

AGREEMENTS DEFINING TOWN ANNEXATION RIGHTS
ARTICLE 2, CHAPTER 32, TITLE 15.2
(Incorporates changes through 2011 General Assembly session)

I. VOLUNTARY AGREEMENTS

A. Eligibility

This article authorizes any town located in a county which is not immune from city initiated annexations to enter into an agreement with its county defining the town's future annexation rights.

B. Statutorily Required Elements in Agreement

(Sec. 15.2-3231, Code of Va.)

1. The agreement must provide that upon formal adoption by the town and the county, the town will permanently renounce its right to become a city.
2. The agreement must permit the town to annex at regular intervals by the adoption of a municipal ordinance.
3. The agreement must provide for the regular and orderly growth of the town in conjunction with the county and for an equitable sharing of the resources and liabilities of both jurisdictions.
4. The agreement is not required to contain restrictions as to the size or character of the land area subject to future annexations, or the frequency of town annexations effected by ordinance.

C. Procedure for Initiating Action

(Sec. 15.2-3232, Code of Va.)

1. Once the terms of the agreement have been negotiated by the governing bodies of the town and county, the proposed settlement must be submitted to the Commission on Local Government for review.

D. Proceedings of the Commission on Local Government

(Sec. 15.2-3232, Code of Va.)

1. The Commission is required to hold advertised hearings in the town or county to afford the affected jurisdictions and other interested parties an opportunity to offer evidence or comment on the proposed agreement.
2. Any town that is a party to the agreement is required to give ten-day written notice of the Commission's public hearing to the owner of each parcel in the area proposed for annexation.
3. At the conclusion of its review, the Commission is required to render a written report of its findings to the affected jurisdictions.

E. Standards for Review

1. In its review the Commission shall consider whether the proposed agreement:
 - a. Provides for the orderly and regular growth of the town and county together;
 - b. Provides for an equitable sharing of the resources and liabilities of the town and county; and
 - c. Is in the best interest of the community at large.

F. Adoption of the Agreement
(Sec. 15.2-3233, Code of Va.)

1. Following receipt of the Commission's report, the governing bodies of the town and county may adopt the agreement; if, however, the Commission determines that the proposed agreement does not meet the statutory criteria of Section 15.2-3232, Code of Virginia, the governing bodies of the town and county still may adopt the agreement after first conducting a joint public hearing.
2. Adoption of the agreement by both governing bodies permanently divests the town of its right to become a city.

G. Court Review

1. There is no court review required for agreements developed under the authority of 15.2-3231, et seq of the Code of Virginia, nor of any annexations effected pursuant to such agreements.

II. AGREEMENTS ENTERED BY THE COMMISSION ON LOCAL GOVERNMENT
(Secs. 15.2-3234 and 15.2-3235, Code of Va.)

A. Eligibility

If the governing bodies of the town and county cannot negotiate an agreement defining the town's future annexation rights, the town may, by ordinance, petition the Commission on Local Government for an order establishing its rights to annex territory in the county according to its proposed terms.

B. Procedure for Initiating Action

1. The petition requesting an order from the Commission on Local Government must be adopted by ordinance which is approved by a majority of the town council.
2. The petition must specify the terms and conditions by which the town will annex territory in the county.
3. The petition must also be served on appropriate officials of the affected county.

B. Procedure for Initiating Action (continued)

4. The county has 60 days following its receipt of the petition to file its response with the Commission.

C. Proceedings of the Commission on Local Government

1. After the period for the filing of the county's response has expired, the Commission will hold hearings in the town or the county to afford the affected localities and their respective residents an opportunity to present evidence or comment on the annexation rights petitioned for by the town.

D. Standards for Review

1. In reviewing town petitions granting future annexation rights, the Commission must use the criteria set forth in Section 15.2-3209, Code of Virginia. Those criteria include:
 - a. The need of the town to expand its tax base.
 - b. The need of the town to obtain land for industrial or commercial use and the adverse impact on the county of the loss of those areas.
 - c. The adverse effect of the loss of tax resources and public facilities on the county's ability to provide services to the remaining portion of the county.
 - d. The need for urban services in the area proposed for annexation, the current level of services provided by the town and the county, and the ability of both jurisdictions to provide services in the area sought for annexation.
 - e. The strength of the community of interest between the areas proposed for annexation and the town and the county.
 - f. The efforts undertaken by both jurisdictions to comply with applicable State policies.
 - g. Any arbitrary prior refusal by the governing bodies of the town and county to enter into cooperative agreements which would have benefited the residents of both localities.

E. Order Granting Annexation Rights

1. If, after a hearing on the petition and a review of the filings by the affected parties, and based upon the criteria set forth in Section 15.2-3209, Code of Virginia, the Commission finds the town's petition appropriate, it will enter an order granting the town the right to future annexations through the periodic adoption of ordinances. The Commission's order shall grant the town the authority to annex pursuant to the terms set forth in the town's petition or upon some modified basis.

F. Limitations on Commission's Order

1. If the Commission enters an order defining a town's future annexation rights, such order may not authorize the town to annex more than once every five years.

G. Appeal of Commission's Order

1. The town, the county, or five percent of the registered voters of either jurisdiction may file a petition requesting the court to review an order entered by the Commission granting a town future annexation rights.
 - a. The petition must be filed within 30 days of the entry of the Commission's order.
 - b. Following the receipt of a petition for appeal, a special three-judge court convened under Chapter 30, Title 15.2, Code of Virginia, will review the Commission's decision and enter any order it deems appropriate.

H. Divestiture of City Status

1. A final order entered by either the Commission on Local Government or the court which grants a town the right to future annexation through the periodic adoption of ordinances shall permanently divest the town of its rights to become a city.

Staff
Commission on Local Government
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