

White, S.M. *Adequate Public Facilities Ordinances and Transportation Management*. PAS Report 465. APA Planning Press: Chicago, IL. 1996.

This report outlines the various aspects of Adequate Public Facility Ordinances (AFPO), including their history, the legal issues involved, and issues to be considered in designing such ordinances. The report also outlines the AFPO of Montgomery County, Maryland; the concurrency system of Florida; and concurrency management regulations of Washington State.

Chapter 3. Designing the Adequate Public Facilities Ordinance

The following issues have been identified as the most critical to the preparation of an AFPO:

- Determination of which facilities will be required as a condition of development approval
- The stage in the development process at which adequacy is determined
- Developments or categories of development to which the AFPO is applicable
- Exempt developments
- LOS standards
- Inclusion of state/federal facilities
- Delineation of an impact area
- Flexibility of impact area delineation
- Administrative waivers
- Reservation of capacity
- Point system
- Official(s) responsible for conducting the adequacy review
- The appeals process
- Possibility for mitigation/ abatement
- Differential LOS standards
- Developer reimbursement mechanisms
- The relationship of the AFPO to impact fees

- The extent to which “planned” improvements are included in the determination of what constitutes adequate public facilities
- The effect of failing the adequate public facility test
- The relationship of adequate public facilities determination to development monitoring

Examples of LOS for a Multimodal System That Includes Transit

Few jurisdictions have developed useful standards for multimodal systems that include transit.

In Florida, most standards relate solely to performance characteristics of the system and are not intended to be enforced through the development approval process. For example, “nine passenger mile per capita,” “0.75% of all county transportation trips.”

The AFPO of Palm Beach County, Florida, provides that new development permits shall not cause the county’s total mass transit capacity to fall below “that which can accommodate 0.75% of total County transportation trips.”

In Dade County, Florida, the LOS is based on a policy that public transit services have 60-minute headways and an average route spacing of 1 mile in areas with resident and employment populations of 10,000 persons/sq mile. The LOS standard is calculated on the basis of “traffic analysis districts.” Transit service is not required if densities within the district fall below this standard. If the standard is met, the developer must estimate the additional vehicle miles, vehicle hours, and vehicles needed to operate additional transit service.

The standards outlined above are difficult to link to a proposal for new development.

Some innovative approaches are to aggregate LOS standards on an area or corridor basis by adjusting LOS to reflect the availability of transit or by combining roadway and transit or HOV facilities to develop a carrying capacity for the overall system. (See: KJS Associates, Inc. Transportation Level of Service Definitions and Applications. Draft Technical Memo, Salem, Oregon, Department of Land Conservation and Development. 1995.)