



2025 Report



ADEQUATE PUBLIC FACILITIES ORDINANCE
REVIEW COMMITTEE MEMBERS
2024-2025

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ADEQUATE PUBLIC FACILITIES ORDINANCE
REVIEW COMMITTEE
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Executive Summary

HoCo By Design, Howard County's ambitious 20-year General Plan, was adopted in October 2023 as a forward-thinking blueprint for shaping the County's future. It outlines a bold vision that prioritizes increased housing development to support continued economic growth, preserve affordability, and reinforce the County's reputation as one of the most desirable places to live in Maryland and beyond.

One of the requirements in *HoCo By Design* is the modernization of the County's Adequate Public Facilities Ordinance (APFO), which governs the timing and pace of development to ensure that necessary infrastructure—roads, schools, parks, public safety services, and more—keeps up with growth. The existing APFO uses a system of three tests to evaluate development proposals: road adequacy, housing unit allocations, and school capacity. Though effective in a previous era, this structure no longer adequately addresses the County's evolving housing needs while maintaining a balanced allocation of school resources.

In August 2024, the County established a 15-member APFO Review Committee to evaluate the ordinance in light of tasks outlined in *HoCo By Design*. Members were selected by the County Executive, County Council, School Board, and School Administration, ensuring a diverse and representative body. Over the course of 23 public meetings and hearings, the Committee conducted an extensive review of the county's housing trends, school system capacity, enrollment projections, transportation network, and broader infrastructure challenges. The Committee worked collaboratively to develop a comprehensive update to the APFO that aligns with the county's current needs and its long-term vision.

Key findings shaped the direction of the proposed changes. Approximately 1,500 students have left the Howard County Public School System (HCPSS) since its enrollment peak in 2019, and enrollment is projected to remain flat over the next ten years. For the first time in decades, systemwide capacity exceeds enrollment at every level—elementary, middle, and high school. This shift reflects both demographic changes and a significant rise in families opting for alternatives to public education. While certain school zones remain overcrowded and require attention as development proceeds, the overall reduction in enrollment has eased the County's urgency to build new schools. However, many existing school buildings are outdated and require investment in renovations and deferred maintenance.

Simultaneously, Howard County's housing growth has slowed to fewer than 1,000 new units per year—less than 1% annual growth—despite an estimated demand identified in *HoCo By Design* for over 30,000 new units over the next two decades. This imbalance between supply and demand has made housing increasingly unaffordable, particularly for members of the local workforce. Without a significant increase in new housing, the county risks pricing out the next generation of working residents and compromising its long-term fiscal health. Additionally, the county is aging rapidly, with all projected population growth coming from older adults. Demographers project that the number of working-aged and school-aged residents will remain flat or decline slightly through the 2040s.

The current APFO, with its emphasis on delaying development in areas with overcrowded schools, was designed for a period of rapid growth. However, it has continued to hinder housing construction even as enrollment has fallen and capacity has opened. In response to these changing conditions, the Committee voted 12-3 to recommend replacing the delay-based APFO with a new fee-based system. This proposal received support from the HCPSS School Board, HCPSS Administration, and a Howard County teacher.

At the heart of the new APFO recommendations this Committee is proposing the School Overcrowding Utilization Premium (SOUP), a targeted mechanism that introduces additional fees for housing

developments in school zones experiencing overcrowding. Rather than halting development, SOUP applies a surcharge based on the severity of overcrowding in affected schools. The County adds these fees to the existing school surcharge on new construction, which currently stands at \$8.15 per square foot. Depending on the level of crowding, the SOUP could start at a base premium payment of \$9.28 per square foot and increase to total charges of up to \$17.93 per square foot. The County will exclusively allocate funds collected through SOUP to expanding school capacity, renovating aging facilities, and addressing deferred maintenance, with no diversion to general county expenditures.

Officials base SOUP tiers on school utilization rates and apply different fee levels at the 105%, 110%, and 115% capacity thresholds. Fees are cumulative across school levels, meaning a development feeding into multiple overcrowded schools will pay an amount reflecting each. If, for example, officials zone a project to a Tier 1 elementary school, a Tier 3 middle school, and a Tier 2 high school, they apply fees from all three tiers. If only the elementary school is overcrowded, the SOUP would be limited to that tier's minimum payment based on the Committee's recommendation of creating a minimum if only one school type is over capacity in the attendance area.

The Committee also recommends updating the existing Roads Test to better reflect modern infrastructure needs. The revised version of the newly named Multi-Modal Test will introduce new requirements for pedestrian safety, accessibility, and transit-readiness, including features such as ADA-compliant crosswalks and bus stops.

Ultimately, the Committee's recommendations represent a balanced approach to growth that aligns with Howard County's changing demographics and infrastructure needs. The proposed APFO update supports the goals of *HoCo By Design* by fostering responsible development, improving the condition and functionality of public schools, and helping to restore housing affordability. Together, the General Plan and the new APFO lay the groundwork for a vibrant, inclusive, and fiscally sound future—transforming the Howard County of yesterday into the Howard County of tomorrow.

Introduction

Howard County has managed growth since 1992 through the Adequate Public Facilities Ordinance (APFO). Before APFO, residential development in the late 1980s exceeded 4,000 homes annually outpacing infrastructure like schools and roads. APFO helps control the pace of growth by providing predictability to all parties and to direct growth to areas where adequate infrastructure exists or will exist. General Plans like HoCo By Design, set the overall growth rate, while a system of annual housing allocations limits how many new residential units can proceed through review each year. These allocations are geographically distributed through an annual chart adopted by the County Council to align with General Plan goals.

