

City of Peculiar  
3, 8 & 13 Year Annexation Plan  
October, 2013

Adopted by  
Resolution 2013-43  
October 21, 2013

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## Introduction:

This annexation plan (“Plan”) is intended as a policy framework to guide future annexation decisions by the Planning Commission and the Board of Aldermen (“Board”). It outlines a method for the City of Peculiar (“Peculiar”) to pursue annexation to expand our incorporated city limits and potentially create Future Growth Areas by inter-local annexation agreements with the Cities of Raymore, Belton and Harrisonville.

The Plan provides a general overview of the process by which Peculiar can initiate the annexation of surrounding areas and includes: the purpose for pursuing annexation, the different types of annexations (and the process required for each type) and recommendations for future annexations.

The approval of this Plan by the Board does not initiate the annexation of any property outlined in the stages of this document, nor does this document represent an existing annexation. Implementation of annexations outlined in this document will require the Board to initiate, by Resolution, the annexation of specific areas as described in this document. A detailed “Plan of Intent” outlining the costs, timing, and methods of extending Municipal Services will be necessary for the annexation of some areas.

This Plan should be used as an advisory document for annexation. Before the Board initiates any annexation in the North or South Areas described herein, the Board will be provided with a thorough fiscal analysis that examines the cost of providing services, the projected revenue that will be generated, growth projections, and impacts on current and future property owners within the proposed annexation areas.

The City’s Capital Improvement Program (“CIP”) is a five year, capital project policy document establishing project priorities, funding methods and project start dates. The CIP is reviewed each year by the Board of Aldermen and any necessary modifications to the CIP are made accordingly; it should also be reviewed by the Planning Commission. Beyond five years, it is difficult to determine either the economic & commercial growth for Peculiar or predict the availability of funding for development projects. This is where the policies and goals of the 2008 Comprehensive Plan should be used as a guide for Peculiar’s decision-makers. Peculiar must take ownership of its 2008 Comprehensive Plan and its goals and policies; this will help ensure consistency, orderly development and predictability for both the City’s residents and the development community.

*Annexation decisions should balance the problem of assuming short-term service costs against the long-term benefits.*

## Why Annex? (What Drives & Justifies):

First and foremost, Annexation is not a land-grab, nor is it merely a means for a City to procure a revenue stream from a commercial/industrial center which happens to be nearby. Missouri State Statutes were revised in 1980 regarding the Annexation Process and require a Municipality to demonstrate that annexation is both “Reasonable and Necessary.” Reasonable and necessary embody two separate, but closely related, concepts: the annexation is reasonable and the annexation is necessary to the proper development of the municipality, meaning not only necessary to the present but also to the future needs that are reasonably foreseeable and not too remote or speculative.

Generally, reasonableness and necessity are shown where the annexation area exhibits adaptability to urban purposes and is necessary or convenient to a reasonable exercise of City Government. More specifically, factors for consideration are:

- ❖ Municipal need for residential or industrial sites within the annexation area
- ❖ Inability to meet Municipal needs without expansion
- ❖ Reasonably foreseeable needs, rather than merely visionary ones
- ❖ Past growth showing future necessity
- ❖ Extent of Municipal “spillover”
- ❖ Benefits of uniform application and enforcement of Municipal Zoning
- ❖ Benefits of uniform application and enforcement of Municipal Building Codes
- ❖ Need for extending police protection
- ❖ Benefits of Uniform application and enforcement of Municipal Services
- ❖ Enhancement of annexation area land values, and
- ❖ Resulting regularity of City boundaries (Incorporate Islands & Peninsulas).

## How do we Annex? (Annexation Process)

Missouri State Statute Chapter 71 provides several different methods for property owner and City initiated annexations: *Voluntary* and *Involuntary*. This section outlines the process for each type of annexation:

### Voluntary Annexation

Voluntary annexations may occur if 100% of the property owners in an area submit a notarized petition to the City for annexation. If the City consents, a public hearing must be held before the City can approve the petition. The public hearing cannot be held until at least fourteen (14) days after the petition is received. When property owners voluntarily annex, there is no requirement for the City to provide any kind of plan or timetable for providing municipal services to the annexing area.

### Involuntary Annexation

Involuntary annexations can only occur if the annexation is approved in an election, where the annexation has been approved by a majority of votes cast in the area to be annexed, and by a two-thirds majority of votes cast in the City. Before an election can occur, the City must also comply with extensive legal requirements set forth in 71.015 RSMo to ensure that interests of annexed property owners are protected. Among the requirements, the City must adopt a “Plan of Intent” to provide services to the area within three (3) years after the annexation is approved, and must state how the city proposes to zone the area(s) to be annexed. As additional protection, the City cannot involuntarily annex the land unless they obtain a Declaratory Judgment from the Circuit Court that the annexation is reasonable and necessary, and a judicial determination that the City has the ability to provide normal municipal services within three (3) years. If the Declaratory Judgment and determination does not occur, the city cannot annex.

### Cause of Action for Deannexation

For informational purposes, the potential for “Deannexation” should also be presented. Failure of the Municipality to provide the services in the area as prescribed in the Plan of Intent or failure to zone as promised in the Plan of Intent within five (5) years after the date of the annexation ordinance will give rise to a cause of action for deannexation that could be filed in the Circuit Court. The only persons who can bring such an action are those who were residing in the area at the time annexation became effective. Thus, anyone moving into the area after the effective date could not bring the action.

## Annexation Agreements with Neighboring Cities:

City of Raymore: The City of Peculiar and City of Raymore have no “Formal” Annexation Agreement in place. Generally it is understood that the City of Peculiar has no Annexation Plan to extend its City Limits North of E. 203<sup>rd</sup> Street, nor does the City of Raymore have any Annexation Plan to extend their City Limits South of E. 203<sup>rd</sup> Street. For informational purposes, the Future Land Use Plan from the City of Raymore’s Growth Management Plan is provided (see attached Map on page 7). Though an Annexation Agreement is not critical, it would benefit the City of Peculiar to secure one with the City of Raymore as a means of outlining our two City’s Annexation Policies and Areas of Intent.

