

**Adequate Public Facilities Review
Task Force**



**Submitted to:
County Executive Allan H. Kittleman**

April 1, 2016

April 1, 2016

The Honorable Allan H. Kittleman
Howard County Executive
3430 Courthouse Drive
Ellicott City, MD 21043

Dear County Executive Kittleman,

We are pleased to submit the final report of the Adequate Public Facilities Review Task Force. The report provides a factual record of the task force's activities from June 2015 through March 2016.

Since the task force was composed of citizens as opposed to government experts, we conducted a rather lengthy education process for several months. Experts in APFO and related fields made presentations and answered our questions.

After the education process, we discussed and debated over 80 topics. More than 80 motions were made to recommend specific changes to APFO, but only 18 were passed.

To ensure that any recommended changes reflected a large majority of the group's opinions, we decided early on that a super majority of two-thirds of the voting membership would be required for passage. With a membership of 23, that meant 16 votes. When a member resigned, that brought the number required to 15.

Unfortunately, attendance became an issue and sometimes fell far short of full attendance – at or just above the minimum of 15 voting members present required to pass a motion. This was a source of frustration for the task force and limited our ability to make recommendations for changes. We have included the list of all motions and the vote tally so you can see which motions could possibly have passed if more members had attended. Those members who actively participated in the review process were appreciative of the opportunity to share their views and provide suggestions.

In addition to recommendations specific to the APFO legislation, we agreed on a number of suggestions related to APFO that we felt would be in the best interest of the county, but belong in other county regulations. These recommendations are included in the report for your consideration.

As for future APFO committees, members felt strongly that future leaders take into account the committee's size (smaller may be better), timeline (establish a time commitment expectation), and type of representation (committee should contain a greater proportion of subject matter experts).

We hope you will move forward with our recommendations. If you need any further information on the task force's work or assistance in evaluating its recommendations, please let us know.

Sincerely,



Diane Mikulis
Chair



Cole Schnorf
Vice Chair

Table of Contents

I.	Executive Summary	3
II.	A History of Howard County’s Adequate Public Facilities Ordinance	4
III.	The Need for Review in 2015.....	6
IV.	Task Force Composition	8
V.	Task Force Process.....	9
VI.	Recommendations	12
VII.	Future Considerations	19
VIII.	Conclusion.....	21
IX.	Appendices	22

I. Executive Summary

The Need for Review

The 2015 Department of Planning and Zoning Transition Team Report recommended that County Executive Kittleman review the Adequate Public Facilities Ordinance to consider factors that have the potential to influence growth in new ways. Projected population trends and the effect of recent policy decisions also prompted a need for review.

Task Force's Scope

The County Executive appointed 23 citizen members and two county employees representing the Department of Planning and Zoning and the Howard County Public School System. All elements of the law were open for assessment including the allocations test, school test, and roads test methodology. In addition, he asked the task force to consider other public facilities tested in surrounding jurisdictions.

Content Areas

In total, the task force generated over 80 topics to debate, which it divided into eight categories.

Administrative	Fiscal
Allocations test	Schools test
Roads test	New metrics
Downtown Columbia	Non-APFO action items

Recommendations

The task force passed nearly 20 motions by a two-thirds majority. Notable recommendations to the Adequate Public Facilities Ordinance include:

- Exemption of Moderate Income Housing Units and certain age-restricted units from the allocations test;
- Renaming the Open/Closed Chart to the School Capacity Chart;
- Restructuring allocations within Established Communities and Growth and Revitalization categories;
- A revised schools test that adjusts program capacity and developers' wait time, and that imposes a scaled public school facilities surcharge for developers and a new household fee dedicated to public school construction;
- A requirement to convene a review committee at a minimum at the conclusion of every General Plan cycle; and
- Exemption of Downtown Columbia from the 300 unit annual allocation limit for a single elementary school district if the school region within which the school district resides is over 100 percent capacity.