Since its adoption, APFO has helped regulate residential growth and delay projects in overcrowded school districts to allow time for solutions like new schools, expansions, or redistricting. It also requires developers to address traffic impacts from both residential and commercial projects. APFO has been periodically updated, typically alongside the adoption of new General Plans. This report is the third such APFO update since its inception.

Howard County's Adequate Public Facilities Ordinance (APFO) has been in place for decades and was strengthened in 2018 to better manage growth in response to school overcrowding concerns. Under the revised standards, new development is delayed in any school area where local elementary or elementary regions exceed 105% capacity, middle schools exceed 110%, or high schools exceed 115%. As a result, residential development prior to the 2025 School Capacity Chart in many parts of the County was currently on hold due to these school capacity thresholds. Each year, projects are retested following the County Council's adoption of an updated school capacity chart from the Board of Education and can remain on hold for up to four years. The most recently adopted school capacity chart shows no regionally closed elementary schools; however, there are still 9 ES, and 3 MS closed due to inadequacies in capacity.

II. Background

The Adequate Public Facilities Ordinance (APFO) originated from Howard County's 1990 General Plan as a tool to manage growth. It required that new developments be approved only if public facilities—particularly schools and roads—were sufficient. In response, County Executive Charles Ecker formed a commission to draft legislation. Passed in 1992, the law introduced tests for elementary schools, school regions, roads, and housing unit allocations. It also created a building excise tax dedicated to road improvements. Since its inception, the ordinance has undergone formal review by three committees or task forces convened in 2000, 2016, and most recently the current Committee in 2024.

2016 Recommendations and Changes

From the 2016 APFO task force there were over 80 topics discussed with nearly 20 motions that passed. The most notable recommendations from that report include:

- Exemption of Moderate-Income Housing Units (MIHU) 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 after 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.

The County Council adopted several of the recommendations listed previously, which can be found in section 16.1100 of the county code. Those adopted were exempting certain MIHUs from the schools' test and all age-restricted units, renaming of the school capacity chart, a requirement to convene a committee after the general plan is adopted. These code changes also included a timeline for convening the Committee and completing the recommendations to be forwarded to County Council and the council executive as well as the number of public hearings. The wait times for the developers remained the same, however the scaled surcharged based on sq ft and a new household fee did pass the County Council, and a downtown Columbia exemption of 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 did pass.

Coming off the heels of the most recently adopted general plan, HoCo By Design, the APFO Committee convened in August of 2024, 10 months after the adoption of the plan. The purpose of the APFO is to help the County adapt to the pressure that growth places on school and roadway capacity.

III. HoCo By Design

HoCo By Design, the County's most recent general plan, provides clear guidance on adequate public facilities and the role of the Committee. It calls for a comprehensive review and evaluation of APFO. As future growth in Howard County will primarily occur through infill and redevelopment in established activity centers—rather than traditional suburban greenfield development—APFO must be updated to align with these evolving land use patterns. Originally designed to manage greenfield growth, the ordinance now requires modernization to support the County's future development approach.

As discussed in Chapter 10- Managing Growth, it was recommended that the Committee consider updates to APFO that reflect different development types, locations, and intensities, as well as explore incentive-based strategies to accelerate capacity improvements. For instance, the review should assess whether higher-density, mixed-use projects in activity centers—with typically lower student yields—should be subject to different standards, and whether suburban-style developments could proceed with a higher school surcharge. The Council should examine the applicability of APFO to detached accessory dwelling units (ADUs), as highlighted in the Dynamic Neighborhoods chapter, which calls for recommendations specific to ADUs.

Incentives—both regulatory and process-based—are essential to advancing a broader affordable housing strategy. The Housing Opportunities Master Plan recommends that the Committee explore limited or automatic APFO exemptions for affordable, age-restricted, and missing middle housing. Accordingly, the County should consider targeted APFO changes to better support housing affordability and expand housing options when it convenes the Committee after adopting the General Plan

Additionally, the Committee should analyze student generation trends and how they relate to neighborhood lifecycles. This insight can help refine the APFO school capacity test and its associated chart to better balance growth targets with maintaining adequate school capacity.

Managing Growth Policy Statement 1 - Evaluate the Adequate Public Facilities Ordinance (APFO), including current and anticipated development patterns and challenges, to support the vision and policies presented in HoCo By Design and in accordance with the law established for the review of APFO.

V. County Enabling Requirements

Title 16- Planning, Zoning and Subdivisions and Land Development Regulations of the Howard County Code of regulations, particularly subtitle 11, Adequate Public Facilities (**Sec. 16.1100**), lists the composition, role and responsibility of the Committee. The purpose of this subtitle is to provide a predictable planning environment for the provision of adequate road and public schools facilities by requiring residential and nonresidential projects to pass certain tests as a condition of subdivision or site development plan approval. Under 16.1100.iv, the code specially outlines the following about the Committee:

- Within one year of the enactment date of the general plan, as required by section 16.801 of this Code, an Adequate Public Facilities Act Review Committee shall be convened.
- The Review Committee shall meet, conduct at least two public hearings,
- and, within one year of its first meeting, submit a report with recommendations on the Adequate Public Facilities Act to the County Executive and the County Council.
- The Committee shall be staffed by the Department of Planning and Zoning.
- Five years after the Review Committee has issued its recommendations, another Review Committee shall be convened to evaluate the impact of the previous recommendations implemented and make any additional recommendations.
- Each Review Committee shall include:
 - a) Two appointees from each member of the County Council
 - b) Three appointees from the County Executive.
 - c) One appointee from the Board of Education; and
 - d) One appointee from the Howard County Public School System Superintendent.

