

REPORT
ON THE
TOWN OF ABINGDON-COUNTY OF WASHINGTON
ANNEXATION ACTION



COMMISSION ON LOCAL GOVERNMENT
COMMONWEALTH OF VIRGINIA

REPORT ON THE
TOWN OF ABINGDON - COUNTY OF WASHINGTON
ANNEXATION ACTION

Commission on Local Government

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REPORT OF THE
COMMISSION ON LOCAL GOVERNMENT

TOWN OF ABINGDON - COUNTY OF WASHINGTON
ANNEXATION ACTION

PROCEEDINGS OF THE COMMISSION

On March 4, 1985 the Town of Abingdon 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 intentions to petition the court for the annexation of approximately 7.5 square miles of territory in Washington County. Consistent with the Commission's Rules of Procedure, the Town's notice was accompanied by data supporting the annexation action.¹ Further, in accordance with statutory requirements, the Town concurrently gave notice of its annexation action to nine other localities with which it was contiguous or with which it shared functions, revenues, or tax sources.² The Town's notice also requested the Commission to promote negotiations between Abingdon and Washington County with respect to the proposed annexation.

On April 10, 1985 the Commission met with representatives of the Town of Abingdon and Washington County for purposes of making preliminary arrangements for its formal review of the Town's annexation action and providing mediation assistance. At that meeting the Commission established a schedule which called for the submission of the County's material in response to the annexation action by June 21, 1985, for oral presentations and a public hearing on the issue on July 16-17, 1985, and for submission of the Commission's report by September 20, 1985.³ The Commission also, with the concurrence of the Town and the County, designated Dr. Roger Richman of Old Dominion University to assist the parties in negotiations

¹The Town's notice is contained in Town of Abingdon, Annexation Exhibits, Statistical Data and Descriptions (hereinafter cited as Town Exhibits - Data), March 1985.

²Sec. 15.1-945.7 (A), Code of Va.

³At the request of the Commission, the Town and the County agreed to extend the date for the submission of the Commission's report to

relative to the annexation action.

Following its receipt and review of materials submitted by the Town and County, on July 15, 1985 members of the Commission toured sites and facilities in the Town and the County relevant to the proposed annexation and, consistent with its previously established schedule, received oral testimony from the parties regarding the annexation action on July 16-17. In addition to its receipt and consideration of materials and testimony from the the Town and County, the Commission also solicited comments on the proposed annexation from other potentially affected local governments and from the public. Each locality receiving notice of the Town's annexation action was invited by the Commission to submit testimony for its consideration. Further, the Commission held a public hearing, which was advertised in accordance with the requirements of Section 15.1-945.7(B) of the Code of Virginia, on the evening of July 16, 1985 at the Washington County administrative offices in the Town of Abingdon. The public hearing was attended by approximately 200 persons and produced comment from 27 individuals. In order to permit receipt of additional public comment, the Commission agreed to keep open its record for written submissions through August 24, 1985.

SCOPE OF REVIEW

The Commission on Local Government is directed by statute to review proposed annexations and other local boundary change issues prior to their being presented to the courts for final disposition. Upon receipt of notice of such a proposed action, the Commission is directed "to hold hearings, make investigations, analyze local needs" and to submit a report containing findings of fact and recommendations to the affected local governments.⁴ The Commission's report on each proposed action must be based upon, as required by Section 5.1-945.7(B) of the Code of Virginia,

November 25, 1985.

⁴Sec. 15.1-945.7 (A), Code of Va.

"the criteria and standards established by law" for consideration in such actions.

The criteria and standards prescribed for consideration in annexation cases are set forth in Chapter 25 of Title 15.1 of the Code of Virginia, principally in Section 15.1-1041. This section of the law directs the annexation court, and thus the Commission, to determine "the necessity for and expediency of annexation." As a guide in determining such "necessity and expediency," Section 15.1-1041 requires consideration of the interest of the people of the county and city or town, services rendered and needs of the people for the area proposed for annexation, the interest of the people in the remaining portion of the county, and the best interests of the State in promoting viable units of local government. Further, Section 15.1-1041 specifies a number of fiscal concerns, public service functions, community of interest factors, and State policies which are to be examined in considering the best interests of the jurisdictions and the Commonwealth.

The analysis and recommendations which follow in this report are based upon the Commission's collective experience in local government administration and operations. It is the intention of the Commission to leave questions of law for appropriate resolution elsewhere. The Commission trusts that this report will be of assistance to the parties, the court, the citizens of the area, and the Commonwealth generally.

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

TOWN OF ABINGDON

The Town of Abingdon traces its founding to 1768 when a community known as Wolf Hill was established on the site of the present-day municipality. In 1778 that community was incorporated as the Town of Abingdon.⁵ As of 1980 the Town of Abingdon had a population of 4,318 and an area of 2.5 square miles, giving the municipality a population density of 1,727

⁵Town Exhibits - Data, Exh. 5.

persons per square mile.⁶ Abingdon, whose last boundary expansion occurred in 1948, lost population between 1970 and 1980, experiencing a slight population decline of 1.3% during that decade.⁷

With respect to the nature of its population, the evidence indicates that the Town's populace is considerably older and has a lower average income than the State as a whole. Data reveal that as of 1980 the median age of Abingdon residents was 36.4 years, a statistic significantly higher than that for the State overall (29.8 years).⁸ Further, the percentage of the Town's 1980 population age 65 years and over was 18.1%, or nearly double the comparable figure for the State generally (9.5%).⁹ In terms of personal earnings, data reveal that as of 1979 the median family income in Abingdon was \$15,636, or only 78.1% of the statistic for the Commonwealth as a whole.¹⁰

Abingdon constitutes a significant center of social and economic activity in Washington County. Located within the Town's current boundaries is the Barter Theatre, one of Virginia's major tourist attractions. Further, due to its various public, commercial, and medical facilities, the Town provides significant employment opportunities within its boundaries. Indeed, the evidence suggests that the Town is the locus of employment for

⁶U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, Number of Inhabitants, Virginia, Table 4. The 1985 population of Abingdon is estimated by the Town to be 4,290, a decrease of 0.65% since the decennial census. (Town Exhibits - Data, Exh. 7.) See Appendix A for a statistical profile of the Town of Abingdon, County of Washington, and the area proposed for annexation. See Appendix B for a map of the area proposed for annexation.

⁷1980 Census of Population, Number of Inhabitants, Virginia, Table 4. Between 1960 and 1970 the Town's population decreased by 8.0%. (Ibid.) In 1969 a special three-judge annexation court denied the Town's request to annex 3.17 square miles of Washington County.

⁸U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Population Characteristics, Virginia, Table 14.

⁹Ibid.

¹⁰U. S. Department of Commerce, Bureau of the Census, 1980 Census of Population, General Social and Economic Characteristics, Virginia, Tables 61, 168.

many residents of the surrounding area. In 1980, the Town had within its borders approximately 3,900 nonagricultural wage and salary employment positions, while the total number of employed Abingdon residents at that time was only 1,996.¹¹

In terms of the Town's current development, 1984 data indicate that 42.1% (680 acres) of Abingdon's total area was devoted to residential development, 6.8% (110 acres) to commercial enterprise, 3.1% (50 acres) to industrial activity, 10.2% (165 acres) to public and semi-public uses, while 22.0% (355 acres) remained vacant.¹² The Town has submitted evidence, however, which indicates that only 173 acres of vacant land, or 10.7% of Abingdon's total land area, are amenable to development by virtue of parcel size, the absence of serious environmental constraints, access to transportation arterials, and ownership.¹³

WASHINGTON COUNTY

Washington County was created in 1777 from territory formerly a part of Montgomery and Fincastle Counties, with the latter jurisdiction being terminated in the process.¹⁴ Between 1970 and 1980 the County's population increased from 36,033 to 46,497 persons, or by 29.0%.¹⁵ Based on its 1980 population and land area of 571.5 square miles, Washington County had

¹¹Ibid., Table 167; and Town of Abingdon, Comprehensive Plan Draft (hereinafter cited as Town Comprehensive Plan Draft), April 1985; p. V-11. The estimate of the employment positions in the Town was derived from unpublished Virginia Employment Commission data.

¹²Town Exhibits - Data, Exh. 12. Approximately 15.8% of the land within the Town is used for road or railroad right-of-way.

¹³Ibid. Excluded from this total of 173 acres of vacant property deemed attractive for development were sites on parcels of two acres or less and those situated on slopes of 25% or greater or in the 100-year floodplain.

¹⁴J. Devereux Weeks, Dates of Origin, Virginia Counties and Municipalities (Charlottesville: Institute of Government, University of Virginia, 1967.)

¹⁵1980 Census of Population, Number of Inhabitants, Virginia, Table 4. In 1973 the City of Bristol annexed an area in Washington County containing 4,802 persons. In addition to Abingdon, there are two other incor-

an overall population density of 81.3 persons per square mile.¹⁶

With respect to the nature of its population, various statistical indices disclose that the County's populace, as in the case of Abingdon, is older and poorer than that of the Commonwealth overall. Data indicate that as of 1980 the median age of residents of Washington County was 31.4 years, slightly exceeding that of the State collectively (29.8).¹⁷ Further, statistics reveal that as of 1980 approximately 11.6% of the County's population was age 65 or over, while the percentage of the State's population generally in that age category was 9.5%.¹⁸ In terms of earnings, the median family income for County residents in 1979 was \$15,114, or only 75.5% of the comparable figure for the Commonwealth (\$20,018).¹⁹

Despite the County's population growth in the decade of the 1970s (29.0%) the data suggest that Washington County remains largely rural, with agricultural and forestal activities continuing as major components of the County's economic base. According to a 1980 estimate, only 4.5% of the County's land was devoted to residential, commercial, industrial, or simi-

porated towns and a portion of a third (Saltville) in Washington County. The 1980 population of persons residing in the four incorporated areas of the County was 7,673. (Ibid.) The 1984 official population estimate for Washington County was 47,400. [Julia H. Martin and David W. Sheatsley, Estimates of the Population of Virginia Counties and Cities: 1983 and 1984 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1985.)]

¹⁶Virginia Department of Highways and Transportation, Area in Square Miles of Virginia's Counties and Incorporated Towns. Exclusive of the land area of the four incorporated towns and the population residing therein, the County's 1980 population density was 69 persons per square mile.

¹⁷1980 Census of Population, General Population Characteristics, Virginia, Table 14. Unless otherwise noted, all data cited for Washington County include those persons residing in the Town of Abingdon.

¹⁸Ibid.

¹⁹1980 Census of Population, General Social and Economic Characteristics, Virginia, Tables 61, 180. By 1983 the estimated median family income for the County had increased to \$19,309, while the statistic for the State collectively had risen to \$26,163. [John L. Knapp and Philip J. Grosman, Projected 1983 Median Family and Median Household Income in Virginia's Counties, Cities, MSAs, and Planning Districts (Charlottesville:

lar uses.²⁰ Further, 1982 data published by the U. S. Bureau of the Census reveal that Washington County ranked first amongst all Virginia localities in the number of farms contained within its borders and was one of the leading counties in the state in terms of land devoted to farming purposes.²¹ Finally, according to information published in 1977 by the Virginia Division of Forestry, there were 189,973 acres of land in the County producing, or capable of producing, wood for industrial purposes.²²

Commercial and industrial activities in Washington County do, however, play an important role in the County's economy. Statistics indicate that between 1975 and 1984 the number of nonagricultural wage and salary employment positions in the County increased from 9,414 to 11,993 positions, or by 27.4%.²³ By the latter date, manufacturing employment comprised almost 30% of the total jobs available within the County, while nonmanufacturing activity, primarily in wholesale and retail trade and the service sector, made up the remainder.²⁴ While clearly the County has

Taylor Murphy Institute, University of Virginia, 1983.))]

²⁰Carl I. Rasnic, Principal Planner, Mount Rogers Planning District Commission, letter to staff of the Commission on Local Government, Sep. 23, 1985. The 1980 estimates of land use in the County were based upon a 1970 survey conducted by Mount Rogers Planning District Commission personnel. The data reported for the County include land uses in the incorporated towns.

²¹U. S. Department of Commerce, Bureau of the Census, 1982 Census of Agriculture, Virginia, Table 1, p. 139. As of 1982, the County contained 2,289 farms occupying 215,393 acres. Washington County was the fourth leading county in the State in terms of tobacco harvested in 1982.

²²Virginia Division of Forestry, Forest Resource Data, Mount Rogers Planning District, 1977, Table 2. Land devoted to forestry is included in the Bureau of the Census' definition of farmland.

²³Virginia Employment Commission, Population and Labor Force Data, 1975; and Covered Employment and Wages in Virginia for Quarter Ending December 31, 1984 - Washington County.

²⁴Ibid.

experienced significant residential, commercial, and industrial development, it remains largely rural and sparsely populated.

AREA PROPOSED FOR ANNEXATION

The area proposed for annexation by the Town of Abingdon contains 7.6 square miles, 2,846 persons (based on a 1985 estimate), and \$85.6 million in "current" assessed property values subject to local taxation. Thus, the area includes 1.3% of Washington County's total land area, approximately 5.6% of its population, and 8.4% of its total assessed property values subject to local taxation.²⁵ Based on its area and current estimated population, the area proposed for annexation has a population density of 374 persons per square mile.

In terms of the nature of its development, the area currently contains approximately 14 residential subdivisions, commercial areas adjacent to the Interstate Highway 81 - State Route 75 interchange and along U. S. Highways 11 and 19 East, and public facilities which include a high school, an elementary school, the County's vocational center, the Washington County School Board administrative offices, the Virginia Highlands Community College, the Town's sewage treatment plant, and utility lines and appurtenances belonging to both the Washington County Service Authority and the Town of Abingdon.²⁶ As of 1984, approximately 14.3% of the area proposed for annexation was devoted to residential use, 1.7% to commercial enterprise, 2.2% to industrial activity, 8.6% to public and semi-public uses, with 64.3% remaining vacant or engaged in agricultural

²⁵Town Exhibits - Data, Exh. 7; and A. C. Bradley, Town Planner, Town of Abingdon, communication with staff of Commission on Local Government, Oct. 10, 1985. The County has estimated that the area proposed for annexation contains approximately 2,491 persons, \$91.9 million in 1985 real property assessed values, and (as of 1984) \$11.9 million in personal and public service corporation property, mobile homes, and machinery and tools assessed values. [County of Washington, Financial Exhibits (hereinafter cited as County Financial Exhibits), Exh. F.] Data concerning real property values do not reflect use value assessment.

