

## APFO’s Relationship to Other Land Use Policies in Howard County

The APFO subtitle is one of five interconnected elements that constitute the growth management process (Sec. 16.1100 (b) (3)):

- APFO
- General Plan
- Zoning and Subdivision (e.g., regulations, design manuals & guidelines)
- CIP
- Revenue allocation

Potential Recommendation	Agency Response	References
<p>Growth-related fees:</p> <ul style="list-style-type: none"> <li>- Designate fee-in-lieu collections to Special Fund</li> <li>- Use APFO as a tool to establish impact fees, make changes to excise taxes, and tie growth management to other revenue sources such as transfer tax</li> </ul>	<p>Fee in Lieu collections are currently coded to the applicable capital projects in the capital budget with the revenue title Developer Contributions.</p> <p>As a funding mechanism, APFO and Title 18 of the Howard County code currently require developers to pay and construct transportation and water/sewer infrastructure improvements. Also, excise tax is collected for the county/state to use on regional projects.</p> <p>Excise tax amounts have not been raised since the early 1990’s. The amount of money taken in has not kept pace with the cost of design and construction or the complexity of the project types necessary for the regional improvements. One recommendation the task force could make would be to raise the excise tax.</p> <p>A road excise tax (officially known as the Building Excise Tax) was initially adopted with APFO in 1993. It is currently indexed with inflation. The current rate is \$1.17 per square foot for new office, retail and residential construction and \$0.60 per square foot for warehouse/industrial construction.</p>	<p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p> <p>See Section 18.112. - Agreements for owners or developers to construct or pay for the construction of utilities.</p> <p>Building Excise Tax – County Code Title 20, Subtitle 5</p> <p>Public School Facilities Surcharge – County Code Title 20, Subtitle 1, Part VI</p> <p>Transfer Tax – County Code Title 20, Subtitle 3</p> <p>Spending Affordability Advisory Committee Report, Fiscal Year 2016</p>

	<p>The school excise tax (officially known as the Public School Facilities Surcharge) was established in 2004. It is also indexed with inflation, and is currently \$1.25 per foot for new residential development.</p> <p>These excise taxes were adopted in lieu of impact fees. They are similar to impact fees in that they can only be used for capacity expanding capital projects.</p> <p>A 1% transfer tax is also imposed on all real property sales. The money collected from the tax is distributed as follows: 1/4 to school land acquisition and construction, 1/4 to park construction and development, 1/4 to agricultural land preservation, 1/8 to housing and community development, and 1/8 to fire and rescue capital equipment.</p> <p>Both excises taxes and transfer taxes (including the distribution percentages) must be approved by the Maryland General Assembly.</p> <p>Fiscal studies show that with this current fee structure, new growth pays for itself. However, fiscal studies also show that revenues are lacking to pay for replacement and renovation of existing infrastructure. Limited funding to pay for infrastructure replacement and renovation is a national problem.</p> <p>In 2003, it was recommended by an APFO task force that an increase in the transfer tax be looked at. This was evaluated and debated. In the end the Public Facilities Schools Surcharge was adopted instead. A transfer tax increase would generate more revenues than the school surcharge. The recent Spending Affordability Committee, convened last year to advise on spending affordability for FY16, also recommended</p>	
--	---	--

	<p>considering an increase in the transfer tax by 50 basis points, among other things.</p>	
<p>Other transportation modes:</p> <ul style="list-style-type: none"> <li>- Expand focus from strictly roads to other forms of transportation</li> <li>- Insert new metrics around connectivity, non-vehicular transportation</li> <li>- Define non-vehicular transportation’s impact on CLV levels</li> </ul>	<p>This is a policy issue and most appropriately addressed in the General Plan.</p> <p>Chapter 7 of PlanHoward 2030 discusses transportation systems, with a focus on transit, cycling and pedestrian alternatives. This section talks about the role of the Baltimore Regional Transportation Board (BRTB) and how in recent years its planning practices have expanded beyond vehicular congestion to evaluate transit and bicycle/pedestrian options. The County participates as a member of BRTB to coordinate key projects at a regional level.</p> <p>PlanHoward 2030 also discusses the concept of “complete streets” as “an approach to road design that incorporates pedestrian, bicycle, and transit with motor vehicles so that they are safe and comfortable and allow convenient transfer between modes.” The Pedestrian Master Plan and the Bicycle Master Plan are the implementing documents for this concept, as they identify a network of connections and projects to improve bike/ped mobility.</p> <p>Defining non-vehicular transportation’s impact on CLV levels falls under a broader APFO discussion in the General Plan. Implementing Action 7.3.b. suggests evaluating the “APF regulations to determine the merit of adding alternative modes of travel as well as whether APF road excise tax amount is appropriate and whether a portion of it should be used for safety, transit, bicycle,</p>	<p>PlanHoward 2030 Policy 7.2 and corresponding Implementing Actions</p> <p>Plan Howard 2030 Transportation Chapter 7, page 83</p> <p>Plan Howard 2030 Policy 7.6 and corresponding Implementing Actions</p> <p>See General Plan Chapter 7, Transportation, page 83.</p> <p>Also see Volume III, Chapter 4 of the Howard County Design Manual, section 4.9.A.2, page 16.</p>

