

# Town of Emmitsburg

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February 2, 2026

House Government, Labor and Elections Committee  
Of the State of Maryland

**Subject: RE: HB 0099 – Municipalities – Annexed Land – Land Use and Density  
Written Testimony in Support**

Dear Honorable Members of this Committee:

On behalf of the Town of Emmitsburg, 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:

1. Is no longer necessary for the below stated reasons,
2. It only creates impediments to smart and sustainable growth in Maryland, and
3. It is an unnecessary and arbitrary impediment to implementing the State's current initiatives intended to address the current housing shortage in Maryland.

The following is an outline of the events that have led to the issue before you today.

- The State 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 were to ensure that growth and infrastructure planning be in place to accommodate service demands from annexation activity and overall growth. Growth boundaries are also required to be part of the Comprehensive Plan.
- Since 2006, all municipalities that annex should have adopted new comprehensive plans that include the required Growth Element and Water Resources Element. 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.
- Properties now ripe for development sit fallow waiting for a five-year period to expire.

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 terms of the types of housing and the densities they recommend on public utilities. Municipalities are intended to be developed at significantly greater density than that of their surrounding counties and their intended rural, semi-rural or suburban

*Frank Davis, Mayor*

*Cathy Willets, Town Manager*

*Sabrina King, Town Clerk*

*Board of Commissioners Jim Hoover, President*

*Rosario Benvenuti, Vice President;*

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natures. More dense development conserves land reduces long-term infrastructure maintenance and replacement expenses.

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 County Commissioners/County Councils. If the Commissioners or Councils do not grant approval of 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 recommendations in the plan.

We support the State reverting back to the pre-2006 land use and density comparison process for annexations as proposed in HB0099, 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 plan for the growth in population projected for Maryland.

If you have any questions, please feel free to contact me at 301-600-6301 or [mayordavis@emmitsburgmd.gov](mailto:mayordavis@emmitsburgmd.gov).

Sincerely,



Allen Frank Davis, Jr.  
Mayor  
Town of Emmitsburg

*Frank Davis, Mayor*

*Cathy Willets, Town Manager*

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