

CITY OF WADSWORTH ANNEXATION POLICY

SECTION I - OVERVIEW

Annexation is the process adding a property located in one governmental jurisdiction to another governmental jurisdiction. Typically, this involves having property located in an unincorporated jurisdiction added (annexed) to a municipality.

Many people believe that the City itself drives the annexation process and actively seeks to annex land. In reality, annexation petitions are initiated by property owners (or potential developers of property), who are seeking to add land to the City. The reasons for a party proposing a land annexation vary, but they are primarily undertaken in order for properties to have access to municipal utilities and services, which when coupled with one of the City's zoning classifications allows for developments with higher densities or intensities than what could be expected in the township.

There are currently five types of annexations in Ohio. For more information about each type, please see the County Commissioners Association of Ohio's Annexation Manual. It can be found at the County Commissioners' Association of Ohio website (ccao.org).

An annexation petition is first filed with the County Commissioner's Office, which in most cases, must now hold a public hearing on a proposed annexation. Eventually, the *legislative authority* (i.e. Council) of the City to which the annexed property will be added will be required to determine what types of public services it will provide to the annexed property. If the County Commissioner's approve an annexation petition, the City Council of the annexing jurisdiction must also adopt an ordinance to accept the annexation.

Wadsworth City Council has adopted Rule #23 (Annexation Guidelines) to help them determine which types of annexations will be considered for adoption. However, Rule #23 regulates the annexation *procedure* once a petition reaches the City. The purpose of this Annexation Policy is to provide criteria or factors for Council to consider in determining whether an annexation is *appropriate* and should be approved.

OTHER ONLINE RESOURCES

Additional information regarding annexation can be found at the following websites:

<https://ccao.org/resources/manuals-and-handbooks/commissioners-annexation-manual/>
<http://www.co.medina.oh.us/commiss/annexation.htm>
<https://www.ohioabar.org/ForPublic/Resources/LawYouCanUse/Pages/LawYouCanUse-463.aspx>
<https://www.frostbrowntodd.com/resources-1554.html>

These websites were active at the time Council adopted the Annexation Policy but are subject to change or discontinuance.

ANNEXATION POLICY - INTENT

The purpose of this policy is to provide guidance to City Council and the City's other reviewing department evaluate the merits of annexation petitions. The City needs to determine whether land proposed for annexation can actually be served by the city's public infrastructure and whether the annexation would result in a development of use types whose benefits outweigh the costs (primarily the long-term maintenance costs) in providing public services and utilities to the property.

In addition, consideration should be given to alternative ways to allow for properties outside of the city limits to be developed without requiring annexation and when such alternatives might be appropriate.

CONSIDERATIONS

In determining whether an annexation petition should be accepted, City Council should consider the following factors:

Location

The land proposed for annexation should be located within the study area boundaries of the most recently adopted Comprehensive Plan or plan update. The study area represents those areas that can be used to accommodate physical growth over the 20-year plan horizon and the study area boundaries are reflected on all of the maps within the Comprehensive Plan.

- Lands located in Sharon Twp.; other Townships outside of Wadsworth Twp.; or located with Wadsworth Twp. but outside of the Comprehensive Plan's study area should generally be discouraged from annexation, unless the property to be annexed is necessary to address a specific land use or policy goal established by the City (see pp. 21-27 of the Comprehensive Plan for Visions and Goals).
- Lands to be annexed should share a *substantial* common boundary with property already in the City's corporation limits. While the term substantial can mean many different things depending on the audience, the common boundary should be more than a shared point or narrow strip.

Long Range Planning

In addition to the City's Comprehensive Plan, both Sharon & Wadsworth Townships have adopted Comprehensive Land Use Plans, so how an annexation petition, if approved, might impact the neighboring townships should be taken into consideration. In general, the density of residential uses and the intensity of non-residential uses in townships are significantly lower than what can be developed in the City. This is due to the fact that traditionally, most unincorporated areas of the County do not have access to public utilities, such as water and sewer. However, this may be changing, if Medina County develops public sewer and water facilities.

- If an annexation petition is approved, care should be taken during the site development process to create "buffers" between higher density and intensity uses that can occur in the City and the lower density/intensity uses in the adjacent township(s).

- Buffers may include natural or physical improvements such as open spaces, public parks; hedgerows, tree lines, etc. or the creation of new “step-down” or “transitional” zoning districts that allow for densities/intensities that are less than what is allowed in current city zoning districts, but are higher than what is permitted in the adjacent townships.

