

Hello, my name is Kayleigh Ramey and I am a 7th grader at Mayfield Woods Middle School. I am concerned with overcrowding in our schools which is at least partially caused by building houses in areas where the schools are overcapacity. I don't think that a school that is filled to over 100% of it's capacity should be available to accept more students. When a school is at 100% of capacity developers should not be allowed to build more houses.

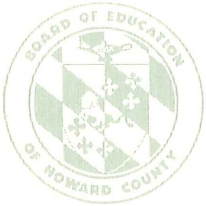
When I was in elementary school, I saw for myself how difficult it is to be at a school that is over capacity. My classmates and I did not like having to go outside in all different weathers to get to over six of our classes that were held in portables. Having so many portables also proved a problem of placing teachers. It wasn't fair to place the same teachers in portables year after year, but some classes were easier to hold outside. I remember that both the full and part-time music teachers were consistently in portables. One year, one of the music teachers got an inside room. This would have been great, except it forced the Band/Orchestra room to be relocated into a room that was barely large enough to serve as an office. Needless to say, we didn't all fit in there, and I distinctly remember having to play our instruments on the stage in the cafeteria twice a week while other grades were eating their lunch because there was not enough room anywhere else in the school for us to practice.

When I was in 1st Grade, there were so many kids that besides the four classrooms connected to the pod, there were two auxiliary classrooms, as well as a 30-kid class in another tiny room. Each pod had a smaller room in with the classrooms that was called a "resource room". It was never meant to be used as a classroom on a regular basis. This room had to be used as a class because there were too many kids and not enough space.

So, in conclusion, I would like the County Council to seriously consider changing the APFO legislation to restrict new building when elementary, middle, and high schools are over 100% of capacity. It is not right to put our teachers, students, parents, and other community members through this when there is something we can do. Thank you.



**HOWARD COUNTY**  
PUBLIC SCHOOL SYSTEM



**Board of Education  
of Howard County**

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**Board of Education of Howard County Testimony  
Monday, September 11, 2017**


Good afternoon. I am Cynthia L. Vaillancourt, Chairman of the Board of Education of Howard County. I appreciate this opportunity to represent the Board and the school system on the Adequate Public Facilities Ordinance (APFO) and to advocate for education of our county's 56,000 public school students.

Our county is one of the fastest growing school systems in Maryland. The Howard County Public School System (HCPSS) expects to welcome approximately 9,800 additional students over the next 10 years. The time is ripe for an amendment that updates the APFO to match Howard County development and population conditions, so we can provide adequate schools and facilities for our families.

In light of these trends, the HCPSS Board of Education submits the attached resolution of recommendations for the APFO amendment. Notable changes to the ordinance include:

- Adding the high school level to the schools test
- Requiring all development to pass a schools test
- Maintaining the current open/close designation language
- Defining open/close chart capacity utilization at 100 percent
- Including a funding trigger for school facilities at 95 percent with a projection of more than 110 percent in five years
- And defining APFO capacity consistently with HCPSS policies.

As Board of Education Chairman, I am humbled by the level of commitment and concern for the welfare of every child shown by our government. Our system greatly values the strong support shown by our representatives for our schools and students. I urge you to continue to express your commitment to our children through your support of these recommendations.



Cynthia L. Vaillancourt, Chairman  
Board of Education of Howard County

**AMENDMENT PROPOSED BY  
THE HOWARD COUNTY PUBLIC  
SCHOOL SYSTEM**

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

**County Council of Howard County, Maryland**

2017 Legislative Session

Legislative Day No. **10**

**Bill No. 61-2017**

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Adequate Public Facilities Act requiring certain periodic review; specifying completion timelines for certain types of road remediation projects; requiring that certain agreements contain certain provisions with regard to the timing of road mitigation projects; amend the title of certain charts and other terminology; requiring certain waiting periods; clarifying certain exemptions; defining certain terms; amending certain definitions; making certain technical corrections; and generally relating to the Adequate Public Facilities Act of Howard County.

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Introduced and read first time \_\_\_\_\_, 2017. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2017.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2017 and Passed \_\_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2017

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, the Adequate Public Facilities Ordinance (“Ordinance”) is a land use policy  
2 first recommended in Howard County, Maryland’s 1990 General Plan to manage the pace of  
3 growth; and  
4

5           **WHEREAS**, the Ordinance links residential construction to an elementary schools test, a  
6 middle schools test, a school regions test, a roads test (both residential and commercial), and a  
7 housing unit allocations test; and  
8

9           **WHEREAS**, the 2015 Department of Planning and Zoning Transition Team Report  
10 recommended the County Executive review the Ordinance to consider factors that have the  
11 potential to influence growth in new ways; and  
12

13           **WHEREAS**, the County Executive issued Executive Order 2015-05 establishing an  
14 Adequate Public Facilities Review Task Force (“Task Force”) to review the current Act and  
15 make recommendations for possible improvements; and  
16

17           **WHEREAS**, the Task Force met over the course of 10 months to develop  
18 recommendations; and  
19

20           **WHEREAS**, the chair and vice chair of the Task Force presented the Task Force report,  
21 which included recommendations, to the County Executive in April 2016; and  
22

23           **WHEREAS**, the County Executive requested the Department of Planning and Zoning to  
24 analyze the recommendations and submit a Technical Staff Report on them; and  
25

26           **WHEREAS**, County Administration presented the recommendations to the County  
27 Council on April 10, 2017 and the Howard County Board of Education on June 8, 2017; and  
28  
29

1           **WHEREAS**, this Act amends certain provisions of the Ordinance based on the County  
2 Executive’s assessment of the Task Force report and Technical Staff Report in order to  
3 accomplish the goal of improving growth management in Howard County.

4  
5 **NOW, THEREFORE,**

6  
7 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard  
8 County Code is amended as follows:

9  
10 1. *By amending Title 16. Planning, Zoning and Subdivisions and Land Development*  
11 *Regulations, Subtitle 1 “Subdivision and Land Development Regulations”.*

12  
13       *a. Section 16.147 “Final subdivision plan and final plat”*  
14       *Subsection (e)*

15  
16       *b. Section 16.156 “Procedures”*  
17       *Subsection (k)*

18  
19 2. *By amending Title 16. Planning, Zoning and Subdivisions and Land Development*  
20 *Regulations, Subtitle 11 “Adequate Public Facilities Act”:*

21  
22       *a. Section 16.1100 “Short title; background; purpose; organization”*  
23       *Subsection (b)(3)*

24  
25       *b. Section 16.1101 “Adequate transportation facilities”*  
26       *Subsection (d)*

27  
28       *c. Section 16.1102 “Housing unit allocation concept; housing unit allocation chart”*  
29       *Subsection (b)(3)*

30  
31       *d. Section 16.1103 “Adequate school facilities”.*

1            *Subsection (b) and (c)*

2  
3            *e. Section 16.1105 "Processing of plans subject to test for adequate transportation facilities*  
4            *and/or tests for adequate school facilities and/or test for housing unit allocations"*

5            *Subsection (c)*

6  
7            *f. Section 16.1110 "Definitions"*

8  
9            3. *By adding paragraph (8) to subsection (b) of Section 16.1107 "Exemptions".*

10  
11            **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

12                    **Subtitle 1. Subdivision and Land Development Regulations.**

13                            **Article IV. Procedures for filing and processing subdivision applications.**

14  
15            **Section 16.147. Final subdivision plan and final plat.**

16            (e) ~~[[Developer's Agreement]]~~ *DEVELOPER AGREEMENTS*. After final plan approval and signature  
17 approval of all construction drawings and prior to the submission of the original final plat, the  
18 developer shall post with the County all necessary monies and file a developer's agreement and if  
19 required, a major facilities agreement and/or a shared sewage disposal facility developer  
20 agreement. The developer's agreement(s) shall cover financial obligations with appropriate  
21 security guaranteeing installation of all required improvements, installation and warranty of a  
22 shared sewage disposal facility on a cluster subdivision in the RR or RC zoning district, and  
23 fulfillment of the protection and management requirements of the approved forest conservation  
24 plan. The agreement may provide that the developer may be partially released from the surety  
25 requirements of the agreement upon partial completion of the work in accordance with criteria  
26 established by the Department of Public Works. THE AGREEMENT SHALL PROVIDE WHEN THE  
27 OFFSITE ROAD IMPROVEMENTS ARE REQUIRED TO BE STARTED IN THE SEQUENCE OF  
28 CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AS SET FORTH IN THE APPROVED PLANS AND  
29 SPECIFICATIONS, SHALL BE INCORPORATED INTO THE AGREEMENT BY REFERENCE. FAILURE TO  
30 CONSTRUCT ROAD IMPROVEMENTS IN ACCORDANCE WITH THE DEVELOPER AGREEMENT, AND  
31 INCORPORATED APPROVED PLANS AND SPECIFICATIONS, MAY RESULT IN DEFAULT IN ACCORDANCE

1 WITH THE AGREEMENT AND BUILDING PERMITS SHALL NOT BE ISSUED. The Director of the  
2 Department of Planning and Zoning may authorize submission of the original final plat if the  
3 developer agreement is not complete, but is in process and can be fully executed in a timely  
4 manner.

5  
6 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

7 **Subtitle 1. Subdivision and Land Development Regulations.**

8 **Article V. Procedures for filing and processing site development plan applications.**

9  
10 **Section 16.156. Procedures.**

11 (k) *Developer Agreements; Major Facilities Agreements.* Concurrent with the approval of the  
12 site development *plan*, the developer shall execute the developer agreement(s) and major  
13 facilities agreement, if any, for required improvements and, where applicable, for fulfillment of  
14 the protection and management requirements of the approved forest conservation *plan*. The  
15 agreement may provide that the developer may be partially released from the surety requirements  
16 upon partial completion of the work in accordance with criteria established by the Department of  
17 Public Works. THE AGREEMENT SHALL PROVIDE WHEN THE OFFSITE ROAD IMPROVEMENTS ARE  
18 REQUIRED TO BE STARTED IN THE SEQUENCE OF CONSTRUCTION. THE SEQUENCE OF  
19 CONSTRUCTION, AS SET FORTH IN THE APPROVED PLANS AND SPECIFICATIONS, SHALL BE  
20 INCORPORATED INTO THE AGREEMENT BY REFERENCE. FAILURE TO CONSTRUCT ROAD  
21 IMPROVEMENTS IN ACCORDANCE WITH THE DEVELOPER AGREEMENT, AND INCORPORATED  
22 APPROVED PLANS AND SPECIFICATIONS, MAY RESULT IN DEFAULT IN ACCORDANCE WITH THE  
23 AGREEMENT AND BUILDING PERMITS SHALL NOT BE ISSUED.

24  
25 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

26 **Subtitle 11. Adequate Public Facilities.**

27  
28 **Section 16.1100. Short title; background; purpose; organization.**

29 (b) *Background:*

30 (3) *Elements of the growth management process.* This subtitle is one of five interconnected  
31 elements that constitute the growth management process. Each element has a part to play

1 in providing the predictability required for planning and implementing adequate public  
2 facilities.

