

**APF Review Task Force
Recommendations Summary
Master List as of January 27, 2016**

Motions Passed

MOTION: Support DPZ's process of reviewing infill regulations to include such things as stormwater management and the density exchange program; urge that process is complete in 2016; fast track this motion if the County Council considers legislation on the subject prior to submission of the APF Task Force report

VOTE: 15-1

OPPOSITION VIEW: Motion is too broad

MOTION: Convene an APFO review committee at a minimum at the conclusion of every General Plan cycle

VOTE: 15-0

OPPOSITION VIEW: N/A

MOTION: Require the County to develop a plan of action to address water supply/cistern needs in the western portion of the county

VOTE: 17-0

OPPOSITION VIEW: N/A

MOTION:

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| <ul style="list-style-type: none">(1) Change program capacity at which a school is deemed open to 110%;(2) If projected enrollment lies between 110% and 115% of program capacity then developer can move forward if it pays a public school facilities surcharge double the amount in current law; if projected enrollment is over 115% and up to 120% of program capacity then developer can move forward if it pays a public school facilities surcharge triple the amount in current law;(3) The developer's wait time for the allocations and schools test combined shall not exceed 5 |
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years contingent on the receipt of allocations within the 5 year time period; the last development plan shall be allowed to be processed at the developer's risk;

(4) All existing Howard County dwelling units excluding MIHU and age-restricted dwelling units shall pay an annual fee (\$25 for apartment/condominium; \$50 for townhouse; \$75 for single family detached) that is dedicated to public school capital budget;

(5) In an effort to identify efficiencies and better utilize existing space, HCPSS shall reduce its capital budget request by 2% per year for the next 5 fiscal years excluding revenue from the surcharge and the household fee in this motion

VOTE: 17-0-1

OPPOSITION VIEW: Fiscal projections not yet available

MOTION: Amend the following provision: "A facility owned by Howard County or any agency thereof where essential County Government services are provided, ~~including~~ *LIMITED TO* police services, fire prevention and suppression services, emergency medical services, highway maintenance, detention facilities, water treatment and supply, sewage disposal and treatment and solid waste disposal."

VOTE: 15-0-3

MINORITY VIEW: N/A

MOTION: Refer to 'Open/Closed Chart' as 'School Capacity Chart', use the term 'constrained' for those schools above the threshold percentage, and 'adequate' for those schools below the threshold

VOTE: 19-0

MINORITY VIEW: N/A

MOTION: Exempt Downtown Columbia from 300 unit annual allocation limit for a single elementary school district

VOTE: 18-4

MINORITY VIEW: Restriction is already limited for four years; schools are regional, not

Downtown Columbia-specific

MOTION: Allow additional new allocations for properties rezoned in Established Communities to be taken from Growth and Revitalization planning area closest to rezoned project as determined by DPZ, except from Downtown Columbia

VOTE: 18-4

MINORITY VIEW: The term 'close' is ill-defined; opposition to floating zone concept

MOTION: Apply APFO tests at Environmental Concept Plan (ECP) stage rather than sketch plan stage of subdivision regulations process

VOTE: 20-1

MINORITY VIEW: Density is not properly defined at ECP stage; timing is problematic; change in process does not address infrastructure

MOTION: Include ECP in subdivision regulations

VOTE: 21-0

MINORITY VIEW: N/A

MOTION: Exempt MIHU units from allocations test; schools and roads test still applies; exemption does not apply in Downtown Columbia; cap exemption at amount of required MIHUs

VOTE: 20-0

MINORITY VIEW: N/A

MOTION: Exempt Moderate Income Housing Units (MIHU) from allocations test; schools and roads test still applies; exemption does not apply in Downtown Columbia

VOTE: 16-2

MINORITY VIEW: Lack of a Fire Test; problem lies in lack of allocations in Established Communities category