HoCo By Design- Chapter 10 Managing Growth

Implementing Actions MG-1 Policy Statement 1. As part of the evaluation of APFO, achieve the following: a. Research APFO models used in other Maryland and US jurisdictions that account for infill development and redevelopment to pace future growth and transportation patterns as anticipated in this General Plan. b. Assess the applicability of APFO to accessory dwelling units and develop recommendations as applicable. c. Evaluate the necessity of a housing allocation chart, including its goals, design, and appropriate place in the law. d. Seek to engage local and national experts who can advise on modern best practices for managing growth and infrastructure. e. Schools: i. Collect data for school demands in the County sufficient to evaluate existing conditions, emerging trends, and future year needs. This analysis should include an evaluation of the life cycle of new and existing neighborhoods to better understand the origins of student growth. ii. Evaluate the extent to which new growth generates revenues to pay for school infrastructure and review alternative financing methods. iii. Evaluate the school capacity test in APFO to determine if intended outcomes are being achieved, and recommend changes to the framework and process to better pace development with available student capacity. iv. Evaluate the timing and process of the school capacity chart. v. Evaluate student generation yield by housing unit type to develop student generation yield. Review results with comparable counties to understand regional trends. vi. Explore unit type ratios or unit type mixes that would support housing goals without overburdening schools and propose appropriate waiting periods in relation to unit type. f. Transportation: i. Evaluate and amend APFO standards for transportation adequacy and develop context driven transportation adequacy measures that align with the County's land use and transportation safety vision. ii. Study and develop APFO standards for specific geographic subareas. iii. Evaluate and amend APFO standards to mitigate trips with investments in bicycle, pedestrian, and transit infrastructure, road connectivity, and safety projects. g. Establish a working group (consisting of members appointed by the County Council and the County Executive) that evaluates and recommends goals and criteria for the targeted incentive program for affordable and accessible housing and the Affordable Housing set aside in the APFO Allocations Chart. 2. Appoint an APFO task force within one year of General Plan adoption to review and provide recommendations for APFO updates that reflect the vision and policies in HoCo By Design.

This Committee was created in code as described in the bullet points above. The table below lists the members and their affiliation. The members of the Committee voted for the Chair and Vice-Chair during meeting two, held on September 9, 2024.

APF Review Committee Members Roster

| <i>Name</i> | <i>Affiliation</i> |
|------------------------------------|------------------------------------|
| Todd Arterburn (Chair) | District 5 |
| Laura Jones (Vice Chair) | County Executive |
| Jon Browne | District 2 |
| Aaron Casagrande | District 4 |
| Pascal Crosley | County Executive |
| Jeremy Dommu | County Executive |
| Xavian Esson | District 2 |
| Paul Gleichauf | District 5 |
| Brent Loveless | District 1 |
| Dan Lubeley | Howard County Public School System |
| Jenn Mallo | Howard County Board of Education |
| Lisa Markovitz | District 1 |
| Vynessa Pantano | District 4 |
| Phil Scherer | District 3 |
| (Antoine) RJ Wright | District 3 |
| Lynda Eisenberg* | Director of Planning and Zoning |
| *Non-voting and staff to Committee | |

VI. Committee Process

The APFO Review Committee met 23 times over 12 months. Meetings 1-11 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 explained to 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 additional public facilities that fall under the County's purview. Additionally, representatives from the Maryland Department of Planning's Public School Construction Division and the Planning Division of the Interagency Commission on School Construction gave presentations to members regarding how that school capacity metric is used in school facility planning in terms of state funding eligibility and how it is used by local governments in determining overcapacity of individual schools.

These agencies served as advisors throughout the Committee's work, making routine

appearances at Committee meetings and providing supplemental research as requested. All literature gathered and prepared for the Committee are included as **Appendix B**.

The following is a **Table 1 Meeting Summary**, which summarizes each meeting, who presented, and how many members were present.