City of Belton: The City of Peculiar and City of Belton entered into an Annexation Agreement, and subsequent Settlement and Release Amendment on October 21st, 2003. The City of Belton proposed an Annexation Area, which although small, was South of 203<sup>rd</sup> Street and East of “Y Highway” - close to Peculiar’s Northwest City Limit (see attached Map on page 8). The City of Belton and City of Peculiar entered into an Intergovernmental Cooperative Agreement, effective October 22<sup>nd</sup>, 2013 which extends this Annexation Agreement indefinitely.

City of Harrisonville: The City of Peculiar and City of Harrisonville entered into an Annexation Agreement on December 21, 2004 (see attached Map on page 9). The City of Peculiar proposed an Addendum to the Agreement with the City of Harrisonville on August 2, 2012 to re-define our “Southern Boundary” in proximity to the Northwest Corner/Quadrant of the “Bridge with No Exits” on I-49 and South Peculiar Drive (see attached Map on page 10). However, the City of Harrisonville has not approved, nor acted upon, our proposal. It would benefit the City of Peculiar to secure this Addendum to our Agreement with the City of Harrisonville – especially considering on-going discussions of an I-49 Intersection at the “Bridge with No Exits” to provide ready access to Cass Medical Center and Northwest Harrisonville.

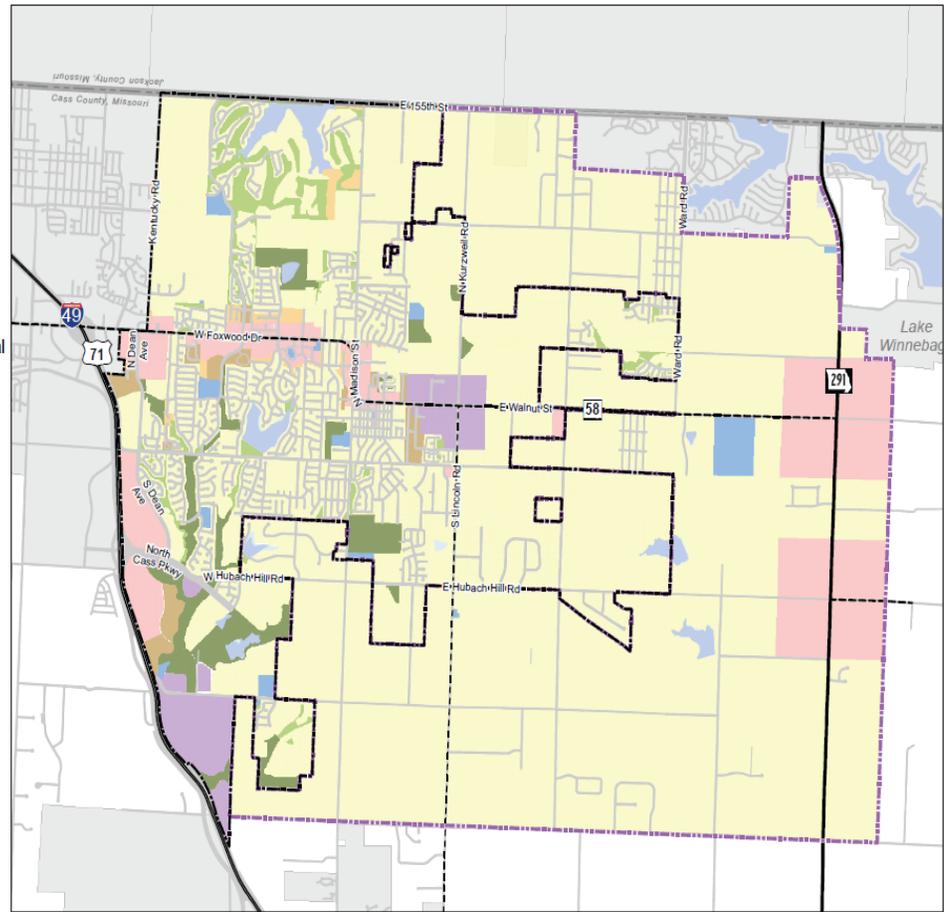
# Raymore Growth Management Plan, 2013 (Note Annexation Intent)

## Legend

### Future Land Use

- Business Park
- Commercial
- Industrial
- Open Space
- Parks
- Water
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public