²⁶Town Exhibits - Data, Exh. 14; and Town of Abingdon, Annexation Exhibits, Maps, (hereinafter cited as Town Exhibits - Maps), March 1985, Exhs. M-5, M-7, M-8.

production.²⁷ Of the vacant land in the area proposed for annexation (3,140 acres), 225 acres are located on slopes exceeding 25% with substantially reduced development potential, and 75 acres are located in the 100-year floodplain. Thus, the net vacant land suitable for development consists of approximately 2,840 acres.²⁸

STANDARDS AND FACTORS FOR ANNEXATION

As noted previously, the Code of Virginia directs this Commission, and ultimately the court, to consider in each annexation issue the best interests of the municipality, the area proposed for annexation, the remaining portion of the county, and, in addition, the best interests of the State. Further, the statutes prescribe a series of factors for consideration in the evaluation of the best interest of each of the parties. The sections which follow in this report constitute the Commission's analysis of these various considerations.

NEED OF THE TOWN OF LAND FOR DEVELOPMENT

As indicated earlier, the Town of Abingdon currently has approximately 355 acres of land which are vacant or in agricultural use, with that acreage constituting 22% of its total land area.²⁹ Of this vacant land, however, the Town has calculated that only 317 acres are suitable for development due to their location in tracts of more than two acres. Further, excluding from this total the property situated on slopes exceeding 25%, located in the 100-year floodplain, held in multiple ownership, or having poor access to transportation arteries (comprising collectively 144 acres), the Town has only 173 acres, or 10.7% of its total land area,

²⁷Town Exhibits - Data, Exh. 13. Approximately 8.9% of the land within the area proposed for annexation is used for road or railroad rights-of-way.

²⁸Ibid.

²⁹Town Exhibits - Data, Exh. 12.

vacant and amenable for development.³⁰ While the Commission recognizes that environmental factors, 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 may, indeed, constitute major impediments to development. Based on such recognition, and for the reasons set forth below, the Commission concludes that while Abingdon has experienced commercial, residential, and, to a limited extent, industrial growth during the past decade, and while there remain limited areas of vacant developable land within Abingdon's current boundaries, the Town does have a need for additional land for new development.

With respect to this conclusion, the data reveal that the Town has approximately 59 acres of vacant property located in seven tracts within its boundaries which are free from major environmental constraints, are zoned for industrial purposes, and are readily available for development.³¹ Despite the availability of these sites, the Town has not experienced industrial growth in recent years commensurate with that which has occurred in Washington County. The data indicate that between 1980 and 1984 the Town issued only one building permit for the construction of industrial property, with that project valued at less than \$200,000. During the same period of time, the County issued 18 permits for the construction of industrial properties valued collectively at more than \$2.8 million.³² In support of the contention that industrial sites in

³⁰Ibid.

³¹Ibid. Included in this amount are approximately 18 acres in one tract which is listed with the Virginia Department of Economic Development. In contrast, the State's primary development agency lists eight industrial properties elsewhere in Washington County collectively containing 580 acres. (Virginia Department of Economic Development, "Industrial Site Listings," Abingdon and Washington County.) The acreage in the Town's industrial zone was calculated from data presented in County of Washington, Response to Annexation Exhibits, Vol. II (hereinafter cited as County Response - II), Exh. 16. This tabular exhibit was filed with the Commission on July 17, 1985.

³²C. Richard Cranwell, Special Counsel, County of Washington, letter to staff of the Commission on Local Government, Aug. 20, 1985; G. M.

Abingdon are at a competitive disadvantage to those in the County, Town officials have submitted evidence indicating that, since 1979, five industrial operations formerly situated in Abingdon have relocated outside the Town's corporate boundaries.³³

With respect to prospects for commercial growth, the evidence reveals that the Town retains approximately seven acres of vacant property which are free of major environmental constraints and other limiting factors, and are presently zoned for commercial use.³⁴ The Town has, however, identified approximately 73 acres in three tracts currently zoned for agricultural or residential uses which have a potential for future commercial development.³⁵ Moreover, data concerning recent development in the Town and the County reveal that Abingdon has benefited from the predominant share of the area's commercial activity in recent years. Between 1980 and 1984, the Town issued 13 building permits for the construction of commercial properties valued collectively at \$1.5 million, while during the same period the County issued 5 permits for the construction of such properties valued at only \$305,000.³⁶ In contrast to that statistic, however, there is evidence disclosing a substantial migration of commercial establishments from

Newman, Town Manager, Town of Abingdon, letter to staff of the Commission on Local Government, Aug. 6, 1985; Delane Parks, County Planner, County of Washington, communication with staff of the Commission on Local Government, Sep. 26, 1985; and Bradley, communication with staff of Commission on Local Government, Aug. 21, 1985. Prior to 1980 County records did not distinguish between building permits issued for new construction and those issued for additions or alterations. (Parks, communication with staff of the Commission on Local Government, Sep. 26, 1985.)

³³Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985. One of the industrial operations which moved from Abingdon relocated in the Washington County Industrial Park.

³⁴Town Exhibits - Data, Exh. 12; and County Response - II, Exh. 16.

³⁵Ibid. The determination that this property has potential for commercial development is based upon the location of the tracts and adjacent land uses.

³⁶Cranwell, letter to staff of the Commission on Local Government, Aug. 20, 1985; and Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985.

the Town. The data indicate that since 1979, 38 businesses have moved from Abingdon, many to locations in areas adjacent to the Town.³⁷ This migratory pattern suggests that sites within the Town are at a competitive disadvantage with those beyond Abingdon's present corporate limits.

Finally, with respect to the issue of the Town's need for land for residential development, the Commission considers it important to observe that the general viability of all communities rests in part upon the capacity of a locality to attract and retain a heterogeneous population. A prerequisite for such is a locality's ability to continue to offer an array of housing alternatives to prospective residents. The absence, for example, of moderately priced single-family residential alternatives can result in the permanent loss of young families who contribute substantially to a community's economic, social, and civic life. While the data available to this Commission indicate that Abingdon has experienced a modest degree of residential construction in recent years, the scarcity of vacant land in Abingdon suitable for future residential development can be expected to affect adversely the Town's population profile. With respect to this point, it is relevant to note that between 1980 and 1984 the Town issued only 16 permits for the construction of single-family residential units and 11 permits (representing 96 housing units) for multi-family housing.³⁸ During the same span of years Washington County issued 718 single-family residential building permits and 48 permits (representing 103 units) for multi-family units.³⁹

³⁷Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985. The Commission observes that significant new commercial development has occurred just beyond the Town's current southern boundary in the area proposed for annexation near the intersection of State Route 75 (Cummings Street) and Exit 8 of Interstate Highway 81. This area includes the Washington Square Shopping Center, which has been developed on a 13-acre site contiguous to the Town's boundaries. In addition, the area along U. S. Highway 11 west of the Town is the site of 11 commercial enterprises which have relocated from Abingdon since 1979.

³⁸Ibid.

³⁹Cranwell, letter to staff of the Commission on Local Government, Aug. 20, 1985. Not included in these statistics are the 1,284 building permits issued by the County between 1980 and 1984 for mobile homes.

Examination of several demographic statistics also suggests that the Town, in relation to Washington County, is already experiencing a loss of its younger residents. First, between 1970 and 1980 the Town's population aged more rapidly than did that of the County and that of the State as a whole. During that decade, the percentage of the Town's population age 65 and over increased from 12.9% to 18.1%, while that in the County rose from 10.1% to 11.6%.⁴⁰ Further, during the decade of the 1970s, the number of persons under the age of 18 and residing in married couple families decreased in Abingdon by 32.3%, while the number of such persons in Washington County increased during the same period by 5.5%.⁴¹ The evidence clearly discloses that demographic changes during the previous decade have left Abingdon with a significantly higher concentration of elderly persons. The absence of suitable land for residential development within Abingdon constitutes, in our judgment, a major factor in the Town's inability to retain the youthful component of its population.

Washington County has contended, however, that the Town has sufficient land within its present boundaries to meet its current and prospective needs for industrial, commercial and residential development. Citing the vacant properties identified by the Town and the densities for various types of development permitted under Abingdon's zoning ordinance, the County has asserted that the unoccupied land in the Town would be sufficient to accommodate more than 1.4 million square feet of commercial or industrial development and between 701 and 2,537 new dwelling units, depending on the density of development.⁴² Further, the County has iden-

⁴⁰U. S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Characteristics of the Population, Virginia, Table 16; and 1980 Census of Population, General Population Characteristics, Virginia, Table 14. Data for Washington County include information concerning the residents of the incorporated towns. Between 1970 and 1980 the percentage of the State's population age 65 and over increased from 7.9% to 9.5%.

⁴¹1970 Census of Population, Characteristics of the Population, Virginia, Tables 31, 38; and 1980 Census of Population, General Population Characteristics, Virginia, Tables 39, 48. County data include information for those persons residing in incorporated areas.

⁴²County Response - II, Exh. 16.

tified six other sites within the Town's present corporate boundaries, collectively comprising 31.5 acres, which could provide an additional 265,000 square feet of commercial or industrial development and between 104 and 168 dwelling units.⁴³ With respect to the analysis of vacant land performed by the County, the Commission observes that the County's calculations do not reflect and are not consistent with the actual patterns of development which have occurred in the areas adjacent to the Town and in the County generally in recent years. It has been noted previously that even with land available for development in the Town, most of the industrial and residential development in the general area has occurred beyond Abingdon's corporate limits.⁴⁴ Further, while building permit data does reflect the occurrence of new commercial enterprise in Abingdon, this new development has not been sufficient to offset the migration of businesses from the Town. Moreover, we note that the County's analysis of the Town's development potential does not reflect consideration of the impact on the Town and the County of providing services to such proposed intensive development; the cost to the developer of overcoming environmental factors (such as steep slopes); the compatibility of the proposed development with surrounding land uses; or the difficulty of obtaining easements for access, seeking zoning changes, and assembling tracts of land from multiple owners.⁴⁵ Finally, the development of the Town, as

⁴³Ibid. The Commission notes that two of the supplemental sites identified by the County include part of the Town's 16.5 acre Cummings Street park, which is the location of the only public swimming pool serving the general area and Abingdon's vehicle maintenance shops.

⁴⁴Cranwell, letter to staff of the Commission on Local Government, Aug. 20, 1985; and Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985. The Commission notes that much of the single family residential development in the area proposed for annexation has occurred in subdivisions with large lots. In addition, between 1974 and 1984 developers have platted 1,218 subdivision lots in the County, while subdivision development within the Town has resulted in only 57 new lots being recorded during that same period. County records do not include, moreover, those subdivisions with lots of two acres or more which are exempt from County regulations. (Ibid.; and Parks, communication with staff of the Commission on Local Government, Sep. 26, 1985.)

⁴⁵See Testimony of Elizabeth B. Davison, Consultant, County of

suggested by the County, would significantly increase the density of Abingdon beyond its current level (1,727 persons per square mile (based on 1980 population data) and deprive Abingdon of open spaces which are, in our judgment, vital components of urban life.⁴⁶

The Commission concludes that while the County's abstract calculation of the Town's development potential suggests that Abingdon could accommodate substantial additional growth within its current boundaries, we are obliged to conclude that the Town has a need for additional vacant land for future commercial and industrial development and for enabling a sufficient variety of housing opportunities and lifestyles to prospective residents.

NEED OF THE TOWN TO EXPAND TAX RESOURCES

Since towns in Virginia rely predominantly upon taxes on real property for local revenues, the assessed values of such property become an important consideration in town annexation issues. In this instance the data reveal that the Town of Abingdon has experienced growth in its real property tax assessables in recent years closely paralleling that in the County generally. Based upon assessment at 100% of fair market value, real property values in the Town increased from \$39.3 million in FY1973-74 to \$89.2 million in FY1983-84, or by 127.0%.⁴⁷ During the same span of years such values in Washington County as a whole increased from \$359.6

Washington, Transcript of Annexation Suit, Town of Abingdon vs. County of Washington (hereinafter cited as Transcript), July 16-17, 1985, pp. II-133--184.

⁴⁶In 1980 the towns in Virginia with populations between 3,800 and 4,800 had an average density of 1,105 persons per square mile. The towns used for comparison include Altavista, Ashland, Big Stone Gap, Rocky Mount, South Hill, Tazewell, Warrenton, and Wise. The Commission acknowledges that while increased densities often result in a more efficient and effective delivery of services, such development must be tempered by consideration of other concerns.

⁴⁷Town Exhibits - Data, Exh. 8; and County Financial Exhibit, Exh. A. Assessed values for public service corporation real property are not included. The use value for all real property within the Town in FY1983-84 was \$88.3 million.

million to \$855.6 million, or by 137.9%.⁴⁸ Moreover, recent data resulting from the County's 1985 general reassessment of real property reveal that between 1984 and 1985 the assessed value of real property in the Town increased by 17.7%, while such values in Washington County generally increased by only 11.6%.⁴⁹

With respect to relative local tax burden, however, statistics disclose that Town residents do bear a higher per capita fiscal burden than do those in unincorporated portions of the County. During FY1982-93, Town residents paid \$189.59 per capita in taxes to their municipality, while at the same time contributing substantially to Washington County's local tax collections.⁵⁰ With respect to property taxes alone, in FY1982-83 Abingdon residents paid \$108.40 per capita to the Town, while during the same period residents of Washington County generally (including those in Abingdon) paid \$106.82 in such taxes to the County.⁵¹ Thus, considering these taxes collectively, on a per capita basis Abingdon residents bore a local property tax burden in FY1982-83 twice that of residents in unincor-

⁴⁸Town Exhibits - Data, Exh. 9; and County Financial Exhibits, Exh. A. Assessed values for public service corporation real property are not included. The application of use value assessment to qualifying properties in Washington County reduced the total real property values in FY1983-84 to \$740.0 million.

⁴⁹County Financial Exhibits, Exh. A.