	<p>or pedestrian improvements.”</p> <p>However, if credits to the CLV are considered for alternate forms of transportation they should not apply to projects located anywhere in the County but rather in selected areas most appropriately defined as high growth areas by the general plan. An example is the Downtown Columbia APFO.</p>	
<p>Traffic mitigation alternatives:</p> <ul style="list-style-type: none"> <li>- Clarify requirements from the Design Manual</li> <li>- Clarify cost-sharing in major facilities agreement</li> </ul>	<p>Requirements on mitigation are adequately covered by the existing APFO. Design manual could be reference but is not necessary. Design manual should stay separate.</p> <p>Cost sharing is adequately explained in the current APFO.</p>	<p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p> <p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p>
<p>Fiscal studies:</p> <ul style="list-style-type: none"> <li>- Require periodic updates</li> <li>- Require a study to determine the net fiscal impacts of new households by unit type</li> </ul>	<p>Fiscal studies accompanied General Plan updates in Howard County to make sure that the proposed land use plan is fiscally sound. A fiscal study was conducted in 2012 prior to the adoption of Howard County’s latest General Plan, PlanHoward 2030.</p> <p>Fiscal studies are also conducted for major mixed use plans in the County such as the recently adopted Downtown Columbia Plan, and the Maple Lawn Farms and Emerson communities. It is important to measure the expected operating and capital costs to county government resulting from the new residential and non-residential development against expected revenues to make sure there will be sufficient revenues to cover costs.</p> <p>It is important to remember that fiscal studies are estimates. As such, they can be a useful tool for estimating projected net impacts for long range plans, but can be problematic when trying to determine</p>	<p>PlanHoward 2030 Fiscal Impact Analysis, May 29, 2012</p> <p>Downtown Columbia Fiscal Impact Analysis, October 23, 2009</p>

	<p>impacts on a per unit basis (for example, trying to determine the fiscal impact from a one bedroom apartment unit). This is because estimates inherently become less reliable when broken down into small parts. Furthermore, it is the whole not the parts that is best analyzed. If the whole works and the County is on a sound fiscal footing then that's deemed a positive. Just because one land use may not be fiscally positive, does not mean that you therefore exclude that land use. If that were the case, then it may be the case that low income housing would be excluded, for example.</p>	
<p>Infill/redevelopment zones:</p> <ul style="list-style-type: none"> <li>- Establish new development regulations</li> <li>- Add provision/test to manage growth</li> </ul>	<p>Section 16.127 of the Howard County Subdivision and Land Development Regulations governs Residential Infill Development. The provisions in this section address design of residential infill lots to achieve compatibility with existing neighborhood character and environmental protection. Any new regulations that address residential infill development (i.e. design criteria, lot configuration, location, etc.) would need to be incorporated into a regulatory amendment to this section of the code.</p>	<p>Subdivision Regulations 16.127. Residential Infill Development: 1) Presubmission Community meeting, 2) Compatibility with existing neighborhood 3) Connectivity between neighborhoods 4) Incorporate historic features and unique features 5) Minimize infringement on privacy and use increased landscape, berms fences, etc.</p>
<p>Ag. pres. and environmental protection:</p> <ul style="list-style-type: none"> <li>- Clarify reference in APFO to General Plan monitoring report, "The basis of the housing unit allocation chart is the general plan geographic targets for residential growth. However, if the general plan monitoring report indicates that general plan policies for agricultural preservation and environmental protection are not being met, the housing unit allocation chart may be adjusted to more effectively achieve these policies."</li> </ul>	<p>As indicated in the 2014 Development Monitoring System Report (DMS), preservation easements in the Rural West include 22,000 acres of agricultural preservation easements and 8,317 acres of environmental preservation parcels – a total 30,317 acres. This represents about 32% of all land in the Rural West. While the Agricultural Land Preservation Program met its goal of 21,000-22,000 acres, it continues to implement PlanHoward 2030 policy supporting farming opportunities by maintaining the working agricultural landscape.</p>	<p>PlanHoward 2030 Chapter 4- Resource Conservation</p> <p>Policy 4.1a</p>