Table-1 Meeting Summary

| <i>Date</i> | <i>Topics</i> | <i>Presenter(s)</i> | <i>Member Attendance (Present-Absent)</i> |
|--------------------|--|---|---|
| August 28, 2024 | a) Open Meetings Act Refresher training b) Expectations c) Calendar Review | Lynda Eisenberg, DPZ | 14-1 |
| September 9, 2024 | d) Overview and History of APFO e) HoCo by Design- APFO guidance | Jeff Bronow, DPZ Mary Kendall, DPZ | 14-1 |
| September 25, 2024 | f) School Feasibility Study g) Student Yield Study | Tim Rodgers, HCPSS Jeff Bronow, DPZ | 11-4 |
| October 9, 2024 | h) Transportation i) DPW (Water and Sewer, Stormwater, Solid Waste) | Chad Edmondson, DPZ David Cookson, Office of Transportation Kris Jagarapu, Highways Yosef Kebede, DPW | 11-4 |
| October 23, 2024 | j) Fire and Emergency Services k) Police l) Hospitals | Sean Alliger, Fire Deputy Chief Danielle Goodwin, Fire Analyst Major Terrence Benn, Police Andrew Nicklas, MD Hospital Assn. | 12-3 |
| November 13, 2024 | m) Recap of 1 st Public Hearing | Lynda Eisenberg, DPZ | |
| November 20, 2024 | n) Montgomery Co APFO o) Affordable Housing Working Group Recommendation | David Anspacher, Mont County Jessica Bellah, DPZ | 14-1 |
| December 11, 2024 | p) State Rated Capacity Process q) Finance | Chuck Boyd, MD Dept of Planning Jamie Bridges, Interagency Comm on School Planning Rafiu Ighile, Director of Finance | 12-3 |
| January 8, 2025 | r) Surrounding Counties APFO | Lynda Eisenberg, DPZ Randolph Mitchell, DPZ | 10-5 |
| January 22, 2025 | s) Spending Affordability Presentation t) Task List HoCo By Design | Holly Sun, Office of Budget Mary Kendall, DPZ | 13-2 |
| February 5, 2025 | u) Housing Expansion Act of 2024 (HB 538) and how it relates to APFO | Lynda Eisenberg, DPZ | 14-1 |

| | | | |
|-------------------|---|--|------|
| February 19, 2025 | v) Past APFO Committee Lessons Learned | <i>Lisa Markowitz</i> | 12-3 |
| March 12, 2025 | w) Discussion of Motion Topics | <i>Lynda Eisenberg, DPZ</i> | 14-1 |
| March 26, 2025 | x) Affordable Housing Workgroup Presentation | <i>Mary Kendall, DPZ Paul Revelle Ned Howe</i> | 15 |
| April 2, 2025 | y) Multi-modal Test Presentation | <i>Chris Eatough, Office of Transportation</i> | 14-1 |
| April 30, 2025 | z) Continuation of Motions and Discussions | <i>Lynda Eisenberg, DPZ</i> | 12-3 |
| May 7, 2025 | aa) Review APFO Public Hearing Presentation bb) Motion Discussions | <i>Lynda Eisenberg, DPZ</i> | 12-3 |
| June 4, 2025 | cc) Discussion of Public Hearing Testimony | <i>Lynda Eisenberg, DPZ</i> | 11-4 |
| June 25, 2025 | dd) Review of Back Lot Items | <i>Lynda Eisenberg, DPZ</i> | 12-3 |
| July 9, 2025 | ee) Review of Back Lot Items | <i>Lynda Eisenberg, DPZ</i> | 12-3 |
| July 16, 2025 | ff) Final Review of Back Lot Items | <i>Lynda Eisenberg, DPZ</i> | 10-5 |
| July 30, 2025 | gg) Vote on Draft Plan | <i>Lynda Eisenberg, DPZ</i> | 9-5 |
| August 13, 2025 | hh) Final Vote on Plan | <i>Lynda Eisenberg, DPZ</i> | 11-1 |

Table 1

Rules and Procedures

The Committee operated under simplified parliamentary procedures, based on Robert's Rules of Order (see **Appendix A** for full details). Voting could only take place when a quorum was present, defined as a majority of members in attendance. A motion passed with a majority of affirmative votes. Members conducted all votes via roll call. They initiated actions through a motion recognized by the Chair and seconded, followed by discussion and a vote. The Committee found this process to be effective and fair for making decisions.

Account of Meetings

Agendas and meeting notes, to supplement the WebEx recordings, were prepared for every meeting and distributed to members and the public electronically beforehand. Staff recorded all meetings using the County's WebEx platform and approved the meeting minutes at the subsequent meeting. Recordings of the meetings and the accompanying documents approved by the Committee are now available on the APFO website. [Access the published recordings and documents.](#)

Citizen Input

Per the Howard County code, the Committee held two public hearings during this process (see **Sec. 16.1100 (b) (3) (iv)** of the county code): it held the initial hearing at the beginning of the process and the second after developing the major recommendations. The Committee held the first public hearing on November 6, 2024. The purpose of this hearing was to get information from the community about the direction they would like to see the Committee take regarding APFO. At this hearing 26 people attended with 21 providing testimony and 96 written comments were received. Areas of comments focused on school capacity adequacies, specifically lowering or protecting the current percentages in place, changing APFO to adjust for allowing more affordable housing and adding a test for Fire/EMS adequacy. Figures 1 and 2 follow and are summary breakdowns of the comments while **Appendix C** has a detailed list of the comments received at the November 5th hearing.