⁵⁰Town of Abingdon, Annexation Exhibits, Town Contracts, Ordinances and Financial Data, March 1985; and Virginia Auditor of Public Accounts, County of Washington, Report on Audit for the Fiscal Year Ended June 30, 1983. Revenue statistics for Abingdon were drawn primarily from the Town's FY1984-85 budget. This source has been utilized rather than the Town's audit report because it offers a more detailed breakdown of local revenues. The Town's budget, however, contains authoritative data for FY1982-83. Receipts from the local option 1% sales tax were excluded from the per capita calculations because these revenues are not distributed to Washington County and Abingdon based upon the site of the sale. The Town revenues included were receipts from all property, motor vehicle license, consumer utility, business license, franchise license, recordation, and bank franchise taxes. The per capita tax burden was calculated using 1980 population figures.

⁵¹Towns in Virginia may tax all classes of property eligible for taxation by a county. Town property taxes do not supplant county taxes on

porated portions of the County.

An examination of the real estate tax rate provides some evidence of the relative fiscal burden borne by Abingdon residents. Based upon the ratio between sale and assessed real property values in various jurisdictions, as calculated by the Virginia Department of Taxation, the true real property tax rate in 1983 (the latest year for which such calculation has been made) in Abingdon was \$0.42 per \$100, a rate twice that paid by taxpayers in the eight other towns in Virginia of similar size.⁵² Further, if the County's 1983 true real property tax rate (\$0.44) is added to the Town's (\$0.42), the 1983 aggregate true real property tax rate in Abingdon would be \$0.86, an amount more than 40% higher than the average of such aggregate tax rates of the other eight towns in the State having populations of similar size.⁵³ Further, Abingdon's aggregate true real property tax rate in 1983 was higher than that of 17 of the State's 41 cities.⁵⁴

In summary, the evidence indicates that while the Town of Abingdon has in recent years experienced a growth in real property values comparable to

the same property.

⁵²Virginia Department of Taxation, Virginia Assessment/Sales Ratio Study, 1983, March 1985; and Local Tax Rates, Tax Year-1983. In order to calculate a true tax rate for the jurisdictions under study, the nominal real property tax rate of each town was multiplied by the median assessment ratio of their respective county. The towns used for comparison to Abingdon ranged in population from 3,800 to 4,800 and consisted of Ashland, Altavista, Big Stone Gap, Rocky Mount, South Hill, Tazewell, Warrenton and Wise. The average true real estate tax rate for these eight towns in 1983 was \$0.21 per \$100 of assessed value, and the range was between a low of \$0.11 and a high of \$0.35. The Commission notes that in 1983 only six towns in Virginia had a nominal real property tax rate higher than Abingdon's. It is further observed, however, that for the current tax year, Abingdon's nominal real property tax rate has been reduced from \$0.47 to \$0.43 per \$100 of assessed value.

⁵³Ibid. The average aggregate real property tax rate for the eight towns was \$0.61, and the range was between \$0.42 and \$0.82.

⁵⁴Virginia Assessment/Sales Ratio Study, 1983.

that which has occurred in Washington County generally, residents of the Town do bear a significantly higher local tax burden than do residents of the adjoining areas of Washington County. The evidence indicates, in our judgment, that Abingdon does have a need to expand its tax resources.

URBAN SERVICE CONSIDERATIONS

The annexation statutes require consideration of the urban service needs of an area proposed for annexation, the level of services currently provided by the municipality and the affected county, and the relative ability of the two jurisdictions to serve the area in question. In this instance, the area proposed for annexation by Abingdon contains 7.5 square miles (1.3% of total County area) and a 1985 estimated population of 2,846 (5.6% of the County's population). These statistics indicate that, as noted previously, the area has a current population density of 374.4 persons per square mile. This population density gives the area an urban nature dissimilar to that of Washington County generally.

Sewage Collection and Treatment

The Town's sewage treatment plant, which was constructed in 1978 as a regional facility to serve Abingdon and its environs, has a rated capacity of 1.5 million gallons per day (MGD).⁵⁵ The plant currently treats an average daily flow of 1.1 MGD, leaving an excess capacity of approximately 0.4 MGD.⁵⁶ The plant was designed and constructed so that its capacity could be increased to 2.25 MGD when future conditions warrant.⁵⁷

The Town's present sewage collection system consists of 30 miles of

⁵⁵Testimony of William M. Zollman, Consultant, Town of Abingdon, Transcript, pp. I-61. The plant was designed to serve the Town and adjacent areas of Washington County which collectively comprise approximately 30 square miles.

⁵⁶Bradley, letter to staff of the Commission on Local Government, May 3, 1985.

⁵⁷Testimony of Zollman, Transcript, pp. I-61. The cost to expand the facility to 2.25 MGD is estimated between \$500,000 and \$700,000. (Ibid., pp. I-120.)

lines which are located within and beyond Abingdon's present borders.⁵⁸ The Commission notes that the Town's sewerage system is confronted with problems resulting from the infiltration of groundwater and the inflow of stormwater created, in part, by the age of the collection lines and the connection of roof drains to the sanitary sewerage system. Town officials have informed the Commission that studies have been completed which have identified the problem areas and that the Town has an ongoing program to address these problems.⁵⁹

Sewage collection services in the area proposed for annexation are provided by the Washington County Service Authority (WCSA), which began installing sanitary sewer lines in the areas adjacent to the Town in 1981.⁶⁰ The Authority owns approximately 22 miles of lines in the Abingdon environs and serves 301 connections in the area proposed for annexation.⁶¹ WCSA collection lines serve all major residential and com-

⁵⁸Town Exhibits - Data, Exh. 16. The Town has approximately 1,558 connections to its sewer lines. (Bradley, letter to staff of the Commission on Local Government, May 3, 1985.)

⁵⁹Testimony of Zollman, Transcript, pp. I-22--23. In 1980 the Virginia State Water Control Board limited the number of new single-family residential equivalent connections to the Town's sewage treatment plant due to excessive infiltration and inflow. As a result of efforts made by the Town to correct the identified problems since that date, the State Water Control Board, in May 1985, authorized Abingdon 500 residential-equivalent additional connections to its system. (Martin G. Ferguson, Jr., Office of Enforcement, State Water Control Board, letter to Newman, May 1, 1985.) Since 1980 the Town has expended \$388,331 to correct infiltration and inflow problems. (Bradley, letter to staff of the Commission on Local Government, May 3, 1985.)

⁶⁰In 1976 the County Board of Supervisors financed a study of the sewer service needs of the areas adjacent to the Town. The study identified ten construction projects to meet those needs. Due to funding limitations, only four of the projects which were designed to eliminate immediate health hazards were completed. [County of Washington, Response to Annexation, Vol. I (hereinafter cited as County Response - I), pp. 11-12.]

⁶¹Testimony of Curtis Tack, General Manager, Washington County Service Authority, Transcript, p. II-32. The WCSA has a mandatory sewer participation policy whereby residents having property utilizing septic

mercial concentrations in the area proposed for annexation, with the exception of a portion of the Morningside Hills Subdivision (northeast of the Town) and those subdivisions located to the southeast of Abingdon's corporate limits. Residents of those subdivisions and the less densely populated portions of the proposed annexation area are served by private septic tank systems. Sewage collected by the WCSA is treated, under the terms of a 1977 sewer service agreement, at the Abingdon Sewage Treatment Plant, which is located in the southern portion of the area proposed for annexation.⁶² The Commission is unaware of any existing health hazard in the area proposed for annexation by the Town, nor of any sewage problem in any portion of that area which requires an immediate extension of public sewerage service.⁶³

With respect to its plans to serve the area proposed for annexation, the Town has indicated its intention to extend sewerage lines within seven years after annexation to those residences in the Morningside Hills subdivision not presently served by WCSA lines. Abingdon does not plan, however, to extend service to the residential area located in the southwestern portion of the area proposed for annexation until an even later

tanks and not desiring to connect to sewer lines pay an initial fee of \$200 upon installation of the lines within 300 feet of their residence and \$10 per month availability charge. In the Abingdon environs, 348 homeowners have paid the availability fee. (Testimony of Tack, Transcript, pp. II-29, II-31, II-40--41.) The only WCSA sewer facilities are located in the areas surrounding Abingdon.

⁶²County Response - I, p. 12. In 1977 the WCSA signed an agreement with the Town of Abingdon which called for each party to provide one-half of the local construction cost and to receive one-half of the capacity of the Town's 1.5 MGD treatment facility and joint-use sewer interceptor lines. Further, the agreement provided for the WCSA to share in the operations and maintenance cost of the facility based on the amount of sewage contributed by its customers. (Testimony of Tack, Transcript, pp. II-26--27.)

⁶³Testimony of Tack, Transcript, p. II-28; and Herbert R. Proffitt and Thomas R. Burgess, Sanitarians, Washington County Health Department, communication with staff of the Commission on Local Government, Oct. 8, 1985. The Commission notes, however, that other areas adjacent to Abingdon have an immediate need for the extension of public sewerage facilities. Of greatest concern is that portion of the Fifteenmile Creek Watershed located

date, with such extension possibly being delayed a full decade.⁶⁴

Based upon the number of connections and the population served by WCSA sewerage lines within the area proposed for annexation and the absence of any known health problems in the area stemming from sewage concerns, the Commission concludes that there is no immediate need for the extension of sewerage within the area proposed for annexation by Abingdon.

Water Supply and Distribution

Washington County began its involvement in the provision of public water service in 1934 with the establishment of a sanitary district to serve the central and eastern portions of the County. In 1976 the County's two sanitary districts were consolidated by the Board of Supervisors into the Washington County Service Authority (WCSA).⁶⁵ Currently, the WCSA provides water service to substantial portions of the County, including the Town of Abingdon and the area proposed for annexation.⁶⁶

The capacity of the Authority's water sources has been rated by the Virginia Department of Health at approximately 5.2 MGD, a figure which exceeds the system's 1984 average daily consumption from those sources (3.4

east of the Town and encompassing the U. S. Highway 11 and 58 commercial corridor, the Scott Addition and Southview subdivisions, and a trailer park. This area was identified in the County's 1976 study of sewerage needs as having ". . . existing stream water quality problems and septic tank inadequacies . . ." (County of Washington, Feasibility Report, Sanitary Sewerage Facilities, Abingdon Service Area, April 1, 1976.) In the period since that study, residential and commercial properties in the area have experienced numerous septic tank failures requiring repair or replacement of the septic systems. Many of these properties do not have sufficient land remaining to correct any future problems with their septic systems. (Profitt and Burgess, communication with staff of the Commission on Local Government, Oct. 8, 1985.)

⁶⁴Town Exhibits - Data, Exhs. 18, 18A.

⁶⁵County Response - I, p. 10; and Testimony of Tack, Transcript, p. II-15. The other sanitary district was located in the southwestern portion of the County in areas adjacent to the City of Bristol.

⁶⁶Town Exhibits - Maps, Exh. M-7; and County Response - II, Exh. 4R. The Town gave its water systems to the WCSA in the 1930s. (Testimony of Newman, Transcript, p. 1-195.)

MGD) by 65%.⁶⁷ The Authority maintains approximately 900 miles of water mains and serves more than 13,000 customers throughout the County.⁶⁸ In addition, WCSA has 11 storage tanks at various locations in the County with a total capacity of 6.95 million gallons (MG).⁶⁹

Although the Authority provides water service to the residents of Abingdon, the Town in the past has constructed new water lines within its boundaries and has dedicated those lines to the WCSA for maintenance.⁷⁰ In addition, Town personnel perform the necessary work to provide new water service connections for the Authority within Abingdon.⁷¹

Officials of the Town of Abingdon have stated that although there is not a current need for the extension of public water service to any portion of the area proposed for annexation, a survey of the fire suppression conditions in that area discloses a need for 15 additional fire hydrants. In response to this condition, the Town proposes to install eight hydrants within two years after the effective date of the annexation, but asserts that the size of Authority water lines precludes the installation of the

⁶⁷Sharon Rollins, District Engineer, Division of Water Programs, Virginia Department of Health, letter to Tack, March 9, 1984; and Tack, communication with staff of the Commission on Local Government, Sep. 9, 1985. Within its service area the WCSA maintains three water sources - two springs with an aggregate daily flow of 3.0 MGD and a water treatment plant with a rated capacity of 2.2 MGD located on the Holston River. In addition, the County purchases approximately 0.9 MGD from the City of Bristol. (Ibid.) The capacity at the WCSA's treatment plant can be increased by approximately 75% by extending its hours of operation. (Testimony of Tack, Transcript, p. II-19.)

⁶⁸Testimony of Tack, Transcript, p. II-19.

⁶⁹Rollins, letter to Tack, March 9, 1984. Two of the storage tanks, with an aggregate capacity of 1.5 MG, are located in the Town.

⁷⁰Town Exhibits - Data, Exh. 16. The Town used a portion of a \$1.8 million Community Development Block Grant to install 6,350 linear-feet of water lines as part of a neighborhood revitalization project within its borders.

⁷¹Ibid.

other seven.⁷²

Despite this water flow problem identified by the Town, the Commission concludes that public water service needs in the area proposed for annexation are, in the main, being met by the WCSA. Further, we also note that water service in the area will remain the responsibility of the WCSA and will not be affected generally by the extension of the Town's boundaries.

Solid Waste Collection and Disposal

The Town of Abingdon provides its residents with weekly solid waste collection and extends to its business concerns a schedule of collections dependent upon their needs. The cost of this service is borne by general fund revenues and is not supported by user charges.⁷³ Seasonal collection of leaves and brush is also provided in residential areas for no additional charge. The Town disposes of its refuse at the Washington County Sanitary Landfill, which is located approximately five miles east of the Town.⁷⁴

Washington County, through the WCSA, provides once-a-week curbside solid waste collection services to the residents of the area proposed for annexation by contract with a private collector for a monthly charge of \$5.72.⁷⁵ Brush and leaves are also picked up if properly bagged. Service is also provided to commercial establishments in the area, with the

⁷²Town Exhibits - Data, Exhs. 18, 18A; Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985; and testimony of Newman, Transcript, pp. I-195--196.

⁷³Town Exhibits - Data, Exh. 16; and testimony of Newman, Transcript, pp. I-191--192. The cost of this service consumes approximately 37% of the Town's real estate tax revenue.