Topography & Other Environmental Conditions

The physical characteristics of land can have a profound impact on how a property can be developed and at what density or intensity, regardless of what zoning might allow. Properties with steep slopes, watercourses, lakes, wetlands or poor soil types or other environmentally sensitive conditions can be difficult to develop.

Furthermore, many of the environmental conditions are regulated by other federal or state agencies outside of the city’s influence. These agencies may limit or prohibit what can be developed in environmentally sensitive area or limit how much of an environmentally sensitive area can be disturbed during construction/development. Federal wetlands and floodplain regulations are examples of regulatory constraints.

- In general, environmental factors typically reduce the amount of actual land that can be developed and what area remains can be expensive or cost-prohibitive to develop and these factors should be taken into consideration when reviewing an annexation petition.
- The ability to provide or construct public utilities on and through properties encumbered with environmental issues is another factor to consider during the annexation process and is discussed further as the next topic.

Public Utilities

While topography & environmental conditions typically have the largest impact on the ability to extend or provide public services to properties proposed for annexation, there are other factors as well; primarily the concept of “adjacency”. In order to ensure that utilities can be extended (in the absence of any other environment consideration), the land considered for annexation should have at least one common boundary with the City in close proximity to the current termini of the sanitary sewer and water mains. Questions that should be considered include:

- Where do existing city utility mains end in relation to the area proposed for annexation and can they be extended economically to the area proposed for annexation.
- Would such utility extensions be able to be maintained by the City in a cost-effective manner
- Does the county or other local government have utility mains in the general vicinity that may be easier to access in lieu of extending city utilities?

Furthermore, to ensure that utilities can be extended, all highway easements that exist on properties to be annexed shall be converted to dedicated public right-of-ways.

Fiscal Impacts

While land development regulations are not the proper tools for managing finances, the potential impacts annexation and future development may have on the City’s revenues and expenditures should be considered along with the other factors as noted in this policy. In general:

- In most cases, income tax revenues raised from annexed properties do not typically cover the costs of providing services to said properties, primarily because the annexed lands are developed for low density residential uses or low intensity non-residential uses. These types of developments typically cost more to service than the city receives in revenues.
- Higher density residential, mixed use and industrial developments can approach a “break even” point or even provide revenues that exceed costs.
- The physical design of a development can greatly influence revenues and costs. The more dwelling units or non-residential uses that can be served on the least amount of infrastructure tend to result in less costly projects over the long run in terms of both service and maintenance costs.

Alternatives to Annexation

The traditional distinction between cities (which have public utilities) and townships and other unincorporated areas (which do not typically have public utilities) is not always as clear as it once was. County or other local governments may be able to provide sewer and water to some unincorporated areas, which might lessen the requests for annexations.

However, even in those cases where county or other local governments provide utility services, there may still be a desire to annex property into the City. This would be especially true, *if* townships do not amend their zoning resolutions to allow for higher densities/intensities that are made possible by the public sewer and/or water provided by a county or other local government.

In these cases, the feasibility of options other than annexation should be investigated.

- Is the use of a JEDD for non-residential developments or a utility service/revenue sharing agreement for residential development more appropriate than actual annexation?
- Utility service agreements can work both ways. The city can agree to provide services to areas outside of the corporation limits and/or a county or other local government could agree to provide utilities to certain areas within the city limits. Such agreements can reduce costs to construct and maintain utilities by eliminating the need to provide city utilities where such utilities already exist but are owned and maintained by a different governmental unit.

GENERAL RECOMMENDATIONS

Favorable consideration should be given to annexations that meet the following requirements:

- The land is located within the comprehensive plan’s study area.
- The land is located within the city’s public water and sewer utility service areas.
- Public water and sewer can be adequately and cost effectively extended to the annexed land by a developer. Council may also consider adopting an *Adequate Public Services Ordinance (APSO)* to ensure public facilities are available to be extended to the annexed lands.
- The annexation petition includes a concept plan showing how the land would be developed after annexation and such plan complies with the comprehensive plan’s recommendation and is reasonable and appropriate for the area.
- The annexation would advance one or more public goals.
- Environmental factors and conditions will not interfere with the extension of public sewer and water or create the need for significant system upgrades and improvements in order to service the property proposed for annexation.