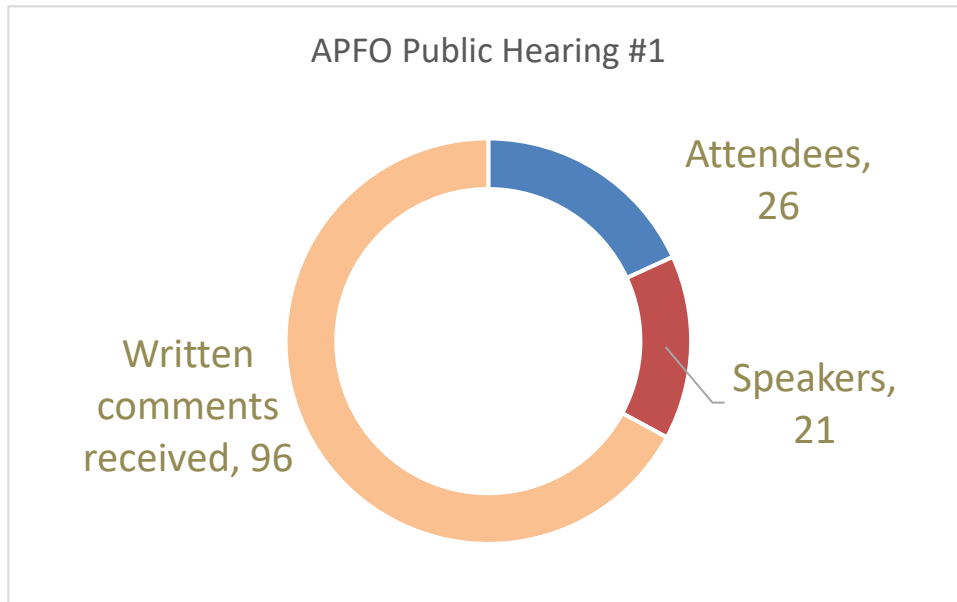


Figure 1

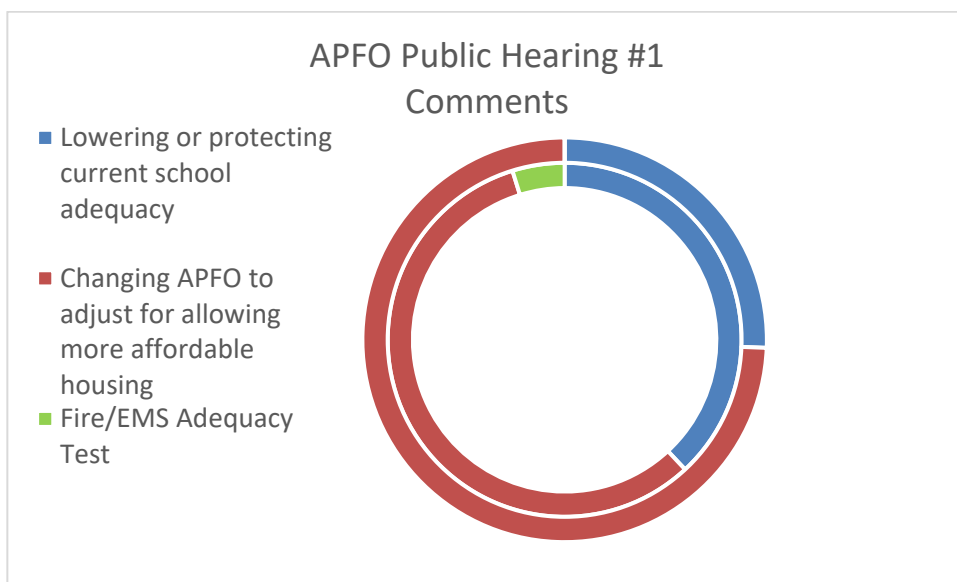


Figure 2

The Committee held its second Public Hearing on May 20, 2025 (available in **Appendix D**) after posting the draft recommendations. At the meeting 18 were in attendance and spoke and an additional 51 written comments were submitted for a total of 69 comments. The major topics focused on the new proposal of the Utilization Premium Payment (UPP) renamed to the School Over Capacity Utilization Payment or SOUP, in a future motion, which will be discussed in the motions and conclusion section). There were three major areas of focus regarding comments: keeping the current APFO testing requirements regarding the school capacity chart; changing the APFO requirements and removing the school capacity chart; and finally recommending

changing the APFO requirements and removing the school capacity chart but also exempting affordable and senior housing for the UPP. Figures 3 and 4 show this in more detail. **Appendix D** includes all the written comments received as well as a synopsis of the oral testimony from the hearing.