MOTION: Increase Established Communities annual allocation from 400 to 600, decrease Growth and Revitalization annual allocation from 1,200 to 1,000 - contingent on elimination of shared allocation pool

VOTE: 18-1

MINORITY VIEW: Motion does not follow PlanHoward 2030 recommendation

MOTION: Remove the allowance of shared allocations across Established Communities and Growth & Revitalization categories

VOTE: 18-1

MINORITY VIEW: Motion does not address from where incremental increase in units come for high density rezoning areas

Motions Failed

MOTION: Eliminate regions test from APFO
VOTE: 9-8
OPPOSITION VIEW: A backup provision of the individual schools test is needed; no existing test for development should be removed without also adopting a substituting protection

MOTION: Require age-restricted housing conversions to pass schools test and be subject to current mitigation measures
VOTE: 9-7-1
OPPOSITION VIEW: Process already exists in County regulations; age restricted homes already cannot be converted

MOTION: Require single family-to-two family dwelling conditional use conversions to pass allocations and schools test and be subject to current mitigation measures
VOTE: 12-5
OPPOSITION VIEW: Issue is minor and rarely occurs (has happened very few times in county's history); these conversions are unlikely to generate children

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is greater than 115% then the school is deemed constraint. If the grouping is less than 90% and the individual school is greater than 115% then the school is deemed adequate. If the grouping is greater than 115% but less than 120%, the developer may proceed by paying double the public school facilities surcharge. The Developer would not pay the doubling of the surcharge for more than one test. Allocations/schools test wait time shall not exceed 5 years.
VOTE: 12-4-1
OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of

maintaining adequate public facilities; likely to result in more development closures; calculations unavailable to prove that increase in fee pays for the cost of additional seats

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is less than 90% and the individual school is greater than 115%, then the school is deemed adequate; if the grouping is greater than 110% but less than 115%, then the developer may proceed by paying double the public school facilities surcharge; if the grouping is greater than 115% but less than 120%, then the developer may proceed by paying triple the public school facilities surcharge. The Developer would not pay the doubling or tripling of the surcharge for more than one test. Allocations/schools test wait time shall not exceed 5 years.

VOTE: 14-3

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities; likely to result in more development closures; calculations unavailable to prove that increase in fee pays for the cost of additional seats

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is less than 90% and the individual school is greater than 115%, then the school is deemed adequate; if the grouping is greater than 115% but less than 120%, then the developer may proceed by paying triple the public school facilities surcharge. The Developer would not pay the tripling of the surcharge for more than one test. Allocations/schools test wait time shall not exceed 5 years.

VOTE: 11-5-1

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is less than 90% and the individual school is greater than 115%, then the school is deemed adequate; if the grouping is greater than 115% but less than 120%, then the developer may proceed by paying double the public school facilities surcharge. The Developer would not pay the doubling of the surcharge for more than one test. Allocations/schools test wait time shall not exceed 5 years.

VOTE: 11-6

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is greater than 115% then the school is deemed constraint.

VOTE: 8-8-1

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities

MOTION: Convene an APFO review committee the first year following the adoption of every General Plan and once between two General Plans

VOTE: 10-5

OPPOSITION VIEW: Unsatisfactory frequency/timing

MOTION: Convene an APFO review committee every four years

VOTE: 5-10

OPPOSITION VIEW: Unsatisfactory frequency/timing

MOTION: Convene an APFO review committee the first year following the adoption of every General Plan

VOTE: 13-2

OPPOSITION VIEW: Unsatisfactory frequency/timing

MOTION: Convene an APFO review committee at a minimum of every seven years

VOTE: 8-5-2

OPPOSITION VIEW: Unsatisfactory frequency/timing

MOTION: Require the County to report yearly on APF criteria, specifically on what capital projects did not meet the criteria

VOTE: 7-7-2

OPPOSITION VIEW: There is no established APF criteria in law presently; motion is more a matter of government accountability than of growth management

