



Howard County Government

CB1-2018

Primary Information

Title: AN ACT amending the Adequate Public Facilities Act requiring certain periodic review; specifying completion timelines for certain types of road remediation projects; requiring that certain agreements contain certain provisions with regard to the timing of road mitigation projects; amend the title of certain charts and other terminology; requiring certain waiting periods; clarifying certain exemptions; defining certain terms; amending certain definitions; making certain technical corrections; and generally relating to the Adequate Public Facilities Act of Howard County.

Short Title: Revising the Adequate Public Facilities Ordinance - APFO.

Category: General

Primary Sponsors: Jon Weinstein, Calvin Ball, Jen Terrasa

Secondary Sponsors:

Status: Passed as Amended

Date Signed: 2/14/2018

Date Enacted:

Date Vetoed:

Date Veto Overridden:



Amendments

Amendment 1

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes to limit the redistribution of residential units to those FDPs which are not utilizing CEPPA flexibility provisions.)

Amendment 1 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa Legislative Day No. 2

Date: February 5, 2018

Amendment No. 1

(This amendment proposes to limit the redistribution of residential units to those FDPs which are not utilizing CEPPA flexibility provisions.)

On page 8, in line 17, after “met”, insert “without utilizing the Downtown Columbia Plan’s flexibility provisions for an alternate comparable CEPPA, alternative timing, or posting of security to fulfill any required CEPPA applicable to the Final Development Plan”.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Failed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	No
Jon Weinstein	1	No

Amendment 2

Amendment Date: 02/05/2018

Legislative Day: 2



Comments: (This amendment proposes to:

1. Allow higher capacity utilization thresholds under specified conditions; and
2. Redefine School Capacity Chart and School Region.)

Amendment 2 to Council Bill 1-2018

BY: Greg Fox Legislative Day No: 2

Date: February 5, 2018

Amendment No. 2

(This amendment proposes to:

1. Allow higher capacity utilization thresholds under specified conditions; and
2. Redefine School Capacity Chart and School Region.)

On page 9, strike beginning in line 3 with the colon and continuing through "[[ii]2) The" in line 7 and substitute "the".

On page 9, in line 12, strike "elementary school regions and which".

On page 22, in line 6, before the period, insert the following: "; or the projected enrollment of the elementary school is below 110 percent of the program capacity of the school and the projected enrollment of the elementary school region is below 100 percent of the program capacity of the elementary schools within the region".

On page 22, in line 8, before the period, insert the following: "; or the projected enrollment of the middle school is below 115 percent of the program capacity of the school and the projected enrollment of the middle school region is below 100 percent of the program capacity of the middle schools within the region".

On page 22, in line 10, before the period, insert the following: "; or the projected enrollment of the high school region is below 105 percent of the program capacity of the high schools within the region".

On page 24, strike lines 15-18, and substitute the following:

"(ah) School Capacity chart means a chart indicating, for each of the following ten years:

(1) The projected capacity utilization rate of each elementary, middle and high school;

(2) The projected capacity utilization rate of the school region for each elementary, middle and high school;
and



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(3) Which elementary, middle, and high schools are open to new residential development and which are constrained to new residential development.”.

Also on page 24, in lines 19-20, strike “elementary school region and”.

Also on page 24, strike lines 23-24, and substitute the following:

“(aj) School region:

(1) Elementary School Region means the elementary school to be tested and the nearest five additional elementary schools.

(2) Middle School Region means the middle school to be tested and the nearest three additional middle schools.

(3) High School Region means the high school to be tested and the nearest two additional high schools.”.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Failed

Moved By : Calvin Ball

Seconded By : Greg Fox

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	No

Amendment 3

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment would create a process to balance the County’s policy goals to provide adequate school facilities and affordable housing.)