⁷⁴Town Exhibits - Data, Exh. 16. The Town is not charged a fee for its disposal of refuse at the County's landfill. Until July 1985 the landfill was operated by the WCSA, but due to financial difficulties experienced by the Authority's solid waste operations, the County has taken steps to assume responsibility for its continued operation. (Testimony of Richard Barton, County Administrator, County of Washington, Transcript, p. II-247.)

⁷⁵County Response - I, p. 22. This service is provided through a contract between the WCSA and a private contractor. The cost of the solid

frequency and cost of collection based upon the particular needs of each firm.⁷⁶

While the Commission finds that the solid waste collection services in the area proposed for annexation are generally adequate for the area's needs, we do believe that an extension of Town services to the area will be beneficial. In our judgment, the provision of solid waste collection service through general fund revenue (without the imposition of user charges) does encourage and facilitate the proper disposal of refuse. As the areas adjacent to Abingdon increase in development, the Town's solid waste collection services should grow in significance.

Crime Prevention and Protection

Law enforcement services in the area proposed for annexation and in the County generally are provided through the Washington County Sheriff's Department. The personnel complement of the Sheriff's Department consists of 37 full-time sworn officers, 22 of whom are assigned patrol responsibility.⁷⁷ This level of staffing provides the County with one sworn officer for each 1,765 residents based on the County's 1980 population, exclusive of the population residing in the County's three incorporated towns.⁷⁸

One of the measures of the level of a community's law enforcement services is the geographic intensity of its patrol activity. The Washington

waste collection service is billed directly to the customer by the contractor. Collection of large items and non-bagged brush or leaves is not provided by the County's contract with the private contractor.

⁷⁶Ibid.

⁷⁷County Response - I, p. 30; and Cranwell, letter to staff of the Commission on Local Government, July 23, 1985. In addition, the County's law enforcement efforts are supplemented by eight auxiliary deputies and a total of five officers in the Towns of Glade Springs and Damascus, as well as by the five officers employed by the Town of Saltville who patrol the portion of that Town located in Washington County. (Virginia Department of State Police, Crime in Virginia, 1984, Table IV.)

⁷⁸The County also contends that the personnel of the Virginia State Police assigned to Washington County should be considered as being available to assist regularly and routinely with the County's patrol

County Sheriff's Department, unlike other county law enforcement operations in Virginia, does not assign its patrol personnel to territorial districts. Rather, each patrol officer has Countywide patrol responsibilities, with a varying number of deputies on duty during the course of a day. Eight deputies are assigned the 7:00 a. m. to 3:30 p. m. shift, with five deputies on duty during the remainder of the 24-hour day.⁷⁹ Since the Sheriff's Department has on duty during the period of greatest need a total of nine law enforcement personnel (eight deputies and the Sheriff), it provides the County an average geographic intensity of service equivalent to one officer per 63.4 square miles during these time intervals.⁸⁰

Another measure of the intensity of law enforcement service in a locality is the number of "calls for service" being answered by each officer serving the jurisdiction.⁸¹ With respect to Washington County generally, data indicate that during the 1984 calendar year there were a total of 5,694 "calls for service" which were the initial responsibility of the 22

responsibility. The Commission notes that the State Police have traffic enforcement and accident investigation as their principal responsibilities and do not normally respond to minor criminal calls and other matters requiring action by other law enforcement agencies. In 1984 the State Police handled only 15 (3.8%) of the 397 major crimes reported in the unincorporated portion of the County. (Crime in Virginia, 1984, Table III.) Further, a recent study of the activities of the State Police reveal that only approximately 2% of a State trooper's time is involved with criminal action and follow-up investigations. (Virginia Department of Planning and Budget, A Review of the Mission and Staffing of the Department of State Police, Dec. 1984.) Although the State Police do relieve the Sheriff's Department of primary responsibility for patrolling the approximately 153 miles of Interstate and primary roads in the County, the local law enforcement agencies in Washington County have no control over the location of the State Police and cannot assign them routine "calls for service," which constitute the bulk of local law enforcement activity.

⁷⁹Cranwell, letter to staff of Commission on Local Government, July 24, 1985.

⁸⁰Nine deputies and two auxiliary deputies live within the Town or the area proposed for annexation. (County Response - I, p. 30; and County Response - II, Exh. 7.)

⁸¹The term "calls for service" in the law enforcement context includes everything from response to major crimes, which constitutes a small part of the total demands on law enforcement agencies, to noncriminal

Sheriff's deputies assigned patrol responsibility.⁸² Thus, each patrol position responded to an average of 259 "calls for service" during that calendar year.

In considering the breadth and quality of law enforcement services provided to the residents of Washington County, several additional points should be cited. First, the Sheriff's Department has recognized the need for an organized crime prevention program and has assigned personnel on a part-time basis to administer such activities. The Department's efforts are directed toward the establishment of neighborhood watch programs at various locations in the County.⁸³ Second, the Commission notes that each new deputy employed by the Washington County Sheriff's Department is required to attend the basic law enforcement program offered at either the Southwest Law Enforcement Training Academy in Richlands or at the New River Police Academy in Dublin.⁸⁴ With respect to advanced specialized training, records indicate that the law enforcement personnel of the County's Sheriff's Department have attended a number of courses beyond those mandated by the State.⁸⁵ No measurement of the quality of law enforcement services is complete without consideration being given to the breadth and intensity of the training given the personnel.

Law enforcement services within the Town of Abingdon are provided prin-

requests for assistance. "Calls for service" more accurately measure the total activity of a locality's law enforcement efforts than do published crime rates which only reflect dealings with major crimes. The category "major crime" consists of murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. (Crime in Virginia, 1984.)

⁸²Cranwell, letter to staff of the Commission on Local Government, July 24, 1985.

⁸³Ibid. There are no Sheriff's deputies assigned to crime prevention projects on a full-time basis. To date, 15 neighborhood watch programs have been established in the County.

⁸⁴Ibid.; and County Response - I, pp. 30-31.

⁸⁵Cranwell, letter to staff of the Commission on Local Government, July 24, 1985. The State requires all full-time law enforcement officers to complete 229 hours of basic training and, thereafter, 40 hours of in-

cipally through the Town's Police Department. This Department has a total of 12 full-time sworn law enforcement officers, 11 of whom are assigned patrol responsibility.⁸⁶ This number of patrol officers is sufficient to provide Abingdon with one sworn officer for each 360 Town residents, a level of staffing more than four times greater than that provided in the unincorporated portions of Washington County (one sworn officer per 1,765 residents).

In terms of patrol activity, the data indicate that the Abingdon Police Department maintains patrols on its streets 24 hours per day, with a minimum of three patrol officers on duty at all times.⁸⁷ With this minimum of three officers on duty the Town is provided a geographic intensity of patrol equivalent to one officer for each 0.84 square miles of Abingdon, an intensity of service far surpassing that in Washington County (one patrol officer per 63.4 square miles). With respect to the relationship between staffing levels and "calls for service," the data indicate during the 1984 calendar year each patrol officer in the Town was responsible for an average of 255 "calls for service," a workload per position almost identical to that borne by County patrol deputies.⁸⁸

Several other aspects of the Town's law enforcement activities should

service training plus additional firearms training every two years. (Virginia Criminal Justice Services Commission, "Rules Relating to Compulsory Minimum and In-Service Training Standards for Law Enforcement Officers.") The Commission's review of training records submitted by the Washington County Sheriff's Department reveals that the 24 law enforcement personnel of that Department have taken collectively during the course of their careers approximately 2,856 hours in specialized instruction exclusive of firearms training. In addition, two deputies hold two-year associate or higher degrees from institutions of higher learning.

⁸⁶Bradley, letter to staff of the Commission on Local Government, May 3, 1985. The Town's Police Department employs three corporals, who serve as shift leaders, and six patrolmen. In addition, the captain of police is the patrol operations commander, who is also assisted by a lieutenant/investigator.

⁸⁷Ibid.

⁸⁸During 1984 the Town's Police department responded to 2,808 calls for service. (Bradley, communication with staff of the Commission on Local Government, Aug. 26, 1985.)

be noted. First, Abingdon's criminal justice efforts are assisted by Washington County's dispatch services, jail facilities, and prosecutorial staff. Second, the Town's Police Department has initiated a crime prevention program which includes presentations to schools and civic organizations on a variety of crime prevention topics.⁸⁹ Finally, the Abingdon Police Department utilizes the facilities and resources of the Southwest Law Enforcement Academy for the provision of the State-mandated basic training for new officers and in-service training courses.⁹⁰ With respect to nonmandated training, Police Department training records reveal that Town law enforcement officers have received advanced specialized training in a variety of subjects.⁹¹

In comparing the adequacy of its law enforcement services to those provided by the Town of Abingdon, Washington County has submitted data which reveal that in recent years the clearance rates for major crimes recorded for the Sheriff's Department have been higher than those of the Town's Police Department.⁹² With respect to this point, the Commission has noted previously that major crimes which are the subject of the referenced clearance rates comprise only a small portion of the total activities of local law enforcement agencies. Action by those agencies with respect to other categories of crime (e. g., drug offenses, fraud, crimes against the

⁸⁹Town Exhibits - Data, Exh. 16. There are no Police Department personnel assigned full-time responsibility to the crime prevention program.

⁹⁰Ibid.

⁹¹Bradley, letter to staff of the Commission on Local Government, May 3, 1985. Training records of the Police Department reveal that the Town's 11 law enforcement personnel have taken collectively 3,170 hours of advanced and specialized instruction during the course of their careers. In addition, two officers have obtained two-year associate degrees in criminal justice.

⁹²A crime is cleared when it is solved by arrest or exceptional means. (Crime in Virginia, 1984, p. 2.) Exceptional means are those instances where law enforcement officers know the identity and location of a suspect and have information to support arrest, charging, and prosecution, but are prevented from taking action by circumstances outside police control. (U. S. Department of Justice, Bureau of Justice Statistics,

family, etc.) are not reflected in the published clearance rates.⁹³ Further, clearance rates are calculated solely on the number of crimes which are determined by local law enforcement agencies to be solved" . . . either by arrest or other exceptional means," and, thus, do not reflect the ultimate disposition of legal action against those persons arrested for criminal activity.⁹⁴ Finally, because of limitations imposed by the reporting requirements of the Virginia State Police, there is only a tenuous relationship between the number of criminal offenses reported in a particular locality in a specified year and that locality's clearance rate for the same year.⁹⁵ While the clearance rates for major crimes should certainly be examined in the analysis of criminal justice efforts, the inferences which may be drawn from them must be carefully qualified.

On the basis of staffing levels and the intensity of patrolling, the Commission finds that the law enforcement services offered by the Town of Abingdon would benefit those areas in Washington County proposed for annexation. As that area develops, its need for more intense law enforcement services will increase. In order to extend its law enforcement services to the areas proposed for annexation, the Town has indicated its intention to employ five additional officers and to purchase and equip two

Dictionary of Criminal Justice Data Terminology, 1981; pp. 39-40.) For the years 1982, 1983, and 1984 the clearance rate for major crimes by the County Sheriff's Department was 35.03%, 32.03%, and 56.17% respectively while for the same years the clearance rate of the Town's Police Department was 26.38%, 34.84%, and 20.97% respectively. (Crime in Virginia, for the period 1982-1984.)

⁹³In 1984 reported major crimes represented only 7.0% of the total "calls for service" responded to by the law enforcement personnel of the County Sheriff's Department. (Cranwell, letter to staff of Commission on Local Government, July 24, 1985.) During the same period, major crimes within Abingdon comprised 6.6% of the total "calls for service" answered by the Town Police Department. (Bradley, communication with staff of Commission on Local Government, Aug. 26, 1985.)

⁹⁴Crime in Virginia, 1984, p. 2.

⁹⁵As an example of the correlation problem between reported crimes and clearance rates, in 1984 the number of forcible rapes reported in the jurisdictions which comprise the Rappahannock - Rapidan Planning District (RRPD) - Culpeper, Fauquier, Madison, Orange and Rappahannock

additional police vehicles.⁹⁶

Public Recreational Facilities

The ownership and management of public recreational facilities in Washington County is primarily the responsibility of the Washington County Park Authority (WCPA). The Authority, which was created in 1965 by the Washington County Board of Supervisors, owns three parks which are utilized by the County's Recreation Department for various programs.⁹⁷ The largest of the WCPA's facilities is the 56-acre Washington County Park located at the South Holston Reservoir approximately five miles southwest of Abingdon. This park contains a swimming pool and camping facilities.⁹⁸

In addition to the sites owned by the WCPA, the County's Recreation Department also uses the facilities of the Washington County School Board for recreational purposes. Further, there are numerous public facilities managed by the U. S. Forest Service or the Tennessee Valley Authority, as well as private recreation sites, that are available to meet the recreational needs of the residents of the general area.⁹⁹

With respect to its recreational programs and activities, the County employs a full-time director to administer and oversee its operations, with

Counties - was "9" while the clearance rate for that crime recorded by the law enforcement agencies serving the local jurisdictions within the RRPD was 144.4%. (Crime in Virginia, 1984, p. 111.)

⁹⁶Town Exhibits - Data, Exhs. 17, 18.

⁹⁷Barton, communication with staff of the Commission on Local Government, Sep. 27, 1985. One of the WCPAs facilities, a baseball field, is located in the area proposed for annexation

⁹⁸Ibid.

⁹⁹County Response - I, pp. 46-48. Such facilities include the South Holston Lake, Mount Rogers National Recreation Area and Forest, Hidden Valley Wildlife Management Area, and the Clinch Mountain Wildlife Management Area.

seasonal employees and instructors being utilized as needed.¹⁰⁰ With this staff and through the use of various WCPA, school, and private facilities, the County offers its residents a variety of athletic programs and a limited number of instructional classes and special events.¹⁰¹ The County's Recreation Department uses one school in the area proposed for annexation for its programs; however, there are ten other facilities located within five-road miles of the area at which public recreation programs are conducted by Washington County. In terms of financial commitment, the data reveal that during FY1983-84 the County expended \$45,922 for public recreational purposes, or \$0.99 per capita.¹⁰²

The Town of Abingdon has approximately 27 acres of parkland for the recreational use of its residents and those of the general area. This acreage represents the combined area of seven recreational sites. Located at the Town's recreational facilities are 4 athletic fields, a basketball court, 2 tennis courts, an arts and craft center, and a swimming pool.¹⁰³ In addition, the Town utilizes the facilities of four elementary schools

¹⁰⁰Ibid., p. 43; and Cranwell, letter to staff of the Commission on Local Government, July 24, 1985.

