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# ANNEXATION & CITIZENS

## ASSESSING QUALITY OF LIFE IMPACTS & SUCCESSFUL STRATEGIES

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Through annexation a municipality extends its boundaries around vacant land in the adjoining township or county. Under the right conditions annexation can be critical to preserving quality of life for existing town residents. But in far too many instances local elected officials have agreed to annexations that benefit a few individuals at the expense of both existing and future residents.

This factsheet was designed for citizens concerned about a proposed annexation. Three topics are introduced:

1. How to determine if a proposed annexation will have a positive impact on your quality of life and that of other town residents;
2. How to prevent a harmful annexation from being approved; and
3. Once victory has been achieved, how to ensure that only responsible growth scenarios are seriously considered in the future.

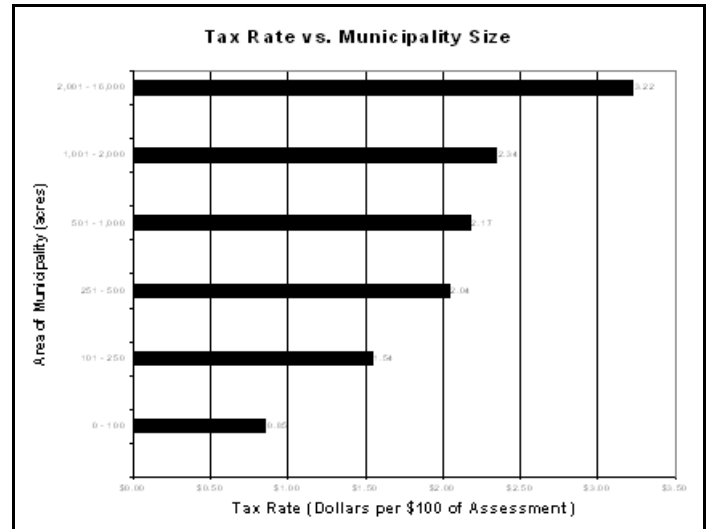
### ASSESSING QUALITY OF LIFE IMPACTS

The CEDS book *How To Win Land Development Issues* describes how citizens can assess the 24 quality of life impacts common to land use changes (*go to [www.ceds.org](http://www.ceds.org) to obtain the free book*). Not all annexations will cause all 24 impacts. However, every annexation should be screened for all 24 impacts. Following is an example of some of the hard questions that should be answered *before* an annexation is approved.

#### **HOW WILL THE ANNEXATION AFFECT TAXES?**

A popular myth exists that growth means lower taxes. The proponents of this myth argue that as a town grows in size the relative costs of providing services, such as public water and sewers, declines. While this is true for some tax-funded services it is not true of all. And with

increasing size comes an increasing demand for more public services not sought by residents of smaller towns, like libraries and specialized recreation facilities.



The graph above presents the results of grouping of 155 of Maryland's 157 municipalities into six size categories. The average tax rate for the six size groups was then computed. The graph shows that the smallest towns have the lowest tax rates and the cost of government increases as municipal area expands. So, in general, if you want to keep taxes low in your town, keep the town small.

But some annexations can stabilize or even reduce taxes. Generally, commercial and business annexations generate three times more tax dollars compared to the cost of government services provided to these uses. Residential development may require \$1.20 in services for every dollar of taxes paid by the residents. So annexation for commercial development can stabilize taxes while residential growth will generally escalate tax rates. But there are exceptions to both generalizations and citizens should insist upon a thorough, independent fiscal impact analysis *before* serious consideration is given to an annexation proposal.

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## COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES (CEDS)

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## **SCHOOLS & ANNEXATION**

Each new home adds an average of about 0.38 students to local schools. The rate is higher for more densely populated areas. Single-family detached homes may generate three- to five-time more students compared to a multifamily housing unit. Commercial development can indirectly add to school enrollment by causing families to move to a town to be near their place of employment. Similarly, senior projects can indirectly add students through the *echo* effect.

Enrollment and capacity projections for each school affected by an annexation proposal should be thoroughly evaluated along with the impact of all other anticipated growth. Six- to twelve-years can elapse between the date a town decides it needs a new school and when classes are first held in the new building. So citizens should demand that local officials thoroughly evaluate school impacts before an annexation is approved. Otherwise parents may see increasing class size and more portable classrooms as the annexed area rapidly develops.