II. A History of Howard County's Adequate Public Facilities Ordinance

The Law's Origins

The Adequate Public Facilities Ordinance (APFO) is a land use policy first recommended in Howard County, Maryland's 1990 General Plan to manage the pace of growth. The Plan suggested the enactment of legislation requiring adequate public facilities as a condition of subdivision or land development approval. In response to this mandate, then County Executive, Charles Ecker, established the Commission on Adequate Public Facilities. This Commission was tasked with developing legislative recommendations that tied future development to the adequacy of public facilities, namely schools and county roadways. The legislation, supported by the County Executive and passed by the County Council on April 10, 1992, linked residential construction to an elementary schools test, a school regions test, a roads test (both residential and commercial), and a housing unit allocations test. The law also established the building excise tax and dedicated it to road mitigation.

Revisions to the Law and Other Related Changes

In 2000, nearly a decade after APFO's initial passage, then County Executive James Robey appointed the Adequate Public Facilities Ordinance Committee to review the existing Ordinance and update it to account for demographic and economic shifts that affected growth. The committee identified two primary gaps in the law that again were accepted by the County Executive and passed by the County Council. Incorporated into the Ordinance were a new middle schools test and a lowering of the program capacity at which a school is deemed closed from 120 percent to 115 percent. Other changes included:

- Added: No more than 300 allocations shall be granted in one year in a single elementary school district if the elementary school region within which the elementary school district is located exceeds 100 percent of capacity;
- Amended: The study area for which the APFO road test applies shall increase from 1 mile to 1.5 miles from the entrance of the new project;
- Amended: The granting of housing unit allocations shall change from the elementary school regions to the Department of Planning and Zoning (DPZ) planning areas tied to the 2000 General Plan;
- Added: The housing unit allocations chart shall contain a category for age-restricted housing units; and,
- Amended: References to '*adequate public facilities*' shall expand in meaning from '*schools*' and '*roads*' to also '*other facilities*'.

As of 2015, though no formal task forces had been formed to review the Ordinance since 2000, the County Executive and Council continued to alter the law as the landscape of the county evolved. These changes largely followed general plan policies that included revitalization efforts, reclassifications of county geography, and an acknowledgment that planning conform to the needs of specific populations. For example, the County adopted a category for Moderate Income Housing Units (MIHU) in 2006 to address growing demand for affordable housing (this category was subsequently removed in 2013 with the adoption of *PlanHoward 2030*).

Though the 2000 General Plan contained a reduction in the number of available housing unit allocations from approximately 2,500 units per year to 1,500 units per year, it included a new housing unit allocation category for Route 1 because of the County's desire to revitalize the Route 1 corridor. Similarly, the County established a unique category for Downtown Columbia upon passage of the Downtown Columbia Plan, a General Plan amendment. At the same time APFO was amended to add housing unit allocations specific to Downtown Columbia, the APFO roads test was amended to include an additional provision only applicable to Downtown Columbia that suited its urban design.

In 2004 the Maryland General Assembly authorized Howard County to impose a public school facilities surcharge on residential construction. Revenue collected under the surcharge may only be used for renovations and debt service payments.

Howard County's housing unit allocations categories deliberately reflect the county's diverse geography. The General Plan divides the allocations accordingly. These divisions, like the targeting of investment in new areas of the county, undergo changes that are in part governed by APFO. For example, in 2007 a new housing unit allocation category for green neighborhoods was added, and as a way to place greater focus on the county's Designated Places map, allocations across certain categories were pooled. A new shared allocation pool was also added upon adoption of *PlanHoward 2030* where projects in both the Established Communities and the Growth and Revitalization areas could access the same allocations.

III. The Need for Review in 2015

APFO was instituted to help the County adapt to the pressure that growth places on school and roadway capacity. The 2015 DPZ Transition Team Report recommended that County Executive Kittleman review APFO to consider factors that have the potential to influence growth in new ways. Projected population trends and the effect of recent policy decisions also prompted a need for review. In order to address citizen concerns over APFO’s effectiveness and its relevance to present day realities, the County Executive assembled a diverse group of community members to complete this task with the intent of balancing areas of expertise, opinions, and interest in order to conduct a thorough review of the existing Ordinance.