	Additionally, Chapter 4- Resource Conservation of PlanHoward 2030 outlines a number of policies that seek to preserve environmental protection, as well as Implementing Actions achieve these policy goals.	
<p>Green neighborhood distinction:</p> <ul style="list-style-type: none"> <li>- Align definition in General Plan and APFO, “Green neighborhood allocations. To encourage sustainable residential planning and design, to minimize adverse impacts on natural resources, and to promote energy efficiency...”</li> </ul>		<p>Council Bill 48-2007 created a Green Neighborhoods Allocation.</p> <p>Council Resolution No. 116-2007 established a Green Neighborhood Checklist which set forth the standards that must be met satisfied for a Green Neighborhood Allocation.</p> <p>This Checklist was amended and additional standards were incorporated by Council Resolution No. 121-2013.</p>
<p>Trigger for housing allocations test:</p> <ul style="list-style-type: none"> <li>- Tie test to Environmental Concept Plan stage of subdivision regulation process</li> </ul>	<p>Subdivision Regulations Subtitle I, Article 4 provides that the subdivision process begins when a Sketch Plan or Preliminary Sketch Plan is submitted. Any changes to the timing of allocation testing would need to be addressed in this section of the Code.</p> <p>Discussions regarding moving subdivision processing milestones from Sketch Plan to the ECP have been ongoing through a stakeholder working group.</p>	<p>Howard County Subdivision and Land Development Code Subtitle I. Article 4.</p>
<p>Capital budget:</p> <ul style="list-style-type: none"> <li>- Tie road improvement requirements in APFO to Howard County capital budget and state Maryland Consolidated Transportation Program</li> </ul>	<p>Road improvements required by APFO are paid for and constructed by the developers. APFO addresses the definable and specific impact a developer project can have on a county or state road. The improvements are regulated by the Developer’s Agreement which is a document signed by the developer and the county prior to final approval of the development plans.</p> <p>If the improvement is an APFO required major facilities agreement, a capital project will be created. Based on the cost share agreement, which the developer, county, and state can be a party to,</p>	<p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p> <p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p>

	<p>developer money is contributed to the project and is shown as Developer Contribution in the revenue section of the capital project in the budget. With the agreement executed, the developer may move forward.</p> <p>The downtown APFO is similar with one exception: the capital project must be fully funded before the developer project can move forward.</p> <p>Regional growth of traffic and congestion on county and state roads are not currently based off of the APFO test because regional traffic growth is a non-point source load on the roadways and not a direct impact. It can occur regardless, and independent of, any single development project. Regional projects are funded, in part, by the excise tax paid by developers.</p> <p>The process for making regional network improvements is a very different process and is not appropriate for inclusion in APFO. Projects are identified and included in the general plan. The projects are then submitted to and reviewed by the metropolitan planning organization, BMC. The project can subsequently be included as an improvement in the metropolitan plan. It then must be included in the County Executive's annual transportation priority letter to MDOT, followed by inclusion in the Maryland Consolidated Transportation Plan where it is ranked against other state-wide transportation projects.</p>	<p>-See Volume III, Chapter 4 of the Howard County Design Manual, section 4.5 and 4.9.2</p>
<p>Additional tests:</p> <ul style="list-style-type: none"> <li>- Ensure adequate stormwater, utilities, solid waste infrastructure exist where growth is occurring</li> <li>- Monitor the condition and maintenance of infrastructure</li> <li>- See handout</li> </ul>	<p>No additional tests are needed in APFO for the following either because it is already addressed in APFO or it exists in another section of the county code. Reference could be made in APFO to these sections but it is not necessary</p> <ul style="list-style-type: none"> <li>• <b>Water/sewer:</b> each development subject to</li> </ul>	<p>-See sections 18.100A. - Capital Improvement Master Plan (C.I.M.P.) for Water and Sewerage, 18.122B. - Allocation of water and wastewater capacity., and numerous COMAR reporting requirements and regulations</p>

	<p>water/sewer allocations. Water/sewer master plan comprehensively updated every 10 years and monitored each year with a report to County Council.</p> <ul style="list-style-type: none"><li>• <b>Storm Drains:</b> currently addressed by APFO in section 16.133 and county code 18.500</li><li>• <b>Stormwater:</b> flooding issues addressed specifically for new developments in APFO but general requirements discussed in Public Works sections.</li><li>• <b>Solid Waste:</b> Solid waste master plan comprehensively updated every 10 years, with bi-annual reports to the county council and Maryland Department of the Environment in accordance with solid waste permit.</li></ul>	
--	--	--