

Good evening Chairman Weinstein and members of the Council:

My name is Kelly Balchunas and I am a resident of District 5. I am here tonight not just on behalf of myself and my family, but also in my role as PTA President of Waverly Elementary, to speak out against CB61 and CB62. I urge you all to vote no to these bills in their current form, as they do not adequately address critical updates needed to Howard County's Adequate Public Facilities Ordinance (APFO). While all updates to APFO are necessary and overdue, I will specifically address changes to APFO that are needed as it relates to schools.

It is important to note both of these bills give FAR too much unnecessary consideration to developers and not enough to the students, families, and taxpayers of Howard County. WE as your constituents are the ones who matter.

It also needs to be noted changes to the school capacity threshold are not even included in CB61. Our elected officials have made the choice to link school capacity to financial mitigation by developers. In linking these two together, you are deferring necessary reductions in school capacity thresholds until the fall because the financial mitigation piece requires state legislature approval. Changes to capacity thresholds do not, and they need to be addressed NOW. Because of this alone, these proposed bills should be tabled until school capacity concerns be added as an amendment to CB61.

The primary interest of the taxpayers in this county is the stellar reputation of the Howard County Public School System. Development is negatively impacting this well-deserved reputation. You can see it in schools that are bursting at the seams. You can see it in students attempting to learn in portable

classrooms. You can see it in teachers who are doing their professional best to teach 30 second-grade students in a single class. The signs of overdevelopment are evident everywhere and they are not good. When the school system begins to show this continued pressure of overcrowding, all of us will feel the effects, which includes the very real potential for lower property values. Every county resident cares about this, and it is intricately linked to the success of HCPSS.

It is because of the county's incredibly weak and outdated APFO guidelines, guidelines that heavily favor developers, that HCPSS is experiencing a dire overcrowding crisis.

First, our current APFO guidelines state that schools are not closed to neighboring development until they reach 115% of capacity. Worse, high school capacity is not even included in APFO.

Let me proffer some simple math for the people in this room. Council members: when was the last time you could spend 115% of the funds in your bank account? When was the last time you could use 115% of the fuel in your car before running out of gas? Or eat 115% of a pizza? Or fill 115% of the seats with passengers on an airplane?

It's a ridiculous notion. 100% is 100%. It is for me, it is for your constituents in this room, and it should be for each and every one of you and developers too. Every elementary, middle, and high school should reach maximum capacity at 100%.

In addition to eliminating these inflated capacity thresholds, developers need to be accountable for their actions in this process. They need to pay their fair share of funds toward public

infrastructure. That means we need to stop allowing them to build using fancy tax incentives and TIFs. To ensure the necessary funds are available to construct schools from continued residential growth, developer mitigation fees should be increased to reflect the actual per student cost required to build a school. Right now, hard-working taxpayers are subsidizing these costs for developers while developers are maximizing their profits, and children in overcrowded schools are paying the price.

With all of these conditions being favorable for development, it's no wonder developers can't wait to build here.

Do not think for one moment that school overcrowding rests solely on the shoulders of HCPSS. All parties and officials owe it to the taxpayers and students of this county to do their part to strengthen APFO, and that includes the County Council, County Executive, Planning & Zoning.

Let me remind you what Mr. Michael Harrison, VP for Government Affairs with the Maryland Building Industry Association (MBIA) thinks is appropriate for developers:

1. He is lobbying the County Council and County Executive to raise the capacity threshold to 120%!
2. He is lobbying the County Council and County Executive to decrease the amount of time a developer has to wait to build in a closed school district to only 1 year, because in his words, "1 year is enough time to make redistricting decisions and plan for growth, despite the Board's unwillingness to do so."
3. He says that growth from within the county, rather than new growth to the county, is the real problem. That is quite the notion when you look at the explosion of growth along the Route 1 corridor and in sprawling developments like Turf

Valley. And it is the schools in these areas that are the most overcrowded.

My guess is that developers are here in this room tonight as are representatives from MBIA. But who do you represent? Do you represent their interests? Or do you represent ours?

You see before you a packed room of constituents who have the means and confidence to participate in this process. The people here tonight represent the enormous amount of others who couldn't be here. WE are your constituents. Not developers. Not the MBIA. WE voted for you to represent our interests, and our interests are not paying for overcrowded schools. Our interests are not the development of every available blade of grass.

In summary:

1. Each and every one of you were elected by us, the voters, to represent the best interests of us, your constituents.
2. Your constituents are telling you the current APFO is totally inadequate and need to be strengthened in favor of students and schools.
3. Your constituents want schools that are not overcrowded, which means 100% capacity, not the magic math put forth by developers of 115% or 120%.
4. Your constituents want developers to stop maximizing their profits on the backs of the taxpayers of this county. This means that developers need to pay fees that actually match the costs of adding new seats to schools when their actions create overcrowding.

It's time that you, as our elected officials, do the right thing by us.

Thank you for your time and consideration.

