

17 July 2017

Subject: CB 61-2017APFO Testimony to County Council

Good evening my name is Stu Kohn and I reside at 8709 Yellow Bird Court Laurel, MD. 20723. I am the President of the Howard County Citizens Association, HCCA and was a member of the APFO Task Force where we met 22 times. HCCA's position is that we are in no way satisfied with the contents of CB61 as it is not ready for prime time. We cannot and should not continue to do business as usual. It is time we take the necessary measurements to include categories relating to Quality of Life issues such as Fire, Police, EMS, and the Hospital. If APFO was really working then why do we see road signs which state, "Stay Alert – Traffic Congestion next 3 to 4 miles?" Why is it that a Level of Service of an "E" used to measure the safety of our roads is passing? Why is it that the latest regarding our schools is there is a good possibility that as many as 9000 children will be redistricted to other schools? Based on this the existing APFO is simply not working! Something is drastically wrong to the point we do not have APFO but instead ALPO – A Lousy Protective Ordinance that no one in the County should be proud.

We cannot get this wrong especially with the vast number of units in the future. All one has to do is refer to the Development Monitoring System Report from DPZ, dated April 2017 on pages 27 and 28 which you now have. It lists projects that have 50 or more units. This comprises a total of 8,537 additional units. Which increases the population approximately an additional 20,500 individuals and over 15,000 more vehicles? Are we really prepared for the future?

Infrastructure includes the aforementioned Quality of Life issues found in PlanHoward2030, Chapter 8 – Public Facilities and Services. The question is why aren't they included as part of our APFO? All one has to do is look at the document titled, "APFO Inventory for Maryland Jurisdictions" that I have provided you. It is a chart of the 14 Counties in Maryland who use APFO as their tests for development. The major question from this chart is why of the 14 counties does 8 of them have Fire as an APFO category and Howard County does not. This includes Anne Arundel, Montgomery, and Prince George's. Why are the Police being measured in Carroll, Montgomery, and Prince George's? In 2014 the annual Police Report showed we had 188,000 "911" calls. Why is Health Care measured in Montgomery, why is Stormwater Drainage being measured in Anne Arundel, Baltimore, Carroll, Charles, Prince George's and St. Mary's?

Chief Butler, whom I have the utmost respect, was so concerned with Cisterns in western Howard County that on several occasions he attended our APFO Task Force on his own to voice his concerns. He even introduced a couple of motions suggested by the developers in our Task

Force, but unfortunately failed to pass. Perhaps if his voice was really heard the concern of citizens regarding CB60 would be less regarding safety. You can go to the video to see his testimony.

Today, APFO is not providing appropriate management of growth in the County and our infrastructure should be more than just Roads and Schools. For example, Howard County General Hospital reports they average 78,000 plus patients going to the Emergency Department (ED) on a yearly basis as displayed on their website. All one has to do is go to the ED and experience the wait time and the number of patients lined-up on gurneys. We too often hear from our elected officials there is nothing we can do regarding the hospital's situation because it is a private entity. If this is the case then why is our County providing \$1.2 million dollars over the next four years to the hospital. It isn't enough.

It is high time to take the necessary action whereby Quality of Life issues are included and our Roads and School measurements are drastically improved before thinking about passing this Bill in its current state. You are responsible for the safety, health and welfare of your constituents. Let's do something worthwhile to once and for all ensure that APFO stands for not "Adequate" but an "Awesome" Protective Facilities Ordinance! How about once and for all making the appropriate revisions to APFO where it would be a major part of your legacy. I am sure your constituents would appreciate this effort.

Thank You.



Stu Kohn
HCCA, President

Table 14
Number of Potential Units from Subdivision Plans in Process by Unit Type, 12/31/16

Planning Area	Sketch					Preliminary Equivalent Sketch				
	SFD	SFA	APT	MH	TOTAL	SFD	SFA	APT	MH	TOTAL
Downtown Columbia	0	0	0	0	0	0	0	882	0	882
All Other Columbia	103	81	0	0	184	30	0	0	0	30
Elkridge	19	0	1,621	0	1,640	37	19	0	0	56
Ellicott City	46	302	266	0	614	327	163	349	0	839
Rural West	0	0	0	0	0	97	0	0	0	97
Southeast	48	208	844	0	1,100	18	17	0	0	35
TOTAL	216	591	2,731	0	3,538	509	199	1,231	0	1,939

Planning Area	Preliminary					Final					TOTAL - 12/31/16				
	SFD	SFA	APT	MH	TOTAL	SFD	SFA	APT	MH	TOTAL	SFD	SFA	APT	MH	TOTAL
Downtown Columbia	0	0	0	0	0	0	0	1,620	0	1,620	0	0	2,502	0	2,502
All Other Columbia	0	0	0	0	0	143	0	0	0	143	276	81	0	0	357
Elkridge	40	0	0	0	40	37	290	736	0	1,063	133	309	2,357	0	2,799
Ellicott City	30	42	0	0	72	159	270	53	0	482	562	777	668	0	2,007
Rural West	0	0	0	0	0	116	0	0	0	116	213	0	0	0	213
Southeast	0	0	0	0	0	232	0	0	0	232	298	225	844	0	1,367
TOTAL	70	42	0	0	112	687	560	2,409	0	3,656	1,482	1,392	6,371	0	9,245

Number of Acres

As of December 31, 2016, a total of 3,400 acres of residential land were in the subdivision process. This is 216 less acres compared to the previous year, at which time there were 3,616 acres in process (Table 15).