Schools

Over the past 20 years, the number of households in Howard County has increased by 38 percent while student population has increased 44 percent. These growth patterns have resulted in the construction of ten elementary schools, six middle schools, and four high schools. The link between student growth and the construction of new school facilities is growing in significance given recent policy decisions that instituted all-day kindergarten and favored less redistricting and smaller class sizes. The table below depicts household and student growth alongside school counts between 1995 and 2015.

Howard County Population Growth and School Counts

<i>Year</i>	<i>E.S.</i>	<i>M.S.</i>	<i>H.S.</i>	<i>Households</i>	<i>% Growth</i>	<i>Students</i>	<i>% Growth</i>
1995	31	14	8	80,774		37,323	
2005	37	19	12	97,885	21%	47,795	28%
2015	41	20	12	111,707	14%	53,637	12%
Total Growth	32%	43%	50%		38%		44%

Source: Howard County Department of Planning and Zoning *Population and Construction Report*, Howard County Public School System *September 30 Official Enrollment Reports*

Student enrollment at a number of county schools presently exceeds 115 percent of their board-approved program capacity. That said, capacity utilization is not uniform throughout the county. A majority of schools in the western portion of the county are under 115 percent program capacity (including several under 100 percent), while overcapacity schools are most common in the northern and eastern portions of the county.

The Howard County Public School System's (HCPSS) complete Open/Closed Chart approved by the County Council in 2015 provides school-specific capacity utilization detail for all elementary and middle schools. It is included as Appendix R in this report.

Roads

Traffic patterns on county roadways have evolved as communities expanded, state highways aged, and secondary roads increased in number. At the same time, citizen demand for non-vehicular traffic has also grown. As portions of the county move closer toward an urban environment, the County has recognized the need to begin laying the groundwork for a transportation network that also meets the needs of pedestrians, bicyclists, and those that take public transit and encourages use of these alternative means of transportation.

IV. Task Force Composition

The County Executive signed Executive Order 2015-05 on May 26, 2015¹, which officially established the Adequate Public Facilities Review Task Force (“task force”). In it, he charged the members with reviewing the current APF Ordinance and making recommendations as to possible improvements. All elements of the law were open for assessment including the allocations test, school test, and roads test methodology. In addition, he asked the task force to consider other public facilities tested in surrounding jurisdictions. A list of the members and affiliations are included in the table below.

APF Review Task Force Members Roster

<i>Name</i>	<i>Affiliation</i>
Diane Mikulis (Chair)	Former Chair, Howard County Board of Education
Cole Schnorf (Vice Chair)	Senior Vice President and Director of Development, Manekin
Reginald Avery	Oakland Mills representative, Columbia Association/PTA Council
Marianne Brackney	Community Representative At-large
Steven Breeden	Principal, SDC Group
Jeff Bronow*	Division Chief of Research, Howard County Department of Planning and Zoning
Diane Butler	Zoning Chair, St. John’s Community Association
Richard Freas	Retired Deputy Chief, Howard County Department of Fire and Rescue Services, Community Representative from District 3
Heidi Gaasch	Community Representative from District 5
Joel Gallihue*	Manager of School Planning, Howard County Public School System
Anna Marie Gannon**	Howard County educator
Alice Giles	Member, Howard County League of Women Voters
Dave Grabowski	Former Chair, Howard County Recreation and Parks Advisory Board, Community Representative from District 1
Bruce Harvey***	President and Co-Owner, Williamsburg Homes
Abby Hendrix	Community Representative from District 2
Stu Kohn	President, Howard County Citizens Association
Caryn Lasser	Community Representative from District 4
Brent Loveless	Community Representative At-large
Lisa Markovitz	President, the People’s Voice, LLC
Christine O’Connor	Chair, Howard County Board of Education
Paul Revelle	Board of Directors, Bridges to Housing Stability/Housing Advocate
Patty Smallwood	Real Estate Agent, The Smallwood Team
John Startt	President, JST Builders
Sharonlee Vogel	Former Chair, Howard County Transportation Board
Rick Wilson	Principal, Folly Quarter Middle School
*Non-voting members	
**Resigned	
***Appointed by amended Executive Order 2015-8	