3 (i) *Establishing policy.* The general plan, the zoning plan, and the standards in this  
4 subtitle constitute the policy base for the growth management process. This common  
5 base is the platform from which data are generated and planning documents written.

6 (ii) *Capital planning.* Capital improvement master plans define the necessary public  
7 school, road, solid waste, and water and sewerage infrastructure which supports the  
8 land use and growth policies established in the general plan. Capital improvement  
9 master plans will minimally contain planning assumptions, standards of service,  
10 descriptions of additions and improvements, justification and priorities for additions  
11 and improvements, and budget projections for each of the next ten years. The plans  
12 will be reviewed and approved annually.

13 (iii) *Revenue allocation.* Limited resources will require coordinated allocation of funds  
14 for roads, schools and other facilities. The Planning Board, the County Executive,  
15 the County Council, and participating agencies and departments will work together  
16 to review priorities and budget projections included in the capital improvement  
17 master plans. The County Council will conduct a public hearing and, through  
18 adoption of the capital budget and capital improvement program, will approve the  
19 distribution of funds across capital improvement master plans.

20 The building excise tax (see title 20, subtitle 5 of the Howard County Code),  
21 enhances the County's ability to provide adequate public road facilities.

22 (iv) *Adequate public facilities.* The general plan guides where and when growth occurs.  
23 The adequate public facilities process and standards will manage growth so that  
24 facilities can be constructed in a timely manner.

25 (v) *Monitoring growth.* The Department of Planning and Zoning will develop statistics  
26 and other pertinent data which will be continually used to assess the growth  
27 management process so that status reports can be prepared and adjustments  
28 recommended regarding the growth management process.

29 (vi) *PERIODIC REVIEW.* AFTER REVISION OF THE GENERAL PLAN FOR THE COUNTY AS  
30 REQUIRED BY SECTION 16.801 OF THIS CODE, AN ADEQUATE PUBLIC FACILITIES ACT  
31 REVIEW COMMITTEE SHALL MEET AND PROVIDE A REPORT TO THE DEPARTMENT OF



1 PLANNING AND ZONING. THE REPORT SHALL INCLUDE ANY PROPOSED CHANGES TO  
2 THIS ACT.

3  
4 **Section 16.1101. Adequate transportation facilities.**

5 (d) *Road Facilities to Be Included in Determining Adequacy.* In determining whether a proposed  
6 project passes the test for adequate road facilities, the following road facilities shall be considered  
7 as existing in the scheduled completion year of the project:

- 8 (1) Road facilities in existence as of the date the developer submits the application for  
9 approval of the project;
- 10 (2) New road facilities or improvements to existing road facilities for which sufficient funds  
11 have been included in the Howard County Capital Program or Extended Capital Program  
12 as defined in title 22 of the Howard County Code or the Maryland Consolidated  
13 Transportation Program so that the facilities will be substantially completed before or  
14 during the scheduled completion year of the project, unless the Director of Planning and  
15 Zoning, after consultation with the Director of Public Works, demonstrates that such  
16 facilities or improvements are not likely to be completed by that time.
- 17 (3) New road facilities or improvements to existing road facilities which:
- 18 (i) Have been included in developers' mitigation plans submitted for approval to the  
19 Department of Planning and Zoning before the project which is being tested; [[and]]  
20 (ii) Which are scheduled to be substantially completed before or during the scheduled  
21 completion year of the proposed project[.]; AND
- 22 (iii) HAVE BEEN INCLUDED IN A DEVELOPER AGREEMENT WHICH SHALL INCLUDE THE  
23 INFORMATION REQUIRED BY SECTION 16.147(E) AND SECTION 16.156 (K) OF THIS  
24 CODE.
- 25 (4) The mitigation proposed by the developer.
- 26

27 **Section 16.1102. Housing unit allocation concept; housing unit allocation chart.**

28 (b) *Housing Unit Allocation Chart:*

- 29 (3) *Preparation and adoption.* The Department of Planning and Zoning shall prepare and  
30 update the housing unit allocation chart for consideration and adoption by the County  
31 Council. Once each year, and more often if the Council determines that amendments are

1 appropriate, the county council shall adopt the housing unit allocation chart by resolution,  
2 after a public hearing. Whenever the housing unit allocation chart is adopted or amended,  
3 the ~~[[open/closed]]SCHOOL CAPACITY~~ chart shall be adopted or amended concurrently to  
4 be consistent.

5  
6 **Section 16.1103. Adequate school facilities.**

7 (b) *The Tests for Adequate Public Schools.* A proposed residential project will pass the tests for  
8 adequate public schools if the ~~[[open/closed]]SCHOOL CAPACITY~~ chart (see subsection (c),  
9 "~~[[Open/Closed]]SCHOOL CAPACITY~~ Chart," below) indicates that:

10 ([[i]]1) The elementary school region where the proposed project will be located will be  
11 open for new residential development during the scheduled completion year of the project  
12 and any phase of a project; and

13 ([[ii]]2) The elementary, ~~and middle,~~ and high schools which will serve the proposed  
project will be

14 open for new residential development during the scheduled completion year of the project  
15 and any phase of a project.

16 (c) ~~[[Open/Closed]]SCHOOL CAPACITY~~ *Chart Preparation and Adoption:*

17 (1) *Definition.* The ~~[[open/closed]]SCHOOL CAPACITY~~ chart is a chart indicating which  
18 elementary school regions and which elementary schools, ~~and middle schools,~~ and high  
schools are open for  
19 new residential development and which are ~~[[closed]]CONSTRAINED~~ each year for each  
20 of the following ten years, and shall be based on the definition of program capacity  
defined by HCPSS policy.

21 (2) *Basis of chart.* The basis of the ~~[[open/closed]]SCHOOL CAPACITY~~ chart is the  
22 assumptions used by the ~~[[Department]]~~ BOARD of Education in predicting enrollment,  
23 such as school capacity, current enrollment, demographic and growth trends, and the  
24 housing unit allocation chart.

25 (3) *Preparation and adoption of ~~[[open/closed]]SCHOOL CAPACITY~~ chart.* The  
26 ~~[[open/closed]]SCHOOL CAPACITY~~ chart is designed to work in conjunction with the  
27 housing unit allocation chart in order to provide consistency and predictability in the  
28 planning process for schools. For that reason, the ~~[[open/closed]]SCHOOL CAPACITY~~ chart  
29 shall be revised for consistency concurrent with any amendments to the housing unit  
30 allocation chart.

1 The Department of Planning and Zoning shall receive the ~~[[open/closed]]SCHOOL~~  
2 ~~CAPACITY~~ chart, from the ~~[[Department]]BOARD~~ of Education. The  
3 ~~[[open/closed]]SCHOOL CAPACITY~~ chart shall be submitted to the County Council for  
4 adoption by resolution after a public hearing. Whenever the County Council adopts,  
5 amends, or updates the housing unit allocation chart, it shall concurrently adopt the  
6 ~~[[open/closed]]SCHOOL CAPACITY~~ chart.

7 (d) Funding Board of Education of the Howard County Public School System Capital  
8 Improvement Plan

8 The Board of Education shall include in its Capital Improvement Program, and the County  
9 Council shall fund, a school project when a school or school region is at 95% capacity  
10 utilization and is projected to exceed 110% capacity utilization in that Capital Improvement  
11 Plan. The County Council shall fund such projects prior to approving any housing unit  
12 allocations in the associated school or school region.

9 **Section 16.1105. Processing of plans subject to test for adequate transportation facilities**  
10 **and/or tests for adequate school facilities and/or test for housing unit allocations.**

11 (c) *Processing Applications for Approval of Residential Projects and Projects Containing*  
12 *Residential and Nonresidential Uses:*

13 (1) *Adequate transportation facilities test.* Upon receipt of a complete application for  
14 approval of a residential project or a project containing residential and nonresidential  
15 uses, the project shall be tested for adequate transportation facilities.

16 (2) *Test for allocations:*

17 (i) *Conventional residential projects.* If the conventional residential project meets the  
18 requirements of the subdivision regulations and passes the test for adequate  
19 transportation facilities, the project will then be tested for availability of housing unit  
20 allocations.

21 a. *Allocations available.* If housing unit allocations are available for the scheduled  
22 completion year for unphased projects or for the scheduled completion year for  
23 the initial and future phases for phased projects, the Director of Planning and  
24 Zoning shall assign tentative housing unit allocations.

25 b. *Allocations not available.* If housing unit allocations are not available for the  
26 scheduled completion year for unphased projects or for the scheduled  
27 completion year for the initial or future phases for phased projects, the  
28 application shall be placed on the bottom of a list of applications waiting for  
29 housing unit allocations.

30 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit  
31 allocation chart is adopted, the Department of Planning and Zoning shall test  
32 projects on the list of applications waiting for housing unit allocations. When

1 housing unit allocations become available to serve a project, the Director of  
2 Planning and Zoning shall assign tentative allocations.

3 (ii) *Comprehensive projects.* Upon receipt of a complete initial plan stage application for  
4 approval of a comprehensive project, the Department of Planning and Zoning shall  
5 test the project for housing unit allocations.

6 a. *Allocations available.* If housing unit allocations are available for the scheduled  
7 completion year for unphased projects or for the scheduled completion year for  
8 the initial and future phases for phased comprehensive projects, the Director of  
9 Planning and Zoning shall assign tentative housing unit allocations.

10 b. *Allocations not available.* Subject to subsection 16.1104(b)(2), if housing unit  
11 allocations are not available for the scheduled completion year for unphased  
12 projects or for the scheduled completion year for the initial or future phases for  
13 phased comprehensive projects, the application shall be placed on the bottom of  
14 a list of applications waiting for housing unit allocations.

15 c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit  
16 allocation chart is adopted, the Director of Planning and Zoning shall test  
17 projects on the list of applications waiting for housing unit allocations. When  
18 housing unit allocations become available to serve a project, or phase of a  
19 project, the Director of Planning and Zoning shall assign tentative allocations.

20 (3) ~~Open/closed~~ ~~SCHOOL CAPACITY~~ test. Upon assignment of tentative housing unit  
21 allocations, the project shall be tested for adequate public schools.

22 (i) *Projects passing ~~open/closed~~ ~~SCHOOL CAPACITY~~ test.* Once a project has passed  
23 the ~~open/closed~~ ~~SCHOOL CAPACITY~~ test, no further approval for adequate public  
24 facilities for that project is required during the subdivision or site development plan  
25 approval process, except as provided in subsection 16.1105(d).

26 (ii) *Projects failing ~~open/closed~~ ~~SCHOOL CAPACITY~~ test.* PARAGRAPH (7) OF THIS  
27 SUBSECTION SHALL APPLY IF ~~[[If]]~~ a project fails one or more components of the  
28 ~~open/closed~~ ~~SCHOOL CAPACITY~~ test for the scheduled completion year for  
29 unphased projects or for the scheduled completion year for the initial or future phases  
30 for phased projects~~]],~~ the project or phase of the project failing the open/closed test  
31 shall be retested in each consecutive year, and the development shall not proceed  
unless the project passes the open/closed schools test ~~[[for each of the next three~~  
consecutive years. If the project or phase

1 of the project passes the test in any of those years it shall be permitted to proceed  
2 with processing three years prior to the year in which it passes the open/closed test.  
3 If the project or phase of the project fails the test for each of the next three  
4 consecutive years, it shall be deemed to have passed the open/closed test in the fourth  
5 year and shall be permitted to proceed with processing three years prior to the year  
6 it is deemed to have passed the test]].