Petitions which exhibit one or more of the following conditions should generally not be considered for annexation:

- The land is located outside of the comprehensive plan’s study area.
- The property is encumbered with significant environmental conditions that are difficult or cost-prohibitive to mitigate.
- The extension of public water and sewer is determined by the City’s Engineering Department to be difficult or cost prohibitive to construct and/or will be difficult or cost prohibitive for the city to adequately maintain.
- The annexation petition does not include a concept development plan or such concept plan does not comply with the recommendations of the comprehensive plan.
- The petition creates irregular boundaries with a neighboring township (such as island of township property surrounded by land within the city) or creates conditions that could negatively impact the ability of the City to extend public sewer and water.
- The annexation does not advance a substantive public goal.
- Other regulatory and policy options exist that should be considered that would allow the property to be developed without the need for annexation (JEDD’s, Utility Service Agreements).

All ordinances to accept an annexation should include the following provisions:

- The annexation plat shall ensure that all easements for public roadways are converted to dedicated public right-of-ways.
- Adequate public facilities (water, sanitary sewer) exist in the general vicinity of the land subject to annexation and such facilities can be readily extended by a developer and easily maintained by the City after acceptance.

SECTION II - SPECIFIC AREA RECOMMENDATIONS

This section looks at specific lands just outside of the City’s corporation limits where annexation petitions might reasonably be expected. These areas are identified on the attached annexation map, and for each area, existing conditions are noted along with recommendations for potential uses and zoning classifications, should annexations occur from these areas.

Area A (Reimer Road – West & SR-94)

Existing Conditions

- All of the land is currently within Wadsworth Township and most of it is located in the Comprehensive Plan’s Study Area.
- City Water is potentially available. All mains shall be constructed by the developer in accordance to City standards and sized according to the most current version of the Water Distribution Master Plan.
- Provision of sanitary sewer may be problematic:
 - a) A portion of the land falls within the County’s sanitary sewer district’s service area. They should be consulted regarding the ability to provide sanitary service.
 - b) The majority of Area A falls within the City’s potential sanitary service area; however:
 1. No City gravity sewer currently exists and the existing lift stations in the vicinity were originally constructed as private facilities. As such, they were not built to public specifications or designed to accommodate additional capacity outside of their original service areas.
 2. Additional studies of sanitary sewer capacity should be undertaken by an applicant *prior* to annexation.

Recommendations - Uses & Densities

- Potential uses should be primarily single family homes and freestanding condos at roughly 2 – 4 dwellings per acre.
- Development opportunities are mainly “infill” and should be similar in layout and density to the surrounding properties.
- R-1 and LDR are appropriate zoning classifications.

Area B (Reimer Road – East)

Existing Conditions

- All of the land is within Wadsworth Township and included in the Comprehensive Plan’s Study Area.
- With minor exceptions, public water should be available. All mains shall be constructed by the developer in accordance to City standards and sized according to the most current version of the Water Distribution Master Plan.
- Area B falls within the City’s sanitary sewer service district; however:

RULES OF COUNCIL - APPENDIX B – Annexation Policy and Map

- a) This area is on the edge of the existing sanitary sewer service area but topography falls nearly 80 feet from Reimer Road to the north. To be serviced, these areas would require an extension of the sanitary sewer from the Tiberon Trace subdivision along with the extension of Shepperton Drive. These improvements are typically developer expenses.
 - b) A developer may be required to make adjustments/modification to the Sharon Southern Lift Station as well.
- This area is adjacent to known abandoned underground mines.

Recommendations - Uses & Densities

- Potential uses should be primarily single family homes and freestanding condos at densities of 2 – 4 dwellings per acre.
- The use of PUDs and cluster lot subdivisions are acceptable.
- R-1 and LDR are appropriate zoning classifications

Area C (Hartman Road Corridor)

Existing Conditions

- All of the land is within Wadsworth Township and the Comprehensive Plan's Study Area.
- With minor exceptions, public water should be available. All mains shall be constructed by the developer in accordance to City standards and sized according to the most current version of the Water Master Plan.
- This area is an important component in the City's Master Water Distribution Plan. Future development plans shall include the construction of new water mains as per the most current version of this document.
- Most of this area falls within the City's potential sanitary service areas. The portion of this area located primarily north of I-76 and west of Hartman Road may be served from the extension of the sewer from its current terminus on Lavern Drive with minimal improvements by a developer. However, a developer may need to make adjustments/modifications to the Sharon Southern Lift Station as well.
- The City's Comprehensive Plan calls for the extension of Park Center or Smokersise Drives to Hartman Road. This would require complete public improvements.
- A portion of the area appears to be encumbered by abandoned underground mines.

Recommendations - Uses & Densities

- Along Reimer Road, potential uses should be primarily single family homes and freestanding condos at densities not exceeding 4 dwellings per acre.
- The central area (south of Reimer and north of I-76, would be appropriate for mixed commercial & residential uses; professional offices and multifamily housing not exceeding roughly 7.3 dwellings per acre.
- Many different zoning classifications could be applied to this area (including C-1, C-3, C-5, R-2 and R-3. A new mixed use zoning district might also be created for a portion of this area.
- The use of PUDs and cluster lot subdivisions in this area are appropriate.