¹ Executive Order 2015-8 amended Executive Order 2015-5 to include an additional member, Bruce Harvey

V. Task Force Process

Meeting Contents

The APF Review Task Force met 22 times over the course of ten months. The initial meetings focused on educating the members of the provisions within APFO and the metrics that inform growth management. Subject matter experts from DPZ and HCPSS presented relevant data on population growth and housing projections. Howard County Department of Public Works informed members how public facilities are constructed, managed, maintained, and financed. The planning efforts of the Howard County Departments of Fire and Rescue Services (DFRS), Police, Recreation and Parks, and the Office of Transportation rounded out the discussion of additional public facilities that fall under the County’s purview. These agencies served as advisors throughout the course of the task force’s work, making routine appearances at task force meetings and providing supplemental research as requested. All literature gathered and prepared for the task force are included as an appendix.

The task force transitioned to a review of the APF Ordinance and the development of study areas, which formed the basis of debate and establishment of recommendations. Originally, the task force was to complete its work in early December. However, as the education phase of the process was extended, it became necessary to also extend the task force’s completion schedule. The County Executive filed an amended Executive Order 2015-12, which revised the report due date to April 1, 2016. The table below provides details of each meeting.

Meeting Summary

<i>Date</i>	<i>Subject</i>	<i>Presenter(s)</i>	<i>Voting Member Attendance (Present-Absent)</i>
June 4, 2015	History of APFO	Joe Rutter	20-3
June 17, 2015	Overview of Howard County land use and population – past, present and future; household projection methodology	Jeff Bronow, Department of Planning and Zoning	18-5
July 1, 2015	APFO allocations and open/closed school tests - how does APFO work and its effect on development pace, past and current status	Jeff Bronow, Department of Planning and Zoning	17-6
July 15, 2015	The open/closed school chart; New school construction and the redistricting process; Where is the growth coming from? New vs. existing housing	Joel Gallihue, Howard County Public School System	22-1
July 29, 2015	Roads Test	Chad Edmondson, Department of Planning and Zoning; Mark	19-4

		DeLuca, Department of Public Works	
August 26, 2015	Open discussion		20-3
September 9, 2015	Transportation; Recreation and Parks	John Powell and Chris Eatough, Office of Transportation; John Byrd, Department of Recreation and Parks; Mark DeLuca, Department of Public Works	18-5
September 24, 2015	Review of APF Ordinance and finalization of study areas list		20-3
October 14, 2015	Public safety	Chief Gary Gardner, Police Department; Chief John Butler, Department of Fire and Rescue Services	15-8
October 28, 2015	Finalize review of APF Ordinance		19-4
November 4, 2015	Debate study areas and form recommendations – Allocations Test*		19-4
November 10, 2015**	Debate study areas and form recommendations – Allocations Test		22-0
November 18, 2015	Presentation regarding waiver process; Debate study areas and form recommendations – Schools Test	Kent Sheubrooks, Department of Planning and Zoning	20-2
December 2, 2015	Debate study areas and form recommendations – Roads Test		18-4
December 9, 2015	Debate study areas and form recommendations – Schools Test		20-2
December 15, 2015	Debate study areas and form recommendations – Schools Test, Fiscal		20-2
December 16, 2015	Debate study areas and form recommendations – Schools Test, Fiscal		18-4
December 22, 2015	Debate study areas and form recommendations – New Metrics		20-2
January 13, 2016	Debate study areas and form recommendations – New Metrics, Administrative, Fiscal	Chief John Butler, Department of Fire and Rescue Services; Chris Eatough, Office of Transportation	18-4
January 27, 2016	Debate study areas and form recommendations – Schools Test, Downtown Columbia		17-5
February 10, 2016	Debate study areas and form		18-4

	recommendations – Schools Test, Allocations Test, Roads Test, Administrative, Fiscal, New Metrics, Downtown Columbia		
March 9, 2016	Amend and approve APF Review Task Force committee report		17-4
*See list of content areas in Section VI; non-APFO action items were debated and voted on throughout all meetings			
**Task Force voting membership dropped from 23 members to 22 members			

Voting Procedure

Each member named in Executive Order 5-2015 and Executive Order 8-2015 was afforded a vote on each motion brought before the body, unless a member was designated as non-voting. No members were awarded proxies to vote in their stead. The task force decided that in order for a motion to pass, two-thirds of the total voting members, as designated in EO 5-2015 and EO 8-2015, must have voted in the affirmative. Through November 4, 2015, passage of a motion required 16 members. Upon the resignation of one member, Anna Gannon, as of November 10, 2015, passage of a motion required 15 members.