7 *[(iii) Projects failing open/closed test due to incorrect advisory comments.* If a project  
8 has failed the November 6, 2001 open/closed test due to reliance on incorrect  
9 Department of Planning and Zoning advisory comments regarding that project's  
10 elementary school region prior to a determination by the Board of Education, the  
11 project may be permitted to retake the schools test once retroactively to November  
12 6, 2001 based on an amended subdivision sketch plan without losing its allocations.]]

13 (4) *Revised ~~[[open/closed]]SCHOOL CAPACITY~~ chart adopted.* Whenever a revised  
14 ~~[[open/closed]]SCHOOL CAPACITY~~ chart is adopted, the Department of Planning and  
15 Zoning shall test projects which have previously failed the ~~[[open/closed]]SCHOOL~~  
16 ~~CAPACITY~~ test. If a project or phase of a project passes the ~~[[open/closed]]SCHOOL~~  
17 ~~CAPACITY~~ test in an earlier year than provided in subsection (c)(3)(ii) above, the project  
18 shall be permitted to proceed with processing three years prior to the year in which it passes  
19 the ~~[[open/closed]]SCHOOL CAPACITY~~ test.

20 (5) *Wait on processing.* Any project not passing the test for allocations and the  
21 ~~[[open/closed]]SCHOOL CAPACITY~~ test shall complete the initial plan stage, but shall not  
22 proceed further through the subdivision or site development plan process until housing  
23 unit allocations are granted and the ~~[[open/closed]]SCHOOL CAPACITY~~ test is passed. Once  
24 allocations are granted and the ~~[[open/closed]]SCHOOL CAPACITY~~ test is passed, the  
25 project shall be permitted to proceed with processing three years prior to the year in which  
26 it passes the ~~[[open/closed]]SCHOOL CAPACITY~~ test.

27 (6) *Extension of milestone dates.* The Director of Planning and Zoning shall extend the next  
28 milestone for projects failing the allocations test or ~~[[open/closed]]SCHOOL CAPACITY~~ test  
29 to correspond to the delay in processing of the project. The Department of Planning and  
30 Zoning shall notify the applicant, in writing, of the next milestone prior to the starting  
31 date of the milestone.

1 (7) *WAITING PERIOD.*

2 (†) IF A PROJECT OR PHASE OF A PROJECT WAS NEVER ON THE LIST OF APPLICATIONS WAITING  
3 FOR HOUSING UNIT ALLOCATIONS AND HAS RECEIVED HOUSING UNIT ALLOCATIONS,  
4 THEN DEVELOPMENT MAY PROCEED AS FOLLOWS:

5 A. IF THE PROJECT OR PHASE OF THE PROJECT PASSES THE OPEN/CLOSED SCHOOL—  
6 CAPACITY TEST IN

7 ANY YEAR BETWEEN AND INCLUSIVE OF THE FIRST CONSECUTIVE RETEST AND THE  
8 FOURTH CONSECUTIVE RETEST, THEN THE PROJECT OR PHASE OF THE PROJECT MAY

8 PROCEED:

9 ~~B. IF A PROJECT OR PHASE OF A PROJECT FAILS THE SCHOOL CAPACITY TEST:~~

10 ~~I. FOR EACH OF THE NEXT FOUR CONSECUTIVE YEARS, THE PROJECT OR PHASE OF~~  
11 ~~THE PROJECT SHALL BE RETESTED EACH TIME THE COUNTY COUNCIL ADOPTS~~  
12 ~~NEW ANNUAL HOUSING UNIT ALLOCATIONS AND SCHOOL CAPACITY CHARTS;~~

13 AND

14 ~~II. IN THE FOURTH RETESTING YEAR, THE PROJECT SHALL BE DEEMED TO HAVE~~  
15 ~~PASSED THE SCHOOL CAPACITY TEST.~~

16 ~~(II) IF A PROJECT OR PHASE OF A PROJECT IS ON THE LIST OF APPLICATIONS WAITING FOR~~  
17 ~~HOUSING UNIT ALLOCATIONS AND RECEIVES HOUSING UNIT ALLOCATIONS WITHIN FIVE~~  
18 ~~YEARS, THEN SUBPARAGRAPH (I) OF PARAGRAPH (7) OF THIS SUBSECTION APPLIES.~~

19 ~~HOWEVER, IN NO CASE SHALL A PROJECT OR PHASE OF A PROJECT BE ON HOLD MORE~~  
20 ~~THAN FIVE YEARS TOTAL INCLUDING THE TIME THE PROJECT OR PHASE OF THE PROJECT~~  
21 ~~WAS ON THE LIST OF APPLICATIONS WAITING FOR HOUSING UNIT ALLOCATIONS.~~

22 ~~(III) IF A PROJECT OR PHASE OF A PROJECT IS ON THE ALLOCATION WAITING LIST AND~~  
23 ~~RECEIVES ALLOCATIONS AFTER FIVE YEARS OF BEING ON THE LIST, THEN THE PROJECT OR~~  
24 ~~PHASE OF A PROJECT DOES NOT HAVE TO TAKE THE SCHOOL CAPACITY TEST.~~

25

26 **Section 16.1107. Exemptions.**

27 (b) *Residential Projects:*

28 (8) *PARTIALLY EXEMPT RESIDENTIAL SUBDIVISION PLANS.* EXCEPT IN DOWNTOWN COLUMBIA,  
29 MODERATE INCOME HOUSING UNITS DO NOT REQUIRE HOUSING UNIT ALLOCATIONS.  
30 HOWEVER, PLANS WITH MODERATE INCOME HOUSING UNITS ARE REQUIRED TO PASS THE  
31 TEST FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOLS AS A CONDITION

1 OF APPROVAL. THE NUMBER OF MODERATE INCOME HOUSING UNITS IN EACH PLAN THAT  
2 DO NOT REQUIRE HOUSING UNIT ALLOCATIONS SUBJECT TO THIS EXEMPTION SHALL NOT  
3 EXCEED THE NUMBER OF MODERATE INCOME HOUSING UNITS AS REQUIRED IN THE  
4 HOWARD COUNTY ZONING REGULATIONS.  
5

6 **Section 16.1110. Definitions.**

7 (a) *Affordable housing unit* means a moderate or middle income housing unit as defined in the  
8 Howard County Zoning Regulations.

9 (a-1) *Available housing unit allocations* are the number of housing unit allocations that the  
10 Department of Planning and Zoning may grant in any year, based on the housing unit allocation  
11 chart adopted by the County Council less housing unit allocations already granted for that year.

12 (b) *Background traffic growth* is the traffic, other than traffic existing at the time of application,  
13 which will be generated by:

14 (1) Regional pass-through users; and

15 (2) Projects which are not subject to the test for adequate road facilities.

16 (c) *Bulk parcel—Residential* means a residential parcel recorded for the purpose of development  
17 of apartments, single-family attached, single-family detached or mobile home units on a single lot  
18 where tentative housing unit allocations have been granted.

19 (d) *Capacity* means when used in relation to road facilities, capacity means the total number of  
20 vehicles that can be accommodated by a road facility during a specified time period under  
21 prevailing roadway operating conditions.

22 (e) *Comprehensive project* means a project in the following zoning districts:

23 (1) New Town (NT)

24 (2) Planned Golf Course Community (PGCC)

25 (3) Mixed Use (MXD)

26 (4) Residential: Apartments (R-A-15)

27 (f) *Constrained road facility* means in the planned service area for water and sewerage, a  
28 constrained road facility means the intersection of a major collector or higher classified road with  
29 a major collector or higher classified road which has historic or environmental value which would  
30 be adversely affected by certain road improvements.  
31



1 In the no-planned service area for water and sewerage, a constrained road facility means the  
2 intersection of a minor collector or higher classified road with a minor collector or higher classified  
3 road which has historic or environmental value which would be adversely affected by certain road  
4 improvements.

5

6 The County Council, by resolution, declares a road facility constrained and identifies the feature(s)  
7 which form the basis for its decision to declare the road facility constrained.

8 (g) *Conventional project* means a project other than a comprehensive project.

9 (h) *Downtown Columbia* means the geographic area defined as Downtown Columbia in section  
10 103.A.41 of the Howard County Zoning Regulations.

11 (i) *Exempt governmental facility* means:

12 (1) A facility to be owned or operated by the Federal Government, State Government, Howard  
13 County Public Schools, or any agency thereof;

14 (2) A facility owned by Howard County or any agency thereof where essential County  
15 Government services are provided, [[including]] LIMITED TO police services, fire  
16 prevention and suppression services, emergency medical services, highway maintenance,  
17 detention facilities, water treatment and supply, sewage disposal and treatment and solid  
18 waste disposal.

19 (j) *Final development plan proposing Downtown Columbia Revitalization* means a drawing or  
20 series of drawings, at an appropriate scale, and related text covering all or a portion of Downtown  
21 Columbia that proposes development pursuant to section 125.E of the zoning regulations.

22 (k) *Floor area ratio* means the ratio of the floor area of a structure to the lot area, where:

23 (1) The floor area is calculated by measuring the exterior faces of the walls of the structure  
24 minus any area within the structure devoted to parking, driveways, atria, enclosed malls  
25 and similar areas; and

26 (2) The lot area is calculated including any adjoining lots used for required parking for the  
27 structure.

28 (l) *General plan target; general plan residential growth target* means for the purposes of this  
29 subtitle, the general plan target and general plan residential growth target mean the housing unit  
30 projections established in the general plan for each planning area including the senior east set aside,  
31 and in addition 250 housing units per year for Route 1 revitalization.

1 (m) *Governmental action* means the action or inaction of a governmental agency in relation to a  
2 timely filed action by a developer. For the purposes of this subtitle, governmental agency means  
3 an agency of the Federal, State, or local government, including, but not limited to, the U.S. Corps  
4 of Engineers, the Maryland Department of the Environment, the Zoning Board, and the Board of  
5 Appeals.

6 (n) *Housing unit allocation or allocation* means an approval to build a housing unit.

7 (1) *Tentative housing unit allocation or tentative allocation* means the temporary approval,  
8 granted during the subdivision plan process, to build a housing unit in a project which  
9 requires housing unit allocations as a condition of project approval.

10 (2) *Permanent housing unit allocation or permanent allocation* means a permanent approval,  
11 granted at recordation of a subdivision or at site development plan approval, to build a  
12 housing unit in a project which requires housing unit allocations as a condition of project  
13 approval.