## **TRAFFIC IMPACTS**

A new single-family home will add ten trips a day to local roads and commercial development can generate 6- to 700-trips/day per 1,000 square feet of floor space. A two-lane rural road (like that depicted below) will be perceived as congested when average daily traffic (ADT) volume exceeds 2,000-4,0000 vehicles and congestion becomes severe above an ADT of 5,000. These two ranges are equivalent to the traffic generated by 200 to 500 homes. A 4-acre regional shopping center (mall) might generate about 2,000 trips/day.



Traffic volume increases can be particularly harmful on residential streets where noise, safety concerns, and exhaust impacts to health all rise with traffic volume.

These quality of life impacts can translate into a 3% to 15% decline in property value. Generally residential street volume should not exceed an ADT of 1,000 or the traffic generated by 100 homes. Traffic impacts can be particularly severe when development causes a dead-end residential street to be converted into a through-road. Citizens should demand the completion of a comprehensive traffic impact study before an annexation is approved. We also strongly encourage citizens to verify the data and conclusions presented in the study using the procedures outlined in Chapter 23 of *How To Win Land Development Issues*.

## **WATER QUALITY**

Beginning with a 1979 study conducted by CEDS president Richard Klein, a number of researchers have found a direct relationship between development and the health of wetlands, streams, tidal creeks and lakes. Generally, these aquatic resources go from healthy to degraded when the impervious area (IA) of the watershed exceeds 8% or one house for every three acres of land. Degradation will become severe at an IA of 20% or two houses per acre.

Annexation proponents will frequently claim that the use of stormwater management measures, environmentally sensitive design, and other techniques will fully mitigate water quality impacts. If only this were true. Sadly far too many of these measures are either improperly designed, built, or maintained. A recent CEDS study found that the measures installed at three out of four development sites were in such a poor condition that virtually zero aquatic resource protection was afforded.

Citizens should insist upon a thorough assessment of how a proposed annexation will impact water quality. The assessment should factor in all other growth anticipated in each watershed.

## **SMALL TOWN ATMOSPHERE**

Public opinion surveys frequently show that it is the friendly, cooperative atmosphere which residents cherish most about their small towns. One study indicated that a municipality can lose its small-town atmosphere when the population exceeds the range of 2,500-3,500 residents. With a population this size all the children in town likely go to the same elementary, middle, and high school. Town government is administered by volunteers who are active community members. These and other factors make for a very

close-knit community in a small town. Town residents should not feel compelled to sacrifice these critical quality of life elements. And in most states residents have both the moral and legal right to keep their Town small. In other words, local decision-makers have the authority to reject an annexation request if, for no other reason, then to just keep their town small.

### PREVENTING A HARMFUL ANNEXATION

The best way to preserve and enhance quality of life in your town is to have:

- a good comprehensive plan that reflects a consensus view of residents on how your Town should grow;
- zoning maps, a zoning ordinance, and other development regulations designed to achieve the goals and objectives of the comprehensive plan;
- a planning commission and staff fully committed to implementing the comprehensive plan; and
- a town council equally committed to shaping growth in the manner set forth in the comprehensive plan.

Unfortunately, you are probably reading this fact sheet because you just learned of an annexation proposal and you just don't have the time to get a good plan in place much less to affect commission and council membership.

The vast majority of citizens who defeat bad annexation proposals do so in a political arena; not through legal action. We strongly urge you not to immediately run out and hire a lawyer upon learning of an annexation proposal. Instead, we urge you to give us a call (1-410-654-3021). We can help you determine if the time has to hire a lawyer and, if so, how to find the best attorney.

Again, most bad annexation proposals are defeated through a good political strategy, which typically unfolds as follows:

- Citizens learn about the proposal a few weeks before the planning commission hearing;
- Citizens then learn the applicant has been lobbying staff, commissioners, and council members for

weeks or months to approve the proposal;

- Citizens learn that the applicant's studies regarding annexation impacts are either nonexistent or severely biased in favor of the project;
- Citizens select the two or three sexiest quality of life factors and demonstrate that the applicant's studies misstated the impact and, in fact, town residents will suffer a significant negative effect;
- Citizens then mobilize the constituents of each Town council member to actively oppose the bad annexation;
- If this last task is done well then a majority of the Town Council members should reject the annexation; but
- If the Council approves the annexation anyway then citizens are poised to reverse this decision through the referendum or petition process.

