

Amendment 122 to Council Bill No. 28-2023

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Legislative Day 12

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Amendment No. 122

(This Amendment makes the following changes to HoCo By Design Chapter 10 and Chapter 11:

- Chapter 10: Managing Growth* - *Creates a new MG-1 Policy Statement to ensure year-by-year provision of affordability requirement as depicted in Table 10-1 and creates an associated Implementing Action to revise County processes for granting allocations if affordable unit benchmarks are not met each year; and*
- Chapter 11: Implementation* - *Creates a new MG-1 Policy Statement to ensure year-by-year provision of affordability requirement as depicted in Table 10-1 and creates an associated Implementing Action to revise County processes for granting allocations if affordable unit benchmarks are not met each year.)*

- 1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
- 2 pages as indicated in this Amendment:
- 3 • Chapter 10: Managing Growth: 8;
- 4 • Chapter 11: Implementation: 59 and 60.
- 5 Correct all page numbers, numbering, and formatting within this Act to accommodate this
- 6 amendment.

Adequate Public Facilities Ordinance (aPFO)

Housing Unit Allocations

APFO sets the pace of new residential development through an annual housing allocation chart, which caps the number of new units that can be built each year by geographic region. Once the annual cap is reached, subdivision plans are placed “on hold” until the next year when more allocations are made available.

The allocation chart for HoCo By Design is shown in Table 10-1 and includes the years 2026-2040. This allocation chart is based on the approximately 1,580 housing units targeted per year over the 15-year timeframe of this chart. Allocations are granted, if available, once the initial subdivision or site development plan is approved. Given that it typically takes several years for the development review process to be completed (to final plat recordation and site development plan approval), allocations are granted three years ahead of when the new units are expected to be built. Since HoCo By Design has been presented for adoption in 2023, the first year on the allocation chart is 2026.

There are four geographic regions in the HoCo By Design allocation chart: Downtown Columbia, Activity Centers, Other Character Areas, and Rural West. Allocations amount to an average total of approximately 1,580 new residential units per year over the 15 years in the chart, including Green Neighborhood and Affordable Housing units. The number of units in each region is tied to the future land use capacity as modeled and estimated in the Future Land Use Map (FLUM). In addition to the four geographic regions, the allocation chart for HoCo By Design maintains the set-aside incentive of 150 units per year for Green Neighborhood developments. Projects using Green Neighborhood allocations must meet the Green Neighborhood requirements, as specified in the Howard County Subdivision and Land Development Regulations. The total annual average of approximately 1,580 units is significantly less than the 2,084 units targeted in the allocation chart of the previous General Plan, PlanHoward 2030. However, since the County has only realized an annual average of about 1,500–1,600 units per year over the past decade, the revised target of 1,580 units is a realistic measure given the remaining land available and multiple factors influencing growth.

Just as the housing allocation chart offers a set aside incentive for the Green Neighborhoods program, HoCo By Design proposes an Affordable Housing set aside incentive as well. These additional allocations could help increase the supply of affordable housing units above and beyond what is required under the County’s Moderate Income Housing Unit (MIHU) program, and could assist the County with reaching the affordability and accessibility targets recommended in the Housing Opportunities Master Plan. As noted in the Dynamic Neighborhoods chapter, ideal locations for these set asides could be in mixed-use activity centers, redeveloped multi-family communities, and within the Affordable Housing Overlay Zoning District.

Table 10-1: Howard County APFO Allocations Chart - HoCo By Design

Year	Downtown Columbia (1)	Activity Centers	Other Character Areas	Rural West	Total	Green Neighborhood	Affordable Housing
2026	335	600	365	100	1,400	150	150
2027	335	600	365	100	1,400	150	150
2028	335	600	365	100	1,400	150	150
2029	335	600	365	100	1,400	150	150
2030	335	600	365	100	1,400	150	150
2031	155	600	365	100	1,220	150	150
2032	155	600	365	100	1,220	150	150
2033	155	600	365	100	1,220	150	150
2034	155	600	365	100	1,220	150	150
2035	154	600	365	100	1,219	150	150
2036	154	600	365	100	1,219	150	150
2037	154	600	365	100	1,219	150	150
2038	154	600	365	100	1,219	150	150
2039	154	600	365	100	1,219	150	150
2040	154	600	365	100	1,219	150	150
Total	3,219	9,000	5,475	1,500	19,194	2,250	2,250
Annual Average	215	600	365	100	1,280	150	150

(1) The allocations for Downtown Columbia align with the phasing chart in the approved and adopted 2010 Downtown Columbia Plan.