- Development plans, especially for the central section, must incorporate the extension of Smokerise Drive from its existing terminus to Hartman Road.

Area D (Akron Road to Broad Street)

Existing Conditions

- All of the land is within Wadsworth Township and the Comprehensive Plan's Study Area.
- Public water can be provided.
- Most of this area should be serviceable by City sanitary sewer.
- Post annexation development may be able to provide a through street connection between Akron Road & Broad Street.
- There are several large easements for electrical transmission lines in this area that will constrain development; however, these easements may have some recreational value, such as for a multi-purpose trail within the easements.

Recommendations - Uses & Densities

- Single family homes and freestanding condos at densities not exceeding 4 dwellings per acre are appropriate.
- The use of PUDs and cluster lot subdivision are acceptable.
- Potential multifamily development sites near commercial land and other multifamily sites exist along Akron Road. Density should not exceed roughly 7.3 units per acre.
- Potential expansion of commercial uses west of and adjacent to Wadsworth Crossings may be possible.
- Potential zoning classifications include R-1, R-2 & R-3 Residential; and C-1 & C-3 Commercial.

Area E (Akron Road & I-76 Corridor)

Existing Conditions

- All of the land is within Wadsworth Township, most of which is included in the Comprehensive Plan's Study Area.
- A special corridor plan/development study was prepared for this area in 2018 to address issues specific to this area. That document contains several development scenarios and uses appropriate for the area.
- With minor exceptions, public water could be made available to serve this area.
- The land is outside of City's sanitary service area and gravity sewer is not available to this area. Sanitary sewer cannot be provided without construction of lift station and the size of the lift station will determine how much land can be included in the service area. The City will need to consider what, if any additional lands should be annexed or if will provide sanitary sewer to properties outside of the corporation limits.
- Other environmental issues impact potential site development (i.e., water courses, riparian zones, wetlands, steep slopes).

Recommendations - Uses & Densities

- Potential uses should be those identified in the Corridor Development Plan.
- New zoning regulations may be appropriate to allow for mixed use areas or the “Town Center” development identified in the Corridor Plan.
- No additional annexations should be permitted in this area until all of the issues regarding sanitary sewer have been resolved and an infrastructure development plan in place.
- The City should consider adopting an Adequate Public Facilities Ordinance (APFO) or a *Concurrency Regulation* for this area to ensure that public facilities exist either before, or will be constructed concurrently with a land development project.
- Annexed land should keep its existing township zoning until the public facilities needed to support more intensive development are constructed. Alternatively, a development plan and development agreement should be in place to ensure the construction of the utilities occurs along with site development.

Area F (Industrial – Seville & Rittman Roads South of I-76)

Existing Conditions

- All of the land is within Wadsworth Township and included in the Comprehensive Plan’s Study Area.
- Sites are located on east side of ABC railway ROW and two of the locations are adjacent to the Brickyard property.
- Public water and sanitary sewer are in the general vicinity and could be extended.
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Recommendations - Uses & Densities

- This location is appropriate for extending land zoned for industrial and storage uses.
- I-1 & I-2 Industrial zoning is appropriate.

Area G (Industrial – Wadsworth Road South of I-76)

Existing Conditions

- All of the land is within Wadsworth Township and included in the Comprehensive Plan’s Study Area.
- Public water is in the general vicinity and could be extended. All mains shall be constructed by a developer in accordance to City standards and sized according to the most current version of the Water Distribution Master Plan.
- A sanitary trunk line, with major improvements would have to be constructed to provide sanitary sewer.

Recommendations - Uses & Densities

- This location is appropriate for extending land zoned for industrial and storage uses.
- I-1 & I-2 Industrial zoning is appropriate.
- Annexation petitions should contain a draft development and utility service plan showing how the site is intended to be developed and how utilities will be extended to service the annexed land.

Area H & H-1 (Industrial – Wadsworth Road North of I-76)

Existing Conditions

- All of the land is within Wadsworth Township and most is included in the Comprehensive Plan’s Study Area.
- Contains roughly 65 acres of developed land and 50 acres of vacant land.
- Sewer and water are not readily available.
- While a water main can be installed across I-76 relatively easily, a gravity sanitary sewer trunk line with major improvements would be much more difficult and costly to construct.
- There are already approximately 240 acres of land currently in the City (on the west side of Wadsworth Road) that is not serviced with public sewer and water (see H-1 on Policy Map).