An Account of the Meetings

Agendas and summaries were prepared for every meeting and distributed to members and the public electronically beforehand. All meetings were recorded. Howard County established a website to publicize the recordings of the meetings and accompanying documents. The link may be found at <https://www.howardcountymd.gov/About-HoCo/County-Executive/Adequate-public-facilities-ordinance-task-force>.

Citizen Input

The task force expressed an interest in soliciting public input on its work as well as the current Ordinance. In response, the County created the apfo@howardcountymd.gov email account, advertised by both the County and task force members. Citizens were encouraged to share their thoughts with the task force through this account. Nine emails were received in total and are included as Appendix E. All those who sent comments remained anonymous. All citizen suggestions were shared with the task force members regularly for their consideration.

VI. Recommendations

Content Areas

In total, the task force generated over 80 topics to debate. These areas spawned from the presentations delivered by county agencies and a review of relevant literature and data. The task force then divided its study areas into eight categories.

- Administrative;
- Fiscal;
- Allocations test;
- Schools test;
- Roads test;
- New metrics;
- Downtown Columbia; and
- Non-APFO action items.

The key findings from each category as well as all passed motions that received a two-thirds majority are presented below. All motions are included as Appendix B and contain the members' argument(s) against the motion.

Administrative

Discussions regarding administrative changes to APFO centered mainly on technical corrections to definitions, dates, the order of sections, and better linking APFO to other county laws. The task force recommended that any proposed APFO legislation stemming from its work shall contain these updates. One significant recommendation required the formation of future APFO task forces at specified times.

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: Change the definition of ‘minor’ using the definition included in the subdivision regulations
VOTE: 16-1
OPPOSITION VIEW: Current definition in APFO is already consistent with subdivision regulations definition

Fiscal

APFO currently relies upon two revenue streams to address mitigation, the building excise tax and the public school facilities surcharge. The task force tackled such important issues as dedicating a portion of the transfer tax to be used toward mitigation, the elimination of certain fees-in-lieu, and more accurately tying new development fees to the cost of upgrading public facilities. A review of the Maryland Department of Legislative Services’ analysis of impact fees and excise taxes shed light on how Howard County’s fee rates compare to other Maryland jurisdictions (see Appendix Q). Ultimately, the task force passed one significant amendment to the county’s current fee structure for new development in conjunction with a change in school program capacity (see Schools Test section below).

Allocations Test

Of all the content areas, motions related to allocations yielded the most consensus. Significant recommendations included an exemption for MIHUs from the allocations test and alterations to how units are distributed and shared among allocation categories.

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: 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: 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

MOTION: Allow additional new allocations for properties rezoned to a higher density 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

Schools Test

The schools test discussion generated the task force’s most layered recommendation. It is designed to address the concern many task force members expressed regarding school overcrowding including the use of relocatables as alternate classroom sites. The motion combines an adjustment to program capacity, developers’ wait time, a scaled public school facilities surcharge, and a new fee proposed on all households dedicated to public school construction. A fiscal impact study of the motion has not yet been conducted, but would be a beneficial analysis.

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: 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

Roads Test

The task force reviewed the provisions that regulate grade separations, critical lane volumes, and traffic safety taking into account the fact needs vary whether assessing the Rural West or Downtown Columbia. The task force also looked at altering the traffic study process required for all new development. The County's limited jurisdiction over state roads was one factor that prevented the task force from passing significant changes to the Ordinance.