Amendment 3 to Council Bill 1-2018



BY: Mary Kay Sigaty Legislative Day No: 2

Date: February 5, 2018

Amendment No. 3

(This amendment would create a process to balance the County's policy goals to provide adequate school facilities and affordable housing.)

On page 10, immediately following line 28, insert the following:

“(e) Special affordable Housing Opportunities.

To balance the County's policy goals to provide adequate school facilities and affordable housing in accordance with Section 7-101 of the Land Use Article of the Annotated Code of Maryland and the County's General Plan, if an affordable housing project or phase of a project is located in the attendance area of a school that is closed for development due to projected enrollment in the school capacity chart, the Director of the Department of Planning and Zoning shall authorize the affordable housing project to proceed subject to all other provisions of this subtitle, provided that:

(1) at least 40% of the units shall be affordable to households earning 60% or less of the metropolitan statistical area median income;

(2) the project or phase of a project is seeking or has received an allocation of Low-Income Housing Tax Credits or other state or federal financial assistance for affordable housing;

(3) the project or phase of a project has obtained a letter of support from the County Executive; and

(4) the County Council and County Executive have approved either a Payment in Lieu of Taxes (PILOT) agreement for the project or a resolution authorizing the project to proceed. As part of the approval of the PILOT or resolution, the Council shall hold a public hearing and consider:

(i) the capacity utilization at the school or schools impacted by the project and at adjacent schools, including limiting the potential impact on any elementary or middle school with a capacity utilization rate greater than 115% unless an adjacent school with the same grade levels has a capacity utilization rate of 100% or less;

(ii) estimated student generation from the project;

(iii) any potential for the Board of Education to add capacity to the impacted school or schools through redistricting, facility expansion, or other programs; and

(iii) the need for affordable housing in the county, including factors such as the housing cost burden on families and the extent of homelessness among families and school children.”.



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Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed as Amended

Moved By : Mary Kay Sigaty

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes

Amendment 4

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes to increase the retesting provisions for the School Capacity test.)



Amendment 4 to Council Bill 1-2018

BY: Jennifer Terrasa Legislative Day No: 2

Date: February 5, 2018

Amendment No. 4

(This amendment proposes to increase the retesting provisions for the School Capacity test.)

On page 12, in lines 17 -18, strike "Paragraph (7) of this Subsection shall apply [[If]]" and substitute "lf".

On page 12, in lines 21 and 28, strike the brackets.

On page 12, in lines 22 and 25, strike "three" and substitute "six".

On page 12, in line 26, strike "fourth" and substitute "seventh".

On pages 13 and 14, strike beginning with line 23 on page 13 through line 26 on page 14, in their entirety.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Failed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	No
Jon Weinstein	1	No

Amendment 5

Amendment Date: 02/05/2018

Legislative Day: 2



Comments: (This amendment proposes to redefine the impact area to be studied for the APFO roads test based on trip generation and establishes a scoping meeting.)

Amendment 5 to Council Bill 1-2018

BY: Jon Weinstein Legislative Day No: 2

Date: February 5, 2018

Amendment No. 5

(This amendment proposes to redefine the impact area to be studied for the APFO roads test based on trip generation and establishes a scoping meeting.)

On page 19, in the table that appears between lines 17 and 18:

- In the second row, strike “50” and substitute “99”; and
- In the third row, strike “51” and substitute “100”.

On page 19, in line 20, strike “and for” and substitute the following:

“the standard impact area is limited to intersections within one and a half road miles in all directions from each entrance to the project. For”.

On page 20, in line 5, after “to” strike “signalized intersections” and substitute “intersections of a Major Collector or higher classified road with a Major Collector or higher classified road”.

