RESOLUTION 2018-09
A RESOLUTION OF THE CUMBERLAND TOWN COUNCIL AMENDING THE
2031 COMPREHENSIVE PLAN

WHEREAS, the Town of Cumberland adopted the current Comprehensive Plan in 2011;
WHEREAS, periodically updates need to be made to the Comprehensive Plan;
WHEREAS, the Cumberland Plan Commission and staff initiated an amendment to
update the annexation policy to ensure compliance with state laws, establish new policies, and
update the annexation strategy; and
WHEREAS, the Plan Commission held a public hearing at their regular meeting on
March 28, 2018, at which time they sent the amendments on to the Town Council with a
favorable recommendation.

NOW THEREFORE, BE IT RESOLVED, that the Town Council adopts the amended
Annexation Policy in the 2031 Comprehensive Plan.

This resolution shall be effective from and after its passage.

DULY ADOPTED BY THE TOWN COUNCIL, TOWN OF CUMBERLAND,
INDIANA, on this the 14th day of April, 2018.

Anna Fea, President

Joe Stelko, Vice President

Nicole Bell, Member

Brian Cotter, Member

Aaron Cutshaw, Member

Erin Salmon, Clerk-Treasurer
Town of Cumberland
Annexation Policy
XX/XX/2018

Executive Summary
This Town of Cumberland Annexation Policy provides an overview of the reasons the Town may annex property, the process, and the Town’s long-term strategy for its slow and gradual growth. Annexation allows the Town to efficiently provide services, manage planning and development, match the town boundary and the sanitary sewer boundary, and provide additional benefits to Town residents that the County does not provide. This annexation policy is critical to sustainable growth consistent with the Town’s land use vision and goals.

Background
Cumberland is a two-county town. However, it cannot annex into Marion County and it does not have planning and zoning jurisdiction in Marion County. The Town’s planning boundaries are Mt. Comfort Road to the East, I-70 to the north, CR 200 S to the south, and Marion County portion of town to the West.

The Town of Cumberland experienced its last building boom before the 2008 recession. At that time, the town had nearly exhausted its available areas for development. In 2011, the town adopted the new Cumberland 2031 Comprehensive Plan, setting a new 20 year land use vision for the Town. Now, six years later, the Town is once again evaluating its land use plans to ensure they are sustainable and in line with current market trends. Development is increasing in and around the town. Building permits have practically doubled since 2014, with an increasing percentage of the permits relating to new single family construction. Existing platted subdivisions are nearing build out, except for Autumn Woods, which has pulled down two additional phases in the last 12 months. The Town frequently receives inquiries about available commercial space but has a limited inventory of available buildings and properties.

The Town has a history of slow and gradual annexations in response to the community’s development trends and needs. In 2005, the town annexed approximately 25 acres of land in order to/in response to proposed new residential development desiring to have town utilities. In 2013, the Town determined additional annexation was appropriate. The Town was already providing various services outside of its boundaries. Specifically, the town had extended sanitary sewer along US 40, had extended the Cumberland Penney Trail outside town limits, and the Town’s Police Department often responded to calls east of the town. The Town also determined that it could provide residents in the proposed annexation areas better and more effective services than they were currently receiving. In addition, the Town had growing concerns about zoning and development along US 40 east of town under Hancock County’s control.

In 2013, the Town annexed approximately 182 acres in Sugar Creek Township along US HWY 40 east to CR 700 W, south to the Cumberland Penney Trail and north to the township line (Phase I). This annexation contained largely undeveloped land zoned for...
commercial use. This annexation was followed by Phase II, extending further east along US HWY 40 east to CR 600 W (Mt. Comfort Rd.). This annexation contained 286 acres already zoned commercially by Hancock County. This Phase II annexation took effect in late 2017.

Annexation allows the coordination of the municipal and sanitary sewer utility service areas. The Cumberland sanitary sewer territory provides sanitary sewer service within the planning area. The Town’s sanitary sewer service will not be extended beyond the Town’s corporate limits without annexation.

Cumberland Police often serves portions of the town’s planning area, through mutual aid agreements with the Hancock County Sheriff’s Department or otherwise. Due to its proximity to the area, the town’s police can often be the first to respond to emergencies in the planning area.

The Town of Cumberland has invested several million dollars over the last ten (10) years to create a strong community identity, enhance property values, promote economic development, and provide additional benefits to town residents. For example, the Town has already extended trails outside of its corporate boundary. The Town envisions that one day its planning area will match the Town’s corporate limits.

The Town envisions consistent boundaries for service provision, improving sanitary infrastructure, and constructing new roads to better serve and connect the areas. Future plans are found in the appendix and discussed further in this document. Cumberland has developed plans and created ordinances to be equipped with the right tools to guide growth. The Town has developed standards for the types of development and land uses that are consistent with the Comprehensive Plan vision and that will protect property values from being negatively impacted. The Town has the ability to offer incentives for economic development projects that can significantly affect key corridors in Western Hancock County and adjacent to the Town of Cumberland.