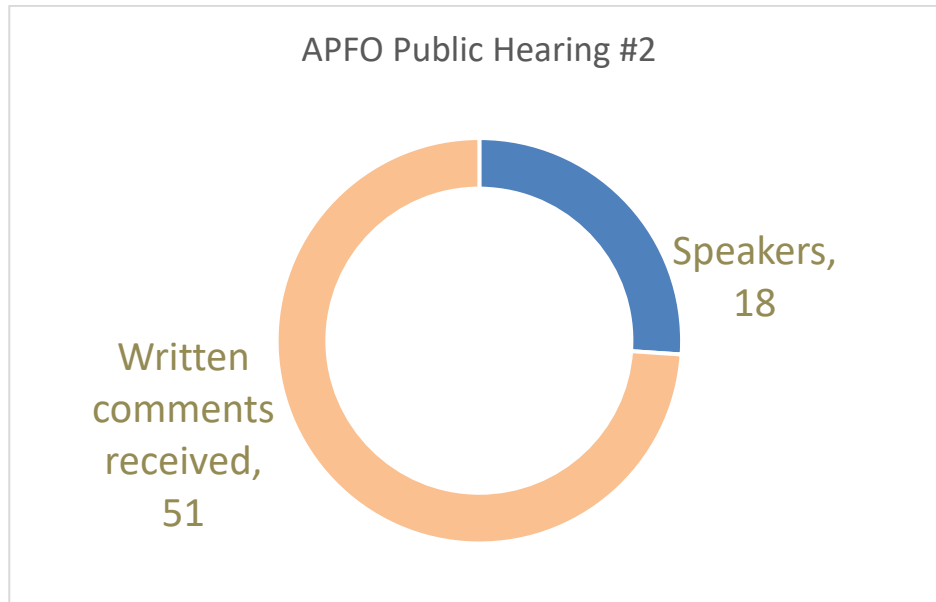


Figure 3

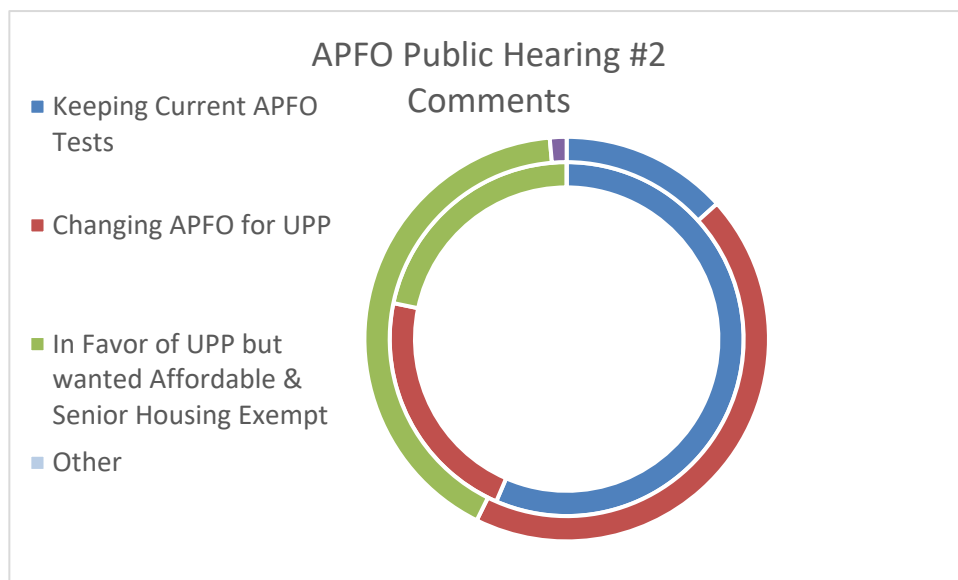


Figure 4

In addition to soliciting public input at public hearings the public could attend all in-person meetings at the George Howard Building. or if a meeting was not held in person, the Department of Planning and Zoning live-streamed it for the public to watch on its YouTube account. In addition, public input was encouraged and promoted for both public hearings. The Department created a dedicated webpage and branding logo was created for this Committee to make it easily recognizable. The webpage for the Committee is directly accessible from the

Department of Planning and Zoning's main webpage. Linked from DPZ's *What's New* section allowed for high visibility and assisted in promoting upcoming meetings and important announcements from the Committee. The County created the apfo@howardcountymd.gov email account, advertised by both the County and Committee members. Citizens were encouraged to share their thoughts with the Committee through this account. Only two general comment emails were received in total and are included as Appendix D. All citizen suggestions were shared with the Committee members for their consideration.

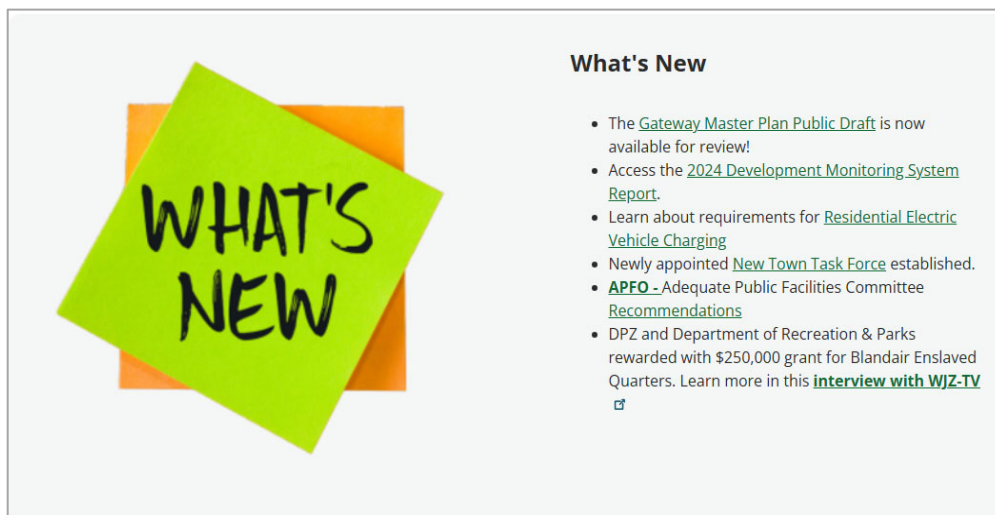


Figure 5

Recommendations

In total, the Committee engaged in in-depth discussions on more than 21 topics. These included presentations from county and state agencies, input from neighboring jurisdictions, and a review of relevant literature and data. Based on this work, the Committee developed 10 recommendations presented at the second public hearing that follow. **Appendix E** provides a table of all motions made by the Committee, along with narratives with opposing viewpoints.

1. Recommendation #1:

Replace the APFO schools test with a Utilization Premium Payment (UPP) (*changed to School Over Capacity Utilization Payment in future motions*) fee, so that instead of a required wait time, developers of residential units are charged an additional fee calculated by applying a UPP factor to Howard County's existing school surcharge fee when the development's impact on the projected school utilization of the assigned schools exceeds adequacy thresholds.