14 (o) *Housing unit allocation chart* means a chart indicating the projected number of housing unit  
15 allocations available to be granted in the County each year for a ten-year period. The chart divides  
16 the available housing unit allocations into geographic areas and may provide for green  
17 neighborhood and Downtown Columbia units. In a given year, no more than 35 percent of the  
18 allocations available in the growth and revitalization region may be granted to projects in a  
19 particular planning area, as established by PlanHoward 2030, Map 6-2 "Designated Place Types".  
20 The number of housing unit allocations on the chart shall be as follows:

21 (1) In the first year after the effective date of this subtitle the number of housing unit allocations  
22 on the chart for that year and each of the next two years shall equal the general plan annual  
23 target for residential completions for those years.

24 (2) In the second year after the effective date of this subtitle, the number of housing unit  
25 allocations on the chart for that year and for each of the next two years, based on the rolling  
26 average, shall be the general plan target for residential completions for the year in question  
27 minus one-third of the difference between:

28 (i) The number of housing unit allocations granted during the prior year plus the number  
29 of housing units in projects approved during the prior year which were exempt from  
30 the provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this  
31 subtitle; and

1 (ii) The prior year's general plan target.

2 (3) In the third and later years after the effective date of this subtitle, the number of housing  
3 unit allocations on the chart for the current year and for each of the next two years, based  
4 on the rolling average, shall be the general plan target for residential completions for the  
5 year in question minus one-third of the difference between:

6 (i) The housing unit allocations granted during the two preceding years plus the housing  
7 units in projects approved during two preceding years which were exempt from the  
8 provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this subtitle;  
9 and

10 (ii) The sum of the general plan targets for the two preceding years.

11 [[(4) In order to provide flexibility for development in areas designated in the general plan as  
12 established communities or growth and revitalization areas, any unused annual allocations  
13 for these areas may be combined and redistributed, using the rolling average, into a single  
14 allocation category that may be used by development projects in either geographic area.]]

15 (p) *Howard County Design Manual* means Chapter 4 of Volume III (Roads and Bridges) of the  
16 Howard County Design Manual which specifies requirements for adequate transportation  
17 facilities.

18 (q) *Impact area*:

19 (1) In planned service area for public water and sewer. In that portion of the County in the  
20 planned service area for public water and sewer, excluding Downtown Columbia, an  
21 impact area means an area up to one and one-half road miles in all directions from the  
22 entrance to the project on an existing County or State road or a planned roadway or  
23 intersection identified in the capital budget or capital program, but not beyond the  
24 intersection of a major collector or higher classified road with a major collector or higher  
25 classified road. For Downtown Columbia the impact area shall be determined in  
26 accordance with the Howard County Design Manual.

27 (2) In no-planned service area for public water and sewer. In that portion of the County in the  
28 no planned service area for public water and sewer, an impact area means an area up to two  
29 road miles in all directions from the entrance to a project on an existing County or State  
30 road or a planned roadway or intersection identified in the capital budget or capital

1 program, but not beyond the intersection of a minor collector or higher classified road with  
2 a minor collector or higher classified road.

3 (r) *Initial plan stage*. An initial plan stage means either (i) a sketch plan or preliminary equivalent  
4 sketch plan under the Subdivision and Land Development Regulations; (ii) a final development  
5 plan proposing downtown revitalization under the zoning regulations; or (iii) a site development  
6 plan if subdivision is not required.

7 (s) *Major collector* or *major collector highway* means a road classified as a major collector  
8 highway on the Howard County general plan, except that in determining the impact area for site  
9 development plans, major collector also means a road, not classified as a major collector highway  
10 on the Howard County general plan, but constructed to the physical specifications set forth in the  
11 design manual for construction of a road so classified.

12 (t) *Major facilities agreement* means an agreement between the County, the State, if appropriate,  
13 and the developer of a project incorporating the developer's approved mitigation plan and covering  
14 the developer's financial obligations for mitigation.

15 (u) *Milestone* means the date, unless delayed by governmental action, by which a developer must  
16 submit the next plan stage of a subdivision to the Department of Planning and Zoning for approval.

17 (v) *Minimum level of service for Howard County road facilities, excluding Downtown Columbia*  
18 means level of service D. minimum level of service of a State road facility means level of service  
19 E. for Downtown Columbia, the intersection standard is established in the Howard County Design  
20 Manual.

21 (w) *Minor collector* or *minor collector highway* means a road classified as a minor collector  
22 highway on the Howard County general plan.

23 (X) *MINOR SUBDIVISION* MEANS THE DIVISION OF A RESIDENTIAL OR AGRICULTURAL PARCEL THAT  
24 HAS NOT BEEN PART OF A PREVIOUSLY RECORDED SUBDIVISION, INTO FOUR OR FEWER RESIDENTIAL  
25 LOTS (INCLUDING BUILDABLE PRESERVATION PARCELS BUT EXCLUDING OPEN SPACE AND  
26 NONBUILDABLE PRESERVATION PARCELS), EITHER ALL AT ONE TIME OR LOT BY LOT.

27 (y) *Open*:

28 (1) School region—Open means that the projected enrollment of a school region is below ~~115~~  
100

29 percent of the program capacity of the elementary schools within the region.

30 (2) Elementary school—Open means that the projected enrollment of the elementary school  
31 is below ~~115~~100 percent of the program capacity of the school.

1 (3) Middle school—Open means that the projected enrollment of the middle school is below  
2 115-100 percent of the program capacity of the school.

3 (4) High School – Open means that the projected enrollment of the high school is below 100  
4 percent of the program capacity of the school.

5 ~~[(z)]~~*Open/closed chart* means a chart indicating which elementary school regions and which  
6 Elementary, ~~and~~ middle, and high schools are open to new residential development and which  
7 are closed  
8 to new residential development for the each of the following ten years, and shall be based on  
9 the program capacity, as defined by Board of Education policies.

10 (aa) *Open/closed test* means a test to determine whether the elementary school region and  
11 elementary school, ~~and~~ middle school, and high school serving a proposed project are open  
12 to new residential  
13 development in the scheduled completion year of the project or the phases of the project, and  
14 shall be based on the program capacity, as defined by the Board of Education policies.

15 .

16 ~~[[ab]]~~(z) *Phased project* means a project utilizing phasing.

17 ~~[[ac]]~~AA) *Phasing* means the sequential development of portions of a subdivision pursuant to a  
18 sketch plan which includes a schedule for submission of preliminary and final plan applications  
19 for the various phases of the project and a schedule for completion of these phases.

20 ~~[[ad]]~~AB) *Plan stage* means one of the three levels of a subdivision plan—sketch plan, preliminary  
21 plan, and final plan.

22 ~~[[ae]]~~AC) *Planning region* means a geographic area of the County identified in the general plan  
23 that is used for forecasting housing growth.

24 ~~[[af]]~~AD) *Program capacity* means the capacity, as defined by the Howard County Board of  
25 Education policies, for grades kindergarten through grade 8-12. Program capacity does not  
26 include prekindergarten, special  
27 education and relocatable capacity.

28 ~~[[ag]]~~AE) *Road facilities*:

(1) In planned service area for public water and sewer. In that portion of the County in the  
planned service area for public water and sewer, road facilities means at grade  
intersections of major collectors or higher classified roads which are beyond the  
boundaries of the proposed project.

(2) In no planned service area for public water and sewer. In that portion of the County in the  
no planned service area for public water and sewer, road facilities means at grade

29 intersections of minor collectors or higher classified roads which are beyond the  
30 boundaries of the proposed project.

31 (3) Road facilities does not include road improvements which a developer is required to  
32 provide pursuant to the provisions of Section 16.119, "Highways, Streets, and Roads," of  
33 the subdivision regulations.

1 ([[ah]]AF) *Rolling average* means to recalculate the number of available housing unit allocations  
2 for a given year in order to maintain and achieve the general plan residential growth targets.

3 ([[ai]]AG) *Scheduled completion year*:

4 (1) *Road facilities*:

5 (i) *Nonresidential projects* means when used in relation to road facilities serving  
6 nonresidential projects, "scheduled completion year" means the year as approved on  
7 the subdivision or site development plan, for scheduled completion of the project or  
8 phases of the project.

9 (ii) *Residential projects*:

10 a. When used in relation to road facilities serving unphased residential projects,  
11 "scheduled completion year" means the third year following the year the  
12 application is submitted.

13 b. When used in relation to road facilities serving phased conventional residential  
14 projects, "scheduled completion year" of the initial phase of the project means  
15 the third year following the year the application is submitted. The scheduled  
16 completion year of subsequent phases of the project are the years indicated for  
17 scheduled completion of the phases of the project as approved on the subdivision  
18 or site development plan.

19 c. When used in relation to road facilities serving phased comprehensive  
20 residential projects, "scheduled completion year" of the phases of the project  
21 means the years indicated for scheduled completion of the phases of the project  
22 as approved on the subdivision or site development plan.

23 (2) *Schools*:

24 (i) When used in relation to schools, "scheduled completion year" of an unphased  
25 project means the third year following approval of the project for adequate school  
26 facilities.

27 (ii) When used in relation to schools, "scheduled completion year" of the initial phase of  
28 a phased conventional project means the third year following approval of the project  
29 for adequate school facilities.

1 (iii) When used in relation to schools, "scheduled completion year" of a phase of a phased  
2 conventional project beyond the initial phase means the year for completion of the  
3 phase, as shown in the application for sketch plan approval of the project.

4 (iv) When used in relation to schools, "scheduled completion year" of a phase of a  
5 comprehensive project, means the year, at least three years following the year the  
6 sketch plan application is submitted, for completion of the phase, as shown in the  
7 application for sketch plan approval of the project.

8 ~~(AH) SCHOOL CAPACITY CHART MEANS A CHART INDICATING WHICH ELEMENTARY SCHOOL REGIONS  
9 AND WHICH ELEMENTARY SCHOOLS AND MIDDLE SCHOOLS ARE OPEN TO NEW RESIDENTIAL  
10 DEVELOPMENT AND WHICH ARE CONSTRAINED TO NEW RESIDENTIAL DEVELOPMENT FOR EACH OF  
11 THE FOLLOWING TEN YEARS.~~

12 ~~(AI) SCHOOL CAPACITY TEST MEANS A TEST TO DETERMINE WHETHER THE ELEMENTARY SCHOOL  
13 REGION AND ELEMENTARY SCHOOL AND MIDDLE SCHOOL SERVING A PROPOSED PROJECT ARE OPEN  
14 TO NEW RESIDENTIAL DEVELOPMENT IN THE SCHEDULED COMPLETION YEAR OF THE PROJECT OR THE  
15 PHASES OF THE PROJECT.~~

16 ([[aj]]AJ) *School region* means a geographic area, determined by the Howard County Board of  
17 Education, containing a group of contiguous elementary school service areas.

18 ([[ak]]AK) *Unphased project* means a project which does not utilize phasing.

19  
20 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***  
21 ***that this Act shall become effective 61 days after its enactment.***



September 11, 2017

Testimony on CB61-2017: Update to the Howard County Adequate Public Facilities Ordinance

Good evening Chairman Weinstein and members of the Council. My name is Cole Schnorf and I reside at 4912 Valley View Overlook, Ellicott City, MD. I testify tonight in my capacity as Vice Chair of the Adequate Public Facilities Review Task Force but not for the Task Force since no formal vote was taken on my testimony.