MOTION: Disallow fees-in-lieu for stormwater management remediation

VOTE: 0-14-2

OPPOSITION VIEW: Author of motion not present

MOTION: Expend a project's stormwater management fees-in-lieu on the impacted subwatershed

VOTE: 8-8

OPPOSITION VIEW: APFO can impose fees, but stipulating how fees should be spent are outside of the ordinance's scope; motion has little impact because fees-in-lieu for stormwater management are rare

MOTION: Include in stormwater management regulations that a project's stormwater

management fees-in-lieu be expended on the impacted subwatershed
VOTE: 12-4
OPPOSITION VIEW: Motion has little impact because fees-in-lieu for stormwater management are rare

MOTION: Disallow fees-in-lieu for traffic remediation
VOTE: 0-14-2
OPPOSITION VIEW: Author of motion not present

MOTION: Expend building excise tax revenue within a reasonable distance of the project from which the revenue is collected
VOTE: 1-15
OPPOSITION VIEW: County should maintain discretion over how to expend excise tax revenue; original intent of excise tax was to support the county's overall traffic system, not just the roadways surrounding the project

MOTION: Account for growth-related projects separately in the capital budget
VOTE: 3-13
OPPOSITION VIEW: 'Growth-related' has multiple meanings (e.g., population, development, through traffic); capital budget is developed in response to infrastructure needs so capacity is already a factor in the process

MOTION: Require the County to review how it uses the building excise tax to meet its infrastructure needs and whether or not the current rate is sufficient
VOTE: 5-9-1
OPPOSITION VIEW: Rate should be specified; excise taxes (building and school) were never meant to fully pay for capital road and schools projects but only subsidize a portion of the cost

MOTION: If annual fee for all dwelling units excluding MIHU and age-restricted (see Task Force's approved motion) is not pursued by policymakers, then the County should instead increase the transfer tax equivalent to the fee as an alternative and dedicate the increase to school construction

VOTE: 14-2

OPPOSITION VIEW: Linking the transfer tax to school construction is not palatable

MOTION: Create a category in APFO for connectivity to indicate its importance

VOTE: 8-9

OPPOSITION VIEW: A placeholder category in APFO without specifics carries no weight or meaning; connectivity issues are already addressed in other county documents (e.g., master plans)

MOTION: Create a connectivity test based on all county regional master plans, General Plan, Bicycle Master Plan, bus rapid transit plan, design manuals; if a project doesn't pass compatibility test with these plans, then the County shall pursue on-site mitigation, if on-site mitigation is not feasible then mitigation off-site is acceptable

VOTE: 7-10

OPPOSITION VIEW: No specifics offered for test; placement in APFO creates redundancy

MOTION: Evaluate a fair and equitable plan to establish reasonable connectivity for sidewalks and bike paths over a reasonable amount of time

VOTE: 13-3-1

OPPOSITION VIEW: Duplicates the intent of the Bicycle Master Plan

MOTION: Create a category in APFO for fire and emergency medical services to indicate its importance

VOTE: 8-9

OPPOSITION VIEW: A placeholder category in APFO without specifics carries no weight or meaning; need only exists in the western portion of the County

MOTION: For proposed developments of a) between four (4) and ten (10) residential units, or b) more than 20,000 combined square feet of finished and unfinished space, where the closest municipal water source is greater than ½ mile from the furthest address: the applicant shall allocate an appropriate land parcel with a right of way for construction and use of a County-owned man-made water source dedicated solely to fire suppression. The location and suitability of the site shall be approved by the Department based on operational need and Public Protection Classification Rating requirements. For proposed developments of a) more than ten (10) residential units, or b) more than 50,000 square feet of finished or unfinished space, where the closest municipal water source is greater than ½ mile from the furthest address: the applicant shall fund expenditures associated with installation of an accessible man-made water source dedicated solely to fire suppression. The source must be constructed in a location and to specifications approved by the Department based on operational need and Public Protection Classification Rating requirements, and must be in place in the scheduled completion year of the development.

