

Smart Growth Maryland Series

[Home](#) [The BICEP Bulletin](#) [Publications & Research](#) [Favorite sites](#) [What I'm Reading](#)

(Coming Soon, Part Three: Smart Growth and Water Resources)

Part Two: What's the big deal with annexation and comprehensive planning?

In Maryland, as in most other states, municipal corporations (usually cities or villages) may enlarge its corporate boundaries. Municipal annexation is the process of legally including within the corporate limits of a

city or town an unincorporated area that is outside the municipality. Historically, this process was not limited to municipalities. In the 1800s, the U.S. Congress successfully annexed the state of Texas, which prevented it from becoming a recognized republic by Mexico. Later, in 1898, the United States annexed the territory of Hawaii, which eventually led to its statehood in 1959. A recent [Brookings Institution](#) study shows that, while "annexation activity in the 1990s was less than in any previous decade since 1950," municipalities still used annexation to expand at an incredible rate. The use of the annexation tool has brought cities and counties into battle over the issue. Many counties have very legitimate opposing positions to certain annexation attempts my cities. The following example is from a National Association of Counties (NACO) article, [Annexation Still Powerful but Controversial Tool](#):

In Washington state, Yakima County challenged an annexation attempt by the city of Yakima. There, the county had incurred a debt of \$800,000 for road improvements in the area the city wished to annex. With the possible loss of the tax base, the county would have no way of paying back the debt, as the debt would not carry over to the city.

Counties in Washington stressed they would be hard-pressed to make such investments in unincorporated areas, since they only make the opportunity of annexation more attractive to the cities, who would not incur the debt.

Annexations essentially serve as future growth areas for municipalities. Maryland local governments (counties and municipalities) are required by State planning laws to plan for future growth. However, municipalities were not required to include future annexation areas in their comprehensive plans and, according to the [Maryland Department of Planning \(MDP\)](#), most did not. Most annexations bypassed the comprehensive planning process. Most comprehensive plan updates take well over a year before there is a draft plan. In addition, there is a significant public review and comment process that must occur before a plan is legally adopted. This process adds more time to the comprehensive planning process. Annexations, by contrast, can occur at a much faster pace. This often lead to less public review and planning for annexations and their associated development. According to MDP, over the past few years some municipalities have grown by 50% to over 200% in land area via annexation. Such annexations will obviously lead to significant increases in population over various time frames. The lack of infrastructure and other public services has also been an issue with some annexations. There was much concern that annexations were sometimes used to avoid county adequate public facility ordinances.

In response to these trends and issues, the 2006 Maryland Legislature passed [HB 1141](#), amending [Article 66B of the Annotated Code of Maryland](#), which updated annexation law that had not changed in over 30 years. The new law strengthens land use requirements by necessitating better planning for annexations. The bill also requires municipal growth elements to be adopted into comprehensive plans and requires some present elements to cover additional material by October 1, 2009 (There will be a future BICEP article discussing this). The MML ([Maryland Municipal League](#)), has published a [handbook](#) that gives guidance for municipalities considering annexation. The publication includes a list of

advantages and disadvantages for municipalities to annex. What the list lacks is any mention of an opportunity to improve or strengthen relationships with counties. It may be mentioned elsewhere in the handbook but not in the list I mentioned.

Well this is about as much as I can bare to research. I'm no expert on the subject. So Marylanders, (and others) what's your take on it? Is the latest Maryland legislation dealing with annexation as part of comprehensive planning really "Smart Growth", or is it a way for cities and counties to look like they're playing nice? Will it help improve planning in Maryland?

Part One: Sprawl and the smart growth movement

[Towson University Center for GIS](#) glossary defines urban sprawl as:

a pattern of land use/land cover conversion in which the growth rate of urbanized land (land rendered impervious by development) significantly exceeds the rate of population growth over a specified time period, with a dominance of low-density impervious surfaces.

Whether you agree or disagree with this definition or call it something else, it matters not for the purposes of this article. Chances are that, if your reading this, you have probably already formed your own opinion of what urban sprawl is or is not. As may also be the case with the concept of "smart growth". Over the next few weeks, I plan to present here are some of my observations and opinions on how the State of Maryland is addressing this planning and growth issue.



Smart Growth Movement in Maryland

Article 66B of the Annotated Code of Maryland, also known as the Planning and Zoning Enabling Act, provides local jurisdiction authority over local

land use and growth decisions. The law requires local governments that engage in planning activities, to implement and address certain visions in their comprehensive plans. The Maryland Economic Growth, Resource Protection, and Planning Act of 1992 (the Planning Act) was enacted to organize and direct comprehensive planning, regulating, and funding by State, county, and municipal governments in furtherance of a specific economic growth and resource protection policy. The 1992 Planning Act laid the ground work for the Smart Growth movement by requiring two new elements in comprehensive plans, a sensitive areas element and a regulatory streamlining element. Since the late 1990s the State of Maryland has been making great strides implementing smart growth principles into its key planning statutes. Some would say that this Maryland "smart growth movement" began during former Governor Glendening's administration, with the Smart Growth Priority Funding Areas Act of 1997. The legislation was an effort to, 1) reduce the impact of urban sprawl on the environment and encourage growth in existing communities, 2) to protect Maryland's green spaces and to preserve the State's rural areas, 3) to preserve the State's rural areas, and 4) to manage growth by restricting State funding to designated Primary Funding Areas (PFAs). Maryland has adopted as its 10 principles of smart growth.

Next Article

Smart Growth Maryland Part Two: What's the bid deal with annexation?