MOTION: Amend the following provision: "A facility owned by Howard County or any agency thereof where essential County Government services are provided, including <i>LIMITED TO</i> 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

New Metrics

The task force contemplated the addition of many new tests beyond allocations, schools, and roads. Members selected the types of public facilities based on behavior shifts, industry dynamics, usage patterns, and perceived service gaps. They also formed ideas based on the existence of such tests in other Maryland jurisdictions that carried with them varying degrees of enforceability. New tests were proposed for public safety (including police, fire, and emergency medical services), recreation and parks, solid waste, health (including hospital emergency departments), energy, and connectivity. Despite recognition that each of these areas face important planning-related challenges, in general it proved difficult to quantify an effective mitigation strategy and correlate it exclusively to new development. Ultimately, one healthcare-related change was passed, which would make it easier for residential healthcare facilities that serve the aging population to operate in Howard County by allowing them to bypass the allocations test.

MOTION: Exempt age-restricted projects that incorporate continuing care and/or intermediate care services from the allocations test as these projects help our elderly population and reduce the need for other medical facilities
VOTE: 16-2
OPPOSITION VIEW: May increase EMS demand

Downtown Columbia

The passage of the Downtown Columbia Plan envisioned an urban landscape unique in Howard County. As a result, the laws that governed growth management did not fully comport. The County amended APFO with provisions specific to Downtown Columbia to accommodate the makeup of a successful urban environment. An additional amendment was added to this section of the law that exempted Downtown Columbia from the standard allocation limit of 300 units per school district.

MOTION: Exempt Downtown Columbia from the 300 unit annual allocation limit for a single elementary school district if the school region within which the school district resides is over 100% capacity
VOTE: 18-4
MINORITY VIEW: Restriction is already limited for four years; schools are regional, not Downtown Columbia-specific

Non-APFO Action Items

The task force recognized early on that APFO is not a standalone document, but rather ties to other zoning and infrastructure-related county laws. APFO’s connection to these laws offered the task force an opportunity to recommend improvements and corrections that although not within the Ordinance should be updated to better align with it. Amendments were therefore passed for Howard County’s General Plan, the Subdivision Regulations, and the Design Manual. Though not recommended as a change to any existing law, the task force passed a motion that suggested the County review the zoning regulations that govern infill development as a means of better managing environmental protections and growth.

MOTION: Include ECP in subdivision regulations
VOTE: 21-0
MINORITY VIEW: N/A

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 <i>PlanHoward 2030</i> recommendation

MOTION: Require the County to develop a plan of action to address DFRS’ public water supply/cistern needs in the western portion of the county
VOTE: 17-0
OPPOSITION VIEW: N/A

MOTION: Raise CLV from 1500 to 1600 for Downtown Columbia in the Design Manual to be consistent with APFO

VOTE: 16-2

OPPOSITION VIEW: The motion worsens traffic standards

MOTION: Request the County to review the feasibility of a public infrastructure test that contains a mitigation requirement based on optimal cost-to-efficiency ratios

VOTE: 17-0

OPPOSITION VIEW: N/A

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

VII. Future Considerations

Regarding the Recommendations

The task force advises the County Executive consider forming an internal government workgroup assigned with the responsibility of evaluating the fiscal impact of the recommendations and the feasibility of implementing them. For those motions deemed fiscally prudent and operationally practical, the task force advises the County Executive to incorporate them into legislation and file it with the County Council for its adoption.

A number of motions did not pass but fell a few votes short of achieving the required two-thirds majority per the Voting Procedure, sometimes due to low task force attendance. For these motions, the task force advises they receive additional consideration in the form of research and review among relevant county stakeholders.

Finally, the task force approved a list of recommendations unrelated to APFO but worthy of attention. The task force advises the County Executive to carry out those recommendations, which include but are not limited to revising other parts of County law.

Regarding Future APFO Committees

The task force unanimously approved a motion recommending an APFO review committee at a minimum at the end of every General Plan cycle. Should the County Executive propose and the County Council adopt this motion, the task force offers guidance on future governance structures.

Attendance challenges at meetings potentially compromised passage of a number of motions due to the two-thirds majority requirement. The task force recommends that future committees set voting thresholds based on attendance rather than membership to minimize the impact less engaged members have on the process.