¹⁰¹County Response - I, p. 44; and Cranwell, letter to staff of the Commission on Local Government, July 24, 1985. Participation in the County's programs is open to residents of Abingdon and other localities for no additional charge.

¹⁰²Virginia Auditor of Public Accounts, County of Washington, Virginia, Report on Audit for the Fiscal Year Ended June 30, 1984, Schedule 2. The statistic represents per capita expenditures based on the County's total 1980 population. The addition of the WCPA's FY1984-85 operating expenditures (\$124,520) would increase the per capita expenditures for recreational purposes in the County to \$3.67. The Commission notes, however, that the County does not provide any funds to the Authority. (Barton, communication with staff of the Commission on Local Government, Sep. 27, 1985.)

¹⁰³Town Exhibits - Data, Exh. 16. The Town is in the process of converting an old railroad station into a community center. Further, Abingdon and the Town of Damascus have acquired an abandoned 14-mile railroad right-of-way and are currently constructing a hiking and biking trail between the two communities. Although only one-half mile of the trail is within its corporate limits, Abingdon will be responsible for 50% of the trail's maintenance cost. (Ibid.)

located in the territory surrounding Abingdon.¹⁰⁴

Abingdon employs a full-time recreation director and 12 part-time personnel for the supervision of its facilities and for the operation of its recreational services.¹⁰⁵ The Town's recreational program consists primarily of organized athletic leagues for adults and children and a limited number of instructional classes.¹⁰⁶ Participation in these programs, as well as use of the Town's recreational facilities, is open to all residents of the general area.¹⁰⁷ In terms of financial commitment to the provision of public recreational services, the Commission observes that during FY1983-84, the Town expended \$77,067, or \$17.85 per capita, a level of support substantially in excess of that of Washington County (\$0.99).¹⁰⁸

While this Commission recognizes Washington County's commitment to the provision of recreational services to its citizens, it is required to conclude that the residents of the area proposed for annexation have a need for the recreational facilities and services provided by the Town of Abingdon. The evidence reveals that the Town has invested substantially in the provision of recreational services to nonresidents, with many of the latter residing, in all probability, within the area proposed for annexation.

¹⁰⁴William Eberhardt, Recreation Director, Town of Abingdon, communication with staff of the Commission on Local Government, Sep. 26, 1985; and Town Comprehensive Plan, p. VIII-7. One of the schools used by the Town's Recreation Department is located in the area proposed for annexation. In addition, the Town also conducts some of its activities in private or semi-public facilities such as churches.

¹⁰⁵Eberhardt, communication with staff of Commission on Local Government, Sep. 26, 1985. The Town also utilizes volunteers to conduct some of its recreation programs.

¹⁰⁶Town Exhibits - Data, Exh. 16.

¹⁰⁷Ibid. According to data provided by Abingdon, participation by County residents in the Town's recreation programs during 1984 and 1985 has ranged between 65% and 90% of the total number of participants.

¹⁰⁸Annexation Exhibits, Town Contracts, Ordinances, and Financial Data. The Town's per capita expenditure is based upon its 1980 population.

Planning, Zoning and Subdivision Regulation

Washington County established its planning commission in 1961 and adopted its current comprehensive plan in 1978. This plan, which was prepared with the assistance of the Mount Rogers Planning District Commission (MRPDC), contains all elements required in a comprehensive planning instrument by the Code of Virginia.¹⁰⁹ Although the County's comprehensive planning program is not augmented by a capital improvement plan, it does encompass ancillary elements dealing with the housing and transportation needs of its residents. In support of its planning efforts the County employs a full-time planner and a secretary.¹¹⁰

In terms of other development controls, the County adopted its current zoning ordinance in 1971 and has subjected that ordinance to periodic revision since that date.¹¹¹ The ordinance presently includes 13 separate zoning districts, with residential uses being permitted in all districts except the two reserved for industrial enterprise. The ordinance also contains specific provisions for the protection of the Mount Rogers National Recreation Area and the land area adjacent to the South Holston Reservoir.¹¹² The Commission must observe, however, that under the County's zoning ordinance the agricultural districts are apparently open to a wide variety of development, with the consequence that those districts

The Commission notes that for FY1983-84 Washington County contributed \$3,000 to the Town's recreation programs. Between FY1974-75 and FY1983-84, the County contributed a total of \$31,600 to Abingdon for such purposes. This County contribution, however, represented only 6% of the Town's expenditures for recreation during that period. (Town Exhibits - Data, Exh. 16.) Inclusion of the financial support of the WCPA would increase total per capita expenditures for recreational services in the County to \$3.67.

¹⁰⁹County Response - I, p. 27; and Sec. 15.1-447, Code of Va.

¹¹⁰County Response - I, p. 27. The planner also enforces the County's subdivision and zoning regulations.

¹¹¹Ibid.

¹¹²County of Washington, Washington County Code, Chapter 14, Articles III, IV.

may not be effectively protected from intrusion and conversion.

Washington County also utilizes a subdivision ordinance which was originally adopted in 1967 and significantly revised in 1983.¹¹³ Responsibility for the administration of this ordinance is assigned principally to the County planner. The Commission notes that this ordinance contains provisions which allow the construction of private streets in certain instances.¹¹⁴ Such private streets are often detrimental to proper development control. In addition, County officials have informed the Commission that the ordinance exempts from its coverage the subdivision of agricultural land in tracts of two acres or more for agricultural purposes, with the result that significant unregulated residential development has occurred.¹¹⁵

The Town of Abingdon established its planning commission in 1947 and adopted its first comprehensive plan in May 1985.¹¹⁶ The Town's comprehensive plan, which meets the criteria established by State law, was also prepared by MRPDC. The planning activities of the Town are supported by a staff of one full-time planner.¹¹⁷ As in the case of Washington County,

¹¹³County Response - I, p. 27.

¹¹⁴Washington County Code, Chapter 13, Article IV. Approval for the construction of private streets must be obtained from either the planning commission or the Board of Supervisors.

¹¹⁵Parks, communication with staff of the Commission on Local Government, Sep. 26, 1985. The County planning office estimates that for each subdivision platted in accordance with the provisions of the subdivision ordinance there are two subdivisions recorded which are not subject to County regulations. In an effort to control such development, the County has recently amended its subdivision regulations to require that the Planning Department be notified of all subdivisions platted and to exempt from County regulation only the subdivision of land into tracts of two acres or more in the agricultural zones. (Ibid.)

¹¹⁶Town Exhibits - Data, Exh. 16; and testimony of Newman, Transcript, p. I-211. The MRPDC prepared the initial draft of the comprehensive plan in 1979. The Commission is aware of the fact that Sec. 15.1-466.1 of the Code of Virginia required all jurisdictions in the State to adopt a comprehensive plan by July 1, 1980.

¹¹⁷The position of Town planner was first established by the Town Council in July 1985 but the present incumbent in that position has per-

the Town's comprehensive planning program is not augmented by a capital improvements plan.¹¹⁸

In terms of other planning and development control instruments, the Commission notes that the Town has had a zoning ordinance since 1949 and subjected that ordinance to its last major revision in 1971.¹¹⁹ The ordinance establishes 11 districts, with 8 permitting residential uses, and contains provisions to regulate development in the Town's historic area. The Commission observes, however, that the Town's agricultural district, the stated intention of which is to "protect agricultural sections of the community," permits a wide variety of uses which appear to be incompatible with farming operations. The Town of Abingdon also administers a subdivision ordinance which was originally adopted in 1949, with the last major revision being made in 1980.¹²⁰ Unlike the County, the Town does not permit the creation of private streets.¹²¹

While the Commission finds that both the the Town and the County have made commitments to the planning and control of development within their respective borders, the significant amount of unregulated subdivision development occurring in Washington County requires this body to conclude that the Town has a more effective set of instruments for guiding the future growth anticipated on its periphery than does Washington County. In our judgment, the area proposed for annexation would benefit from the application of the Town's development control policies.

formed planning, zoning and subdivision activities for the Town since 1979. (Testimony of Bradley, Transcript, p. 1-126.) The Town's planning staff is assisted by personnel serving the Department of Community Development and the Abingdon Redevelopment and Housing Authority. (Town Exhibits - Data, Exh. 16.)

¹¹⁸Bradley, letter to staff of Commission on Local Government, May 3, 1985.

¹¹⁹Town Exhibits - Data, Exh. 16.

¹²⁰Ibid.

¹²¹Town of Abingdon, Subdivision Ordinance (hereinafter cited as Town Subdivision Ordinance), Article 4.5.7.

Curb, Gutters, Sidewalks and Storm Drains

County regulations do not specifically require the installation of curbs, gutters, and sidewalks in new subdivisions.¹²² Further, the County has no program for financially assisting property owners with the installation of these facilities where such is desired in existing development.¹²³ Where these facilities are constructed by developers, however, the County's subdivision ordinance requires that they be built according to standards established by the Virginia Department of Highways and Transportation (VDH&T).¹²⁴ In terms of storm drains, the County's subdivision ordinance requires the installation of such facilities in all development subject to its provisions.¹²⁵ The County does not have any policy providing financial assistance to property owners desiring the installation of drainage facilities abutting their premises. However, the Commission has no knowledge of any major unaddressed drainage problems in the area proposed for annexation by the Town.

With respect to the Town's subdivision ordinance, the Commission notes that the instrument does require the installation of curbs, gutters, and sidewalks in most new developments.¹²⁶ Moreover, the Town also has a policy by which it will install curbs, gutters, and sidewalks in older residential sections of Abingdon upon citizen request and agreement to bear 60% of the cost.¹²⁷

¹²²County Response - I, p. 52.

¹²³Ibid.

¹²⁴Ibid.

¹²⁵Washington County Code, Chapter 13, Article II.

¹²⁶Town Subdivision Ordinance, Articles 5.5, 5.6. Curbs and gutters must be constructed to VDH&T standards. The Town Council may waive the requirement for gutters in new subdivisions. In addition, the Council may exempt developers of subdivisions having lots of at least 16,000 square feet and lot widths of 100 feet or more from the requirement to provide sidewalks.

¹²⁷Town of Abingdon, Abingdon Town Code, Chapter 16, Article III. If private contractors are used to construct the requested curbs, gutters or sidewalks, the Town will pay 50% of the cost.

In terms of stormwater management, the Town's subdivision ordinance requires the installation of drainage facilities in all new developments.¹²⁸ As in the case of Washington County, however, the Town does not have a policy of assisting in the installation of storm drains in existing development.¹²⁹

Based upon the data available to it, the Commission finds that the Town's policies for the installation of curbs, gutters, and sidewalks would have a beneficial impact on the area proposed for annexation. From our perspective, the Town's regulations relative to the provision of such facilities, as well as Abingdon's policies with respect to their installation in existing developments, will increasingly benefit that area as development occurs.¹³⁰ With respect to the provision of storm drainage facilities, the Commission concludes that the Town's policies for the installation of these facilities are unlikely to have a substantial impact on the area proposed for annexation.

Streetlights

The Town of Abingdon has a policy to fund the installation, maintenance, and operation of streetlights within its corporate limits. In addition, the Town has developed a procedure for reviewing requests from its residents for the installation of additional streetlights. Upon request of 75% of the residents of a particular area, additional lights will be installed and operated at municipal expense.¹³¹ During Fiscal Year 1984-85 the Town expended \$45,850 for the operation of 597 street-

¹²⁸Town Subdivision Ordinance, Article 5.8.3.

¹²⁹Bradley, letter to staff of the Commission on Local Government, May 3, 1985.

¹³⁰Ibid. While the Town has not allocated funds for the provision of curbs, gutters, and sidewalks in existing development in the area proposed for annexation, it has indicated its intention to construct curbs and gutters in conjunction with certain street improvements which are planned.

¹³¹Town Exhibits - Data, Exh. 16.

lights within its boundaries.¹³²

Washington County currently does not have any policy for the installation, maintenance, or operation of streetlights within its jurisdiction. The streetlights which do exist in the County and in the area proposed for annexation are the responsibility of individual property owners.

The Commission finds that the Town's policies with respect to the installation and operation of streetlights, as well as its policy for the consideration of citizen requests for additional facilities, will benefit the area proposed for annexation. It is significant to note that the Town proposes to install 350 streetlights in the area proposed for annexation within two years after the effective date of the annexation.

Street Maintenance

The proposed annexation will result in the Town of Abingdon assuming responsibility for the construction and maintenance of public thoroughfares in the annexed areas. Currently, all public thoroughfares in the area proposed for annexation and in the County generally are constructed and maintained by the Virginia Department of Highways and Transportation (VDH&T) in accordance with State-prescribed standards. While Abingdon receives a significant contribution from VDH&T for the improvement and maintenance of public roads within its corporate limits, the Town has shown a willingness to invest additional local funds to address its thoroughfare needs. The data reveal that between FY1979-80 and FY1983-84 the Town expended nearly \$356,000 in local revenue to improve and maintain the 28.99 linear miles of roadway within its corporate boundaries.¹³³

The proposed annexation would bring within the Town's boundaries 2.36 linear miles of primary roads and 29.52 linear-miles of secondary roadway.¹³⁴ Data concerning the condition of those thoroughfares reveal

¹³²Testimony of Newman, Transcript, p. I-194.

¹³³Town Exhibits - Data, Exh. 16; and Bradley, letter to staff of the Commission on Local Government, May 3, 1985.

¹³⁴Bradley, letter to staff of the Commission on Local Government, May 3, 1985.

significant problems. Approximately 2.18 linear-miles of roads in the area proposed for annexation currently are not maintained by the State, with a significant amount of that roadway (0.94 linear-miles) remaining unpaved.¹³⁵ Further, data disclose that approximately 3.25 linear-miles of secondary roadway in that area are classified by the State as "nontolerable," denoting characteristics requiring improvement. This nontolerable mileage represents 11.0% of the total secondary roadway in the area proposed for annexation.¹³⁶ While the factors denoting "nontolerable" conditions involve more than the quality of road maintenance, they are, however, indicators that point to certain unmet thoroughfares needs in the area proposed for annexation.

