

**APFO (Adequate Public Facilities Ordinance) Review Guide  
For Howard County Planning Board Session  
February 16, 2017, 7:15pm (George Howard Building)**

Information provided by Brent Loveless (Patuxent Valley MS/Forest Ridge ES).

**Parents, teachers, and students have a vested interest in their school system.** Some of the most tangible items that we need to assure are the quality and safety of the physical infrastructure. Howard County has a growth control regulation called the Adequate Public Facilities Ordinance (APFO) which is intended to ensure there is enough infrastructure to accommodate new growth.

**The 25 year old regulation was looked at by a task force last year. This year, the planning board will provide input and take testimony on the recommendations by the Department of Planning and Zoning response to the task force.**

**With each successive review, the recommendations that relate to school capacity change.** While recognizing fairness and other points of view, as advocates of children, the PTA has a position that APFO should be designed so that all elementary, middle, and high schools do not operate over 100% capacity as growth occurs. The current APFO mitigation does not achieve that goal. The combined task force and DPZ recommendations offer a mix of changes that make improvements in some areas, but fall short of that goal.

**It is recommended that PTA members continue to represent their interests, recommend to their legislator's, school related APFO improvements and learn about the regulation as it progresses through the legislative cycle.** The items needed for inclusion to meet the PTA goals would include capacity thresholds at 100%, Inclusion of APFO tests for high schools, and appropriately strengthened time-based or financial growth mitigation needed to reach that goal predictably.

**PTA members have asked for a guide to evaluate how the recommendations provided to the planning board would affect the school system.** The document may be confusing, since it is a list of task force recommendations that the Department of Planning and Zoning agrees with, or disagrees with. For the purposes of this guide, a general statement will be applied as if all DPZ opinions are implemented. Note that some of these topics are quite complex, subjective and debatable. Please take time to learn more about topics of interest, this guide should not be your sole source for forming an opinion.

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**APFO TASK FORCE RECOMENDATION**

Review every 10 years – General Plan Cycle – Next review in 2020

**DPZ RECOMMENDATION - AGREE**

HCPSS IMPACT - (minor improvement) Next review in 3years, then 10 years. 7-14 years to see results

**APFO TASK FORCE RECOMENDATION**

**Define Minor Subdivision as 4 lots**

**DPZ RECOMMENDATION - AGREE**

**HCPSS IMPACT (negative- safety related) – Continues practice of excluding small infill development from traffic mitigation**

**APFO TASK FORCE RECOMENDATION**

**Exempt MIHU from Unit Caps**

**DPZ RECOMMENDATION - AGREE**

**HCPSS IMPACT (Tradeoff) – More affordable homes & Higher growth impacts**

**APFO TASK FORCE RECOMENDATION**

**Apply APFO test at Environmental Concept Plan stage of DPZ process**

**DPZ RECOMMENDATION – FURTHER STUDY NEEDED**

**HCPSS IMPACT (varies) – Could accelerate some projects at expense of certainty of outcome**

**APFO TASK FORCE RECOMENDATION**

**Change Allocation mix and eliminate housing unit year-to-year “rollovers” of unused allocations DPZ RECOMMENDATION - AGREE**

**HCPSS IMPACT - (positive) – Could affect individual projects, but overall reduces “surges” of growth.**

**APFO TASK FORCE RECOMENDATION**

**Allow rezoning to move properties into different categories.**

**DPZ RECOMMENDATION - DISAGREE**

**HCPSS IMPACT (positive – if struck) – Reduces unexpected changes in density from projects**

**APFO TASK FORCE RECOMENDATION**

**Reduce school capacity threshold for elementary and middle schools to 110%**

**DPZ RECOMMENDATION – UNSPECIFIC, DID NOT AGREE or DISAGREE**

**HCPSS IMPACT (positive, with caveats) – An incremental improvement to capacity thresholds that falls short of 100% which does not include high schools. Additional language that allows payment mitigation in overcrowded districts may be positive or negative depending on implementation**

**APFO TASK FORCE RECOMENDATION**

**5 years max hold on growth in overcrowded school districts with contingencies to remove other holds on unit allocations**

