



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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DR. SALLY NASH, AICP
DIRECTOR

Date of Meeting: 10.20.20

Attendance: N/A

Location: Video Conference

Purpose of Meeting: Discussion of update to the Adequate Public Facilities Ordinance

MEETING NOTES

Dr. Nash shared a brief overview presentation of research from peer cities and nearby jurisdictions, and this guided the discussion.

- Several nearby jurisdictions do not require parks as part of their APFO, and address investment through impact fees instead
 - Impact Fees in Maryland must be authorized by State law
 - Standard for calculating the fee must be reasonable and benefit connected to the paying project (rational nexus)
 - Annapolis currently does not have the ability to collect impact fees, and would require legislation
 - Anne Arundel County does collect impact fees and they have increased considerably over the years
 - Annapolis does collect impact fees for schools on behalf of Anne Arundel County
- Ellen Moyer: Although City has not collected impact fees, it has encouraged developers to set aside conservation easements by leveraging the Annapolis Conservancy.
 - Fee in lieu should go directly to Parks & Rec Dept to use for open space development.
 - City should not have to give fees to County
- Dr. Nash: creating a future impact fee policy is likely a medium to long-term recommendation.
 - City's Law Office is currently investigating the process
 - In the near term, we may be able to use existing legislation to better effect such as the Annapolis Conservancy
- Fee in lieu:
 - fee in lieu structure for meeting the APFO public recreation space requirements :
 - \$500 for each single family detached unit
 - \$400 for each single family attached unit
 - \$250 for each multifamily dwelling unit, two-family dwelling unit, or dwelling unit above the ground floor of nonresidential uses
 - Dr. Nash: We need to look at precedent fee structure from other comparable jurisdictions to Annapolis

- o Dr. Nash: we need to further explore what is possible to spread the benefit/contribution around while maintaining a rational nexus.
- o Marisa Wittlinger: we need to find a balance where fees are ideally applied applied close to the paying development but with some exceptions where appropriate
- o Precedent examples from Waunakee, Wisconsin, and La Plata, MD
 - Both jurisdictions use park types as a key tool for determining the need where a matrix is created that sets benchmarks for level of service. For example, XX square feet of regional park space per 1000 residents, XX square feet of community park space per 750 residents, XX square feet of neighborhood park space per 500 residents, etc..
 - Annapolis needs to develop a matrix that is appropriate to our park system and reasonable goals for level of service
- Jess Pachler: What about building access to existing parks to fulfill the requirement? Could that count?
 - o Dr. Nash: currently does not count toward meeting the requirement, and the existing parks do not count toward existing facilities if sufficient access doesn't exist
 - o Dr. Nash: could be a good recommendation to meet mitigation
 - o Chris Aist: good idea given how hard it is to acquire new land in Annapolis
 - o Carolyn M.: Complete streets may actually be more important than creating new park space
 - example near Waterworks Parks where access is challenging
 - o Barbara Bealor: access to the smaller parks is probably more valuable here as it would have more impact, which needs to be accounted in the matrix that we create
- Carolyn M.: achieving true equity relies on having good data of existing conditions
 - o Fees in lieu should be based on the actual costs of building and maintaining park space in Annapolis
 - o San Francisco's approach to equity in parks may provide some insight
- Diane Butler: What is the difference between a transfer tax and an impact fee?
 - o Chris Jakubiak: Not exactly sure of the precise difference, but in general, a tax is assessed to everyone while an impact fee is only applied to those who benefit
 - o Impact fees can be similar to fees in lieu in relying on rational nexus but impact fees can be applied per unit
 - o Chris Aist: a new development near Truxtun Park would be exempt from fees under the current ordinance but a new influx of residents might still impact the quality of the park experience.
 - o Diane: a hybrid impact fee / fee in lieu might be best
 - o Carolyn: an impact fee would be best applied to a community park but not a neighborhood park, perhaps require an impact fee and allow an on-site investment to offset the fee
- Anne Arundel County allows an impact fee exemption for low/moderate income housing. Is this something Annapolis should consider?
 - o Jess Pachler: not a good idea, if anything we need more park access for low/moderate income communities since they often don't have backyards
 - o Marisa Wittlinger: We could require developers of low/moderate income housing to create park space on site, rather than exempting or allowing for a fee in lieu

- o Diane Butler: frequently developers will do anything to get out of their obligation to provide the park space
- o Del. Henson: the Penn Rose development at Obery Court is an example of an affordable housing development that did do onsite park space. But generally the fee in lieu or impact fee will constrain the ability to do dedicated low/moderate income housing such as this because the financing is very challenging.