Major Projects

Table 16 shows a list of potential units from larger projects with 50 units or more. This list includes comprehensive and phased projects. Map 5 shows the location of these projects. Some of the larger projects in this list include The Crescent Property, Toby's redevelopment, Simpson Oaks, The Enclave at Tierney Farm, Oxford Square, The Overlook at Blue Stream, The Park at Locust Thicket, Howard Square, Dorsey Center, Turf Valley, Shipley's Grant, Westmount, Taylor Place, and Laurel Park Station. These major projects with 50 or more units total 8,537 units which account for about 92% of the total 9,245 units in the subdivision process.

Table 15
Acreage of Residential Subdivision Plans in Process, 12/31/16
(With comparisons to Countywide total as of 12/31/15)

Planning Area	Preliminary Equivalent Sketch				TOTAL ADRES
	Sketch	Sketch	Preliminary	Final	
Downtown Columbia	0	30	0	38	68
All Other Columbia	67	89	0	166	322
Elkridge	237	31	15	112	396
Ellicott City	31	380	24	525	961
Rural West	0	282	0	1,067	1,349
Southeast	69	8	0	228	305
TOTAL	404	821	40	2,098	3,400
As of 12/31/15	467	867	37	2,245	3,616

Table 16
In-Process Residential Subdivision Plans, Projects With More Than 50 Units, 12/31/16

Region	File Number	Plan Name	Unit Type	Units	TOTAL
Downtown Columbia	FDP-DC-CRSCNT-1A, SP-16-009	Downtown Columbia - Crescent	APT - 184 MIHU	2,300	
	FDP-DC-CRSCNT-2	Toby's Redevelopment	APT - 101 MIHU	202	2,502
All Other Columbia	S-15-007	Simpson Oaks	SFD, SFA - 19 MIHU	184	
	F-15-110, F-17-003, SP-15-006	Enclave at Tierney Farm - Phases 1,2,& 3	SFD	148	332
Elkridge	S-15-001	Oxford Square - Remaining Phases	APT - 108 MIHU	723	
	S-06-018	The Overlook at Blue Stream - Remaining Phases	APT - 98 MIHU	668	
	F-17-022	The Park at Locust Thicket	APT - 40 MIHU	392	
	F-15-081	Howard Square	APT - 78 MIHU	336	
	S-17-004	Dorsey Center - Parcel R	APT - 35 MIHU	230	
	F-17-005	Oxford Square - River Overlook	SFA - 19 MIHU	126	
	F-16-128, F-16-116	Shipley's Grant	SFA - 7 MIHU	87	
	S-15-002	Trotter's Knoll - Section 1	SFA - 8 MIHU	77	2,639
Ellicott City	S-86-013, PB 386	Turf Valley - Remaining Phases	SFA, APT	486	
	F-15-087, F-16-046, 061, SP-14-008	Westmount	SFD	325	
	SP-16-013	Taylor Place - Phase 1	SFA, APT - 26 MIHU	252	
	SP-16-010	Caperton Village at Turf Valley (Clubhouse)	SFA, APT	130	
	F-07-158, F-10-084, F-10-086	Fairways at Turf Valley	SFA	97	
	SP-16-011	Ravenwood at Turf Valley (Bluffs)	APT	90	
	F-15-018, F-16-048	Long Gate Overlook	SFA	84	
	S-16-004	Dorsey Overlook	SFA	75	
	P-16-001	Turf Valley - Pod E	SFD, SFA	72	
	F-08-85	Villages at Turf Valley - Phase 3	SFA	59	
	S-11-003	Turf Valley Clubhouse 2	SFD, SFA	53	
	F-17-053	Burgess Mill Station, Phase 2 Apartments	APT - 6 MIHU	53	
	S-11-003	Turf Valley Clubhouse 2	SFD, SFA	53	1,829
Southeast	S-10-004	Laurel Park Station - All Phases	APT, SFA - 150 MIHU	1,000	
	F-16-021, SP-15-014	Maple Lawn South, Phases 1 & 2	SFD	175	
	S-17-002, S-17-003	Magnolia Manor & Magnolia Manor West	SFD, SFA	60	1,235
TOTAL					8,537

