

**APF Review Task Force
Recommendations Summary
Master List as of December 16, 2015**

Motions Passed

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 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 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

Vote to amend, "Exempt MIHU units from allocations test; schools and roads test still applies; exemption does not apply in Downtown Columbia"

MOTION: Cap exemption at amount of required MIHUs

VOTE: 20-0

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 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: 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

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

Vote to amend, "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"

MOTION: 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 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