intersection with the line between parcels 43-25 and 44-6, thence from said point in an easterly and southerly directions along the northern and eastern line of parcel 44-6 to a point on the northern right of way of Route 20, thence from said point eastward along the northern right of way of Route 20 to its intersection with the Corporate line of the Town of Orange Virginia, thence following the Corporate line eastward and around the north western portion of Town to the point of beginning.

AREA B

Beginning at a point on the North Corporate limit of the Town of Orange Virginia, said point being at the intersection of the north corporate limit with the western property line of the Southern Railway, then from said point in a north easterly direction across the Southern Railway to a point where the eastern property line of the Southern Railway intersects the property line between parcels 29-60 and 29-61, thence in a north easterly direction along the line between parcels 29-60 and 29-61 to the western most corner of parcel 29B-C-32, said corner being the western most corner of Greenfield Subdivision, thence in a north easterly direction on the northern property line of Greenfield subdivision to the northern most corner of parcel 29B-C-42, thence southeasterly along the eastern boundary of Greenfield Subdivision to the intersection with the northern right of way of Route 615, said point being the south east corner of parcel 29B-F-1, thence eastward along the northern right of way of Route 615 to the point of intersection with a projection of the eastern property line of parcel 44A1-3-16, thence in a south easterly direction along the projected eastern property line of parcel 44A1-3-16 across Route 615 to the north east corner of parcel 44A1-3-16, thence in a south easterly direction along the eastern property line of parcels 44A1-3-16 and 44A1-3-16A to the south east corner of parcel 44A1-3-16A, thence following a property line to the north east corner of parcel 44-123, thence in a southerly direction along the property line between parcels 44-123 and 44-124 to the north right of way of Route 665, thence following a projection of the line between Parcels 44-123 and 44-124 in a southerly direction across Route 665 to its intersection with the northern right of way of Route 20, thence from said point in a westerly direction along the northern right of way of Route 20 to its intersection with the corporate limit of the Town of Orange, Virginia, thence in a

northerly direction along the corporate limit to the point of beginning.

AREA C

Beginning at a point on the corporate limit of the Town of Orange, Virginia where it intersects with the western right of way of Route 612, said point also being the south eastern corner of parcel 44-106A, thence from said point in a south easterly direction along the western right of way of Route 612 to the south east corner of parcel 44-110 thence westward and northward following the southern and western lines between parcel 44-99 and 44-110 to the intersection with the line between parcels 44-99 and 44-105A, thence westerly along the southern property line of parcels 44-105A, 44-105D, 44-105C, 44-104, 44-103A and 44-103 to its intersection with the line between parcels 44-101 and 44-99B, thence southward along the line between parcels 44-101 and 44-99B to the south east corner of Parcel 44-101, thence westward and northward following the line between parcels 44-101 and 44-100 to a creek which lies 200 feet more or less south of the southern right of way of Route 20, thence in a westerly direction following the creek to its intersection with the property line between parcels 44-100 and 44-100B, thence in a southerly and westerly direction following the eastern and southern boundary of parcel 44-100B to its intersection with the eastern right of way of the Chesapeake and Ohio Railway, thence southerly along the eastern right of way of the Chesapeake and Ohio Railway (C & O) to a point where it intersects with a south easterly projection of the line between parcels 43-107B and 44-46, thence from said point in a north westerly direction along the projection of the line between parcels 43-107B and 44-46 across the C & O to a point on western property line of the C & O where it intersects with the line between parcels 43-107B and 44-46, thence north westerly along the line between parcels 43-107B and 44-46 to its intersection with the south eastern right

of way of Route 15, thence in a north westerly direction projecting the line between parcel 43-107B and 44-46 across Route 15 to its intersection with the north western right of way of Route 15, thence in a north easterly direction along the north west right of way of Route 15 to a point at the intersection with the property line between parcels 43-99 and 43-48B, thence north westerly along the line between parcels 43-99 and 43-48B to the western corner of parcel 43-48B, thence north easterly from said point along the south eastern property line of parcel 43-48 to the corner between parcels 43-48, 44-29B and 44-29E, thence northwesterly and north easterly around the south west and north west boundary of parcel 44-29E, to its intersection with the south west boundary of parcel 44-27, thence following the south west boundary of parcel 44-27 to its intersection with the line between parcel 44-27 and 44-27A, thence north easterly along the line between parcel 44-27A and 44-27 to the north west corner of parcel 44-27A, thence across parcel 44-27 to the western corner of parcel 44-27B, thence north westerly crossing parcels 44-27 and 44-27D to the south eastern corner of parcel 43-47, thence in a northerly direction from said point crossing parcel 44-28 and portions of parcel 44A4-18-11 to a corner on the corporate line of the Town of Orange, said corner also being the western corner of parcel 44A4-18-10, thence south easterly following the corporate line of the Town of Orange to the point of beginning.