In 2015, the Indiana Legislature made major changes to how municipalities can annex property. These changes precipitated the Town’s need to review and update its Annexation Policy. This policy addresses how the Town will grow in a slow and sustainable manner that allows it to efficiently provide services without creating a significantly adverse financial impact on the owners or residents in an annexation territory. The Town will be a good steward for Hancock County residents that may be annexed by protecting the US 40 and Mt. Comfort Road corridors by efficiently providing services, higher standards for new development, and planning for and managing traffic.

Why Annex?
Residents or affected land owners often ask why the Town wants to annex certain territory. The Town may have several reasons. First, and often most importantly, annexation is one of the few tools available to the Town of Cumberland for managing development and growth. Annexation allows the town to ensure consistency in land use and zoning. While the Town and Hancock County have some similar land use goals,
they don’t always agree on which land uses are the most appropriate for a particular location. The County’s land use policies may be appropriate for some areas of the county, but the Town believes they sometimes negatively impact the Highway 40 urban corridor’s development potential. The County’s long-term plans must address issues and needs for predominately agricultural and rural areas, but the Town is charged with planning for more urban and suburban development on the western border with Indianapolis. The Town’s development standards are typically higher than Hancock County’s and the Town has had concerns about the impact of some development permitted by the County along the Highway 40 corridor. The Town supports economic development on Mt. Comfort Road and Washington Street/US 40 in a manner that supports quality jobs and fosters community identity.

Second, the Town wants to efficiently provide services. Annexation also allows the Town to coordinate the municipal and sanitary sewer utility service areas. Currently, Cumberland’s town-owned utilities are available to provide sanitary sewer service within the planning area. The sanitary sewer master plan and its updates identify where upgrades to the system are needed and where main extensions could occur. Exhibit 2 shows where sanitary sewer are planned to be extended and/or upgraded. Further, it is currently the Town’s policy not to extend sanitary sewer service beyond the Town’s corporate limits without annexation.

Also, because the Town is geographically closer to the annexation areas than are the Hancock County offices, Cumberland police officers are often able to more quickly respond to emergencies in the area. This can be an important benefit to those residents. It is important to ensure better control over future costs of municipal services and increase the efficiency in how the town delivers services.

In addition, having islands of land that are still in the County but completely surrounded by the Town is inefficient. It is the Town’s policy to avoid creating such islands when possible. However, the Town prefers not to annex existing neighborhoods that are opposed to annexation.

Third, in planning for this area’s development, the Town has amended its Thoroughfare Plan and developed an Access Management Plan in order to adequately accommodate increased traffic as the area develops. The plans serve as a guide to where new roads may be necessary and most appropriate, and they identify two major thoroughfares in the area to provide for anticipated traffic. Exhibit 1 shows the desired locations of new roads and their functional classifications.

**Growth Management Policies Related to Annexation**

In order to ensure sustainable growth management within the Town of Cumberland, the following annexation related policies are established:

- **Voluntary Annexation preference**
  
  The Town of Cumberland encourages and prefers voluntary, especially "super-voluntary", annexations. Voluntary annexations are those in which the owners
of the majority of the properties sign an annexation petition requesting annexation, while a super-voluntary annexation is one in which the owners of all of the properties do so. This preference, however, does not mean the Town will not pursue involuntary annexation in some circumstances. Also, for properties assessed agriculturally, a mandatory tax exemption applies to agricultural properties as long as they remain assessed agriculturally.

- **Utility Extensions Outside Town Limits**
  In order for the Town to efficiently provide services, the Town of Cumberland will only extend sanitary sewer service to properties that are within the Town’s corporate limits or for which the owner have requested annexation.

- **Fiscal Policy**
  The Town of Cumberland will prepare a fiscal plan for each annexation in accordance with Indiana Law. The Town will pursue annexations that are fiscally responsible and which are not adverse to the Town.

- **Economic Development**
  The Town of Cumberland will annex territory as appropriate to further its economic development goals. The Town of Cumberland can offer tax abatement and other economic development incentives. Additionally, Indiana Code offers an economic development exception in the annexation laws that will take effect July 1, 2017.

**Factors for Considering Annexation**
The Town of Cumberland will consider several factors when determining whether a particular annexation is appropriate. These considerations include, but are not limited to:

- Does the annexation meet the required 1/8th or 1/4th contiguity?
- Can the Town effectively and efficiently provide municipal services as required?
- Is the Town already providing services to the territory?
- Is the annexation voluntary and does it have substantial support from the owners of land in the annexation area?
- Would the annexation cause substantially adverse financial impacts to residents or owners of land in the territory?
- Can the Town provide services currently provided to the territory, or can it provide them at a higher service level?
- Is zoning authority necessary to protect property values?
- Can the Town assist owners of land in the territory with economic development opportunities?
- Is annexation in the best interest of the owners of land in the territory.
- Does the Town need the territory for development in the near future?
- Is the territory densely populated, already subdivided, and/or already zoned for commercial, business, or industrial uses?
- Does the territory involve an economic development project?
• Will the territory benefit from Town-maintained roadways?
• Will the territory benefit from existing or future Town parks?
• Is annexing the territory fiscally responsible for the Town?
• Will annexation have a substantially adverse impact on other taxing authorities?