If annexation is ultimately granted, Abingdon will assume responsibility for all of the roads in the area incorporated into the Town. In that event, the Town proposes to make the necessary improvements to bring the 0.94 linear-miles of nonqualifying secondary roads in the area up to the standards required for receipt of State maintenance payments.¹³⁷ In the Commission's judgment, this commitment and the Town's manifested willingness to expend significant local fund for the maintenance of its public thoroughfares will benefit the area proposed for annexation.

Snow Removal

As with all other aspects of road-related work in Washington County, snow removal from public thoroughfares is the responsibility of the VDH&T. Thus, snow removal services in the County are provided by a State agency and are performed pursuant to State-established policies. In order to

¹³⁵Ibid.

¹³⁶Virginia Department of Highways and Transportation, "Road Inventory, Mileage Record, System Nontolerable, Washington County," Dec. 31, 1984. The State defines "nontolerable roads" as those which do not have the capability of providing a reasonable level of service based on pavement width, strength, alignment, or gradient. (Virginia Department of Highways and Transportation, Guide for Secondary Road Improvements, p. 14.)

¹³⁷Bradley, letter to staff of the Commission on Local Government, May 3, 1985; and Town Exhibits - Data, Exh. 18. The Town estimates the cost of the proposed road improvements to be \$504,350.

meet this responsibility, VDH&T maintains four offices within the boundaries of the County, one of which is located in the Town of Abingdon. To attend to the snow removal requirements relative to the approximately 1,898 lane-miles of public roads in the County, VDH&T owns or leases a variety of equipment, including 30 trucks with snowplows and spreaders, 7 front-end loaders, and 5 graders.¹³⁸ During FY1984-85 the State budgeted \$674,909 for snow clearance services in the County generally, or approximately \$356 per lane-mile.¹³⁹

The Abingdon Public Works Department is responsible for snow removal services within the Town. The Department has available 3 trucks with snowplows and salt spreaders, 2 trucks with snowplows only, a motor grader, and a front-end loader.¹⁴⁰ With respect to the Town's direct expenditures for snow removal services, Abingdon officials estimate that during FY1984-85 the Town expended a total of \$16,976 for such service, or approximately \$244 per lane-mile of roadway.¹⁴¹

Based upon the data available to it, the Commission cannot conclude that the area proposed for annexation has a need for snow removal services exceeding those presently provided by VDH&T. While this Commission recognizes the advantages accruing to the Town from the ability to administer and perform directly its snow removal services, the data reveal that the State has devoted considerable resources to snow removal in Washington County, with no evidence suggesting that Town responsibility for the administration of such services in the area proposed for annexation would result in improved conditions.

¹³⁸C. H. McCloud, Resident Engineer, Abingdon Residency, Virginia Department of Highways and Transportation, letter to staff of the Commission on Local Government, Aug. 19, 1985.

¹³⁹Ibid. Washington County contains 1,898 lane-miles of interstate, primary, and secondary roads.

¹⁴⁰Newman, communication with staff of the Commission on Local Government, Sep. 20, 1985.

¹⁴¹Ibid. The Town contains 69.99 lane-miles of streets and roads.

Fire Protection and Library Services

The Commission notes that two major public services in the area proposed for annexation will, in the main, be unaffected by the incorporation of that area into the Town of Abingdon. With respect to fire prevention and protection, the annexation will have little or no immediate impact on the residents of the areas annexed. Abingdon and Washington County jointly support the Abingdon Volunteer Fire Department which serves the Town, the area proposed for annexation, and an additional portion of central Washington County.¹⁴² The Department's capabilities are such that residential properties within the Town and within the area proposed for annexation have been assigned a fire protection classification of "6" by the Insurance Services Office (ISO) of Virginia in terms of their exposure to fire loss.¹⁴³ Therefore, the level of fire prevention and protection services to the residents of the area proposed for annexation will not be immediately enhanced by their incorporation into the Town. It is significant to note, however, that the Town has recognized a need for additional fire hydrants in the area proposed for annexation and has committed itself

¹⁴²Town Exhibits - Data, Exh. 16. Between 1973 and 1983 approximately 65% of the fire calls answered by the Abingdon VFD came from outside the Town's current boundaries. During that same period, Washington County provided only 39% of the VFD's operating budget. It should be noted that for FY1985-86, the County has budgeted sufficient funds to pay for 64% of the VFD's budget and has recently purchased a fire engine for use by that department. (Testimony of Newman, Transcript, pp. 1-232--235.) The Town of Abingdon pays for the maintenance of that portion of the municipal building which houses the Abingdon VFD.

¹⁴³Bradley, letter to staff of the Commission on Local Government, May 3, 1985. 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 usually 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, D. C.: International City Management Association, 1979), p. 102.] Residential properties located more than five road-miles from a fire station are automatically assigned a protection class of "10" by the ISO.

to addressing that need.¹⁴⁴ The construction of those hydrants will enhance the fire protection services available to properties adjacent to them.

With respect to library services, Abingdon and Washington County jointly support the Washington County Public Library. The central library, which is located in the Town, offers a full range of services to the residents of both jurisdictions.¹⁴⁵

While the annexation will assign to the Town the principal responsibility to meet the fire suppression and library service needs in the area annexed, the Town does not propose (with the exception of the installation of fire hydrants) any modification of these services as a result of the proposed annexation.

Summary of Service Considerations

In the preceding sections of this report the Commission has endeavored to consider the urban service needs of the area proposed for annexation and the relative ability of the Town and the County to meet those needs. At issue here are concerns which do not permit complete resolution by any known statistical measures. While the Commission has analyzed the statistical data which it considers relevant, such data are conditioned by our direct experience in local governmental concerns.

Although the Commission finds no evidence of any current major unmet service needs in the area proposed for annexation requiring immediate attention, the Commission does conclude that portions of the area proposed for annexation would benefit from the higher level of certain urban services provided by the Town of Abingdon. In our judgment, in terms of solid

¹⁴⁴The Town has identified a need for 15 fire hydrants in the area proposed for annexation but only proposes to install eight hydrants due to undersized WCSA water lines in the areas which would be served by the remaining seven hydrants. (Testimony of Newman, Transcript, pp. I-195--196.)

¹⁴⁵Town Exhibits - Data, Exh. 16; and County Response - I, pp. 49-51.

waste collection, law enforcement, recreational services, regulation of development, street lighting, maintenance of roadways, as well as the Town's policies with respect to curbs, gutters and sidewalks, the proposed annexation would benefit the residents of the area annexed.

ADVERSE IMPACT ON THE COUNTY

The annexation proposed by the Town of Abingdon, if ultimately granted by the court, would have minimal adverse impact on Washington County. While the proposed annexation would reduce initially some minor County revenue sources, all properties annexed by the Town would remain subject to taxation by Washington County.¹⁴⁶ Further, subsequent to annexation the Town will assume responsibility for certain urban services with varying ramifications for County finances. Although the proposed annexation should enable some County expenditure reductions, it will constrict, at the same time, the County's receipt of certain nontax revenue.¹⁴⁷

It should be noted here that Washington County has submitted data to the Commission with respect to the combined impact of the proposed annexation and Abingdon's subsequent transition to city status.¹⁴⁸ The Commission is aware that if Abingdon is awarded the entire area sought for

¹⁴⁶County revenues affected by town annexations include those from sales, consumer utility, bank franchise and wine taxes, as well as those from motor vehicle and business licenses, ABC profit distributions, and federal revenue sharing. Washington County has estimated the total financial loss to the County of the proposed annexation to be \$106,095. (County Financial Exhibits, Exh. C.) This amount, which includes receipts from some of the above-listed revenue sources as well as service changes and building permit fees, is approximately equal to the revenue which would be generated by a \$0.01 increase in the County's real property tax rate. (Testimony of Wally Cox, Consultant, County of Washington, Transcript, p. II-194.)

¹⁴⁷With respect to solid waste disposal, the County estimates that it will lose approximately \$12,470 in revenue from the operation of the WCSA Landfill if the proposed annexation is approved in its entirety. (County Financial Exhibits, Exh. C.)

¹⁴⁸Ibid., Exhs. E, F.

annexation, the enlarged Town would have a 1985 estimated population of 7,136, a population in excess of the minimum needed for city status (5,000).¹⁴⁹ While this Commission is indeed cognizant of the major fiscal ramifications for both jurisdictions which would accompany the Town's transition to city status, we fail to see any legal or practical basis for the inclusion of such considerations in the resolution of this annexation issue. The prospect of such transition is speculative and, if such alternative is eventually pursued by the Town, must be addressed within the context of the prevailing conditions at that time.¹⁵⁰

In this instance, the proposed annexation would permit the Town to benefit from an immediate infusion of fiscal resources, would assure it of land for future development, and would promote its continued viability. Moreover, the viability of the Town and its expanded fiscal resources should facilitate the further economic development of the Abingdon area, a condition which will redound to the economic benefit of the citizens of Washington County generally.

COMPLIANCE WITH STATE POLICIES

Another of the factors prescribed by law for consideration in annexation cases is the extent to which the affected jurisdictions have made efforts to comply with applicable State policies with respect to environmental protection, public planning, education, public transportation, housing, or other State service policies promulgated by the General Assembly. In this issue there are several State policies applicable to the two jurisdictions which merit comment in this report.

¹⁴⁹Town Exhibits - Data, Exh. 7. Section 15.1-982.8 of the Code of Virginia requires a town to attain a population of 5,000 or more before seeking to become a city.

¹⁵⁰The Commission notes that the transition to city status requires approval by the voters of Abingdon and review by the Commission and a special three-judge court as to (1) the fiscal ability of Abingdon to function as a city, (2) the Town's ability to provide appropriate urban services (including an independent school system), and (3) the impact of the proposed transition on Washington County. (See Secs. 15.1-982.2,

Public Planning

As noted in a previous section of this report, the Town of Abingdon did not adopt a comprehensive plan until May 6, 1985 despite statutory requirements that it do so prior to July 1, 1980.¹⁵¹ Although the Town has established a planning commission and has adopted a subdivision ordinance as required by law, and while it has adopted a zoning ordinance and has employed personnel to manage its day-to-day planning related activities, the delayed adoption of the statutorily prescribed fundamental planning instrument requires note by this Commission. The statutory requirement for the adoption of comprehensive plans by 1980 reflected, in our judgment, a legislative determination that such instruments were required to integrate and to give guidance to all other local planning measures. Based upon our experience, local comprehensive plans are important public documents, and the absence of such can have a deleterious effect on a community's development.

With respect to the public planning efforts of the County, the record indicates that Washington County has, in compliance with the law, established a planning commission, adopted a comprehensive plan, and enacted a subdivision ordinance.¹⁵² The Commission notes, however, that the County's comprehensive plan has not been revised since its adoption in 1978 and, further, that there has been no evidence presented to indicate that the plan has been reviewed by the County's planning commission within the past five years as required by Section 15.1-454 of the Code of Virginia.

15.1-982.8, and 15.1-1003, Code of Va.) In addition, if Abingdon were to become a city within five years following the effective date of the proposed annexation, the Town would confront the possibility of the payment of significant compensation to the County. [See Sec. 15.1-1042 (d), Code of Va.]

¹⁵¹Sec. 15.1-446.1, Code of Va.

¹⁵²The Commission notes that the County has adopted a zoning ordinance and employs a full-time planner.

Public Housing

By various statutory provisions the General Assembly has asserted that proper housing for all the State's residents is a matter "of grave concern to the Commonwealth."¹⁵³ The Commission notes that, consistent with this fundamental State concern both the Town and the County have made notable efforts to attend to this basic need of their residents. The record discloses that the Town of Abingdon established a redevelopment and housing authority in 1970. This authority, which currently has a staff of one full-time employee, administers 72 housing units under the U. S. Department of Housing and Urban Development's (HUD) Section 8 Existing Rental Assistance Program. Further, Abingdon's housing authority also has acquired six acres of land in the King's Mountain neighborhood, which is being offered for sale to potential developers for the construction of housing for low and moderate income families.¹⁵⁴

The evidence also suggests that Washington County is cognizant of the housing needs of its residents and has been responsive to those needs. In 1981, at the request of the Board of Supervisors, the Virginia Housing Development Authority allocated funds under the HUD Section 8 Existing Rental Assistance Program to support 24 units of assisted housing in Washington County. County officials are currently seeking to obtain authorization from HUD to expand this program by 13 additional units.¹⁵⁵ These efforts on the part of both jurisdictions to address directly the housing needs of the low and moderate income residents are to be commended.

¹⁵³See Secs. 36-2 and 36-120, Code of Va.

¹⁵⁴Town Exhibits - Data, Exh. 16. The staff of the Town's Department of Community Development also serves as staff to the Abingdon Redevelopment and Housing Authority. The Authority is presently closing out a \$1.8 million Community Development Block Grant, which included funds for housing rehabilitation in the King's Mountain neighborhood.

¹⁵⁵Rob Goldsmith, Executive Director, People, Inc., communication with staff of Commission on Local Government, Oct. 22, 1985. The County's housing program is administered by a non-profit community action agency.

Agricultural Land Preservation

The General Assembly has declared that it is a policy of the Commonwealth to endeavor to preserve the State's agricultural properties.¹⁵⁶ Washington County's adoption in 1980 of use value assessment is a measure consistent with this State policy.¹⁵⁷ In tax year 1983 the application of use value assessment in Washington County resulted in the waiver (or deferral) of taxation on \$117.0 million of assessed property values.¹⁵⁸ This use value assessment constitutes a significant concession by the County's urban population to the preservation of the State's agricultural lands. The Commission notes that the Town of Abingdon has indicated its intention to adopt a use value assessment program for qualifying properties if annexation is decreed by the court. Such action, obviously, would also be consistent with the State's interest in the protection of its agricultural properties.

COMMUNITY OF INTEREST

Another of the factors statutorily prescribed for consideration in annexation issues is the strength of the community of interest which joins the area proposed for annexation to the municipality seeking to annex, in relation to that which unites the area to the remaining portion of the county. While the analysis of this factor involves the consideration of some issues and attachments which defy quantification, there are data which do measure certain tangible aspects of the interdependence of the affected areas.