The areas to be annexed are also depicted on the map attached hereto as Exhibit A.

Section 2.2. The annexation of these areas to the Town shall be effective at midnight on December 31, 1991. If the Special Court, pursuant to § 15.1-1167.1 of the Code, has not entered an order prior to December 31, 1991 approving and affirming this Agreement, then the annexation shall become

effective at midnight on the 30th day of June or at midnight on the 31st day of December following the date of entry of such order, whichever date is earlier.

Section 2.3. The Town shall cause its corporate boundaries, as modified by the annexation of the territory described above, to be surveyed and to be appropriately monumented. A copy of the survey description and a map reflecting that survey description shall be submitted to the Special Court and shall be incorporated in the final order approving and implementing this Agreement.

ARTICLE III

Limited Waiver of Town Annexation Rights

Section 3.1. For a period of six years following the effective date of the annexation provided for in Section 2.1, the Town hereby waives its statutory rights to institute any action to annex County territory under Article 1 of Chapter 25 (§ 15.1-1032 et seq.) of Title 15.1 of the Code, or any statute similar thereto, unless the County agrees to such an annexation.

Section 3.2. This waiver of annexation rights shall be applicable only to proceedings initiated by the Town and shall not be applicable to any proceeding commenced by landowners or qualified voters pursuant to § 15.1-1034 of the Code, or any statute similar thereto.

ARTICLE IV

Miscellaneous Provisions

Section 4.1. The Town and the County agree to initiate promptly the steps required by Chapter 26.1:1 of Title 15.1 of the Code to obtain affirmation of this Agreement by the Commission and the Special Court, and the parties shall cooperate in undertaking all necessary steps to complete such procedures.

Section 4.2. In the event the Special Court does not affirm and approve this Agreement without modification, it shall be null and void and of no further force and effect, unless the Town and the County expressly agree to any such modifications.

Section 4.3. This Agreement may hereafter be amended, modified; or supplemented, in whole or in part, by mutual consent of the Town and the County by a written document duly executed by authorized representatives of the Town and the County.

Section 4.4. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their assigns, and any successors of the Town or County.

Section 4.5. This Agreement shall be enforceable in a duly designated Special Court reconvened or appointed pursuant to Chapters 26.1:1 and 26.2 of Title 15.1 of the Code or any successor provision of law, or in any other court of competent jurisdiction if such a Special Court cannot be constituted for such purposes.

IN WITNESS WHEREOF, the governing bodies of the Town and the County have each by ordinance or resolution caused this Agreement to be duly executed by their Mayor or Chairman in several counterparts, each of which shall constitute an original.

APPENDIX B

STATISTICAL PROFILE OF THE TOWN OF ORANGE, COUNTY OF ORANGE AND THE AREA PROPOSED FOR ANNEXATION

	<u>Town of Orange</u>	<u>County of Orange</u>	<u>Area Proposed for Annexation</u>
Population (1990)	2,582	21,421	973
Land Area (Square Miles)	1.11	355.00	2.10
Total Assessed Values (FY1990)	\$79,607,922	\$933,695,816	\$50,581,666
Real Estate Values	\$66,360,520	\$788,876,920	\$46,388,000
Public Service Corporation Values	\$7,360,392	\$67,298,856	\$1,440,833
Personal Property Values	\$3,709,980	\$42,805,120	\$2,353,333
Machinery and Tools Values	\$2,106,330	\$9,140,450	\$399,500
Merchants' Capital Values	N/A	\$17,767,110	N/A
Mobile Homes	\$70,700	\$7,807,360	\$0
Existing Land Use (Acres)			
Residential	313	4,500	308
Commercial	99	200	108
Industrial	99	1,200	42
Public and Semi-Public	78	5,500	109
Agricultural, Wooded or Vacant	121	215,800	777

NOTES:

N/A=Not Available

County population, land area, and property value statistics include the Town of Orange.