- Annexation Intention Area
- Raymore, MO
- Other Incorporations



Future Land Use Map

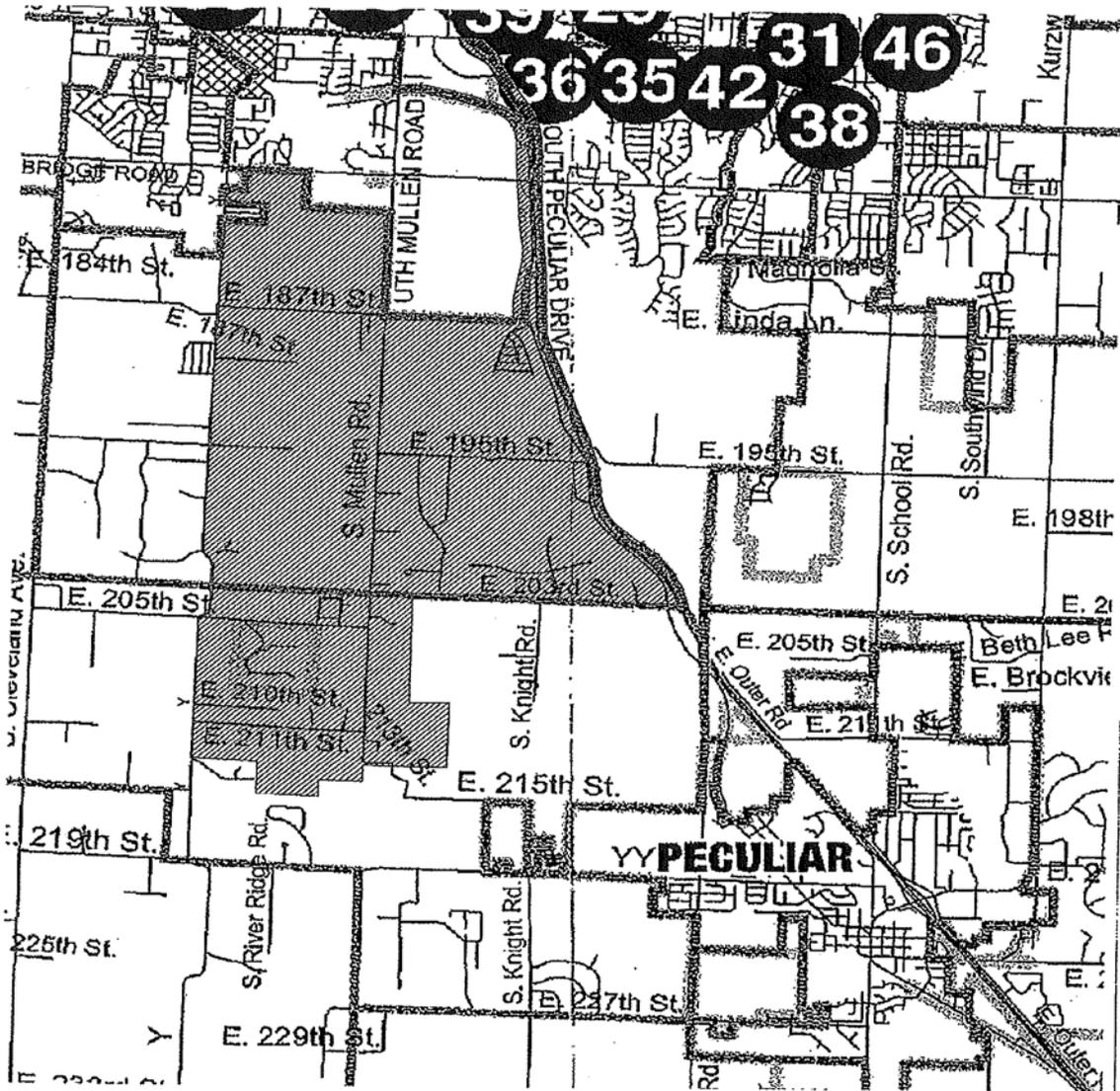
### ***City of Raymore, Missouri***

Future Land Use Plan Map

Adoption Date : March 19, 2013

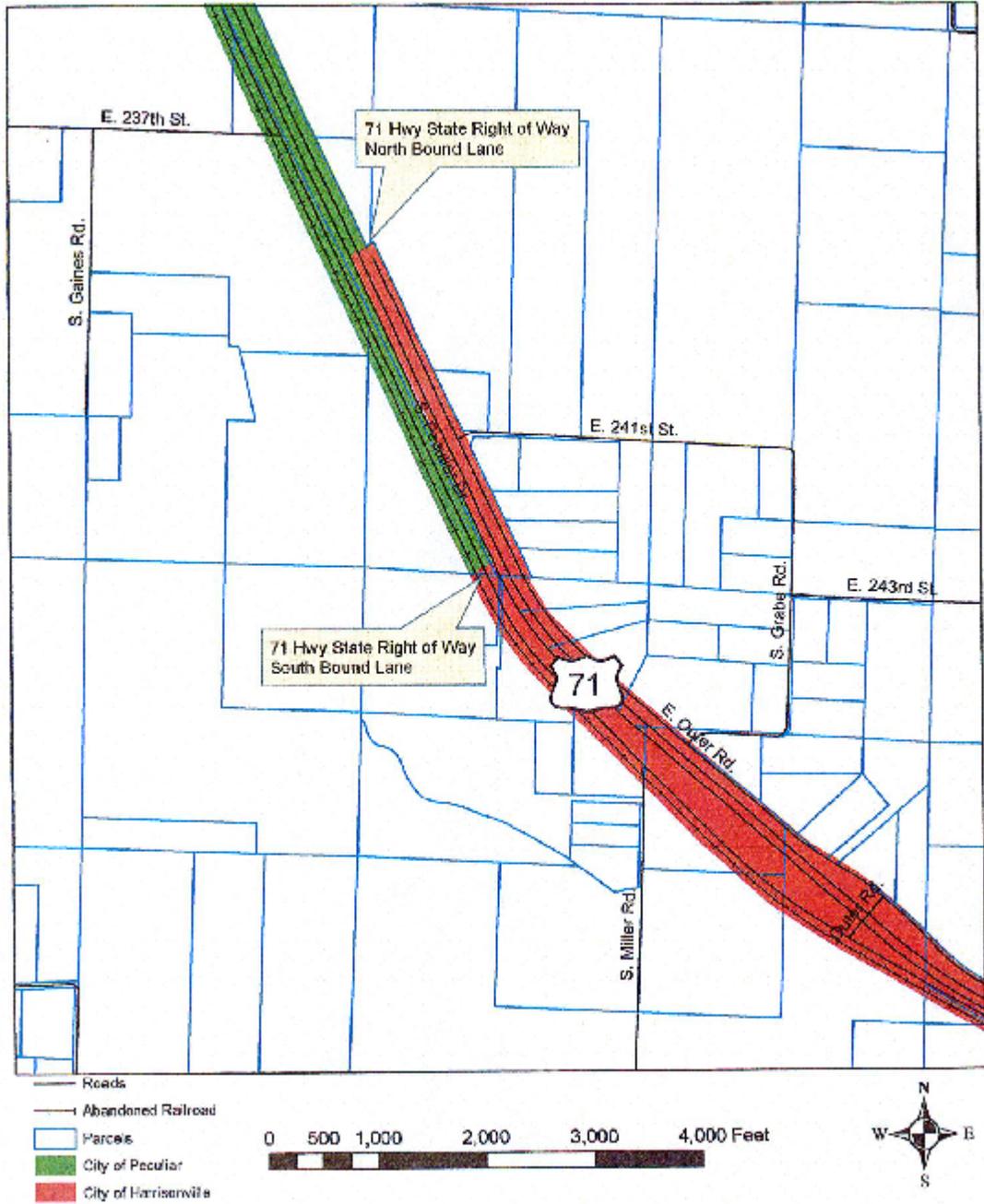


Belton-Peculiar 2003 Annexation Agreement (Expires October 21, 2013)