Good evening, my name is Danylo Leshchyn, and I shall be speaking on CB-61 and CB-62. I would like to begin by reaffirming the respect I have for the honourable members of this Council, and express my gratitude for allowing residents to share their opinion on matters affecting them. I side with my honourable friends in arguing for the strengthening of the Adequate Public Facilities Ordinance out of logic. To be frank, it is my humble opinion that allowing developers to build new residences until schools reach over 110% capacity is misguided, and allowing that threshold to increase to 120%, as developers argued in the 2014 Maryland Business Industry Association letter (attached in your packet), is plainly irresponsible.

The developers who want to build here are not investing in Howard County because they have some interest in its continuing prosperity. They are businesses, and they seek to increase their profits, which is purely logical. But their profit does not equal our benefit. We can see this in the MBIA letter in your packet. It blithely argues that raising our school capacity threshold to 120% would result in an increased capacity of 1235 students at the elementary school level "without making any capital improvements" - as if those 1235 students were mere numbers on a page, and not actual children who need physical space to occupy. Our schools were

not designed to be overcrowded. The elementary, middle, and high schools were built for 100% capacity, not 110%, and certainly not 120%.

These developers may argue that the new developments will be good for everyone, but think about this logically. If we do not reform the proposed APFO legislation, schools will not have the resources to provide the high quality education HCPSS is famous for to the vastly increased number of students in our county. Our students, as a consequence, will graduate as less skilled and less valuable economic contributors. Over the years, the quality of graduates will tarnish the reputation of Howard County schools, one of Howard County's greatest sources of economic prosperity. Ultimately the local economy will deteriorate, as Howard County will no longer be a desirable place to resettle and raise a family. To put it simply, *it does not bode well.*

Please amend the proposed APFO legislation to a 100% capacity threshold, and include high schools in these considerations. Do what is best for your constituents, not for outside developers.

Thank you.

November 20, 2014

Dear County Council Members:

Thank you for the opportunity to present on the 'Adequacy of Facilities' Panel at the Council Retreat. We appreciate being included in your retreat agenda and allowing our voice to be heard with the Council-elect and other panelists. With a new County Executive promising a review of the APF law, this is a timely and important discussion to be having now. We look forward to working with the new council and county executive to improve this ordinance. Although APF has 3 components: Roads, Schools, and Housing Allocations, our comments will focus on the school open/ closed chart and housing allocations.

As with any planning tool, APF works best when it is consistent, reliable, accurate and predictable. In the early 1990's when APF was introduced, growth in the county looked much different than it does now. Large plans and new communities brought many new homes and people to the county, in search of good schools and resources. There was concern that new development would bring congestion to the roads, overcrowding to the schools, and strain county resources. APF has been used to guide growth and its impacts for the better part of 20 years, but the county is now facing a new type of growth, a growth from within.

School Overcrowding From Resales of Existing Homes vs New Homes

More young families with children are moving into existing homes rather than into new, more expensive homes. People want to live in Howard County because of the schools and resources, but the prices of new homes are driving many of these new residents to the existing housing stock. For instance, the county has added roughly 1,000 new housing units a year (a 1% increase) for the past 5 years, while resale's in 2013 totaled 3,441 units and in 2012 totaled 3,128 units. With new housing, planners can estimate the number of new school aged children based on past experience, however, growth in the existing housing stock proves to be much more difficult to forecast. Because of this, we see wild swings in the open/ closed school chart year after year, and APF is becoming less and less predictable, useful and relevant as a planning tool.

Open/ Closed Chart Not Predictable

To be relevant as a planning tool, APF needs to adapt to the changing growth patterns facing Howard County, with the first priority making the open/ closed school chart predictable and consistent. This annual chart, produced by the School Board based on DPZ projections, controls

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the fate of new applications and can hold them up for 4 years. In the time it takes a new development to submit concept plans, hold community input meetings, then take the schools APP test at sketch plan submittal, a new chart can be released that has a school going from open to closed – effectively putting the brakes on a project application that was moving forward. A case in point is a new community in the Centennial Elementary School district. In the chart passed by the Council in 2013, the school was projected to be open for 10 years, yet the chart that passed in 2014 had the same school projected to be closed for the next 10 years. Development plans submitted in 2013 with the expectation that Centennial ES would be open were suddenly and expectantly held up when the new chart came out. Now the applicant must wait 4 years, not only adding carrying costs but confounding the infrastructure planning efforts which is the basis for APP.

Recommendations to Provide Flexibility to Open/ Closed Chart

Several potential options are available to provide consistency and predictability to the APP process independent of the School Board redistricting. First, the Council could change the school capacity threshold from 11.5% to 12.0%. The state of Maryland sets capacity at 120%, yet Howard County lowered the threshold to 11.5% in the late 1990's, bringing class size from 30 (state rated capacity) to 28. Taking Centennial Lane BS as an example, with a capacity of 628 students, 11.5% of capacity is 722 students and 12.0% of capacity is 754, a difference of 32 students. On a county wide scale where capacity is 24,700 BS students, 11.5% of capacity is 28,405 and 12.0% of capacity is 29,640. A difference of 1,235. Without making any capital improvements and just adopting the state standard, the county could increase capacity by 1,235 students, the equivalent of two Centennial Lane schools.