Occasionally, an annexation proposal will be moving so swiftly that it is necessary to initiate legal action to prevent the project from becoming a *fait accompli*. Advice is provided in Chapter 40 of *How To Win Land Development Issues* for minimizing the expense of litigation without sacrificing the likelihood of success. Chapter 36 explains how to raise the funds needed to wage battle on both the political and legal front. In addition to the advice provided by our free book, CEDS will answer specific question free by phone (1-800-773-4571) and will do a preliminary review of annexation proposals at no cost to citizen groups.

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### HOLDING ON TO VICTORY

A campaign to defeat a fatally-flawed annexation proposal will generate a considerable amount of momentum. Once you have won we strongly urge you to redirect this momentum towards improving the way growth is managed in your town. Through this effort you can reduce the likelihood

of local decision-makers entertaining another flawed project in the near future. You can also set the stage for revising the comprehensive plan to guide growth in the direction desired by the majority of town residents.

The best comprehensive plans are those that truly reflect a consensus view of residents on how their town should grow. Such a plan will enjoy a heightened level of support and will stand a much better chance of achieving the desired forms of growth. The first step in

creating such a plan is to initiate a neighborhood level planning process where residents examine vacant properties in their midst. Uses allowed by current zoning on each property are assessed for compatibility with the quality of life desired by the residents. A variety of options are then available for prohibiting undesirable uses. In addition, neighborhood residents are asked to consider several realistic scenarios for how nearby properties might develop or how they might be preserved. Residents are provided with criteria for assessing specific quality of life impacts of each growth scenario. Several examples of these criteria were presented earlier in this factsheet. This process then allows the residents to select the scenario which will result in the best quality of life impact. Further detail on this process is presented in *Proactive Neighborhood Planning* which can be downloaded from the CEDS website: [www.ceds.org](http://www.ceds.org).

Reaching a neighborhood-by-neighborhood growth management consensus is but a first step. Getting the plan adopted requires a Town council fully committed to preserving and enhancing quality of life. It is not unusual for a successful annexation campaign to result in a Town council overturn come the next election. By overturn we mean that all the pro-annexation incumbents are replaced by responsible growth management challengers.

Guidance on how to elect and keep good people on your Town council is provided in Chapter 42 of *How To Win Land Development Issues*. Adoption of the comprehensive plan, necessary adjustments to zoning maps and ordinances, and appointment of good Planning Commission members can begin once you elect a Town council which is fully committed to responsible growth management.

### **WHAT IS CEDS & HOW WE CAN HELP**

Community & Environmental Defense Services (CEDS) is a nationwide network of attorneys, planners, environmental scientists, and other professional who specialize in helping citizens with a variety of issues posing a threat to a neighborhood or the environment. Our clients are presently winning 75% of their campaigns. Two-thirds of these folks use our free publications and advice to win their campaign just with volunteers. The other third find they lack the time to work the issues on their own and hire CEDS to manage a portion or all of their campaign. This is how we keep our for-profit (actually for-very-little-profit) business

going. Our goal is to serve as a highly-effective, yet low-cost bridge between nonprofit groups and the only alternative - expensive attorneys.

### **How CEDS Can Help**

Following are the ways we can help with your annexation campaign:

- We already mentioned *How To Win Land Development Issues* and the other free guidance publications posted on our website: [www.ceds.org](http://www.ceds.org);
- We will answer specific questions regarding an annexation proposal free of charge via our toll-free number 1-410-654-3021;
- We can carry out a no-cost preliminary review of an annexation proposal for obvious impacts and suggest steps for verifying impacts along with possible strategy options for ensuring that the annexation is not approved until your concerns have been resolved;
- We can conduct a more intensive review we call an *Initial Strategy Analysis* where we document impacts and research strategy options to the degree needed to gauge probability of success and cost. The analysis frequently results in a full-fledged strategy that citizens can then use to win their campaign. The analysis may cost anywhere from \$500 to \$3,000;
- We can engage one of the engineers, planners, or other professionals in our network to do an independent critique of an applicant report or to prepare an independent study of a specific impact; and
- We can locate an experienced attorney to initiate legal action at a cost within your budget constraints.

For further information on how we can help contact CEDS at 1-410-654-3021 or [Help@ceds.org](mailto:Help@ceds.org). If you'd like to forward documents for a preliminary review then send them either via e-mail or by mail:

CEDS  
21300 Heathcote Road  
Freeland, Maryland 21053.

Please include a summary of your concerns and what you'd like to accomplish. Please do not request a signature for overnight packages.