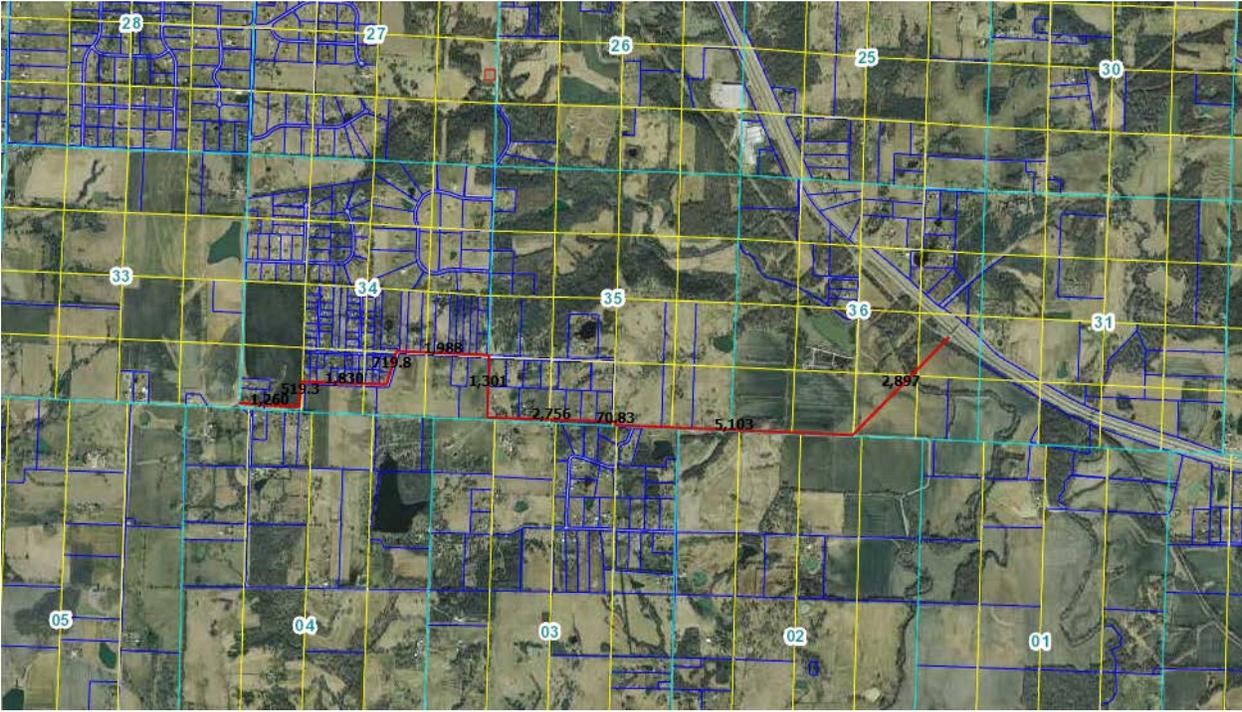


Harrisonville-Peculiar 2004 Annexation Agreement

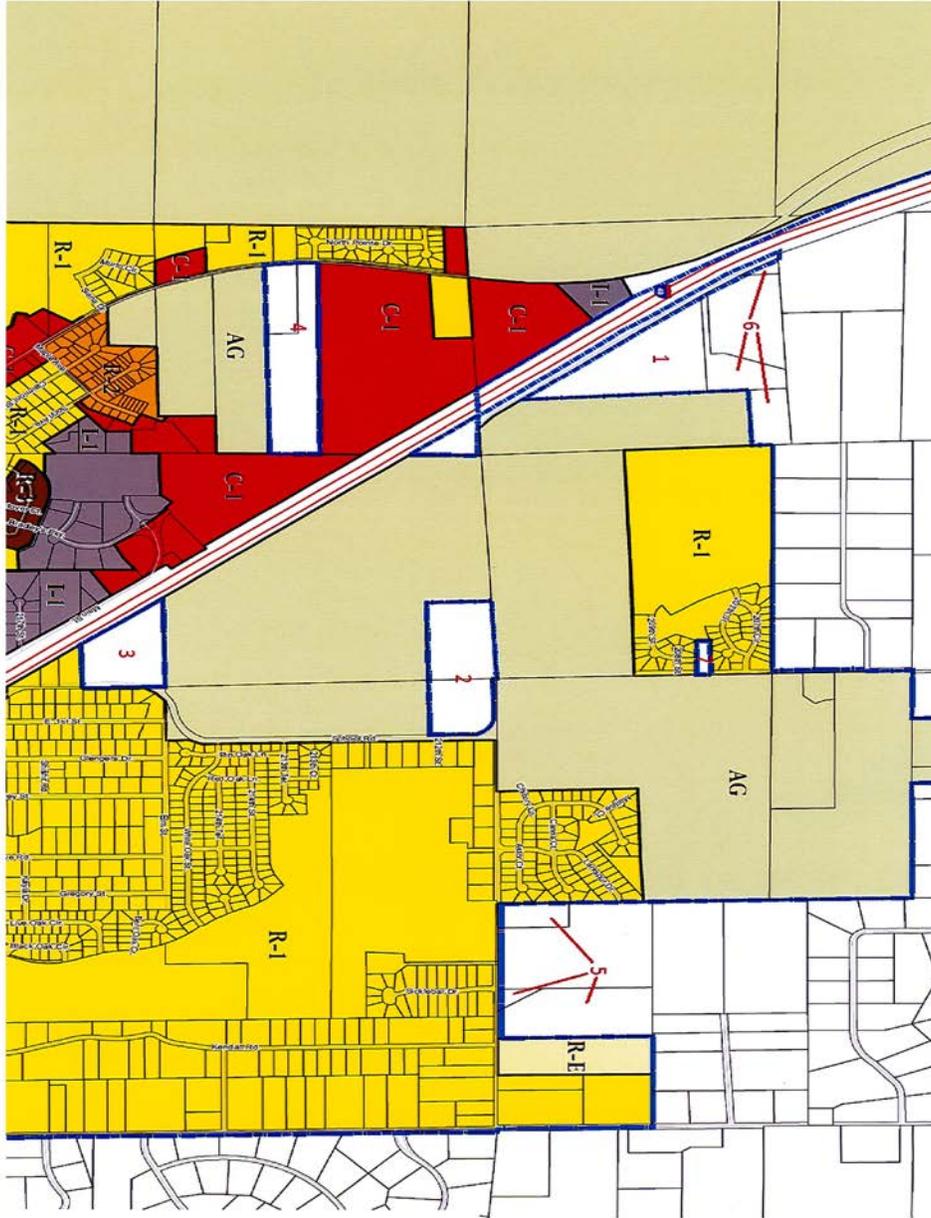
Exhibit A



Harrisonville-Peculiar Proposed Annexation Addendum, Aug 2012



# 3-Year North Annexation Map



### 3-Year North Area Annexation Plan:

*Location:* The North Annexation Area consists of Seven (7) areas North of the line formed by Highway YY, E. Summerskill Road and Highway J in the general vicinity of the East 211<sup>th</sup> Street Corridor (see attached Map on page 11).