First, I would like to mention the make-up of the Task Force and the process for arriving at our recommendations. The Task Force consisted of a diverse group of 22 voting and 2 non-voting members. The voting members included one person appointed by each of you, a school board member, a past school board member, a school principal, a teacher, a representative of the PTA Council, four residential developers, one commercial developer, a realtor, and representatives of several community and citizen groups. Needless to say, it took a lot of give and take to reach consensus on most issues and no single interest group could pass motions on its own. The Task Force decided early in its life to require a two-thirds vote (fifteen votes) of the voting members, not just those present, to pass a motion. This is in contrast to past APFO task forces which required unanimity to pass a motion. Any member could suggest topic areas to study, request expert guests to present a topic at meetings, and make motions for consideration by the Task Force.

Next, I would like to address the many topic areas we studied, discussed, and upon which we voted. The motions votes are summarized below in my written testimony:

	For	Against	Abstain
New Tests Considered			
Evaluate plan to establish connectivity for sidewalks and bike paths	13	3	1
Include Fire and Rescue test	11	7	
Allocate land for man-made water source for fire suppression	9	7	1
Create category in APFO for fire and emergency medical services	8	9	
Create category for Connectivity	8	9	
Impose and energy test	8	9	
Impose a solid waste test	8	10	
Create a Connectivity test based on regional plans, bike plan, master plan	7	10	
Impose a healthcare test based on emergency room wait times	6	11	1
If Yellow Alerts exceed 30%, delay development minimum of six months	6	14	
Impose a police test	5	13	
Add a road safety test	3	14	1
Impose a rec and parks test based on land area per person	2	15	1

We considered just about any public facility test imaginable, thirteen in all. Only two received as much as a simple majority vote, and these votes were not for specific tests, but rather to express the intent to consider sidewalks and fire and rescue tests.

The last area I wish to mention is School Test. Many people have testified in favor of reducing the capacity threshold to 100% for elementary and middle schools. After all the education and discussion that took place in our task force, such a motion only received **four** favorable votes, The compromise we struck to reduce the capacity threshold to 110% with extra payment by developers who still wished to proceed at 115% and 120% satisfied enough task force members to receive the two thirds vote required to pass. A motion to replace the elementary school region test with an adjacent school test fell one vote short of the two-thirds vote needed, and may be worthy of your further consideration. A summary of some of the votes taken on school related issues is shown below in my written testimony:

	For	Against	Abstain
School Tests			
Make capacity threshold 100% for elementary and middle schools	4	11	
Make capacity threshold 120% for elementary and middle schools	6	13	
Add high school test with same criteria as elementary and middle schools	8	9	
Add high school test with 115% criteria	9	8	
Eliminate regions test	9	8	
Replace regions test with adjacent schools test with lower capacity constraint to proceed	14	3	

Two final points worth noting:

1. Howard County, unlike most other jurisdictions, has an allocation limit over-riding the entire APFO process to aid in planning for future public infrastructure needs.
2. While new home construction was causing most of the strain on public infrastructure when the original APFO was passed, much of the strain today is caused by turnover of existing housing to younger families with more children than the more mature families they are replacing. It is unfair to over burden new development, and therefore purchasers of new homes, with the full burden of the infrastructure issues we face.

I summarize by asking that you vote favorably on the proposed CB 61-2017 and the legislation to follow after state enabling legislation next year, which together closely follows the recommendations of the APFO Task Force.

I am testifying as a member of the most recent APFO committee. Unlike some of our committee members, I believe after so much time spent negotiating the various aspects of what is good and what could be tweaked, that we all agree on what has been presented to you.

There is one minor change where the language inadvertently could be interpreted to suggest that a project could be held up for off-site improvements which the project can't control. This was not the intent, and should be clarified.

As for the rest of the recommendations, I am in favor, like most of the committee that agreed to them.

I have lived here my whole life and been working in this county doing land development for 37 years. I remember the first and second APFO committees and the processes they went through. Both required unanimous agreement for any and all recommendations that were made to the administration. They were composed of knowledgeable people, many from within the government, who were trying to serve the greater good of the county, and not individual concerns.

They tried to avoid the unintended consequences of picking and choosing popular adjustments. In fact, the first group said that if the council were not able to adopt the plan as

negotiated by them, as experts, they should not adopt anything at all. The 100% agreement made sure bad ideas were not suggested. That was not the case with this committee. The majority of this group did not work for the county or with development regulations daily, or for the most part ever. Only a few of us really understood how APFO works. Instead of a 100% agreement, just 7 of 23 members could stop any proposed change and 16 could pass any change. Most of the 20 plus meeting date time was spent with those of us who work with APFO daily, educating those with less experience. Despite this lack of balance, the committee agreed on the changes included in council Bill 61.

I am appalled that some of the committee members have chosen to go rogue and not support the efforts of the committee, after agreeing early on that we would all support the report.

The suggestion that the schools be tested for 100% capacity makes no sense. The first APFO said to test for 120% capacity, as that (on average) is 25 children per classroom x 1.20 which equals 30 children, which also equals the state rated capacity of the school, and what is required to get state funding. With the capacity dropped to 115%, we are now building for 30 kids per class, and only putting in on average 28.75. With the new recommendations, we will only be including 27.5. It doesn't

sound like much but over the 41,000 students in Elementary and Middle schools, the State Rated Capacity actually exists for almost 10% more.

Most of these students will be here regardless of APFO as most new students come from the sale of existing homes, not new homes, particularly when most of the new homes built in the county these days are apartments.

I think we live in a very good county with a very high quality of living. That's why people want to live here. I don't understand why others are so negative and think everything that the county does is wrong. UNFORTUNATELY, SOME PEOPLE ARE JUST NOT HAPPY PEOPLE. I am pretty sure they live in homes that we created for them, yet would deny future residents of the opportunity to live here as well.

Please do the right thing and adopt the APFO Ordinance that the committee worked hard to agreed to.

Thank you.

Steve Breeden

Wendy Williams-Abrams  
3144 Saint Charles Place  
Ellicott City, MD 21042

## **Public Testimony in Support of Stronger APFO**

I am here representing all of the children in the Howard County School System who are dependent on the County Council to protect them from the effects of allowing extensive development without adequate mitigation by the developers. We have severe overcrowding in many of our schools, and I believe that the reason that the County Council doesn't have enough money to build more schools or fully renovate current schools is because developers aren't paying their fair share of the infrastructure costs. In order to support an ever-increasing population, we need a dedicated school revenue source that should come primarily from the developers. They currently pay less than 20% of the cost of each new student's seat in school, while charging buyers a premium to live in Howard County. It's a win-win for the developers, but it is a lose-lose for the citizens of this county.

I believe that one reason our fees and taxes are so favorable toward the developers is because many of the County Council members, who were elected to represent the citizens of this county, are basically indebted to the developers who helped to fund their campaigns. Our county's future is being sold to the highest bidder, and the average citizen is getting slammed with the extra costs of building the necessary infrastructure. For example, we need a new high school. Too many students in portables, and kids who are unable to open their lockers in packed hallways. The BOE is dependent on the County Executive for the funding to make it a reality. The County Executive looks at the Capital Budget and sees inadequate funds to tackle all of the projects desperately needed by the county, so he tells the BOE there isn't yet money to build the new school. The BOE is then forced to redistrict and consider other creative means of meeting the students' needs with inadequate resources. The way I believe this should work, and as it does in many of our neighboring counties and states, is that when developers want to build, assessments are done to determine if it's in the best interests of the county to allow development in a specific area. Then, infrastructure is evaluated. Are the roads capable of supporting more vehicles? Are there available seats in the elementary, middle, and high schools? Do we have adequate fire and emergency services? After those evaluations are made, developers are told what they need to contribute in order to make their project feasible and not a financial burden to the existing budget and tax base. Developers make enough money building in Howard County that their profits wouldn't suffer if they were assessed appropriate taxes, fees, or proffers.

APFO is supposed to be our framework for meeting the infrastructure needs of our county. However, our APFO is so inadequate, and favorable toward the builders, that it is not protecting us from the endless demands placed on our county's budget by the new development. I am not against developers or development in Howard County. I am in favor of them paying their fair share to support the infrastructure needs of the new citizens they're bringing in. We need to revisit the APFO legislation in a committee led by citizens, not developers and their representatives. The citizens of Howard County deserve to have adequate representation at the table. APFO should be reevaluated every few years. APFO should ensure that developers are held responsible for financially mitigating their developments' effects. Howard County citizens have had the wool removed from our eyes, and we are seeing the County Council's motives and financial allegiances for what they are. We are disgusted by what we see. You were elected to represent us, not pay back the developers who helped fund your campaigns. The 2018 elections will look very different because now we know. We know, and we vote.

Richard Kohn  
5218 Wood Stove Lane  
Columbia, MD 21045

### **Statement on APFO**

More than 50 years ago, Jim Rouse had a vision. Speaking of Columbia, he said:

“We created ways for people to care more deeply about one another, to stimulate, encourage, release creativity, minimize intolerance and bigotry.”

Rouse said that he wanted Columbia to be a real multi-faceted city, not a bedroom suburb. It should be possible for its residents to find everything they needed right here—jobs, education, recreation, health care, and any other necessity. He also envisioned that different types of housing be nestled together, so that people of different incomes and races would interact with one another.

His vision is not the Howard County we live in today. Over the past 20 years, and especially in the past 10 years, high-density lower cost housing has been concentrated in certain areas, and this type of housing has been excluded from other areas. As we have seen recently, our Board of Education has been further segregating our schools by drawing district lines between wealthy and lower income communities. See the attached graphic.

The Council and the County Executive need to plan growth that will restore the integrated communities of the past. The APFO suggests that if there is room in a school, or even if there isn't, development can rush forward in the design and at the speed dictated by the developers. This is not the way to design and build the type of communities that serve our long-term interests. Developers tell you they have a right to build wherever they can make a quick profit. They do not have this right. We have vested the Council with the power to make laws restricting development to the benefit of the people.

Certainly developers should not be permitted to build where there is a lack of public resources: schools, roads, public safety. Certainly developers should be required to fund the cost of the public infrastructure that is needed.