VOTE: 9-7-1

OPPOSITION VIEW: Equity and fairness concerns; this provision does not belong in APFO because water supply problems are not linked exclusively to new growth

MOTION: If the percentage of “Yellow Alerts”, which are recorded on a daily basis by the Maryland Institute Emergency Medical Services Systems (MIEMSS) at Howard County General Hospital (HCGH), exceeds 30 percent in any given calendar year, then a proposed development that exceeds 200 units shall be delayed for a minimum of 6 months until such time when the Yellow Alerts is less than 30 percent for HCGH

VOTE: 6-14

OPPOSITION VIEW: HCGH is a private institution that the County cannot compel to act through a delay in development; no evidence to suggest that HCGH emergency department

delays are a direct result of growth; emergency department usage is linked to other socioeconomics factors including but not limited to health care access, insurance coverage, poverty rates, aging population

MOTION:

- (1) Maintain current definition of an open school as below 115% of program capacity;
- (2) If projected enrollment lies between 115% and 120% of program capacity then developer can move forward if it pays a public school facilities surcharge twice the amount currently in law

VOTE: 10-8

OPPOSITION VIEW: Doubling the surcharge doesn't offset costs associated with capacity increase; a capacity standard that exceeds 100% is unacceptable; Task Force has already voted to put additional pressure on growth management by exempting MIHUs from allocations test

MOTION:

- (1) Change program capacity at which a school is deemed open to 110%;
- (2) If projected enrollment lies between 110% and 115% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge double the amount currently in law;
- (3) If projected enrollment lies between 115% and 120% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge triple the amount currently in law

VOTE: 7-9-2

OPPOSITION VIEW: Increased revenue is contingent on capacity resting between 110% and 120%; a reduction in capacity will close more schools thereby halting development and preventing the County from collecting additional surcharge revenue

MOTION: Change years of wait for schools test - schools that are at or over 120% of capacity, the years of wait shall increase from 4 to 5 years; if during the wait period capacity drops below

120%, the years of wait shall revert back to 4 years

VOTE: 13-7

OPPOSITION VIEW: Total wait time already exceeds 4 years once development plan approval and allocation wait time are factored in; heightened overcapacity does not result in lower quality education, which makes a further slowing down of development unwarranted

MOTION: Adjust student enrollment calculation for schools test – enrollment count shall include both pre-kindergarten and special education students; capacity shall include relocatable space

VOTE: 3-16-1

OPPOSITION VIEW: The term ‘relocatable’ is not fully defined in the motion; this motion has the effect of lowering a school’s capacity rate by classifying ‘relocatables’ as permanent space; ‘relocatables’ pose public safety, fire safety, and physical safety dangers to students; special education students are currently counted in capacity and disaggregating them for purposes of the schools test is in contrast to the inclusion model under which they are taught

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If grouping is greater than 115%, then the school is deemed closed; if grouping is less than 100% and individual school exceeds 115%, then the school is deemed open

VOTE: 3-17

OPPOSITION VIEW: School capacity at adjacent schools is unrelated to the capacity at the school being tested.

MOTION: Insert in APFO specific language from Howard County Design Manual, Volume III, Chapter 4 relating to grade separation

VOTE: 14-5

OPPOSITION VIEW: General reference to Howard County Design Manual already exists in

APFO's grade separation provision

MOTION: Remove exemption from roads test for minor subdivisions

VOTE: 10-7-1

OPPOSITION VIEW: Minor subdivisions produce an insignificant number of cars; cost to developers/homeowners of procuring traffic study is onerous

Require that a planned traffic remediation project must be in construction before being able to be used as remediation of a failed traffic test in or near its location; project does not need to be in construction, but funding must be secured

VOTE: 12-6-1

OPPOSITION VIEW: This provision could lead to project delays for reasons beyond the developers control as they have no authority over when government funding will be allocated and construction will begin on a remediation project