As indicated earlier, HoCo By Design envisions future development in the Gateway Regional Activity Center. Once a master plan for Gateway is completed, and the number and pacing of residential units for Gateway determined, the allocation chart can be amended to include annual allocations for Gateway or a separate chart for Gateway can be adopted. However, these units are not likely to be built in the near-term, as zoning changes will follow the master plan and units will take several years after zoning to be constructed.

MG-1 Policy Statement

Ensure year-by-year provision of affordability requirement as depicted in Table 10-1.

Implementing Actions

1. If the number of affordable units provided in a given calendar year is not either at least 20% of total housing units actually allocated that year or 80% of the total number of affordable units prescribed for that year in Table 10-1, County processes for granting allocations shall be revised to achieve at least that minimum balance through the subsequent year’s allocations.

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
MG-1 - Ensure year-by-year provision of affordability requirement as depicted in Table 10-1.		
1. <u>If the number of affordable units provided in a given calendar year is not either at least 20% of total housing units actually allocated that year or 80% of the total number of affordable units prescribed for that year in Table 10-1, County processes for granting allocations shall be revised to achieve at least that minimum balance through the subsequent year's allocations.</u>	DPZ	Ongoing

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe
MG-1 - Evaluate and amend the Adequate Public Facilities Ordinance (APFO) to support the vision and policies presented in HoCo By Design, including current and anticipated development patterns and challenges.		
1. As part of the evaluation of APFO, achieve the following: <ul style="list-style-type: none"> a. Research APFO models used in other Maryland and US jurisdictions that account for infill development and redevelopment to support future growth and transportation patterns as anticipated in this General Plan. b. Assess the applicability of APFO to accessory dwelling units and develop recommendations as applicable. c. Evaluate opportunities to grant automatic or limited exemptions to incentivize affordable, age-restricted, and missing middle housing developments. d. Evaluate the necessity of a housing allocation chart, including its goals, design, and appropriate place in the law. e. Schools: <ul style="list-style-type: none"> i. Collect data for school demands in the County sufficient to evaluate existing conditions, emerging trends, and future year needs. This analysis should include an evaluation of the life cycle of new and existing neighborhoods to better understand the origins of student growth. ii. Evaluate the extent to which new growth generates revenues to pay for school infrastructure and review alternative financing methods. iii. Evaluate the school capacity test in APFO to determine if intended outcomes are being achieved, and recommend changes to the framework and process to better pace development with available student capacity. iv. Examine alternatives to APFO waiting periods whereby a development proposal offsets the potential impact to zoned schools through an additional voluntary mitigation payment. v. Evaluate the timing and process of the school allocation chart. f. Transportation: <ul style="list-style-type: none"> i. Evaluate and amend APFO standards for transportation adequacy and develop context-driven transportation adequacy measures that align with the County's land use and transportation safety vision. ii. Study and develop APFO standards for specific geographic subareas. iii. Study and develop methods to use a fee-based approach to advance the most significant projects in a subarea. iv. Evaluate and amend APFO standards to mitigate trips with investments in bicycle, pedestrian, and transit infrastructure, road connectivity, and safety projects. 	DPZ DHCD HCPSS OOT DPW	Mid-Term
2. Appoint an Adequate Public Facilities Ordinance (APFO) task force within one year of General Plan adoption to review and provide recommendations for APFO updates that reflect the vision and policies in HoCo By Design.	DPZ OOT DHCD HCPSS	Mid-Term