The evidence clearly reveal strong economic ties between the area

¹⁵⁶Sec. 15.1-1057, Code of Va.

¹⁵⁷The adoption of use value assessment by the County was effective initially for 1981 tax year but applied only to agricultural and forestal properties. (Barton, communication with staff of the Commission on Local Government, Oct. 2, 1985.)

¹⁵⁸Virginia Department of Taxation, Annual Report, 1983-1984, Table 5.4.

proposed for annexation and the Town of Abingdon. First, the Town is the site of employment for a significant number of nonresidents. The data indicate that as of 1980 there were approximately 3,900 positions of nonagricultural wage and salary employment in the Town, while the total number of employed Abingdon residents at that time was only 1,996.¹⁵⁹ Thus, the number of nonagricultural wage and salary employment positions in Abingdon exceeded the Town's total employed civilian labor force by 96%, or by 1,904 positions. Since the area proposed for annexation does not contain any significant employment centers, it is reasonable to conclude that a large number of the residents of the areas adjacent to the Town commute to Abingdon for employment.

There is additional evidence indicating strong economic ties binding Abingdon with its adjacent areas. Data from the 1982 Economic Censuses reveal that, as of that year, the Town contained 59.8% of the County's retail businesses, 73.0% of its wholesale establishments, and 77.5% of its service industries.¹⁶⁰ Moreover, the County has offered data which show that, in 1984, 49.6% of Washington County's taxable retail sales originated from establishments located in Abingdon.¹⁶¹ Beyond doubt, the prevalence of this commercial activity in Abingdon creates significant economic ties between the municipality and its adjacent communities.

¹⁵⁹Town Comprehensive Plan, p. V-11; and 1980 Census of Population, General Social and Economic Characteristics, Virginia, Table 167.

¹⁶⁰U. S. Department of Commerce, Bureau of the Census, 1982 Census of Retail Trade, Virginia, Table 8; 1982 Census of Wholesale Trade, Virginia, Table 8; and 1982 Census of Service Industries, Virginia, Table 8. The Bureau of the Census defines retail trade to include those establishments engaged in selling merchandise for personal or household consumption and those rendering services incidental to the sale of such goods. Service industries are defined as those primarily engaged in rendering a wide variety of services to individuals and business establishments (e. g., hotels and motels and personal, business, legal and repair services). Wholesale establishments are defined as those which do not sell to the general public.

¹⁶¹County Financial Exhibits, Exh. F. According to 1984 County data, of the \$101.5 million of taxable retail sales in Washington County, \$50.3 million occurred within the Town.

Second, the Town of Abingdon is the center of much of the area's public life, containing governmental offices and other public facilities serving the general community. The Town is the seat of Washington County government and within Abingdon's corporate limits the County maintains its courts, health, welfare, law enforcement, and general governmental offices. In addition, there are also a number of offices of various State and federal agencies located within the Town which promote and maintain relationships between the municipality and the adjoining areas.¹⁶²

The Town of Abingdon is also the principal site of the medical, professional, and financial facilities which serve the general area. The location of the 154-bed Johnson Memorial Hospital has fostered the development of a major center of medical facilities in the Town. The evidence indicate that, in addition to the hospital, 41 physicians and surgeons have established offices in Abingdon.¹⁶³ Further, within the Town's corporate limits there are the offices of 13 law firms which employ a total of 56 attorneys.¹⁶⁴ Finally, the Town is the site of seven financial institutions which appear to provide the predominant share of the financial services required by the area's residents.¹⁶⁵

With respect to the strength and general nature of the community of interest between the Town of Abingdon and its adjacent areas, two additional points should be cited. First, the Town's sewage treatment plant is located in the southern portion of the area proposed for annexation giving the Town a tangible interest in the property adjacent to that facility. Second, various public facilities in Abingdon are utilized

¹⁶²Town Exhibits - Data, Exh. 14; and Town Exhibits - Maps, Exh. M-5. State offices include those of the Department of Highways and Transportation, Air Pollution Control Board, State Water Control Board, Department of Economic Development, and Department of Housing and Community Development. In addition, the Federal District Court is located in Abingdon.

¹⁶³Town Comprehensive Plan, p. V-21.

¹⁶⁴Ibid.

¹⁶⁵Town Exhibits - Data, Exh. 14; and Town Exhibits - Maps, Exh. M-5. One bank is currently under construction in the area proposed for annexation.

by both Town and County residents reflecting other facets of the community of interest between residents of the two jurisdictions. For example, Town surveys of participation in its various recreational programs during 1984 and 1985 reveal that County residents comprise between 65% and 90% of the total participants in those programs.¹⁶⁶

Finally, the Commission notes that the area proposed for annexation has a population density of approximately 374 persons per square mile, considerably in excess of the 1980 density of the unincorporated portion of Washington County (69 persons per square mile).¹⁶⁷ This density of population gives the area proposed for annexation an urban nature and service needs which more closely parallel those of the Town than those of the County generally. With respect to such urbanization in the area, it should be observed that a number of developments along the primary and secondary highways radiating from Abingdon are, in our judgment, extensions of development patterns originating within the Town.¹⁶⁸ On the basis of these considerations, the Commission has no difficulty concluding that there exist strong and varied bonds between the Town and the areas generally which it seeks to annex, constituting, in the aggregate, a significant community of interest.

The Commission also recognizes the relationships between the area proposed for annexation and the County generally which create a community of interest. This community of interest rests principally upon schools and, to a lesser degree, public service concerns and economic factors.

The Commission acknowledges that school attendance patterns create significant educational and social relationships between the area proposed for annexation and other portions of Washington County. Within the proposed annexation area are a high school, an elementary school, and the

¹⁶⁶Town Exhibits - Data, Exh. 16.

¹⁶⁷The 1980 overall population density for the County was 81.3 persons per square mile.

¹⁶⁸Town Exhibits - Maps, Exh. M-4; and County Response - II, Exh. 6. These development patterns include those along U. S. Highway 11 West, U. S.

County's vocational center, which are attended by students of both the area proposed for annexation and other portions of the County. In addition, students of the areas adjacent to the Town, including those proposed for annexation, attend classes at other schools located at various sites throughout Washington County. While the Commission has recognized repeatedly that schools are often more than educational facilities for students and their families, school attendance zones are set and subject to change by school officials.¹⁶⁹

With respect to the other bonds relating the area proposed for annexation to the rest of the County, the Commission notes that the utility operations of the WCSA do establish service interdependency. We also observe that, in 1980, the outlying portion of Washington County contained the general area's predominant share of manufacturing employment, providing job opportunities to residents in the area proposed for annexation.¹⁷⁰ Moreover, with regard to the active agricultural properties in the area proposed for annexation, the Commission acknowledges that the economic ties of those properties are principally with the agricultural community in the remaining portions of Washington County.

The Commission has noted the substantial amount of data presented by Washington County evincing the presence of a regional community of interest between the jurisdictions of the Johnson City, Kingsport, Bristol, Tennessee/Virginia Standard Metropolitan Statistical Area (SMSA).¹⁷¹ The County has asserted that the strength of this regional community of interest is such that it supercedes any local community of interest which

Highway 19-58 North, State Route 702 West, and State Route 75 (Cummings Street) South.

¹⁶⁹The Commission notes that the children of the residents of Abingdon also attend schools in various locations in the County.

¹⁷⁰Town Comprehensive Plan Draft, p. V-11. In 1980 the County had 3,062 nonagricultural wage and salary employment positions in the manufacturing sector. Of this amount, only 404 positions were located in Abingdon and 48 were in the areas adjacent to the Town.

¹⁷¹County Response - II, Exhs. 11, 12, 13; and County Financial Exhibits, Exh. I. The jurisdictions of Scott and Washington Counties and

may exist between the Town of Abingdon and the area proposed for annexation. This assertion is founded upon the location of employment cited by respondents in a 1985 survey of households in the area proposed for annexation conducted by the County and on data concerning commuting patterns derived from the 1980 Census.

With respect to that survey of annexation area households, the County has noted that only 23.1% of the household heads responding to the survey were employed in Abingdon, while the remaining 76.9% held jobs in Washington County, Bristol, or elsewhere.¹⁷² The Commission observes, however, that while the data derived from the County's survey is significant, it does not fully address all concerns. First, although the County surveyed 948 households in the area proposed for annexation, direct responses to the questionnaire were obtained only from 77.5% (735) of that area's households, while data concerning the other households was provided by "neighbors."¹⁷³ Second, only employment information for the head of the household was collected (with over 23% of those reporting employment in the Town), with no effort being made to tabulate the place of employment of the spouse or any other family member. Given the significant number of retail, wholesale, and service employment positions in the Town of Abingdon (approximately 2,000 positions in 1980) and the potential for part-time jobs in these sectors, it is reasonable to conclude that information concerning the location of employment of other family members in annexation area households would considerably increase the number of residents of that

the City of Bristol, Virginia, as well as the Counties of Hawkins, Sullivan, Washington, Unicoi, and Carter and the Cities of Bristol, Kingsport, and Johnson City, Tennessee comprise the SMSA.

¹⁷²County Financial Exhibits, Exh. I. The County obtained location of employment data for only 616 (65.0%) of the 948 households in the area proposed for annexation.

¹⁷³Steven J. Jacobs, Consultant, County of Washington, letter to Cranwell, Aug. 28, 1985. Assuming the percentage of households interviewed directly was constant for all items for which data were collected, the County obtained direct responses to the question of location of employment from approximately one-half of the area's households.

area reporting employment in the Town.¹⁷⁴

In regards to the significance of intraregional commuting patterns, the Commission notes that in 1980 over 72% of the workers of Washington County age 16 years or over were either employed within the County (51.8%), traveled to jobs outside the SMSA (12.9%), or did not report a location of employment (8.0%). Further, within the SMSA, 18.3% County's workers held jobs within the Virginia portion of the City of Bristol.¹⁷⁵ Thus, exclusive of those persons working in the City of Bristol, Virginia, only 8.9% of the employed labor force commuted to jobs in the SMSA's other jurisdictions. Furthermore, only 828 workers from other localities which comprise the SMSA (7.3% of the County's 1980 total nonagricultural wage and salary employment positions) traveled to jobs within Washington County.¹⁷⁶

Thus, the Commission cannot conclude, based upon the evidence available to it, that there exists a regional community of interest which supplants the pervasive and fundamental ties between the Town of Abingdon and the area it proposes to annex. To be sure, regional ties exist and will grow with the development of the general area, but they do not presently render insignificant the interdependence between Abingdon and the communities on its periphery.

ARBITRARY REFUSAL TO COOPERATE

A further consideration in reviewing annexation issues is whether either of the affected jurisdictions has arbitrarily refused to cooperate in ". . . providing for joint activities which would have benefited citizens of both political subdivisions; . . ." ¹⁷⁷ In this case the

¹⁷⁴Town Comprehensive Plan, p. V-11.

¹⁷⁵Michael A. Spar, Transportation and Commuting in Virginia, 1980 (Charlottesville: Tayloe Murphy Institute, University of Virginia, 1984), Appendix 2.

¹⁷⁶Ibid.; and Town Comprehensive Plan Draft, p. V-11. The largest source of in-commuting workers to the County from other jurisdictions in the SMSA was the City of Bristol, Virginia (446 workers).

¹⁷⁷Sec. 15.1-1041 (b)(1)(v), Code of Va.

Commission has no knowledge of any action by either party which it would consider to be an arbitrary refusal to cooperate. Indeed, the Commission notes a history of cooperation between the Town of Abingdon and Washington County in the provision of services to their residents. The record indicates that in addition to those areas of cooperation authorized or mandated by statute, the the Town and County have cooperated in the provision of fire and rescue services and in the dispatching of law enforcement personnel. Such cooperation between Abingdon and Washington County should be commended and encouraged.

INTEREST OF THE STATE

Another of the factors prescribed by the Code of Virginia for consideration in local boundary change issues is the "... best interest of the State in promoting strong and viable units of government."¹⁷⁸ As previous sections of this report have indicated, the annexation proposed by Abingdon will provide the Town with additional tax resources as well as a considerable amount of vacant land which can accommodate significant future development. Further, the infusion of present and prospective tax resources into the Town's fiscal base should not have any major adverse effect on Washington County. While the County will experience a modest reduction in some revenue categories by virtue of the proposed annexation, any future development occurring in the enlarged Town will also benefit Washington County as a whole. In sum, the Commission finds that the proposed annexation by the Town of Abingdon is consistent with the interest of the State in promoting strong and viable units of government.

¹⁷⁸Sec. 15.1-1041 (b), Code of Va.

FINDINGS AND RECOMMENDATIONS

AREA RECOMMENDED FOR ANNEXATION

While the area proposed for annexation by the Town does not, in our view, confront at this time any major unmet service needs requiring immediate attention, this condition is not true of certain territory east of Abingdon and beyond the area sought for annexation. Indeed, the evidence available to the Commission indicates that certain territory east of Abingdon has experienced and continues to experience significant and pervasive sewage problems which inhibit the development of the area. The Commission has been advised that numerous commercial establishments adjacent to Exit 9 on Interstate Highway 81 have had a history of difficulty with failing septic tanks, with several of those establishments being required to acquire additional property to accommodate their septic systems.¹⁷⁹ In addition, the Commission has been advised that various residential developments and facilities in the general vicinity of Exit 9 have also encountered sewage concerns, with a majority of the vacant lots in some subdivisions (e. g., Southview) being unsuitable for development principally for such reasons.¹⁸⁰ In our judgment, the needs of this area can and should be addressed by the Town of Abingdon.

Accordingly, the Commission recommends that the Town be granted an annexation to include that property east of Abingdon delineated by a line extending east from the Town's present corporate limits along the southern right-of-way of the Norfolk and Western Railway to its intersection with State Route 740, then extending in a southeastern direction along the western right-of-way of State Route 740 to its intersection with State Route 609, then extending in a southwestern direction (following property lines where practicable) to the east of the Southview Subdivision and to an intersection with the northern right-of-way of Interstate Highway 81, then

¹⁷⁹Burgess, communication with staff of Commission on Local Government, Oct. 10, 1985. These problems were originally identified in a 1976 County-sponsored study of the sewerage needs of the Abingdon environs. (See Feasibility Report, Sanitary Sewerage Facilities, Abingdon Service Area.)