MOTION: Require that a planned traffic remediation project must be in construction before being able to be used as remediation of a failed traffic test in or near its location

VOTE: 12-7

OPPOSITION VIEW: This provision could lead to project delays for reasons beyond the developers control as they have no authority over when government funding will be allocated and construction will begin on a remediation project

MOTION: Require the County to prepare a formal second opinion of a Traffic Study that includes a review of all roads-related APFO rules to ensure compliance before approving development plan

VOTE: 9-9-1

OPPOSITION VIEW: Additional reviews are already part of DPZ's approval processes; citizens/outside parties can always procure an additional test and submit those results to DPZ

MOTION: Require the county to pay for an additional Traffic Study whenever a traffic impact analysis is required

VOTE: 3-12

OPPOSITION VIEW: Limited number of contractors do this type of work, which makes identifying additional ones a challenge; it is not anticipated that additional studies would produce different results due to the objectivity of traffic study methodology

MOTION: Amend the following provision: "Minimum level of service for Howard County road facilities, excluding Downtown Columbia means level of service D. minimum level of service of a State road facility means level of service ~~E~~ D. for Downtown Columbia, the intersection standard is established in the Howard County Design Manual."

VOTE: 7-11

OPPOSITION VIEW: The County has no jurisdiction over State roads

MOTION: Conduct Traffic Study as a County-controlled competitive bid that is paid for by the developer

VOTE: 4-10-4

OPPOSITION VIEW: The County has no jurisdiction over State roads

MOTION: Amend the following provision: "A facility owned by Howard County or any agency thereof where essential County Government services are provided, including police services, fire prevention and suppression services, ~~emergency~~ medical services, highway maintenance, detention facilities, water treatment and supply, sewage disposal and treatment and solid waste disposal."

VOTE: 1-17

OPPOSITION VIEW: All non-County owned medical service facilities are subject to APFO, County-owned facilities should be no different; nonemergency medical services has too broad of a definition

MOTION: Set background traffic growth @ 3% for the duration of the development project unless DPZ/DPW have cause to believe growth rate should be higher

VOTE: 6-11-1

OPPOSITION VIEW: Limited evidence offered to suggest that escalated growth rate misrepresents background traffic levels

MOTION: Make capacity threshold 120 percent for both elementary and middle schools

VOTE: 6-13

OPPOSITION VIEW: Significant impact on school infrastructure needs; exacerbates overcrowding; contrary to predictable growth management principles

Vote to Rescind, “Increase Established Communities annual allocation from 400 to 600, decrease Growth and Revitalization annual allocation from 1,200 to 1,000 - contingent on elimination of shared allocation pool”

VOTE: 8-10-2

OPPOSITION VIEW: With the elimination of the shared pool, reversing this vote further limits Established Communities allocation pool

MOTION: Weight allocations and award them as follows: 1/3 for apartments; 1/2 for townhomes; 1 for single family detached homes

VOTE: 3-18

OPPOSITION VIEW: Results in more allocations in the aggregate

MOTION: Exempt from APFO minor subdivisions defined as four lots or fewer that have not been previously subdivided

VOTE: 4-17

OPPOSITION VIEW: Significant impact on schools; significant percentage of land in Howard

County prone to subdivision

MOTION: Remove DPZ and County Council flexibility to allow issuance of 120% of annual allocations level

VOTE: 9-10

OPPOSITION VIEW: Provision causes discrepancies in Howard County Public School System's capital budget projections by over/underestimating growth on a yearly basis

MOTION: Include Department of Fire and Rescue Services (DFRS) as a test in APFO with a mitigation option to pass the test. Mitigation is proportionate to developer's impact on fire and rescue services.

VOTE: 11-7

OPPOSITION VIEW: No acceptable formula offered to address adequacy; allocations test enables DFRS to plan for services; new development pays for itself so there is no justification to having developers pay to mitigate a perceived shortcoming in fire services