



Howard County

Internal Memorandum

Subject: Testimony on Council Bill No. 61-2017, a Bill amending the Adequate Public Facilities Act; and Council Bill No. 62-2017, a Bill amending *PlanHoward 2030* housing unit allocations

To: Lonnie R. Robbins,
Chief Administrative Officer

From: Carl DeLorenzo,
Director of Policy and Programs

Date: July 11, 2017

The Administration has filed to Council Bills reflecting recommendations made by the Adequate Public Facilities Task Force. The Task Force, established by County Executive Kittleman by Executive Order, met 22 times over a 10-month period in 2015 and 2016. The Task Force's actions culminated in a series of recommendations for amendments to Howard County's Adequate Public Facilities Ordinance. The Task Force's makeup, process, and recommendations are documented in a report presented to the County Executive in April 2016. After the Task Force report's completion, the County Executive instructed the Department of Planning and Zoning (DPZ) to analyze the recommendations and produce a Technical Staff Report (TSR) on them. The Administration drafted legislation based on the Task Force report and the TSR.

Council Bill No. 61-2017 reflects recommendations for amendments to the Adequate Public Facilities Ordinance, including:

- Convene an APFO review committee at a minimum at the conclusion of every General Plan cycle;

- Add definition of ‘minor’ using definition in subdivision regulations;
- Exempt MIHU units from allocations test; schools and roads test still applies; exemption does not apply in Downtown Columbia; cap exemption at the amount of required MIHUs per zoning district;
- Remove the allowance of shared allocations across Established Communities and Growth & Revitalization allocation areas;
- 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;
- 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;
- 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."; and,
- Require that a planned traffic remediation project must be in construction before being able to be used as remediation of a failed traffic test at or near its location.

The Administration is holding two additional recommendations made to the Adequate Public Facilities Ordinance pending state-enabling legislation authorizing the County to adjust the Public School Facilities Surcharge. The County will pursue the state-enabling legislation with the Howard County Delegation and Maryland General Assembly during its 2018 legislative session. These recommendations are as follows:

- Change program capacity at which a school is deemed open to 110%; and,
- 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.

Council Bill No. 62-2017 reflects a recommendation made by the Task Force to the County’s General Plan, *PlanHoward 2030*. The recommendation adjusts the number of housing unit allocations to the Established Communities and Growth and Revitalization allocation areas and

was made by the Task Force as a companion measure to the recommendation eliminating the shared Growth and Revitalization and Established Communities allocation pool.

The Task Force's work was presented to the County Council at its monthly meeting on April 10, 2017, and to the Howard County Board of Education on June 8, 2017. Council Bill No. 62-2017 was submitted to the Planning Board for a recommendation on March 30, 2017.

The Administration looks forward to working with the County Council on Council Bill No. 61-2017 and Council Bill No. 62-2017.