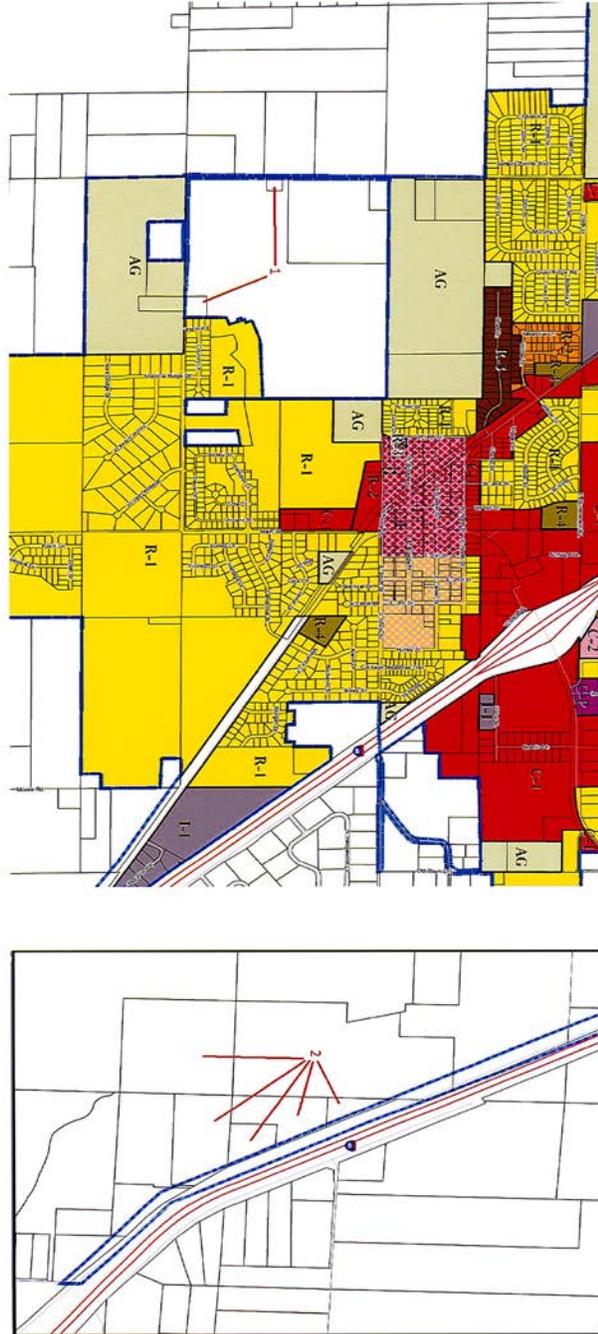
*Rationale:* The East 211<sup>th</sup> Street – I-49 Intersection is scheduled for completion late in 2016, is a short 3 years away. It is in the City's best interest to annex the properties in proximity to the 211<sup>th</sup> Street Corridor to ensure both future development and construction are consistent with the City's Comprehensive Plan, Land Use (Zoning) and adopted Building Codes.

The Seven (7) areas identified for annexation in the North Area (see Map on page 11) are numbered in recommended priority order:

- Areas 1 thru 4 should be annexed immediately. This annexation is consistent with the City's Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several "Islands." Additionally, these areas have potential for immediate development following the Intersection's completion.
- Area 5 (which consists of four (4) tracts of land) can only be accessed using City Streets as all properties front East 211<sup>th</sup> Street and these properties will directly benefit from the access provided by the new intersection. Additionally, this annexation would improve the Regularity of City Limits while ensuring future development of these properties would be consistent with the City's Land Use (Zoning) and adopted Building Codes.
- Area 6 (which consists of four (4) tracts of land) is accessed by East Outer Road which is now maintained by the City of Peculiar. This annexation is consistent with the City's Comprehensive Plan and Future Land Use Plan and it would improve the Regularity of City Limits.
- Area 7 (small island property on School Road) should be annexed to improve the Regularity of City boundaries and is fully consistent with the City's Comprehensive Plan and Future Land Use Plan.

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

# 3-Year South Annexation Map



### 3-Year South Area Annexation Plan:

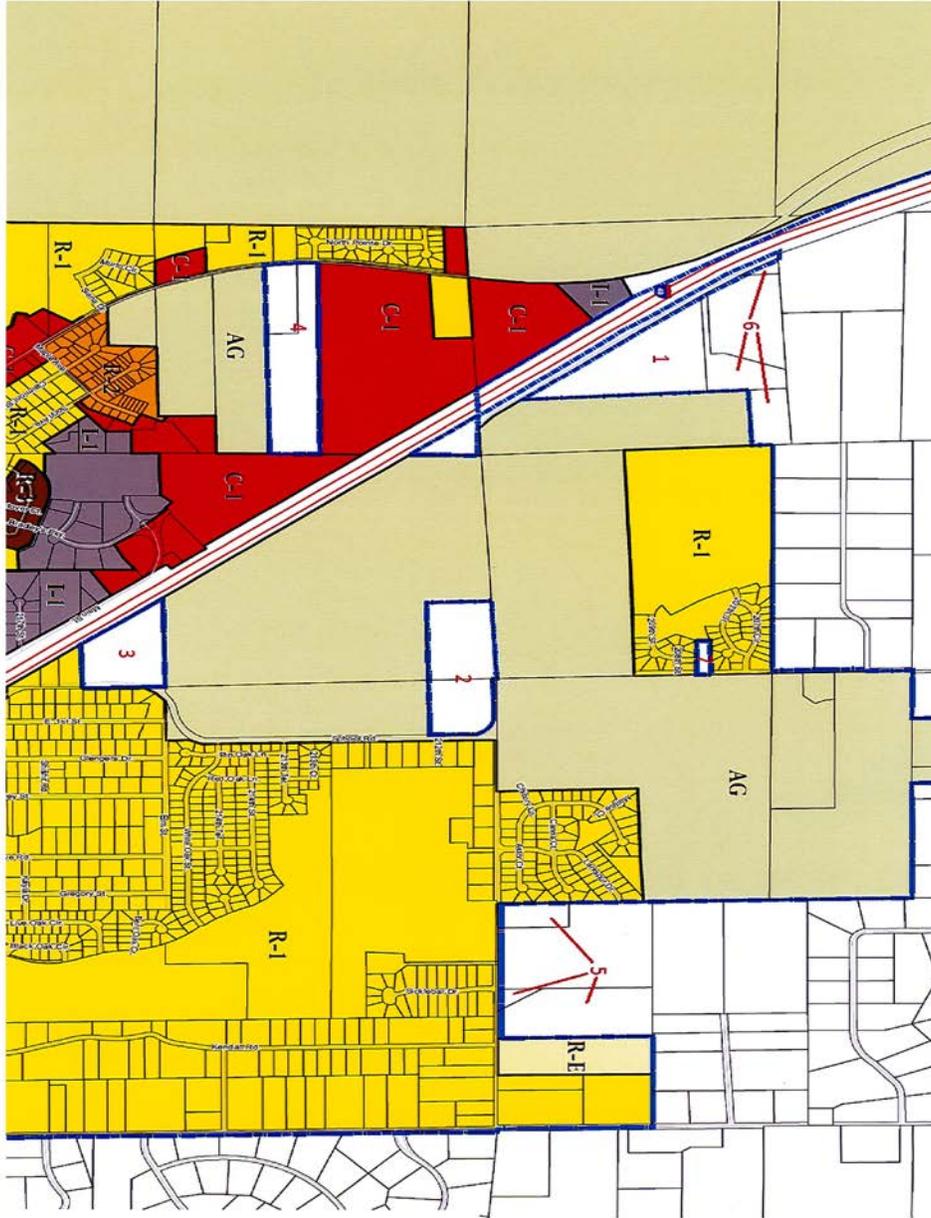
*Location:* The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 13).