¹⁸⁰Burgess communication with staff of Commission on Local Government, Oct. 10, 1985. Of the approximately 15 vacant lots in the Southview Subdivision, only 6 lots could pass the State-prescribed test for

extending to the southwest along the northern right-of-way of Interstate Highway 81 to its intersection with the Virginia Creeper Trail, and then continuing to the northwest along the Virginia Creeper Trail to the present boundary of the Town. (See map in Appendix B.) This area, hereinafter identified as the Exit 9 Area, encompasses approximately 2.02 square miles and contains an estimated 880 persons.¹⁸¹ While the annexation of this area will present the Town with major utility concerns which will entail significant fiscal obligations, it will also provide Abingdon with existing commercial activity and significant land for development.

In addition to the above-cited area, the Commission recommends that Abingdon be granted an annexation to encompass all territory proposed for annexation in its notice to this body, exclusive of that territory south of the northern right-of-way of Interstate Highway 81 and west of a line approximately 300 feet west of and paralleling State Route 75. This delineated area embraces approximately 5.1 square miles and contains an estimated 2,000 persons.¹⁸² Thus, in sum, the Commission recommends that Abingdon be granted an annexation encompassing a total area of approximately 7.12 square miles and containing an estimated 2,880 residents. These statistics indicate that the area has a population density of approximately 406 persons per square mile, slightly in excess of the density of the area proposed for annexation by the Town (374 persons/square mile).

While the Commission's recommendations are founded upon the data reviewed throughout the preceding sections of this report, several summary statements are appropriate for presentation here. First, the Commission has concluded that the Town does have a need for additional property for development. While such need is more evident with respect to property for

the issuance of a septic tank permit.

¹⁸¹Estimates concerning land area and population in the Exit 9 Area were derived from Bradley, letter to staff of the Commission on Local Government, Sep. 26, 1985.

¹⁸²Ibid.

residential and light industrial development, the exodus of commercial activity from Abingdon in recent years also suggests an emerging concern for commercial enterprise within the Town. The area recommended for annexation will provide Abingdon with significant vacant land for future growth, as well as concentrations of existing development. The properties adjacent to U. S. Route 58 in the Exit 9 Area, in particular, will afford the Town substantial commercial opportunity.

Second, the Commission has found that while the area proposed for annexation by Abingdon does not confront at this time any major service problems, the developed portions of that area will benefit from the extension of certain municipal services. We find that with respect to law enforcement, solid waste collection, regulation of development, recreation, street maintenance, and street lighting services, as well as with respect to the application of Town policies regarding the installation of curbs, gutters, and sidewalks, the residents of the area proposed for annexation will benefit from incorporation into the municipality. In contrast to the area proposed for annexation by the Town, and as noted previously, the Exit 9 Area has immediate and significant public service concerns.

Third, the Commission has concluded that the properties recommended for annexation have a strong and pervasive community of interest with the Town of Abingdon. This community of interest is comprised of economic, social, and various public service elements. In sum, there is an interrelationship and interdependence between Abingdon and the areas adjacent to it which support the recommended annexation.

Fourth, the data reveal that residents of Abingdon currently bear a comparatively heavy local tax burden. The Town's overall fiscal responsibilities will, moreover, be significantly expanded by the annexation recommended herein. Based upon data submitted by the Town, the inclusion of the Exit 9 Area in the annexation award will result in an increase in Abingdon's operational expenditures and its assumption of approximately \$1.4 million in long-term capital needs.¹⁸³ In our judgment, however,

¹⁸³Newman, letter to staff of the Commission on Local Government, Aug. 6, 1985.

the annexation recommended herein carries with it fiscal assets which should permit the Town to meet the needs of the enlarged municipality and to ameliorate its current fiscal burden.

Fifth, the evidence indicates that the annexation which we recommend will not significantly affect the viability of the County nor impair its ability to serve its residents. Indeed, the recommended annexation should have a positive effect on both the Town and the County. While the recommended annexation will, if approved by the court, result initially in a modest constriction of some County revenue sources, it will not remove any property from the County's tax rolls. Further, Abingdon's enhanced ability to extend services and support development in its environs will ultimately redound to the benefit of Washington County generally.

With respect to such fiscal interdependence, the Commission notes here its full awareness of the consequences which would confront Washington County should Abingdon eventually seek city status. This issue, however, is not presently before us for consideration. Given the increasing need for collaboration between local governments in this Commonwealth, accompanied by a determination by the Town and County to be responsive to mutual concerns, this transition issue may never be presented.

Finally, the Commission should observe that, in our judgment, the inclusion of the Exit 9 Area in the recommended award removes the necessity for the annexation of the territory south of Interstate Highway 81 and west of State Route 75. Since that area does not exhibit any urgent need for an extension of Town services, and since Abingdon's requirement for land for development will be met by the annexation of the Exit 9 Area and other territory, the incorporation of the area south of Interstate Highway 81 and west of State Route 75 is neither necessary nor expedient at this time.¹⁸⁴

¹⁸⁴The Commission notes that in recognition of the absence of immediate sewerage concerns in the area, the Town's plans to serve that portion of the original area proposed for annexation do not call for any major capital improvements west of State Route 75 and south of Interstate Highway 81 until seven years after the effective date of annexation. (See Town Exhibits - Data, Exh. 18A.)

TERMS AND CONDITIONSCapital Improvements

Exit 9 Area. The Commission recommends that the Town commit itself to the extension of sewer lines to those portions of the Exit 9 Area with identified sewage concerns within four years following the effective date of annexation. The need for sewerage service in portions of the Exit 9 Area is significant and immediate. In addition, the Town should survey other capital needs (e. g., street improvements, fire hydrants, and street lights) of the Exit 9 Area and commit itself to addressing such in a timely fashion, preferably within the three-year period following the effective date of annexation. The Commission is cognizant of the potential cost of these improvements, but it considers the resources which would be made available to Abingdon as a result of the recommended annexation sufficient to support such capital expenditures.¹⁸⁵

Morningside Hills Subdivision. The Commission recommends that the Town extend sewerage services to the Morningside Hills Subdivision within four years after the effective date of the annexation, rather than within the seven-year period proposed by the Town.¹⁸⁶ The projected cost for the extension of sewerage service to this subdivision (\$212,500) should be reduced, in our judgment, by the proposed extension of Town sewerage lines in the Exit 9 Area. Effluent from the Morningside Hills Subdivision could be permitted, it appears, to flow by gravity into Exit 9 Area collector lines and subsequently to the Town's treatment plant. If this sewerage connection is made, such would remove the necessity for the Town's construction of a facility to pump effluent from the Morningside Hills Subdivision to WCSA lines east of Baugh Lane.

Other Capital Improvements. The Commission endorses the Town's proposed schedule for street improvements and for the installation of fire

¹⁸⁵The installation of Town sewerage in the Exit 9 Area could facilitate the extension of sewer lines to the areas south of Interstate Highway 81 by WCSA.

¹⁸⁶Town Exhibits - Data, Exh. 18A.

hydrants and street lights as set forth in Abingdon's Exhibit 18A. We do recommend, however, that the Town work in concert with the WCSA to improve water flow to areas where there is a need for fire hydrants, but where such facilities have not been placed due to inadequate water lines. The Commission recommends that all needed hydrants be installed by the Town within ten years after the effective date of annexation.

Use Value Assessment

The Town has indicated its intention to adopt a program of use value assessment for qualifying properties. The Commission supports the Town's proposal and recommends that Abingdon specifically address this issue in its annexation proceedings before the court. The adoption of such a use value assessment program will reduce the fiscal impact of annexation on agricultural and other qualifying properties.

Respectfully submitted,

Harold S. Atkinson
Harold S. Atkinson, Chairman

Benjamin L. Susman, III
Benjamin L. Susman, III, Vice Chairman

Wendell D. Hensley
Wendell D. Hensley

Mary Sherwood Holt
Mary Sherwood Holt

William S. Hubard
William S. Hubard

APPENDIX A

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

	Town of Abingdon	County of Washington	Area Proposed for Annexation ¹
Population (1980) ²	4,318	46,497	2,846
Land Area (Square Miles)	2.5	571.5	7.6
Total Assessed Values (1984) ³	\$102,700,350	\$1,022,458,104	\$85,552,663
Real Estate Values (1984) ³	\$88,965,690	\$855,574,220	\$77,371,663
Personal Property Values (1984)	\$6,444,300	\$73,193,145	\$3,400,000
Machinery and Tools Values (1984)	\$518,800	\$53,966,400	\$781,000
Public Service Corporation Values (1984)	\$6,771,560	\$39,724,339	\$4,000,000
Land Use (Acres) ⁴			
Residential	680	8,186	700
Commercial	110	660	80
Industrial	50	350	105
Public and Semi-Public	165	7,466	420
Rights of Way	255	N/A	435
Agricultural, Wooded or Vacant	355	353,194	3,140

NOTES:

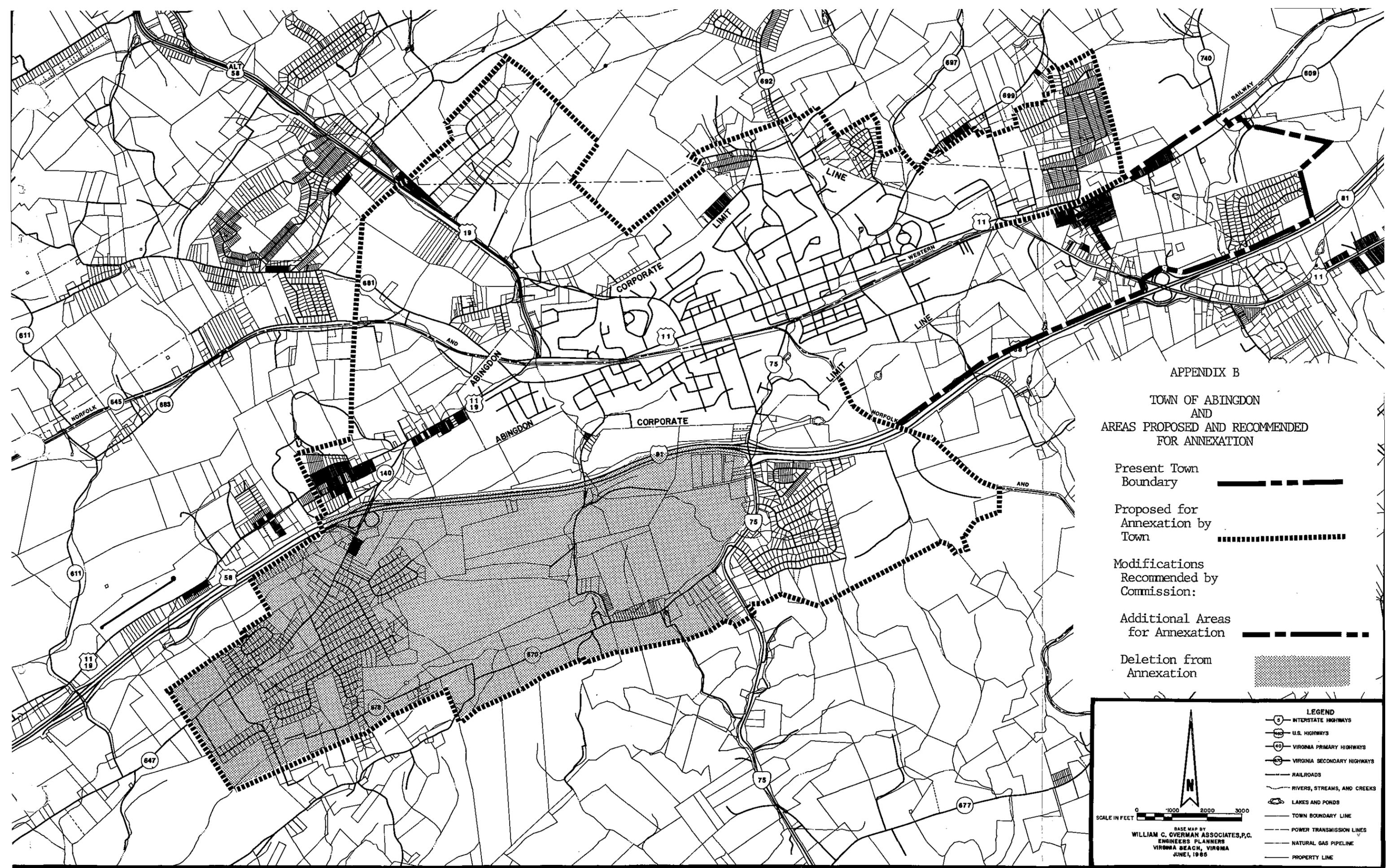
1. As estimated by the Town of Abingdon.
2. Population estimate for the area proposed for annexation is for 1985.
3. Reflects full assessed values for real estate subject to local taxation.
4. Land use data for the Town and area proposed for annexation was collected in 1984. Washington County's land use is a 1980 estimate based on a 1970 survey of the County. County land use data includes information for incorporated areas.

SOURCES:

Town of Abingdon, Annexation Exhibits, Statistical Data and Descriptions, March 1985.

County of Washington, Financial Exhibits.

Carl I. Rasnic, Principal Planner, Mount Rogers Planning District Commission, letter to staff of Commission on Local Government, Sep. 23, 1985.



APPENDIX B
 TOWN OF ABINGDON
 AND
 AREAS PROPOSED AND RECOMMENDED
 FOR ANNEXATION

- Present Town Boundary
- Proposed for Annexation by Town
- Modifications Recommended by Commission:
- Additional Areas for Annexation
- Deletion from Annexation

LEGEND

- INTERSTATE HIGHWAYS
- U.S. HIGHWAYS
- VIRGINIA PRIMARY HIGHWAYS
- VIRGINIA SECONDARY HIGHWAYS
- RAILROADS
- RIVERS, STREAMS, AND CREEKS
- LAKES AND PONDS
- TOWN BOUNDARY LINE
- POWER TRANSMISSION LINES
- NATURAL GAS PIPELINE
- PROPERTY LINE

SCALE IN FEET

0 1000 2000 3000

BASE MAP BY
 WILLIAM C. OVERMAN ASSOCIATES, P.C.
 ENGINEERS PLANNERS
 VIRGINIA BEACH, VIRGINIA
 JUNE, 1985