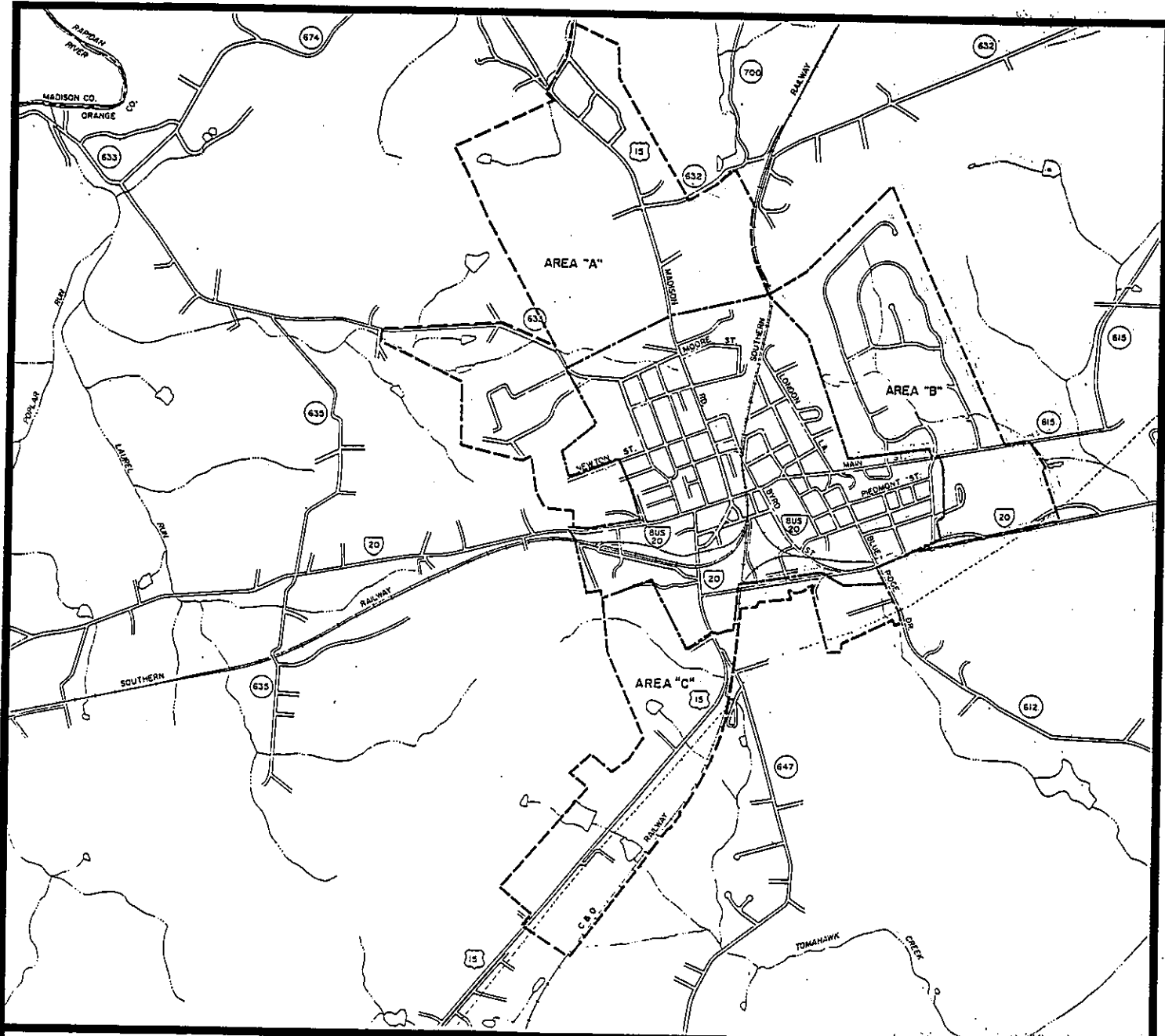
SOURCES:

Town of Orange, Supplemental Data by the Town of Orange in Support of an Annexation Settlement Agreement Between the Town and the County of Orange.

Land and Community Associates, Town of Orange Comprehensive Plan.

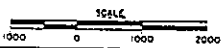
County of Orange, Orange County Comprehensive Plan.

Carter Glass, IV, letter to staff of Commission on Local Government, Aug. 2, 1991.



GENERAL LEGEND

- TOWN OF ORANGE EXISTING CORPORATE LIMITS
- ANNEXATION AREA BOUNDARY



REVISED MAY 1991
FEBRUARY 1991



**MAP OF THE
TOWN OF ORANGE, VA.
AND ENVIRONS**

PREPARED BY
R. STUART ROYER & ASSOCIATES, INC.
RICHMOND, VIRGINIA

MAP COMPILED FROM U.S.G.S. QUADRANGLE SHEETS

**ANNEXATION AREA
MAP**