



FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater
County Executive

DIVISION OF PLANNING & PERMITTING
Livable Frederick Planning and Design Office

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HB 751 – Municipalities – Annexed Land – Land Use and Density

DATE: February 18, 2025
COMMITTEE: Environment and Transportation
POSITION: Opposed
FROM: Kimberly Gaines, Director, Livable Frederick Planning & Design Office, Frederick County Government

As the Director of the Livable Frederick Planning & Design Office, Frederick County's long-range planning department, I urge the committee to give **HB 751 – Municipalities – Annexed Land – Land Use and Density** an unfavorable recommendation.

This bill will allow a municipality to permit development of recently annexed property based on the land use designation assigned in the municipality's comprehensive plan, regardless of the County zoning. This change would allow a municipality to bypass the express approval process that ensures Counties have the necessary time to address infrastructure needs for new development.

Current law requires a 5-year waiting period between annexation and development if the county zoning does not permit the use or density that is proposed. This 5-year waiting period may be necessary for the county to prepare for the impacts of a municipal development. These impacts may include traffic congestion, decreased school capacity, and increased need for fire/rescue services. The waiting period is especially important when municipal adequate public facilities requirements are weak or nonexistent.

The existing law provides an "express approval" process that allows a county to waive the 5-year waiting period. The Frederick County Council has waived the 5-year waiting period and granted express approval for the most recent requests presented for their consideration. Their reasons for doing so included advancing economic development in one municipality and creating opportunities for affordable age-restricted housing in another. The process of granting express approval provides the County, which is often responsible for the infrastructure to support proposed development, the opportunity to weigh the benefits and potential challenges of that development.

Frederick County seeks to support continued investment in our municipalities, including through annexation and new development. However, we must ensure that the county continues to have a mechanism to influence the timing of new development and advance necessary mitigation of associated impacts to maintain the high quality of life enjoyed by our residents.

I thank you for your consideration and, again, urge you to give HB 751 an unfavorable recommendation.