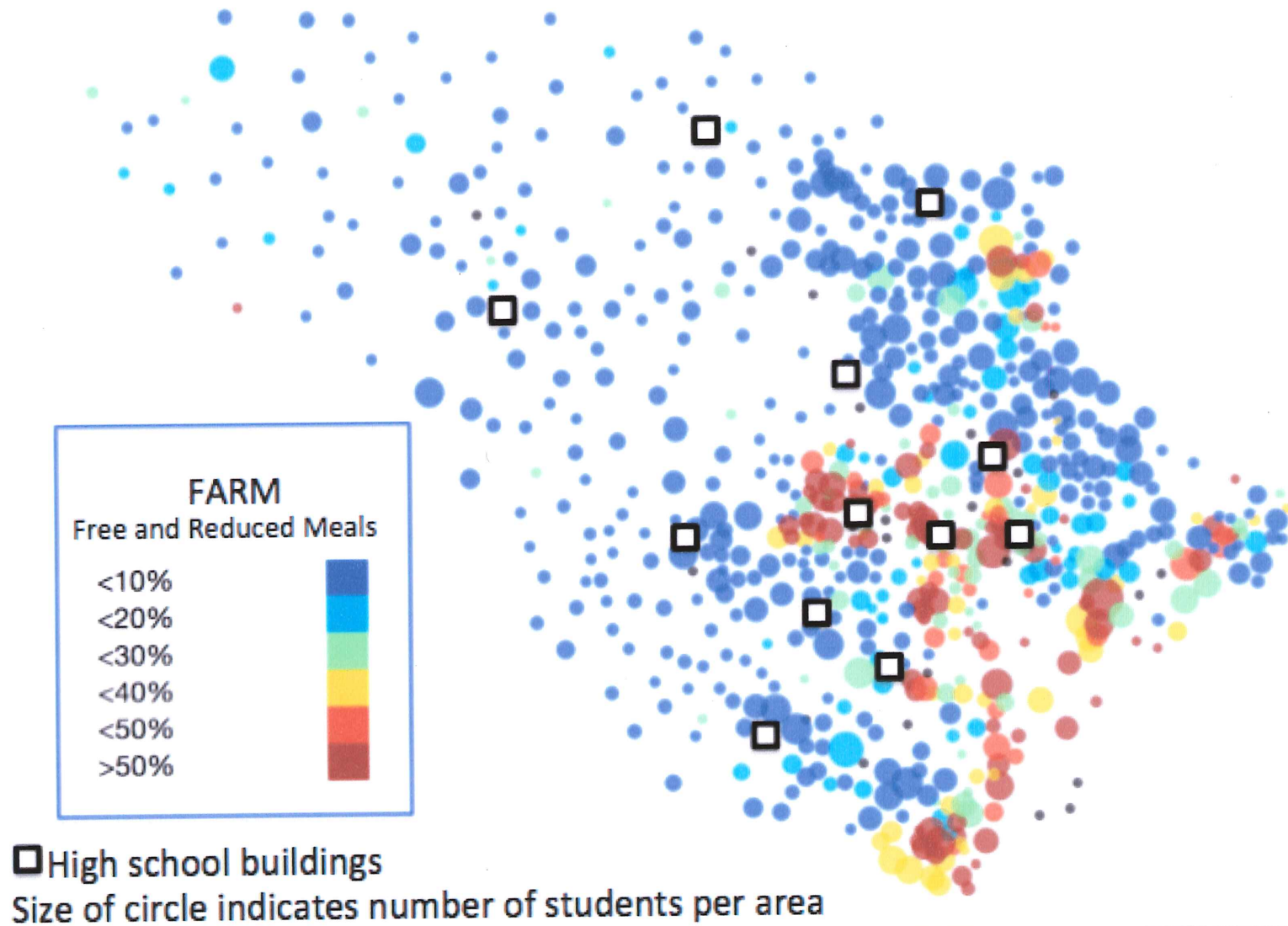
But development should also be restricted to the type that is needed in each area to balance types of housing, industry, and business. In other words, if there are few single family homes in an area, they should be allowed, but if the area already has dense housing, more dense housing should be restricted. We should permit apartments in areas that do not have much high-density housing. We should keep land set aside for business and industry. If more people could work in Columbia, as well as live here, we would see improved quality of life and less traffic.

The idea that enrollment in schools be a single factor in deciding to allow residential construction is ridiculous. The number people districted to a school is not a measurement of density. For example, Oakland Mills High School is under enrolled because of how district lines were drawn. It is a very small district. However, look at a demographic map, such as the one attached, and you can see it is located in the middle of the most densely populated area of the county. Density should be a consideration for whether more building can take place, and what type, not school district boundaries.

Generally, I know that representatives from the highest-density areas, Councilmembers Terraza and Ball, understand the need to limit residential density. But they get outvoted by three other members and the County Executive. Councilmember Sigaty said during one vote to build in North Laurel, that it was fine with her because it doesn't affect her constituents. The fact is the over development and segregation of the county does affect her constituents, it affects us all.



# Howard County Demographic Map



My name is BreeAnne Chadwick. I live at 9853 Helmwood Ct in Ellicott City and have been here for seven years.

We chose our home very carefully, mostly based on schools. In fact, we lived in a hotel for seven months after moving to Maryland in order to make sure we picked the right county and the right neighborhood. At the time, I was 100% confident we'd made the best choice.

I may not have a long history here, but I've seen a lot of growth in those seven years. It's not surprising; I can understand why people want to live here. What baffles me entirely, however, is the failure of the County Council to work with and fully support our local schools. The county and the schools are intertwined—**Howard County** Public School System.

Attendance area adjustments are something that the council has no say in; that is a matter for the Board of Education. The problem is that the massive overcrowding, the rapidly growing need for new schools, the chaos that occurs when families get moved from school to school, all of that is a DIRECT RESULT of the County Council's actions or lack thereof. Our county has one of the highest growth rates in the state, and we are in the top 3 counties for overcrowded schools, yet the school impact fees paid by developers are \$10- to \$20,000 less than those levied by a majority of Maryland counties. Let me repeat: **\$10,000 to \$20,000 less.**

Development projects in closed school areas are allowed to proceed after waiting for four years. News flash: an overcrowding problem, or lack of capacity, still present after four years doesn't magically vanish when a developer breaks ground.

County Executive Kittleman has stated that he will not support an APFO amendment to limit a school's capacity to 100% because it would result in a moratorium in development. I realize the county is hungry for the taxes and fees brought in by those developers and the new residents, but the county cannot continue to steamroll new developments into our county without regard for the residents, and especially the children, who ALREADY live here.

I was told to get to the council room early to get a seat because once the room is at 100% capacity, all other attendees will be directed to a satellite room. Imagine that! 105% is too much for the Council to handle, but 115% is totally fine for our children's educational atmosphere? In fact, some of our high schools are well over that or will be in the next few years. The latest round of redistricting proposed sending my children—WALKERS to our high school—on a 45-minute long bus ride to a different city entirely next year, another result of overdevelopment. But high schools aren't even considered in the APFO test.

I challenge you to prove to the residents of Howard County, your constituents, that you are more concerned about their welfare than you are about campaign donations from developers.

Remove the four-year limit.

Lower the acceptable threshold for a school's capacity.

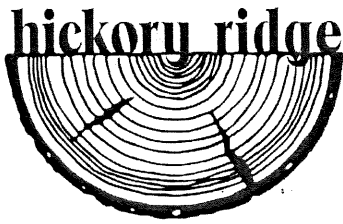
Increase developers' school impact fees.

Include high schools when looking at whether an area should be open or closed to development.

Protect the people you represent.

	2014 Impact Fees	Population Density (2014)	Annual Growth Rate (CAGR)	Number of Schools	Over State Rated Capacity	APFO Standard	Over APFO
Anne Arundel	\$11,616	1350	0.97%	121	14%	>100%	14%
Calvert	\$12,950	425	1.40%	26	8%	>100%	12%
Caroline	\$5,000	102	0.64%	10	30%	100%	30%
Carroll	\$533	375	0.76%	47	6%	110% - 119%	0%
						120%	0%
Charles	\$13,139	338	1.80%	37	51%	>100%	51%
Dorchester	\$3,671	60	0.43%	13	23%	None	0%
Frederick	\$15,185	369	1.59%	67	19%	>100%	19%
						>120%	10%
Harford	\$6,000	572	0.97%	54	9%	>110%	0%
Howard	\$2,480	1234	1.59%	75	51%	115%	7%
Montgomery	\$25,944	2097	1.19%	202	46%	105% - 120%	19%
						>120%	17%
Prince George's	\$22,355	1874	0.87%	209	25%	>105%	21%
Queen Anne's	\$9,440	131	1.33%	14	7%	>100%	7%
St. Mary's	\$4,500	309	1.78%	26	58%	107% - 116%	31%
Talbot	\$6,625	140	0.77%	8	13%	None	0%
Washington	\$2,000	327	0.90%	46	22%	>90% Elem	28%
						>100%	4%
Wicomico	\$5,231	271	1.31%	24	54%	None	0%
Assume an average home of 2000 sq. ft.							

(Table courtesy of Hiruy Hadgu)



## Hickory Ridge Community Association

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6175 Sunny Spring, Columbia, Maryland 21044 • 410 730-7327  
[www.hickoryridgevillage.org](http://www.hickoryridgevillage.org) • [www.thehawthorncenter.org](http://www.thehawthorncenter.org)

September 11, 2017

Howard County Executive Allan Kittleman  
Howard County Council Members  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

RE: CB61-2017, CB62-2017

Dear Mr. Kittleman and Council Members,

The Hickory Ridge Village Board has been following the discussions about APFO reform very closely. We thank you for tabling the legislation to allow input from more residents and community groups on this important issue. Adequate Public Facilities are extremely important to our community. It is often stated that new development will bring in additional tax dollars and improve amenities. However, it seems to many lately that our public service departments including police, fire, and the HCPSS are being asked to do more with less per capita. It is clear that the current APFO regulations are inadequate. On August 29, 2017, the Howard County School Board voted to recommend the following: include high schools in the schools test, maintain the current open/close designation language, that schools be designated "closed" on the open/close chart at 100% capacity utilization, inclusion of a funding trigger in APFO for school facilities at 95% capacity with a projection of over 110% in five years, and require that all development must pass a schools test. The Hickory Ridge Village Board supports the recommendations of the Howard County School Board. In the event that a cap of 100% would force Howard County to shoulder the entire cost of school construction by eliminating all state funding, then we support the lowest possible threshold that would allow the county to receive state funds.

We recognize that other counties in Maryland already include many of these recommendations in their laws, and some even require significantly longer wait times for developers as well. Howard County is an extremely desirable area in which to live. As such, there is no reason for this county to have such relatively weak APFO regulations and no need to further incentivize development in this area. It is critical for both current and future residents that developers contribute appropriate impact fees and that provisions for adequate services and infrastructures are put in place before additional growth is permitted.

Sincerely,

Michelle D. Wood, Ph.D.  
Chair, Hickory Ridge Village Board

September 11, 2017

Testimony on Adequate Public Facilities Ordinance

Nellie Arrington, President, Mount Hebron-Orchards Community Association  
Contact: 410-499-0079 cell

Good evening. I am Nellie Arrington, president of Mount Hebron-Orchards Community Association, representing some 800 northern Ellicott City households spanning west from Route 29 to just past McKenzie Road, and north from I-70 to the county line.

Our focus is predictability and quality of life for our residents. I was involved in the discussion when APFO was developed in the late 1980s and early 1990s. APFO was created to offer predictability for the developers and builders and lenders willing to invest in our community and create the communities where many of those here tonight now live.

First, we support the change of school capacity to 100% but with the considerations of programming changes, classroom allocations, and 'blips' of population where one or two class years have a higher population than usual, pushing classes to a temporarily higher size of, say, 2-to-3 students, going through the schools and thus changing the capacity percentages.

Second, we support adding high schools to the capacity test. Excluding them from the process has resulted in poor planning. An example is the recent proposal to move a Mount Hebron neighborhood polygon, where the students currently walk to Mount Hebron High School, to Marriotts Ridge High School, requiring those students to be bused literally past the edge of the Mount Hebron campus to a school 7 miles away.