Second, the county could adopt the Baltimore County model, where if a development is proposed in a closed school district but the adjoining school is open, then the project can move forward. This model provides consistency and predictability and projects in Baltimore County are not held up because of school over-crowding.

Third, projects that have to wait 4 years in a closed district, which is really 6 years as it takes a year to develop the property and a year or more to build and sell the new homes, should only have to wait one year – enough time for the School Board to redistrict. APP does not require redistricting, and in fact of the eleven factors that go into redistricting decisions APP is not one of them, however, one year is enough time to make redistricting decisions and plan for growth, despite the Boards unwillingness to do so. For example, during the last redistricting process, Elkton Mills MS was not redistricted despite capacity in the Region, and is projected to be closed for the next 10 years. Adopting these recommendations could alleviate pressure on the Board to redistrict and provide predictability for APP, but the real solution is for the Council to relieve the Board of growth management responsibilities which they have demonstrated a reluctance to undertake anyway.

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Housing Unit Allocations

Although very little time has passed since the Housing Unit Allocations chart was changed and updated in the last General Plan, our comments from then are still relevant today. Namely, the County did not set aside enough allocations in the Established Communities (EC) district, and set aside too many in the Growth and Revitalization (G&R) district, and we are already seeing the negative effect of this now. Surplus allocations from G&R are placed in a shared use pool for EC projects to use, a provision established in the General Plan to address this specific issue, but even with these surplus allocations the county is running woefully short of demand. To further compound this problem, EC projects in the pipeline not on DPZ's official radar (BCP projects and Community Meetings) yet are going to consume all available allocations within 2-3 years, effectively creating a moratorium.

In Howard County as in most counties, roughly 80% of the projects create just 10% of the units, and 10% of the projects create 80% of the units. This is especially true in the EC district, where most new developments are minor subdivisions and single lot developments, most often mom and pop landowner who want to subdivide for their retirement or child's college fund. These landowners will soon realize they may have to wait up to 5 years to get an allocation, then to compound the problem, once they get an allocation they could be in a closed school district and have to wait another 4 years. This uncertainty could be largely avoided with an increase in EC allocations along with a corresponding decrease in G&R allocations as to not increase the total available as permitted in the General Plan.

Again, thank you for the opportunity to present on the panel at your retreat. If you have any questions about these issues, please feel free to contact me at MHarrison@marylandbuilders.org or (410) 960-9232.

Thank You,

Michael Harrison
VP, Government Affairs
Maryland Building Industry Association

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Lada Onyshkevych

Howard County Council Meeting – July 17, 2017

Testimony regarding CB-61 and CB-62

Members of the County Council:

I am testifying tonight regarding CB-61 and CB-62, and I hope you will table these bills till fall so that more people may testify.

There is nothing more important to Howard County parents than our schools. But, as you are aware, we are currently facing a massive school redistricting of nearly 9000 students at every level, throughout the county. Many students who currently walk to their neighborhood schools will be bussed further away, as HCPSS struggles to cope with rapid population growth. Schools such as Atholton High, which my children attend, face a turnover of 2/3 of their student body.

The reason why thousands of Howard County families will have their lives disrupted is, of course, rampant overdevelopment. Since there is even more development already in the pipeline, we are sure to see more and more extensive redistricting in the coming years. Is this the legacy you wish to leave behind from your years of public service here?

In CB-61, you have the opportunity to at least limit the damage that has been done. Both the current APFO law and its proposed replacement are much too weak. APFO should protect citizens rather than developers.

Our school capacity threshold should be set at **100%**, not 115%, not 110% - we teach our children that 100% means “full”, after all. **High school capacities** should be included in APFO too, not just elementary and middle schools. No new development should be allowed in areas

where schools are over 100% until new schools can be built there – we cannot keep redistricting our way out of this rapid population growth.

Yes, building new schools is expensive and takes time – this is why the burden for paying for these new schools should fall on the developers, not on the rest of us. Current financial mitigation measures come nowhere close to covering the true cost of new seats in our schools. The proposed **public school facilities surcharges** are also insufficient, and should be sharply increased.

We should not be trading reduced capacity thresholds for increased **allocations** in established neighborhoods in CB-62. Schools in those established neighborhoods are already strained – thus the radical redistricting we are facing. Our guiding principle should be what’s good for our schools and our children, not what’s easier for developers.

Please listen to the citizens who elected you, not the developers. Please limit the damage being done to our schools and our communities. Strengthen the APFO legislation that is before you in CB-61, and do not allow the trading or increase in allocations in our General Plan in CB-62. Our future, and your own legacy, is in your hands.

Thank you.