This would eliminate waiting times and the fee would be required.

2. Recommendation #2:

In the UPP (SOUP) model use:

105% TIER I,

110% TIER II, and

115 % TIER III for school assessments.

These TIERS will apply to Elementary, Middle and High Schools.

3. Recommendation #3:

In the UPP (SOUP) model use:

40% premium payment for TIER I,

80% TIER II,

and 120% TIER III

Using the 6 (K-5), 3 (6-8), 4 (9-12) distribution. This represents the distribution for Elementary, Middle and High Schools. This is the distribution of funding over the basic school surcharge.

These new recommendations in 1-3 would still utilize the current APFO housing allocation test. However, it would eliminate the need for the school capacity chart (see the most recently adopted chart in **Appendix F.**) in its current form for schools being open or closed. This chart would instead be used to set the TIER in recommendation #2 which would then be the determining factor for the rate in recommendation #3.

4. Recommendation #4:

Continue using Local Rated Capacity as the APFO SCHOOL capacity = 3rd year of enrollment projection over the school capacity at LRC. Which is currently in keeping with the HCPSS current model for the School Capacity Chart.

5. Recommendation #5:

Apply the UPP (SOUP) model to affordable housing and the affordable housing column on the base surcharge rate.

6. Recommendation #6:

Apply the UPP (SOUP) model to senior housing on the base senior housing surcharge rate.

Affordable housing advocates maintained a strong and consistent presence throughout the Committee's proceedings. Comments from this group at both public hearings reflected a clear desire to make it easier to develop senior and affordable housing in Howard County. While the Committee generally supported this goal, much of the discussion around senior housing focused on the increased demand it placed on Fire and

EMS services. Additionally, concerns were raised about the significantly lower surcharge rates applied to senior and affordable housing—rates that are approximately seven times lower than those imposed by the School Over Capacity Utilization Payment (SOUP)—suggesting that these developments are already receiving a form of financial relief.

Recommendations 7 through 9 focused on transportation-related issues. The county's Land Use & Transportation Regulation Advisory Group (LUTRAG) developed recommendations 7 through 9, focusing on transportation related issues. The Complete Streets policy prompted the formation of the group. Composed of both internal and external stakeholders, one of LUTRAG's primary responsibilities was to develop comprehensive recommendations for the Adequate Public Facilities Ordinance (APFO). These recommendations reflect that charge.

7. Recommendation #7:

To rename "APFO road test" to "APFO multimodal transportation test" for all instances in the Howard County Subdivision Regulations and Howard County Design Manual.

8. Recommendation #8:

Adopt pedestrian crossings at APFO intersections test.

9. Recommendation #9:

Adopt ADA access to existing nearby bus stops to transportation test.

For recommendation 8 the test would be as outlined below:

- a) Developers review the same study intersections, as defined in the existing APFO roads test.
- b) Developer evaluates pedestrian crossing adequacy at each signalized study intersection.

Pedestrian crossing adequacy requires Accessible Pedestrian Signals (APS), crosswalk marking, and ADA compliant curb ramps for crossings of each leg of the intersection.

Where pedestrian crossings are not adequate, the developer provides the needed mitigation, up to a dollar cap. Dollar cap is proportional based on peak hour trips generated by development and indexed using Engineering News Record Construction Cost Index (ENR) for the Baltimore Region as reported in the Engineering News Record.

Dollar cap is calculated using $pht \times F$, where pht is the peak hour vehicle trips generated by the development and F is a multiplication factor yet to be determined.

When the cost of all mitigations needed is greater than the dollar cap, Howard County Office of Transportation will advise developers on which mitigations to prioritize up to the dollar cap (generally, those closest to the development). Developer provided mitigations are preferred, but when they are not feasible, a fee in lieu can be provided in the amount of the dollar cap. The fee in lieu will contribute to pedestrian crossing improvements close to the development implemented by Howard County.

Developments generating 5 or less peak hour trips are not required to provide this test or mitigations.

See **Appendix G** for more details of this example.

Like recommendation number 8, recommendation number 9 's test would be as follows:

- a) Developers review the area surrounding their development to determine if any RTA bus stops exist within ¼ mile of the development frontage. If so, developer reviews these existing bus stops for ADA compliance.

ADA compliance includes:

- Minimum 5' wide x 8' deep concrete area/pad adjacent to road
- 5' minimum sidewalk with curb and gutter from bus stop to nearest intersection
- ADA ramps at nearest intersection

Developer provides mitigation for any existing bus stops within ¼ mile of their development that are not ADA compliant.

Developments generating 5 or less peak hour trips are not required to provide this test or mitigations.

See **Appendix G** for more details of this example.

Recommendation 10 for public hearing 2 came back to affordable housing and adopting a definition for the APFO allocation chart.

10. Recommendation #10: Adopt an affordable housing definition:

60-120% of Howard County Median Income for for-sale housing

0-60% of Howard County Median Income for rental housing.

Definition should be applied to local affordable housing programs, including the Affordable Housing Column of the APFO Allocation Chart and its application in the Housing Unit Application.

The County uses the MIHU program definitions to determine housing affordability and income eligibility. Since the County's median income is higher than the HUD Baltimore median income, the higher income limits allow more residents, including lower income residents, to qualify for affordable housing programs and resources. Using the lower income limits will exclude many residents that are seeking affordable workforce housing.

