



CITY OF HAGERSTOWN, MARYLAND

Planning & Code Administration Department

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February 14, 2025

House Environment and Transportation Committee
Of the State of Maryland

RE: **HB 751 – Municipalities – Annexed Land – Land Use and Density**
FAV

Dear Honorable Members of the House Environment and Transportation Committee:

On behalf of the City of Hagerstown, I am forwarding written testimony for your consideration in support of the proposed bill.

We support the State reverting annexation code provisions on appropriateness of requested municipal zoning from the County zoning ordinance back to the land use recommendations in the adopted local comprehensive plans, as was the code provision before 2006. Our contention is that the current process is no longer necessary for the below stated reasons and only creates impediments to smart and sustainable growth in Maryland.

The Code change in 2006 occurred due to concerns about how some municipalities were annexing and a desire to ensure that smart growth planning was in place before municipalities expanded their boundaries. H.B. 1141 of the time changed the annexation zoning analysis to a more inflexible test AND required that municipal comprehensive plans contain a Growth Element and that all local comprehensive plans include a Water Resource Element. The goals being to ensure that growth and infrastructure planning be in place to accommodate service demands from annexation activity and overall growth.

Since 2006, all municipalities that annex should have adopted new comprehensive plans that include the required Growth Element and Water Resources Element. Those chapters of the plan include land use analyses of development potential from raw and redeveloping land and utility capacity analyses to accommodate growth. In addition, municipalities are required to establish a growth boundary in their plan based on the analyses in those two chapters that is the limits of their annexation activity. Municipalities are required to consider the county's land use recommendations as they formulate the land use recommendations for the municipal growth area. We are now practicing the smart and sustainable growth planning that the 2006 law sought.

The time for change is now as Maryland's need for additional housing to accommodate population projections is so great. By the very differences between urban and rural/suburban areas, municipal and county zoning ordinances, especially in rural counties, are quite different in

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terms of the types of housing and the densities they allow on public utilities. Because of the difference in the zoning ordinances and the requirement that requested municipal zoning not be “substantially different” from the existing county zoning, developers seeking annexation for residential development get caught in the “express approval process” with the County Commissioners. If the Commissioners do not grant the change to the requested “substantially different” municipal zoning in the municipal growth area, the property that annexes must wait five years to use the municipal zoning. If the County Commissioners are unwilling to grant approval for municipal activities, the potential development opportunity is lost, the landowner loses a buyer, and the community is labeled unfriendly to economic development.

The comparison to comprehensive plan recommendations is a more flexible analysis test because the land use plan recommendations are less specific than codified provisions that outline exactly what you can build. Instead of outlining specific use types and lot sizes, the plans recommend low-, medium- and high-density housing with a range of density levels per acre provided. The municipalities’ utility and growth planning is based on those plan recommendations.

We support the State reverting back to the pre-2006 land use and density comparison process for annexations as proposed in HB 751, so that a significant hurdle to smart and sustainable growth is removed. The uncertainties presented by the current express approval process on zoning comparisons would be removed which is critical to attracting quality development in our communities, especially as we strive to address the housing deficit in Maryland.

If you have any questions, please feel free to contact me at (301) 739-8577, ext. 140, or send an email to kmaher@hagerstownmd.org.

Sincerely,



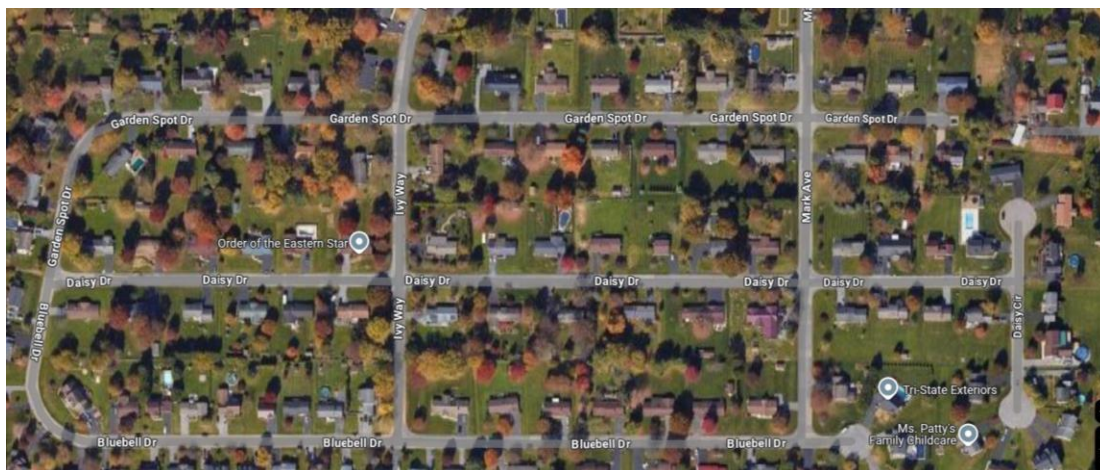
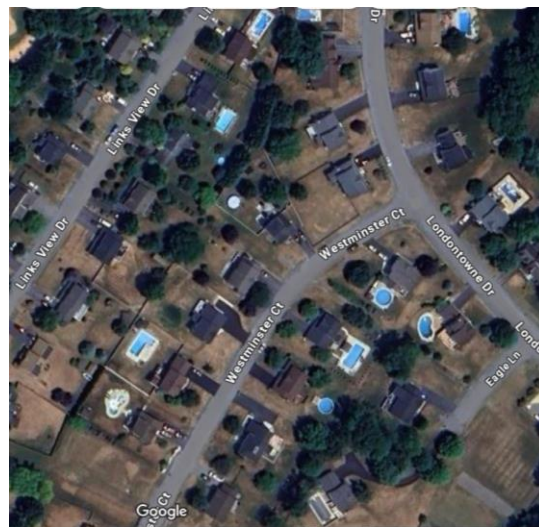
Kathleen A. Maher, AICP
Director

Attachment – Images of Low-Density Housing Developments Outside the City

C: Scott Nicewarner, City Administrator
Mayor and Council of Hagerstown

Support for HB 751 – Municipalities – Annexation – Land Use & Density

We Will Not Get to 90,000 New Homes in MD With Rural/Suburban Zoning Like This



Outside the City of Hagerstown, Washington County, MD