Third, we ask that the county planners and decision-makers communicate more with the state, especially when it comes to roads. Our area is bisected by Route 99, a state road that takes the overflow from I-70 back-ups daily while serving the extended developments in the northern county corridor. It's been difficult for us to work with this because our neighborhood roads, which are county, intersect with state roads, although we have had good communication with state roads planners.

Fourth, we ask that the county find and use a predictive model that takes into account the natural growth and transitions of existing neighborhoods. Many of our areas are reaching a natural turnover age, where long-term owners sell and the new owners have students coming into the schools and more vehicle trips on the roads. It's one thing to count noses from new houses, but – and I first said this in a public session at the advent of APFO – there is no requirement to live in a new house to procreate successfully. We need to consider this influx of students and drivers and users of other county services as we move forward to predict what we need to maintain our quality of life.

Finally, this can't be an adversarial process between residents and the business community. But residents need accountability and predictability as planning, growth, and redevelopment go forward, in respect for the investments we have made in our choice to live here.

Thank you.



Testimony Provided at Special Legislative Public Hearing on September 11, 2017, which is a continuation from the July 17 hearing and will only cover CB-60, CB-61.

Provided by Eric Zachary (Zack) Rose

Thank you for the opportunity to speak. My name is Zack Rose, and my wife & I have been residents of Howard County for 17 years. We have two children, both in a Howard County Middle School. I have never testified regarding any legislation but feel compelled to share my thoughts tonight.

My objective is to speak on behalf of a singular topic. **All APFO legislation must specify that the threshold for action is 100% school capacity and that 100% of schools, including high schools, be included in the legislation.**

I understand that like most government law, there are nuances, such as defining “small” versus “large”, or settling on a timeframe of 2 years versus 4 years, etc... **BUT ... I propose that school capacity is specific** and I ask that you respect the work done by those to define capacity as it relates to schools. From the 2016 Feasibility study, page 14.

“Equitable evaluation of the impact of projected enrollment growth requires calculation of the capacities of schools. Capacities are not necessarily fixed to the capacity designed when a building first opened. Changes in use, program, and standards can effectively change capacity. Capacity methodologies have been reviewed at all three levels in recent years.”

In other words, many qualified individuals worked as a team to define ... and actively refine ... the capacity for each school including making amendments for use and changes in standards. **But after that, we must respect that analysis.** For anyone to allow for anything but 100% of this calculation is inserting personal judgment and allowing it to supersede carefully considered metrics.

I am not naive. We all, even daily, go beyond what is suggested...some surely eat food after the expiry date. And when considering legislation, I understand that the County Council must balance the needs and desires of many various constituents and external parties together in a bigger picture for the good of the County.

But when it comes to the APFO – we must respect the work of those who used their expertise to define and document school capacity. Simply put if we want to increase capacity, take the time, gather the funding, and actually increase capacity. Don't ignore this threshold. Anything but 100% is inadequate.

Choosing to go above 100% has incredibly poor effects on the community. Consider safety at the top of the list. Within the context of schools only, we have kids riding in aisles on buses, and walking to insecure portables just to name two specific concerns. I wish I had more time to go on.

But in closing, I also ask that you consider one other tangible side effect. TIME. If you add up the opportunity cost of all of the time that our County Council, School Board, volunteers, and active participants spend discussing, researching, Facebooking as a community on the one topic of school capacity and its directly-related and equally heartbreaking discussion on redistricting, imagine what we could accomplish with that time and effort (and saved dollars) elsewhere! Let's get our time back, and lets do what is right.

I've given the maximum effort I can. 100%. Thank you for hearing my testimony this evening.

THANK YOU!  
E. G. H.



Good evening and thank you holding this special hearing tonight.

My name is Jessica Chicorelli and my family lives at 6314 Monterey Rd in Elkridge. We have four children going through the Howard County School system.

I am testifying tonight because I'm worried that if the county doesn't do a better job controlling and planning for development, the schools will continue this redistricting process every 2-3 years and our children and communities will suffer.

There are better ways to manage the population growth in our county that benefit the citizens that you serve. I am concerned about the school seat increases in Howard County, especially the high schools, and the lack of process or plan to mitigate the current enrollment levels. As you know, Howard High is at about 140% capacity. How can our children be provided with a safe and effective learning environment when the school is 40% above maximum capacity (which would be 100% in all other math problems), classrooms are overcrowded, and mobile trailers are being used to mitigate the enrollment?

I am requesting that Council Bill 61 be amended with the following provisions to more fairly and equitably balance well-planned growth and effective mitigation for our public infrastructure.

- School capacity limits -- INCLUDING high schools -- to be set at 100% and schools are closed to new development at or above that level. Even the proposal at 110% capacity does not make our children and their education the top priority if developers can pay double or triple the surcharge to continue development with no regard for capacity levels. This proposal clearly sides with the developers in still keeping their fee at a comfortable and accessible rate to the detriment of our schools and our children. Triple the surcharge rate for up to 120% is still less than or equal to the initial fee of three of the biggest counties in the state and fails to properly address the ongoing capacity problems.

According to the APFO Review Task Force Master Vote Tally, the task force voted to keep capacities at 110-120% because the county is dependent on the revenue generated by the public school surcharge. Is this the goal of the task force? To prioritize surcharge revenue over the educational environment of Howard County students? And if it were the goal, why so cheap?

- Mitigation must begin when schools reach 95% capacity otherwise we are being reactive versus proactive. As Benjamin Franklin once said, "When you fail to plan, you plan to fail."

And finally, APFO needs to include measures for public safety, emergency services, recreation, and other community facilities.

This is an important issue, and if county officials don't make lasting meaningful changes now these issues important to the voting citizens will continue to plague our county every year.

Oh yes, there is one thing in all of this that I would request to exceed 100% and that is the effort and attention our elected county officials give to our citizens in making lasting changes that benefit the future of Howard County.

Thank you

single family detached) that is dedicated to public school capital budget;

(5) In an effort to identify efficiencies and better utilize existing space, HCPSS shall reduce its capital budget request by 2% per year for the next 5 fiscal years excluding revenue from the surcharge and the household fee in this motion

**VOTE: 17-0-1**

OPPOSITION VIEW: Fiscal projections not yet available

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is less than 90% and the individual school is greater than 115%, then the school is deemed adequate; if the grouping is greater than 110% but less than 115%, then the developer may proceed by paying double the public school facilities surcharge; if the grouping is greater than 115% but less than 120%, then the developer may proceed by paying triple the public school facilities surcharge. The Developer would not pay the doubling or tripling of the surcharge for more than one test. Allocations/schools test wait time shall not exceed 5 years.

**VOTE: 14-3**

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities; likely to result in more development closures; calculations unavailable to prove that increase in fee pays for the cost of additional seats

MOTION: Change years of wait for schools test - schools that are at or over 120% of capacity, the years of wait shall increase from 4 to 5 years; if during the wait period capacity drops below 120%, the years of wait shall revert back to 4 years

**VOTE: 13-7**

OPPOSITION VIEW: Total wait time already exceeds 4 years once development plan approval and allocation wait time are factored in; heightened overcapacity does not result in lower quality education, which makes a further slowing down of development unwarranted

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and

MOTION: Eliminate regions test from APFO

**VOTE: 9-8**

OPPOSITION VIEW: A backup provision of the individual schools test is needed; no existing test for development should be removed without also adopting a substituting protection

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is greater than 115% then the school is deemed constraint.

**VOTE: 8-8-1**

OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities

MOTION: Repeat the language and provisions of an elementary school test for high schools

**VOTE: 8-9**

OPPOSITION VIEW: New households do not generate as many high school-aged children as they do elementary school-aged children

MOTION:

- (1) Change program capacity at which a school is deemed open to 110%;
- (2) If projected enrollment lies between 110% and 115% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge double the amount currently in law;
- (3) If projected enrollment lies between 115% and 120% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge triple the amount currently in law

**VOTE: 7-9-2**

OPPOSITION VIEW: Increased revenue is contingent on capacity resting between 110% and 120%; a reduction in capacity will close more schools thereby halting development and preventing the County from collecting additional surcharge revenue

## Comparison of what Neighboring Counties charge Builders per New Home

	Howard County <sup>2</sup>	Anne Arundel	Frederick	Prince George's <sup>3</sup>	Montgomery <sup>4</sup>
Enrollment Growth	1,061	1,061	1,061	1,061	1,061
Fee per New Home	2,480	7,344	14,426	15,185	25,944
Total Fees Collected	2,631,280	7,791,984	15,305,986	16,111,285	27,526,584

1 Assumes 2000 square foot house

2 51.24 per square foot x 2000 square feet

3 Outside Capital Beltway

4 Montgomery also charges a surcharge of \$2 per square foot over 3500 sq feet up to a maximum of 8,500

Jennifer Spiegel  
12475 Triadelphia Road  
Ellicott City, MD 21042

Howard County Council Testimony --- September 11, 2017

I am here tonight to advocate for stronger APFO as it relates to our schools. I have lived in Howard County for over 17 years and have seen first hand how development has taken a toll on our county infrastructure resulting in more traffic on our roads and overcrowding in our schools. The current APFO bill as proposed by County Executive Kittleman is lacking and needs to be stronger NOW to fix the current situation in our schools.

Current APFO must be strengthened to secure the future of our county. We have a nationally ranked and highly respected school system. The overcrowding conditions cannot continue as our students and teachers pay the price. Large class sizes, not enough textbooks or computers, hallways so crowded that students are late to classes, and portables being used as long term solutions.

We are better than this. Our elected officials must do better than this. I urge the County Council to consider the legacy you are leaving this county. We should be able to look at our county infrastructure with pride knowing that we have taken the right steps to ensure our schools are a place where every child can learn with the needed space and resources. A responsible County Council should ensure a dedicated revenue stream to support our schools with developers being that primary source. A responsible County Council should take a long hard look at the state of our overcrowded schools and put the best interests of our children first, not developers.

A responsible County Council should recognize that having strong APFO in place is the mechanism for creating a desirable place to live. We want:

- \* 100% school capacity - including our high schools
- \* mitigation to begin at 95% capacity
- \* no reduction to current wait times for development
- \* increase the real estate transfer fee by 1%
- \* APFO to be reviewed every 4 years

Make no mistake — our schools are in a dire situation. We are behind the 8 ball in controlling the overdevelopment that results in schools overcrowding. We must take the necessary steps now to stop the downward spiral. The County Council, DPZ, and BOE must work together on a process for better planning and communication. And we need funding for high school 13 in the 2019 capital budget now.

I am not antidevelopment - I am for responsible growth. But our schools and children come first and they are at risk from years of unchecked overdevelopment. The County Executive and County Council were elected by us to represent us. We are here telling you what we want for this county.

We can and must do better.

Our elected officials can and must do better. Our children deserve it. 2018 is an election year and HoCo Parents Vote.