Appendix A: County APFO Summary Tables

Summary

FACILITIES EVALUATED IN ADEQUATE PUBLIC FACILITIES ORDINANCES IN MARYLAND County Regulations, 2012									
Jurisdiction	Schools	Roads	Water	Sewer	Stormwater Drainage	Health Care	Fire	Police	Solid Waste Disposal
Anne Arundel	x	x	x	x	x		x		
Baltimore	x	x	x	x	x				
Calvert	x	x							
Caroline	x	x			x		x		x
Carroll	x	x	x	x			x	x	
Charles	x	x	x	*	*		x		
Frederick	x	x	x	x					
Harford	x	x	x	x					
Howard	x	x	x	x					
Montgomery	x	x	x	x		x	x	x	
Prince George's	x	x	x	x	x		x	x	
Queen Anne's	x	x	x	x					
St. Mary's	x	x	x	x	x		x		
Washington	x	x	x	x			x		

* = section reserved

Sources

ADEQUATE PUBLIC FACILITIES ORDINANCES IN MARYLAND County Regulations, 2012	
Jurisdiction	Source
Anne Arundel	Anne Arundel County Code, Article 17, Title 5
Baltimore	Baltimore County Code, Article 32, Title 6
Calvert	Calvert County Zoning Ordinance, Article 7, Title 5
Caroline	Caroline County Code, Chapter 162, Article VII
Carroll	Carroll County Code of Ordinances, Part II, Chapter 71
Charles	Charles County Code, Chapter 297, Article XVI
Frederick	Frederick County Code, Part I, Chapter 1-20
Harford	Harford County Code, Chapter 267, Article XV
Howard	Howard County Code, Title 16, Subtitle 11
Montgomery	Montgomery County Growth Policy
Prince George's	Prince George's County Code, Part II, Title 17, Subtitle 24, Subdivisions 3 & 4
Queen Anne's	Queen Anne's County Code, Part III, Chapter 28
St. Mary's	St. Mary's County Zoning Ordinance, Article 7, Chapter 70
Washington	Washington County Adequate Public Facilities Ordinance

Lisa Markovitz

President, The People's Voice

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CB 61 – APFO – Support with amendments

I sat on the APFO task force. It was a long and contentious endeavor. I didn't miss any meetings. It was near the end of the almost year-long process before we even came close to starting to pass anything substantive. There were many stakeholders of every type, and a high quorum and voting requirement. Compromises had to be made to get anything meaningful done.

What has been referred to as "the grand deal" of lowering the capacity percentage that halts development in a school district to 110% from the current 115% in return for allowing to pay out of that with larger school charges of two and three times more, passed for a reason. APFO can only hold up development for 4 years. That may sound like a lot, but the Howard County development process takes up to three years already, for what I like to call compliant development, meaning no requests for a new use, or new zone, or waiver. Add those issues and it is even longer, and many have those issues. So, that amount of time is already planned and worked into projects. Thus, developers are waiting 1 extra year max, before proceeding regardless of how crowded a school district is.

The notion was, why not get more money, since it is going to proceed anyway? Many feel that the money put up for schools by developers is woefully small. It certainly is much less than surrounding counties. [See this link, page 59 for a chart:](#)

http://dls.state.md.us/data/polanasubare/polanasubare_intmatnpubadm/polanasubare_intmatnpubadm_annrep/2016-Overview-of-Maryland-Local-Governments.pdf

The link noted is a chart as of 2016 of MD Counties' impact fees. Discussing raising impact fees was a non-starter on the task force. We couldn't even get a voluntary fee increase, to shorten a wait, passed because of fear of precedent. The "grand deal" took, I believe, 7 hours to hammer out on one of our last meeting dates on the subject.

I support the task force recommendations; however, I do not think it is fair to wait until the State possibly allows the surcharge change, as is their jurisdiction, to get the lower capacity percentage. That should happen now for obvious reasons, and there's a big new one coming, redistricting.

When the APFO task force met, there was a known School System policy that no redistricting would occur unless a new school opened. Schools are so over-crowded now that the new Superintendent is faced with having to redistrict in a countywide way, which is going to be painful. It is necessary, but considering how many people are going to be affected, we really owe it to them to not have it be very temporary. Redistricting is going to lower school capacities and open many new districts to development immediately. We are just going to fill right back up again, unless we see 110% immediately, preferable 105%. So, please put that in there, now.

As for that 4 year max wait, in June of this year, the US Supreme Court issued a ruling on a "takings" case that started as a disagreement on how to define the relevant amount of land in question in a parcel; however, the issues at hand go beyond that initial case subject matter.

The Office of Law needs to review this ruling, as it appears to give local jurisdictions more rights regarding "takings" claims. I emailed you the case info.