On page 20, strike lines 15 - 20, and substitute the following:

“(3) If a development is projected to generate 100 peak hour trips or more for either the AM or PM study period, the developer shall request a traffic impact area scoping meeting prior to submitting the plan for the development. The Department of Planning and Zoning shall, together with the Department of Public Works, conduct a scoping meeting with the developer to determine if the distance of the standard impact area should be extended or if any additional intersections should be included in the impact area. The Department of Planning and Zoning, in consultation with the Department of Public Works, shall determine the additional intersections to be studied, if any, based on intersection location, anticipated trip distribution, existing level of service, or known operational complaints and notify the developer in writing of the intersections to be studied within two weeks following the scoping meeting. The Department of Planning and Zoning may waive the requirement to study a certain intersection if the Department of Public Works has on file a valid traffic study of that intersection which was completed within the last year. If, during the plan review process, the



peak hour trips generated by the proposed development changes by 10% or more or by 15 trips or more, whichever is greater, a new scoping meeting will be required and the Department of Planning and Zoning, in consultation with the Department of Public Works, may require additional intersections to be studied based on intersection location, anticipated trip distribution, existing level of service, or known operational complaints.”

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed as Amended

Moved By : Jon Weinstein

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



Amendment 6

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes to adjust the implementation date for the School Capacity Chart for High School capacity testing to begin with the redistricting effort for the 13th high school coming online.)

Amendment 6 to Council Bill 1-2018

BY: Mary Kay Sigaty Legislative Day No: 2

Date: February 5, 2018

Amendment No. 6

(This amendment proposes to adjust the implementation date for the School Capacity Chart for High School capacity testing to begin with the redistricting effort for the 13th high school coming online.)

On page 22, strike lines 9-10, and substitute the following:

“(3) For a School Capacity Chart adopted after January 1, 2023, high school capacity shall be tested and “open” shall include the following additional meaning:

(i) High school–Open means that the projected enrollment of the high school is below 115 percent of the program capacity of the school.”.



Amendment 7

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes to lower the school capacity thresholds for elementary, middle, and high schools.)

Amendment 7 to Council Bill 1-2018

BY: Jennifer Terrasa Legislative Day No: 2

Date: February 5, 2018

Amendment No. 7

(This amendment proposes to lower the school capacity thresholds for elementary, middle, and high schools.)

On page 22, in line 5, strike "105" and substitute "100".

On page 22, in line 8, strike "110" and substitute "105".

On page 22, in line 10, strike "115" and substitute "110".

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Failed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	No
Jon Weinstein	1	No



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Amendment 8

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes that DPZ ensure that there are adequate Police, Fire, and Health facilities prior to plan approval.)

Amendment 8 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa Legislative Day No. 2

Date: February 5, 2018

Amendment No. 8

(This amendment proposes that DPZ ensure that there are adequate Police, Fire, and Health facilities prior to plan approval.)

On page 3, in line 11, strike "and". In the same line, after "waste" insert ", police, fire, and health".

On page 24, in line 27, strike "and". In the same line, after "waste" insert ", police, fire, and health".

On page 24, in line 30, strike "and". In the same line, after "waste" insert ", police, fire, and health".

On page 25, in line 21, insert the following:

"(d) Police, fire, and Health. The Department of Planning and Zoning may not approve a subdivision plan until adequacy checks are done by appropriate county agencies for police, fire, and health pursuant to applicable General Plan policies and implementing actions."

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Failed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	No
Jon Weinstein	1	No



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Amendment 1 to Amendment 3

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes that only developments that are led by or work with either a local nonprofit or the Housing Commission would be eligible for this provision.)

Amendment 1 to Amendment 3 Council Bill No. 1 - 2018

BY: Jennifer Terrasa Legislative Day No: 2

Date: February 5, 2018

Amendment No. 1

(This amendment proposes that only developments that are led by or work with either a local nonprofit or the Housing Commission would be eligible for this provision.)

On page 1, immediately following line 16, insert:

“(2) the project or phase of a project is led by or in partnership with a local nonprofit or the Housing Commission;”.

Renumber the remainder of the section accordingly.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	Yes
Jon Weinstein	1	Yes



Amendment 4 to Amendment 3

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment adds the consideration of whether housing is available for individuals with disabilities when allowing an affordable housing opportunity to proceed and makes a technical correction.)