After Public Hearing #2 there was continued discussion regarding some additional recommendations. There are a total of 13 additional recommendations that follow. Not all are pertaining to APFO requirements. Many are clarifications of prior recommendations and process.

11. Recommendation #11:

Rename the UPP to the School Over Capacity Utilization Payment (SOUP)

12. Recommendation #12:

Have the SOUP and School Surcharge set when the buildings permit is applied for.

13. Recommendation #13:

Request that the Office of School Planning include an enrolled students figure for three years of prior use & occupancy permits as a new data point in the Annual School Capacity Chart. Further, name the 3-year occupancy enrollment figure “new students from the prior 3 years.”

14. Recommendation #14:

Establish an APFO review committee within one year (12 months) after a General Plan Adoption and every three years thereafter.

15. Recommendation #15:

Committee recommends that the Council consider requiring mitigation efforts/payments in lieu when EMS and/or fire response times exceed or are expected to exceed nationally accepted response time standards as the result of new development, with a particular focus on high density and/or senior living development. Input should be sought from the County Fire Dept. regarding the amount of the fee to be directed to them.

16. Recommendation #16:

Recommend that if the SOUP plan is not adopted, differentiate waiting times and fees to charge/put wait for more crowded areas than less.

17. Recommendation #17:

Limit the use of school surcharge funds to one-time capital expenditures or payments on existing debt. These funds should not support the issuance of new debt.

18. Recommendation #18:

Using the agreed upon affordable housing definition, apply the Affordable Housing Column of the APFO Allocation Chart:

- Housing and Community Development Board reviews/approves density bonus that is proportional to the number of affordable units proposed beyond the required number of MIHU/LIHU/DIHU per the base zoning district as a way of utilizing the Affordable Housing Allocation Column.

19. Recommendation #19:

Housing Unit Allocations – Re-initiate the removal of “rolling unused allocations” to provide predictability.

20. Recommendation #20:

Require the results of the mandatory fiscal year report on school surcharges and any related SOUP be posted on the County website within 30-days after being presented to the State Delegation.

21. Recommendation #21:

Regional pre-k capacity requirements spanning multiple attendance areas needs to be accounted for within mitigation calculations and applied by elementary school region.

22. Recommendation #22:

That the County increase the Transfer Tax to establish another source of revenue for school capital projects and deferred school maintenance for home sales above \$750,000.

23. Recommendation #23:

Modify the previously approved SOUP model to incorporate a minimum SOUP payment of 50% of the maximum SOUP payment for each of the three tiers.

VII. Conclusion

The APFO Review Committee undertook a comprehensive, year-long effort to evaluate and reimagine Howard County's Adequate Public Facilities Ordinance in alignment with the goals of HoCo By Design. Drawing on presentations from county and state agencies, data from peer jurisdictions, and public input, the Committee carefully examined more than 21 key topics impacting growth, infrastructure, and housing affordability. The resulting set of 23 recommendations reflect a thoughtful and pragmatic approach to adapting APFO to better serve the county's evolving needs.

At the heart of the proposed changes is the replacement of the long-standing school capacity-based development delay system with a more flexible, transparent, and fiscally responsible fee structure—the School Over Capacity Utilization Payment (SOUP). This shift eliminates mandatory wait periods in favor of a tiered fee model that more directly supports the expansion and maintenance of school facilities in areas experiencing overcrowding and incorporating a minimum payment system for the base level. Importantly, the new structure retains the housing allocation test which paces and places residential development while simplifying and repurposing the current school capacity chart, turning it into a tool for assessing impact rather than halting development.

The Committee also prioritized the integration of transportation enhancements through the rebranding of the Roads Test as the Multimodal Transportation Test, incorporating pedestrian safety and ADA-compliant transit access into development review. These measures align with the county's Complete Streets policy and recognize the growing importance of non-vehicular infrastructure in community planning.

Further recommendations addressed the unique considerations of affordable and senior housing, public safety service capacity, and long-term APFO governance. The inclusion of clearer definitions and data

reporting mechanisms—such as the three-year occupancy enrollment figure and the periodic APFO review process—adds a layer of accountability and adaptability to the new framework.

Whether all the approaches to APFO are moved forward in legislation or not, one recommendation from the committee necessitates legislation in order to be utilized. Recommendation 18: *Using the agreed upon affordable housing definition apply the Affordable Housing Column of the APFO Allocation Chart via the Housing and Community Development Board*— by working with them to review and approve density bonus that is proportional to the number of affordable units proposed beyond the required number of MIHU/LIHU/DIHU (per the base zoning district) as a way of utilizing the Affordable Housing Allocation Column. HoCo By Design does not include policies or narrative explaining how standards could be set or applied regarding the affordable housing set aside column. Legislation based on the committee's recommendation would have to be put forward to set standards by which allocations can be pulled, similar to the former Green Neighborhoods program which had Council resolution passed to set standards.

In total, the recommendations represent a modern, balanced approach to managing growth—one that aligns with current enrollment realities, housing market pressures, infrastructure capacity, and the county's broader planning goals. By replacing rigid delays with strategic investments, the proposed updates to APFO aim to support sustainable development, improve school and transportation infrastructure, and better position Howard County to meet the needs of its residents today and in the future.