Annexation Strategy Statement
The Town of Cumberland desires to grow in a smart and sustainable fashion. Growth should normally be slow, orderly, and manageable. As the Town grows it must protect the general welfare of its current residents and residents of an annexation territory. The Town’s long-term plan is to match its town boundary with its utility service area boundary. The need and timing for annexation will be largely driven by development and anticipated growth in the area. It is anticipated that it could take more than 50 years to fully annex this area.

Boundaries and Timeline
The Town of Cumberland’s planning area follows the Cumberland Sanitary Sewer Territory boundaries of I-70 to the north, Mt. Comfort Road to the east, and Prospect to the South in Hancock County. The Town currently cannot annex into Marion County, so the Town’s western boundary there is set. The Town will phase in annexations in a slow and gradual way that is consistent with its citizens’ best interests. The current strategy proposes that it could take well over 50 years to annex the entire territory discussed above. Exhibit 3 shows the proposed phasing of future annexations. The following table provides additional detail on the currently estimated timeline and the goal(s) for each phase.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Timing</th>
<th>Goals</th>
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<tbody>
<tr>
<td>Phase III</td>
<td>1-10 Years</td>
<td>East of the existing Town limits north of CR 150 N toward Mt. Comfort Road</td>
</tr>
<tr>
<td>Phase IV</td>
<td>10-20 Years</td>
<td>North of CR 150 N to CR 150 N and east of the existing Town limits toward Mt. Comfort Road</td>
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<tr>
<td>Phase V</td>
<td>20 - 30 Years</td>
<td>North along Mt. Comfort Road toward CR 100 N</td>
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<tr>
<td>Phase VI</td>
<td>30 - 40 Years</td>
<td>Infill along Buck Creek Road, Eastway Court Apartments, &amp; South of the Pennsy Trail</td>
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<tr>
<td>Phase VII</td>
<td>40 - 55 Years</td>
<td>South of the Pennsy Trail and infill of islands surrounded by the Town</td>
</tr>
<tr>
<td>Phase VIII</td>
<td>55+ Years</td>
<td>Infill and voluntary requests for annexation</td>
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</tbody>
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Timelines in the above table are prepared for planning purposes and actual annexation will occur as conditions change, requests for Town-owned utilities occur, and/or development occurs. The priorities and timing may change based on these same factors and the Town’s ability to provide required capital services.

Types of Annexation
The Indiana Code 36-4-3-3 provides essentially two ways to annex property. There is what is commonly referred to as a “Super-Voluntary” annexation, which is the simplest
and quickest way to annex property. It requires 100% of the property owners within the annexation territory to sign a petition requesting annexation. The entire process takes about 75 days. All other annexations now take approximately 16 months, assuming there is no remonstrance filed. For all annexation except super-voluntary, the process starts with the development of a Fiscal Plan and a six (6) month public outreach period before introducing an annexation ordinance. This type of annexation also includes a 90-day remonstrance period in which land owners can object to the annexation. If 65% of the owners or the owners 80% of the assessed value sign the remonstrance, the annexation is automatically defeated. If 51% of the owners or the owners of 60% of the assessed value remonstrate, then the court will conduct a hearing to decide whether the annexation should take place. With any less opposition, the annexation takes effect.

Periodically all of the owners of property in a territory will sign a petition requesting annexation. When determining whether such a super-voluntary annexation is in the Town’s best interests, the Town will consider the following criteria. If the answer is “no” to any of these the Town Council may deny the voluntary annexation petition:

1. Can the Town accommodate all service needs for the territory?
2. Are the uses in the territory desirable for the Town?
3. Are there any other reasons annexation the territory would be undesirable?

Public Outreach
The Town will seek and give reasonable consideration to property owners’ input about a proposed annexation. I.C. 36-4-3-1.7 requires a minimum of three (3) public information meetings within six (6) months before introducing an annexation ordinance (except for a super-voluntary annexation). The Town must provide Owners notice of the meetings, maps identifying the proposed annexation territory, information about the proposed plans and timing for the extension of services, and information about the anticipated fiscal impact on each taxpayer in the annexation territory. The Town values the feedback from territory owners and will meet or exceed these requirements.

Review & Updating the Plan
The Town will annually review this Annexation Policy and amend it as warranted. Amendments may be necessary to address:

- Coordination of roads
- Protecting the built environment through zoning
- Efficiency in providing utilities
- Responding to developer interest in developing in the area
- Police protection and response time