*Rationale:* There are two (2) areas identified for annexation in this South area, numbered by priority.

- Area 1 consists of Harper Farm and two small tracts adjoining it - this area is where the City is installing a new gravity Sanitary Sewer Main. Large tracts of cleared land, with a Lake, and a Sanitary Sewer Main are extremely attractive to development. Annexing this area is consistent with the City's Comprehensive Plan and Future Land Use Plan. This area should be annexed to ensure both future development and construction is consistent with the City's Comprehensive Plan, Land Use (Zoning) and adopted Building Codes.
- Area 2 consists of Sioux Chief Properties on South Peculiar Drive. These properties have benefited from the Sanitary Sewer line which the City constructed, and they now front the City's Right-of-way on South Peculiar Drive. The properties are both within a 2-mile radius of Peculiar's nearest City Limit and the "contiguous" border along South Peculiar Drive is greater than Fifteen Percent (15%) which is a minimum annexation requirement.

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

# 8-Year North Annexation Map



## 8-Year North Area Annexation Plan:

*Location:* The North Annexation Area lies North of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 10).

*Rationale:* There are no “New” areas identified for annexation in the North Area. At this time the East 211<sup>th</sup> Street – I-49 Intersection (scheduled for completion late in 2016) should have been complete for 5 years. If any of the Seven (7) areas identified in the 3-Year North Area Annexation Plan are not yet within the City, it would be in the City’s best interest to annex any remaining properties.

The Seven (7) areas previously identified for annexation in the 3-Year North Area Annexation Plan (see Map on page 11), were recommended in priority order:

- Areas 1 thru 4 should be annexed immediately. This annexation is consistent with the City’s Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several “Islands.” Additionally, these areas have potential for immediate development following the Intersection’s completion.
- Area 5 (which consists of four (4) tracts of land) can only be accessed using City Streets as all properties front East 211<sup>th</sup> Street and these properties will directly benefit from the access provided by the new intersection. Additionally, this annexation would improve the Regularity of City Limits while ensuring future development of these properties would be consistent with the City’s Land Use (Zoning) and adopted Building Codes.
- Area 6 (which consists of four (4) tracts of land) is accessed by East Outer Road which is now maintained by the City of Peculiar. This annexation is consistent with the City’s Comprehensive Plan and Future Land Use Plan and it would improve the Regularity of City Limits.
- Area 7 (small island property on School Road) should be annexed to improve the Regularity of City boundaries and is fully consistent with the City’s Comprehensive Plan and Future Land Use Plan.

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.



## 8-Year South Area Annexation Plan:

*Location:* The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 17).

*Rationale:* There are Seven (7) areas identified for annexation in this South area, numbered by priority.

- Area 1 consists of the KCP&L substation on Highway YY. This area could be annexed to improve the Regularity of City boundaries however it is not identified in the City's Comprehensive Plan nor Future Land Use Plan.
- Areas 2 thru 7 consist of "Islands" and "Peninsulas" inside and on the perimeter of Peculiar's City Limits. All of these properties benefit from using City streets for access and all except #3 & #4 are identified in the City's Comprehensive Plan and Future Land Use Plan as being within City Limits. Annexation would improve the Regularity of City boundaries and provide the benefit of Uniform application and enforcement of Municipal Services.

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

# 13-Year North Annexation Map



## 13-Year North Area Annexation Plan:

*Location:* The North Annexation Area lies North of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 19).

*Rationale:* There are two (2) areas identified for annexation in the North Area for this time.

The Two (2) areas identified for annexation in the 13-Year North Area Annexation Plan (see Map on page 16), are recommended in priority order:

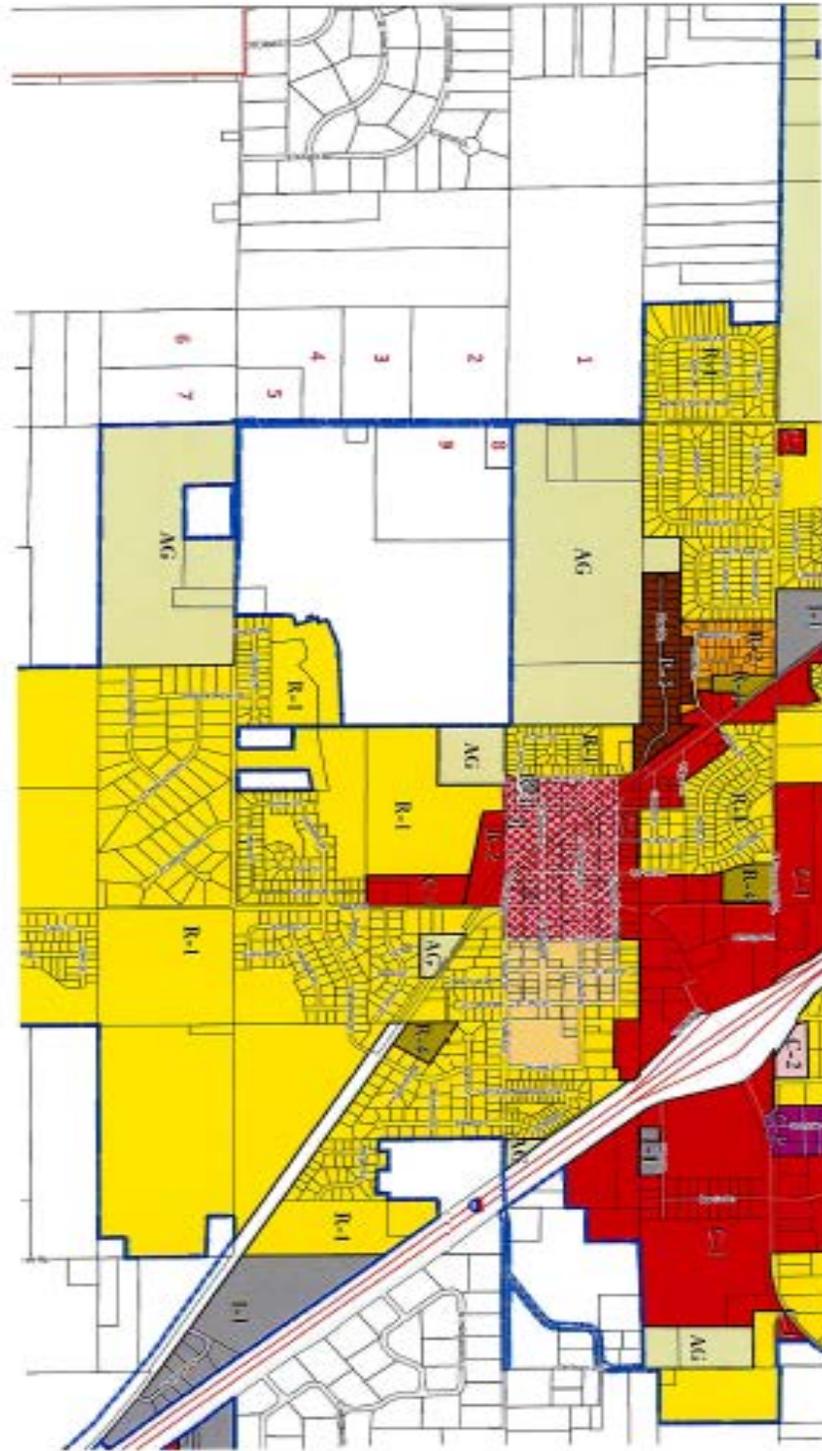
- Areas 1 and 2 are identified for annexation as they are consistent with the City's Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several "Peninsulas."

***There are no "Additional" areas identified for annexation in the North Area at this time.***

Property along 211<sup>th</sup> Street West from our current City Limits to YY should only be annexed if a fiscal analysis shows it to be feasible, which is unlikely given the area is in the City of Belton's watershed, but this could change in the long term future.

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

13-Year South Area Annexation Map:



## 13-Year South Area Annexation Plan:

*Location:* The South Annexation Area lies South of the line formed by Highway YY, E. Summerskill Road and Highway J (see attached Map on page 21).

*Rationale:* There are Nine (9) areas identified for annexation in this South area, not necessarily in priority order.

- Areas 1 thru 7 represent large tracts of land which border Harper Road (which the City owns & maintains) and are properties the City will provide Water Service to for any future development (per contract agreement with PWSD No.7). These properties are not supported by the City's 2008 Comprehensive Plan nor Future Land Use Plan. Annexation would ensure future development and construction is consistent with the City's Land Use Plan (zoning) and adopted Building Codes.
- Areas 8 & 9 are identified for annexation as they are consistent with the City's Comprehensive Plan & Future Land Use Plan and it would provide Regularity of City Limits by eliminating several "Peninsulas."

*Process:* Voluntary and Involuntary annexation actions should be reviewed and subsequently initiated either consistent with priorities recommended by this Plan or as approved by the Board of Aldermen.

## ANNEXATION ANALYSIS - PROCEDURES

During the annexation process, the Planning Commission shall evaluate the following items when applicable and before providing a recommendation for, or against, the proposed annexation to the Board of Aldermen; additional items may be required from the petitioner if deemed necessary:

### 1. Property Features

Map(s) and documents showing the features on and surrounding the property, including:

- 1) Present and proposed City boundaries,
- 2) Existing land use,
- 3) Proposed zoning,
- 4) Existing buildings,
- 5) Location of existing septic tanks and wells,
- 6) Existing and proposed water, pressurized irrigation, canals and sewer mains
- 7) Proposed extensions of existing streets and public utilities,
- 8) Acreage of property to be annexed, and
- 9) Existing utility service providers.

### 2. Service Needs Assessment

The applicant shall provide maps and documents listing and describing in detail those City Services that must be expanded to meet the needs of the proposed annexation. Future Municipal Services needed to adequately serve the proposed annexation should be estimated for the following:

- 1) Police protection (personnel, equipment, etc.)
- 2) Fire protection (personnel, equipment, hydrants and fire stations)
- 3) Public works (additional street lighting, maintenance, construction, garbage collection and street mileage)
- 4) Parks and Recreation (additional park acreage, recreational programs, new facilities and personnel)
- 5) Water and Fire Protection (water main construction, maintenance, replacement of old lines, valid water rights)
- 6) Sanitary Sewers (new interceptor lines, additional treatment plant costs, capacity constraints, costs to maintain pump station(s), etc.) and
- 7) Storm drainage (detention, connection to existing storm drain systems, flood channels, and outlets).