The task force urges future committees to be mindful of the role membership plays in its review process. Both prior APFO committees were comprised of a greater number of subject matter experts within county government. Their view of the Ordinance in general, how it is administered, and the effect any changes would have on the county is different than the view of a citizen committee, which is how this task force was constituted.

The task force received a greater level of education as a result, and voting results were more mixed. The prior two committees preferred motions be approved by consensus with the first committee requiring 100 percent member agreement. Though this task force loosened the

approval process to a two-thirds majority, it still limited a number of motions from passing that received a recognizable majority.

Finally, the task force recommends future leaders take into account the committee's size, timeline, and type of representation. These factors proved influential in the task force's work, discussions, and ultimate recommendations.

VIII. Conclusion

The study areas generated by the task force spurred robust debate. Members' motions varied from the elemental to the complex. The motions cast, the voting breakdown, and the rationale behind the opposition reveal a great deal about the nature of the task force's discussions. Though resolution was reached on the study areas by way of voting, sound approaches to address the study areas in more complete ways remain.

A full complement of materials is contained in the report's appendix. This research played an important role in focusing the task force's work on the pertinent, present day factors surrounding growth and provided members with a multitude of strategies and tools to better the County's ability to manage and plan for it.

IX. Appendices

Task Force Documents

- Appendix A: APF Review Task Force Recommendation Considerations by Content Area
- Appendix B: Master Vote Tally List by Content Area
- Appendix C: Rules of Procedure
- Appendix D: Executive Orders
- Appendix E: Citizen Emails

Presentations

- Appendix F: Growth Management Framework for Howard County APFO, *Howard County Department of Planning and Zoning*
- Appendix G: Howard County's APFO –*Howard County Department of Planning and Zoning*
- Appendix H: School Planning and the Adequate Public Facilities Ordinance –*Howard County Public School System*
- Appendix I: Design Manual Volume III, Chapter 4 Adequate Road Facilities Requirements –*Howard County Department of Planning and Zoning*
- Appendix J: APFO Task Force Downtown Columbia Requirements –*Howard County Department of Public Works*
- Appendix K: Howard County Office of Transportation Presentation to APFO Task Force –*Howard County Office of Transportation*
- Appendix L: Waiver Petitions – *Howard County Department of Planning and Zoning*

Research and Reports

- Appendix M: Models and Guidelines Report, *Maryland Department of Planning*
- Appendix N: Adequate Public Facilities Ordinances in Maryland, *Maryland Sustainable Growth Commission*
- Appendix O: Adequate Public Facilities Ordinance Inventory for Maryland Jurisdictions, *Maryland Department of Planning*
- Appendix P: Market Analysis and Strategic Implementation Analysis: US Route 1 and Snowden-River Pkwy/Dobbin Rd Corridors, *RCLCO*
- Appendix Q: County Development Impact Fees and Building Excise Taxes in Maryland, *Maryland Department of Legislative Services*
- Appendix R: 2015 Open/Closed Chart, *Howard County Public School System*
- Appendix S: 2014 Howard County School Enrollment Projections, *Howard County Public School System*
- Appendix T: 2014 Feasibility Study, *Howard County Public School System*

- Appendix U: 2015 Feasibility Study, *Howard County Public School System*
- Appendix V: Schools Test Information for APFO Committee, 11/4/15 Meeting, *Howard County Public School System*
- Appendix W: APFO Questions and Answers, *Howard County Department of Planning and Zoning*
- Appendix X: Response to APFO Questions, *Howard County Department of Fire and Rescue Services*
- Appendix Y: Maryland County APFO Fire and EMS References
- Appendix Z: Howard County Designated Place Types Map
- Appendix AA: APFO's Relationship to Other Land Use Policies in Howard County
- Appendix BB: APFOs in Other Jurisdictions

County Law

- Appendix CC: Building Excise Tax and Public Schools Facilities Surcharge
- Appendix DD: Design Manual, Grade Separation
- Appendix EE: Subdivision Regulations, Waivers