Recommendations - Uses & Densities

- While land in this area would be appropriate for expanding the industrial land use base, annexations are not recommended until public sewer and water are extended to serve the area.
- Should utilities be made available, I-1 or I-2 Industrial zoning would be appropriate for future annexations.
- For lands already in the City (see H-1 on Policy Map), consideration should be given to allow the construction of an on-site sewage treatment system for industrial uses. This system would be abandoned once gravity sewer is constructed.

Area I (Sharon Township)

Existing Conditions

- All of the land is in Sharon Township and outside of the Comprehensive Plan’s Study Area.
- The land is reaching the edge of the City’s potential service areas for water and sewer.
- Medina County considering providing sewer and water to this area.
- The land is identified as being within Sharon Township’s Planned Residential Development transitional zoning district.
- Providing sanitary sewer to this area may be problematic for the same reasons noted for Area A-1:
 - a) The land is at the border of the City and County’s potential services areas. Sanitary sewer could be provided by either the City or County; except that;
 - b) No City gravity sewer currently exists and the existing lift stations in the vicinity were originally constructed as private facilities. As such, they were not built to public specifications or designed to accommodate additional capacity (outside of their original service area).
 - c) Additional studies of sanitary sewer capacity should be undertaken by an applicant *prior* to annexation.

- City water may be extended to serve this area. All new mains, including the extension of the existing mains shall be constructed by a developer in accordance to City standards and sized according to the most current version of the Water Distribution Master Plan. Sharon Township is predominantly “suburban-rural” in character and City’s current lowest density residential zoning is still 4 times as dense and the Townships.
- Land annexed from Sharon Twp. will still remain in the Highland School district.

Recommendations - Uses & Densities

- Annexations petitions for land in Sharon Township should be reviewed carefully to ensure City is not overextending its ability to provide public services.
- If it is not economically feasible to extend public water and sewer to this area, applications for annexation should be denied. If utilities can be constructed to serve development in this area, annexation applications could be considered for approval.
- Potential uses should be single-family dwellings and freestanding condominiums only.
- A new residential zoning classification (Estate – Residential) should be created for this area that limits density to not less than 1 dwelling unit per acre. This new classification could also include a provision for open space subdivisions.
- The application of LDR and R-1 Residential zoning, both with and without the Planned Unit Development option, should be prohibited in this area to ensure larger lot sizes are maintained.

Area J (Southern Wadsworth Twp.)

Existing Conditions

- All of the land is in Wadsworth Twp. and within the Comprehensive Plan’s Study Area.
- Public water is in the general vicinity and could be extend to serve these lands. All mains shall be constructed by a developer in accordance to City standards and sized according to the most current version of the Water Distribution Master Plan.
- Public sanitary sewer is in the general vicinity and could be extended by a developer to service this area.

Recommendations - Uses & Densities

- Potential uses should be primarily single family homes and freestanding condos at roughly 1-2 dwellings per acre.
- Development opportunities are mainly “infill” and should be similar in layout and density to the surrounding properties.
- LDR and “Estate – Residential” (see Area I recommendations) are appropriate zoning classifications.

Area K (Leatherman Road Corridor)

Existing Conditions

- Gravity sanitary sewer does not exist in the corridor and construction of additional public lift stations to serve this area is discouraged.

RULES OF COUNCIL - APPENDIX B – Annexation Policy and Map

- Construction of two (2) public trunk sewers under I-76 would be necessary since this area is divided by elevation and thus has two drainage areas. One trunk would serve the eastern portion of the corridor and the second would serve the western side.
- Public water does not exist in the corridor and would have to be constructed by a developer.
- The land currently within the City on east side of Leatherman (Holmesbrook Valley) is difficult to development due to lack of public water and sanitary sewer. In addition, environmental issues such as steep slopes, watercourses, floodplains, wetlands and riparian zones also impact development potential in this area. These issues make the potential provision of sewer and water cost prohibitive.
- Land along the west side of Leatherman (in Wadsworth Twp.) from I-76 to Reimer Road is relatively free of environmental constraints but would have to be studied in greater detail by future developer to determine serviceable lands, which will impact the design capacity of future sewer and water.

Recommendations - Uses & Densities

- Annexations in this corridor should be discouraged until such time as public water and public *gravity* sanitary sewer are available.
- Should public infrastructure be constructed, the corridor (especially on west side of Leatherman Road) would be suitable for additional residential development.
- R-1, LDR and “Estate – Residential” are appropriate zoning classifications for this area.