Amendment 4 Amendment No. 3 to Council Bill No. 1-2018

BY: Mary Kay Sigaty Legislative Day No. 2

Date: February 5, 2018

Amendment No. 4

(This amendment adds the consideration of whether housing is available for individuals with disabilities when allowing an affordable housing opportunity to proceed and makes a technical correction.)

On page 2, in line 11, strike “iii” and substitute “iv”.

On page 2, in line 12, strike “families” and substitute “families, the availability of housing for individuals with disabilities.”

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed

Moved By : Mary Kay Sigaty

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	No
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



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Amendment 1 to Amendment 5

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes the specifics for the type of scoping meeting to be conducted and shortens the notification timeframe for intersections to be studied to one week.)

Amendment 1 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jon Weinstein Legislative Day No: 2

Date: February 5, 2018

Amendment No. 1

(This amendment proposes the specifics for the type of scoping meeting to be conducted and shortens the notification timeframe for intersections to be studied to one week.)

On page 1, in line 20, after “Zoning” insert the following:

“shall determine whether the scoping meeting will be conducted by email, phone, in-person, or virtual meeting, and”.

On the same page, in line 21, strike “a scoping” and substitute “the”.

On page 2, in line 3, strike “two weeks” and substitute “one week”.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed

Moved By : Jon Weinstein

Seconded By : Mary Kay Sigaty

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	No
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



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Amendment 2 to Amendment 5

Amendment Date: 02/05/2018

Legislative Day: 2

Comments: (This amendment proposes to change the word “determine” to “discuss”.)

Amendment 2 to Amendment 5 to Council Bill No. 1 - 2018

BY: Jennifer Terrasa Legislative Day No: 2

Date: February 5, 2018

Amendment No. 2

(This amendment proposes to change the word “determine” to “discuss”.)

On page 1, in line 21, strike “determine” and substitute “discuss”.

Motions on Amendment

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed

Moved By : Jen Terrasa

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



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Motions/Votes On Legislation

Motion to Approve

Motion Date: 2/5/2018

Final Action: Passed as Amended

Moved By : Calvin Ball

Seconded By : Jon Weinstein

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	No
Greg Fox	5	No
Jon Weinstein	1	Yes

Documents

[CB1-2018](#) - As Introduced

[public hearing testimony](#) - Supporting Documents

[written testimony 1.16-1.19](#) - Supporting Documents

[written testimony 1.10-1.16](#) - Supporting Documents

[EDA Powerpoint](#) - Supporting Documents

[EDA Report](#) - Supporting Documents

[written testimony 1.19-1.30](#) - Supporting Documents

[Amendment 1](#) - Amendments

[Amendment 2](#) - Amendments

[Amendment 3](#) - Amendments



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[Amendment 4](#) - Amendments

[Amendment 5](#) - Amendments

[Amendment 6](#) - Amendments

[Amendment 7](#) - Amendments

[Amendment 8](#) - Amendments

[Amendment 1 to Amendment 3](#) - Amendments

[Amendment 4 to Amendment 3](#) - Amendments

[Amendment 1 to Amendment 5](#) - Amendments

[Amendment 2 to Amendment 5](#) - Amendments

[written testimony 2.2-2.6](#) - Supporting Documents

[CB1-2018](#) - Final (Amended)

[CB1-2018public](#) - Supporting Documents

[CB1-2018public_bill_and_amendments](#) - Supporting Documents

[CB1-2018public_testimony](#) - Supporting Documents

[CB1-2018public_testimony1](#) - Supporting Documents

[CB1-2018public_testimony2](#) - Supporting Documents

[Enrolled Amendment 3](#) - Amendments

[Enrolled Amendment 5](#) - Amendments



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[Enrolled CB1-2018](#) - Supporting Documents