### 3. Proposed Services: City Costs and Revenue

The cost of development statement should include the additional cost incurred by the City for all services provided by the City resulting from the proposed annexation and development. The petitioner should also provide a summary statement of all anticipated building permits, growth impact fees, sales tax, property tax, and other public revenue generation resulting from the project at building out. This analysis should also include the number of proposed residential, commercial and industrial units, estimated population at build out of the proposed annexation area, current assessed valuation of the proposed annexation area and anticipated assessed valuation at build out, and a summary statement of any financial commitments bound to the property by a Special Service District.

#### PLAN OF SERVICES FOR PROPOSED ANNEXATION AREA

If Municipal Services to the proposed annexation area can only be provided by the future construction of onsite and offsite facilities, the City may negotiate terms and a time frame with the developer for the construction of these services through an ***Annexation Agreement*** with the developer. The annexation analysis should serve as a guide for the City in its decision as to the form, extent, and content of the annexation agreement.

#### Recommendation – Annexation Approval Criteria:

Future annexations should be evaluated using the following criteria:

- Will the annexation increase Peculiar’s tax base or revenue producing ability?
- Is the annexation necessary to control short-term development in an area which is important to Peculiar’s long-term growth plans? (e.g. East 211<sup>th</sup> Street Corridor)
- Do the annexation plans of adjacent communities threaten the long-term growth potential of Peculiar?
- Does the annexation add an area with short-term development potential which can be easily serviced by existing infrastructure?
- Is the property in Peculiar’s long-term growth area being inappropriately developed under County development regulations; and
- Will the annexation overburden City resources?

## Policy Statements:

1. DEVELOPMENT IN THE ANNEXED AREA IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN  
Any proposed development in an annexed area must be consistent with the Comprehensive Plan. However, the Comprehensive Plan may be amended from time to time as deemed necessary and appropriate.
2. PLANNING COMMISSION TO REVIEW PROPOSED ANNEXATION  
In Order to facilitate orderly growth and development, the Planning Commission shall review all proposed annexations and make recommendations to the Board of Aldermen as set forth in Missouri State Statute.
3. ANNEXATION TO BE CONSIDERED ONLY IN AREAS OF POTENTIAL URBAN SERVICE  
Peculiar's policy is to only consider annexing areas where the City has the potential to provide Municipal Services (either directly or by inter-local cooperative agreement).
4. ISLANDS AND PENINSULAS OF UNINCORPORATED AREAS TO BE ANNEXED  
Peculiar encourages islands and peninsulas to become annexed. As provided by Missouri State Statute, Peculiar shall provide urban services within three (3) years.
5. TIME PERIOD TO COMPLETE VOLUNTARY ANNEXATION PETITION STUDY  
After an annexation period has been certified, the protest period over, and the petition forwarded to the Planning Commission for study, a period of one year is allowed to finish the study and submit a recommendation to the Board of Aldermen. If action is not taken in that one-year period, the annexation request will be null and void. However, one 6-month extension may be allowed to complete the study and prepare a recommendation to the Board of Aldermen if approved by the Board.
6. MUNICIPAL SERVICES IN UNINCORPORATED AREAS  
The plan for extension of Municipal Services is represented in the Comprehensive Plan and the Capital Improvement Plan for Public Facilities. These two adopted policy documents are developed around the Future Land Use Plan which is incorporated in the Comprehensive Plan. The critical component of this is the ability of the City to provide Municipal Services to these areas.

7. HIGH QUALITY MUNICIPAL SERVICES TO BE PROVIDED

It is the policy of Peculiar to extend high quality Municipal Services, delivered efficiently, throughout the City - including areas of annexation. Further, the City promotes the equitable distribution of community resources and obligations. Such services may be provided directly by Peculiar, through inter-local cooperative service agreements, or through creation of such special improvement districts as determined by Peculiar to be in the best public interest of its citizens.

8. COMPLIANCE WITH STANDARDS AND REGULATIONS

It is the policy of Peculiar to require the development of annexed areas to comply with City standards and regulatory laws. This includes the City's Building Code, Subdivision and Zoning Ordinances, and development standards for street width, curbs, gutters, sidewalks, street lighting, road signs, and other utilities. However, existing development may be annexed as legal nonconforming development and uses, consistent with Peculiar's Zoning Ordinances which address nonconforming uses.

9. AVOID ENVIRONMENTALLY SENSITIVE AREAS

It is the policy of Peculiar to avoid development of wetlands, critical environmental habitat areas, and other environmental conditions that jeopardize the integrity of the City's infrastructure. Consideration will be given however, should the developer define how they will mitigate these issues in conformance with City ordinances, Federal and State regulations in an Annexation Agreement.

10. MUNICIPAL SERVICES ON AS-NEEDED BASIS

In areas where Municipal Services are not available, services will be extended on an as-needed basis at the cost of the developer/petitioner. All extensions of Municipal Services must comply with City ordinances and policy criteria and will be paid for by the individual developer/petitioner.

11. ANNEXATION AGREEMENT

An Annexation Agreement, which shall be recorded, will be prepared between the City and property owners outlining specific circumstances relating to water, sewer, and streets, and other specific improvements after review by the Planning Commission, and prior to final annexation approval by the Board of Aldermen.

12. EXTENSION OF ROADS, STREETS AND OTHER VITAL PUBLIC FACILITIES

As a condition of annexation, developments may be required to extend streets, water, sanitary sewer, and other public facilities consistent with City Code. Development of improvements shall be extended to the edge of property lines.

### 13. ESTIMATE OF TAX CONSEQUENCES

It is anticipated that areas annexed into the City will increase in value, and the tax assessment on newly developed areas, along with impact fees, development fees, and additional revenue assessments will generate revenue to help support the new services. However, the City needs to constantly monitor and advocate for a balanced tax base through economic promotion & development and by encouraging commercial and service industry growth.

### 14. REVENUE AND ANNEXATION

Consistent with State Law, it is not Peculiar's intent to annex territory for the sole purpose of acquiring revenue. However, it is important for a community like Peculiar to maintain a balanced tax base.

### 15. COMPLY WITH CITY STANDARDS

It is the desire of Peculiar that, in the event parcels of land within the expansion area are developed and are not able to be annexed into the City, such development will be consistent with Peculiar's standards and specifications for streets and public facilities and the County will refer all developments to the City for review and recommendations.

### 16. FINANCING SERVICES

It is the policy of Peculiar that developments should finance their extension of municipal services. Impact fees derived from a development may fill some gaps in providing services to the area, but development within expanded areas needs to be the primary responsibility of the developer/petitioner.