**DPZ RECOMMENDATION - AGREE**

**HCPSS IMPACT (mixed) – 5 year max wait adds better buffers, contingencies allows potential growth spikes.**

**APFO TASK FORCE RECOMENDATION**

**Allow projects to proceed earlier in DPZ development cycle**

**DPZ RECOMMENDATION - DISAGREE**

**HCPSS IMPACT (positive if struck) – Early processing sidesteps some wait mitigation**

**APFO TASK FORCE RECOMENDATION**

**New school construction tax to all residents**

**DPZ RECOMMENDATION - DISAGREE**

**HCPSS IMPACT (negative if struck) – loss of dedicated revenue source for school construction. Debatable if charged to appropriate source of growth.**

**APFO TASK FORCE RECOMENDATION**

**Reduce HOCO Capital budget by 2% a year for 5 years**

**DPZ RECOMMENDATION - OUTSIDE REVIEW**

**HCPSS IMPACT - (negative if passed) – Net 10%+ reduction in ability to provide school facilities.**

**APFO TASK FORCE RECOMENDATION**

**Rename APFO open-closed chart (The yearly chart that lists projected school capacity for APFO overcrowding tests)**

**DPZ RECOMMENDATION - AGREE**

HCPSS IMPACT (minor) – DPZ renaming mandatory public APFO capacity reports to remove negative connotations with the terms “APFO” and “Closed School”. The same chart was also recently renamed by the HCPSS BOE to “projection chart”

**APFO TASK FORCE RECOMENDATION**

Clarify government facilities exempt from APFO tests

**DPZ RECOMMENDATION - AGREE**

School Impact – (NONE)

**APFO TASK FORCE RECOMMENDATION**

Exempt Independent senior living facilities DPZ

**RECOMMENDATION - DISAGREE**

HCPSS IMPACT – (minor-if dropped) – Less units coming online. Minimal impact to HCPSS capacity.

**APFO TASK FORCE RECOMENDATION**

Exemption to 300 unit per year cap on overcrowded school districts in Downtown Columbia

**DPZ RECOMMENDATION - AGREE**

HCPSS IMPACT – (negative) – Allows overcrowding

**OF NOTE – THIS WAS INTRODUCED TO COUNCIL PRIOR TO APFO UPDATE. THE BILL HAS ALLREADY BEEN VOTED ON AND PASSED AS CB-55-2016**

**APFO TASK FORCE RECOMENDATION**

Test for cistern fire protection in rural west

**DPZ RECOMMENDATION – OUTSIDE REVIEW**

HCPSS IMPACT– (minor negative if not passed - Safety) – Less Fire Safety Infrastructure

**APFO TASK FORCE RECOMMENDATION**

Change CLV in Columbia to 1600 (Allow higher traffic volumes without mitigation)

**DPZ RECOMMENDATION - DISAGREE**

HCPSS IMPACT - (positive if struck) – Very minor safety improvement (1600 already allowed with DPZ approval)

**APFO TASK FORCE RECOMMENDATION**

Efficient Schools (NET ZERO) – Use high efficiency buildings

**DPZ RECOMMENDATION - AGREE**

School Impact (Positive) Long-term operating and environmental benefit – note that State of Maryland has more authority on this than DPZ.

**APFO TASK FORCE RECOMMENDATION**

Review Infill Development regulation.

DPZ – Document claims process is complete via CB-152016, ZRA 158. Exec Announced this week that a consultant will review in 2017-2018

HCPSS Impact – Debatable – Exiting Zoned density probably will not decrease under “taking” rules. Potential for denser zoning and further growth. TBD.

**APFO TASK FORCE RECOMENDATION**

Traffic Remediation must be in construction before credit is given to proceed DPZ

**RECOMMENDATION - AGREE**

HCPSS Impact – (improvement) – Safety features could come online sooner.

This concludes the guide based on current information. Of particular note, are items NOT recommended or modified in this update processes. These can include school items, and items that interrelate with schools such as tests for fire, EMS, police, parks and other services. As of now, there is not a regular review of this regulation, with the next update undetermined.