The last paragraph of the opinion summary states

"They have not suffered a taking under Lucas, as they have not been deprived of all economically beneficial use of their property. See 505 U. S., at 1019. Nor have they suffered a taking under the more general test of Penn Central, supra, at 124. Pp. 17–20. 2015 WI App 13, 359 Wis. 2d 675, 859 N. W. 2d 628, affirmed."

Seems the argument that "more than 4 years is a taking" no longer applies, so that's something to consider.

One last comment, regarding allocations, the Growth and Revitalization area allows 1200 per year, and the trade-off was made there to reduce that to 1000, and increase Established Communities from the current 400 to 600. That area is extremely larger than Growth and Revitalization. If you feel Established Communities should not have an increase, I request you still reduce the 1200 to 1000.

TESTIMONY On CB61-2017

August 17, 2017

Jennifer Youtz Grams
HCPSS Polygon # 303

Representing myself and Mobilize HoCo Schools, a very concerned group of more than 825 parents and residents with members from every single Howard County School - 41 elementary, 20 middle, and 12 high school.

Good evening. I'd like to begin by sharing a magazine article:

"Money Magazine Names Worst Places to Live"

Howard County, Maryland, once touted as Money Magazine's "Best Place to Live" in the United States was recently placed on the endangered communities list. Bitterly torn apart by school redistricting fights resulting from the county's inadequate public facilities ordinance that failed to control development, this community where residents who once sported bumper stickers declaring "choose civility" has turned into a scene reminiscent of the Hunger Games where residents call each other by their polygon number, a reference to the zones that define which schools their children attend.

This community is clearly a victim of its own success. The county's master plan does a paltry job at managing housing allocations and the elected officials clearly value development deals over the county's educational system and public infrastructure needs. We cannot with good conscience recommend that anyone move to this community until the leaders recalibrate their priorities to ensure the common good.

So, obviously that was a fabricated article, but sadly, it could easily become our reality if you allow this bill to pass as written. Is this the future you want for our county? I can absolutely say it's not what I want for my family or community.

Lots of people have asked me how redistricting and APFO are related. I tell them that our county is stuck in a dysfunctional cycle of development that brings tax revenue and new residents but doesn't adequately fund the critical infrastructure necessary to support a growing population. The unwillingness of our elected officials to adequately manage development has created the mess that our schools are facing with regard to overcrowding. And in case you haven't noticed, redistricting is literally tearing our community apart.

Only changes to tighten up Howard County's APFO can prevent us from having to go through the school redistricting process all over again in 3-5 years.

We are advocating for 4 specific actions:

(1) First and foremost: This bill must be tabled. This legislation will have a tremendous impact on Howard County's reputation as a desirable place to live and work and it merits thorough vetting, consideration, and community process; not just one public hearing during the summer when many residents are away on vacation.

(2) The adjustment to the school capacity threshold must be unbundled from the financial mitigation piece and voted on as a stand-alone amendment to CB61. These two issues were artificially paired together as a "compromise" by the APFO committee. As parents we are not willing to compromise for our children. We want the school capacity to be set at 100% at the elementary, middle, AND high school levels NOW. There is no need to wait on lowering the school capacity threshold until fall because that piece does not require state legislature approval.

(3): The mitigation cost for new development must reflect the full cost for added school space necessary to accommodate growth. It costs \$20,000 - \$50,000 per student to build a new school. The average new home contributes about \$5,000 toward that cost. Who makes up the difference? We do! Howard County taxpayers are subsidizing the new residential development that creates our overcrowded schools, then paying again for the solution. Not to mention the amount of time it takes to plan for and build a new school, even if you have the money in hand. This inequity must be addressed by increasing the amount of money paid by new developments and/or increasing the number of years that development may be halted in areas where schools are already closed.

(4): Finally, while our focus is primarily on schools, we also believe that the APFO should include additional public facilities tests to measure the adequacy of fire and other public safety services, hospitals, water and sewer, libraries, and recreation facilities.

We are so very fortunate to live in one of the most desirable counties in the country. There is absolutely no reason for us to give away our land at the expense of our children's education and our quality of life.

If we want to continue to keep Howard County a desirable place to live and work, we need an updated APFO that pairs responsible growth with adequate funding to support our infrastructure.

Thank you.

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Good evening, my name is Danylo Leshchyshyn, 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 115% to 120%. The state of Maryland sets capacity at 120%, yet Howard County lowered the threshold to 115% in the late 1990's, bringing class size from 30 (state rated capacity) to 28. Taking Centennial Lane ES as an example, with a capacity of 628 students, 115% of capacity is 722 students and 120% of capacity is 754, a difference of 32 students. On a county wide scale where capacity is 24,700 ES students, 115% of capacity is 28,405 and 120% 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, Ellicott 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 anyways.

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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.

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.