My name is Kristi Comeau (6460 Julie Ann Drive) and I have a 4th and 6th grader in the Howard County School System. My husband and I are both Computer Scientist and do not speak in public, much less testify at a public hearing. This is hard for me, but the children of Howard County are worth it, ALL of the children of Howard County. I didn't realize that I needed to testify until Thursday night when I gave my PTACHC report to my local Elementary School PTA. I finally found my voice.

I urge you to vote against CB-61 and CB-62 in their current state, it does nothing to slow the residential growth and the over-crowded enrollments that we are seeing in Howard County. We need all development to pass a schools test, if a school is over the open/close number, then construction may not proceed. There should not be a time table associated with the construction. If a school is full, new construction should not start until they are under the limit, no matter how long they have to wait.

The open/close capacity should be close to 100%, not 115%, that number is just too high. High Schools must be included in these assessments, we need all schools represented. Some of our high schools are our biggest over-crowding problem right now.

The Impact/Surcharge fees per new home are too low in Howard County, especially compared to our neighboring counties. The fees other counties charge would have gained enough money for Howard County last year to build ½ of a brand new Elementary School.

Our APFO problems are causing our schools to be over-crowded, resulting in large class sizes and the use of portables, which were supposed to be temporary. The safety guidelines for portables do not meet the safety guidelines for the rest of the school. One morning, my then 3rd grade daughter was coming into school for the day. She was told by a well-meaning teacher to take her instrument outside to the band portable so that she didn't have to carry it downstairs. What the teacher didn't consider was that once my daughter dropped that instrument in the portable out back, that there was no way for her to get back into the school through the back door. She knocked and knocked, but no one heard her, she walked along the path next to the woods to get back to the front of the school, but she was now late for her first class. Another teacher told her out the window that she was late and to hurry, they didn't know she had been locked out. By the time she got back to the front of the school she was crying and scared. After telling this story, I have heard many stories of going to the bathroom or other ways kids have been locked out of lots of different schools in the county. This is a safety issue. I expect when my kids walk in the front door of their school that I can assume some level of assurance that they will not be locked out of the school.

My husband and I explained to our children why I wouldn't be home tonight for dinner and books, and we explained that sometimes you have to do the "hard thing". This was a hard thing for me. We need you to do the hard thing for the children of Howard County and vote against CB-61 and CB-62.

Testimony regarding CB61-2017 and CB62-2017

Howard County Council Special Public Hearing, 9/11/2017

By: Paul A. Scott, Ph.D.

6401 South Wind Circle

Columbia, MD 21044

I am testifying tonight against these two bills as currently proposed. As you know, Howard County spends almost 2/3s of its general fund budget on the school system. This level of support has made Howard County Public Schools the best in the state of Maryland, and among the best in the country. Many families, including mine, moved to Howard County to ensure that our children can get the high-quality education. I believe, therefore, that whenever the County Council considers any new legislation that will impact the school system, the Council needs to ensure that its actions do not adversely affect our schools or the quality of education that they provide.

I believe that CB61 and CB62 as currently drafted will adversely affect our county schools. These bills will continue to result in overcrowded schools in many areas of the county, which will lead to adverse effects on the student community at these schools, as well on their safety. The bills will result in the need for continual redistricting to address the overcrowding, with all the attendant stress and disruption that come with it.

The bills will ensure that portable classrooms (over 200 in the upcoming year) will have to be used by students daily. These classrooms have less than ideal heating, cooling and air quality, have no bathrooms, and come with safety and security issues. Many parents, myself included, are justifiably upset that their children are being taught in these structures, given the amount of county taxes we pay each year.

I am here to support changes to CB61 and CB62 as proposed by both the PTA Council of Howard County and the Howard County Board of Education. These include:

- Including high school capacity in the formula to determine whether development can occur in an area.
- Changing the open/close chart capacity to no more than 100% to determines whether development can occur, not 110% as currently proposed
- Including a APFO funding trigger take effect at 95% capacity with a projection of over 110% in 5 years
- Ensuring that all development must pass a school test, and that the school wait period not be on a sliding scale.
- Ensuring that APFO capacity is defined consistent with HCPSS policies.
- Maintaining the current "open/close" designation language, not the ambiguous and opaque "constrained" term.

In my opinion, these changes will improve the current bills and ensure that the quality of our children's' education is a primary determinant in revising the current APFO legislation.

Respectfully,

Paul A. Scott, Ph.D.



My name is Hongling Zhou. I reside at 7065 River Oak Court, Clarksville, MD 21029. I am vice president of the Chinese American Parent Association of Howard County. I also serve as a PTA delegate for the Pointers Run Elementary School. Today I am speaking on behalf of myself and CAPA of HC.

I come before you today as the HCPSS community is going through a traumatic redistricting process. The process is literally tearing our community apart. Polygon is a math concept. Now everyone is learning the new meaning of the word. No matter what the final plan is, no one is winning if our community is broken. Although APFO does not mandate redistricting, it can influence growth patterns that eventually make redistricting happen again. The fact remains that the APFO in its current form is not effective in preventing school overcapacity. We need a strengthened APFO to prevent from the necessity of redistricting every a few years.

The school test is one of the 3 APFO tests. As the legislation stands now, in order to pass this test, the elementary and middle school districts and the elementary school region serving the proposed development must all be below 115% of capacity utilization. Schools that are brought below the 115% capacity for elementary and middle schools will be considered "open" or available to accommodate new development projects.

First, High schools are noticeably missing from the school test. As we are all aware now, the high school redistricting is actually the most contentious part of the process. And all schools are subject to redistricting in 2017 in order to balance adjacent student populations that operate over capacity. So any overcapacity school, particularly high school could affect all other schools.

Secondly, Policy 6010 is what the HCPSS uses to adjust attendance boundary. The current target utilization in Policy 6010 is enrollment between 90% and 110% utilization of the program capacity of a school facility. As a statistician, I am having a hard time matching the 115% capacity utilization limit in APFO and the 90-110 percent target utilization in policy 6010. To me, we would have to go through redistricting every year if both the county policy and the school policy are followed through.

Thirdly, in current legislation, if a project does not pass this test, then plans for the development will be placed on hold. But projects can be placed on hold due to failing the Schools Test for up to 4 years. In other words, the projects can begin to build once the time limit is passed. This limit of wait time must be eliminated. All development should be required to pass the school test, period.

In order to protect our families from going through the traumatic redistricting process again in short time, the Chinese American Parent Association of Howard County urges the council to implement the following changes to APFO that are directly related to schools:

1. Change the proposed 115% capacity utilization to a 100% capacity utilization in the school test.

2. Add High school or High school region in the school test of the APFO.
3. Require all development pass the school test. No projects should be granted exemption from the school test.
4. Please use the capacity definition in APFO that is consistent with the HCPSS definition so there is no ambiguity in implementation of the policies.

Council members, please do what is best for your constituents and our children, not for the developers.

Thank you for listening.

Sincerely,

Hongling Zhou

On behalf of the CAPA of HC

Joan Nuetzel, 3505 Font Hill Drive Ellicott City MD 21042. I have been a Howard County resident for the last 18 years and a nurse at Mercy Medical Center in Baltimore City for the last 21 years. Over the years I have seen many changes in Howard County. My concern is that we are not choosing responsible growth in Howard County and if Howard County was a patient I would say he is dying a slow and painful death as he internally hemorrhages and every major organ is strangled due to lack of oxygen. I commend Mr Kittleman for establishing APFO task force, as it has been long overdue but believe it still lacks necessary teeth to be effective.

As I mentioned, the last 18 years, I have commuted to Baltimore City. Initially my commute was an easy 15 mile drive straight down Route 40, 35 minutes door to door. My commute to work remains easy, after all, I leave my house at 6:40am. But in the in the last 5 years, the drive home has become a nightmare. I leave at 4:40pm and plan on the commute taking a solid hour. Leaving Baltimore City is relatively simple and I usually encounter no traffic issues, until I approach Howard County, from the intersection of Route 40 and Normandy Shop Center Drive, until I turn left onto St. John's Lane, I can sit in traffic for 15-20 minutes to travel approximately 2 miles. This is ridiculous and yet I see it only getting worse as more developments pop up, adding more cars to already congested highways and byways

Additionally, My daughters attend Centennial High School and Burleigh Manor Middle School. Both schools suffer from overcrowding, My older daughter states that Centennial is so overcrowded this year, that it's difficult to switch classes in the allotted five minute time frame. My younger daughter reports that the middle school is also overcrowded and that school personnel have designated areas as "one way" in order to help alleviate traffic jams in the hallways. Presently BMMS is 200 students over it's originally capacity of 650 students and in 2018, CHS is projected to be at 122.9%. Unfortunately the development does not stop because the schools have met this number....new developments are being planned and delivered as we speak. This rapid growth for a school is difficult for the administration, the teacher, and the students.

Mr. Kittleman, you have been visiting the various high schools in the previous week, did you happen to walk the hallways at Long Reach High School, present capacity 118%, when the kids were attempting to change class, or did you enter the cafeteria at Howard High school, present capacity 130% while the students were attempting to eat in the allotted 30 minutes. Not only is it

uncomfortable to have that many students packed into a school but it is a safety issue. The answer isn't just to add portables or redistrict, both temporary fixes. Increase funds needs to be available to the school system and better communication, planning and leadership needs to happen between CE, DPZ and HCPSS to understand capacity impacts.

The present CB-61 recommendations from the APFO task force aren't strong enough. CB-61 must be amended to reflect the positions of PTACHC and BOE.

- School capacity set at 100%-schools close to new development at that level. mitigation begins when schools reach 95%.
- School capacity must include High Schools. We are telling our 13-18 years olds they don't matter by not including a HS test in APFO.
- No reductions to the wait times.
- Impact fees need to realistically cover the cost of an additional family. School, roads, fire, police, recreation all need some of these funds. Current impact fee does not come close to covering the cost of a school age child in the system.
- Real estate transfer tax needs to increase by at least 1.0%.
- APFO testing needs to include fire, police, recreation (quality of life factors).
- APFO legislation needs to be reviewed on a regular interval, 4-5 years would provide time to see how the county is faring with current legislation.

Mr. Kittleman and County Council members, you must save the patient 'Howard County' by choosing responsible growth instead of allowing him to continue to bleed out his life forces. Afterall, this is your lasting legacy.

My name is Douglas Perkins and I reside at 10613 Vista Road, Columbia. 21044

I have lived in the county since 1976, for 41 years. I have resided on Vista Road for the last 29 years. For 28 of those 41 years I had paid taxes and had no children in the school system. When I bought my current residence, 29 years ago, I did so with the understanding that as it was zoned R-20 I was permitted to subdivide the one plus acre lot into two half acre lots and develop the second lot. Lo these last 29 years that was in my consideration as a retirement investment. As I am now of an age that I am considering taking advantage of that investment, I learn of people in this county who are intent on striping that right away from me or putting such constraints upon my exercising that right that I might not see it in my lifetime.

My neighbors have been taking advantage of this right of subdivision for a number of years now, and all around me, what had been one acre lots are now half acre lots. Across the street from me are now nine houses on half acres. On my side, to the left and right are six houses on half acres. They are in the process of building onto the half acre lots that have been cut out behind me.

I understand that the bill as proposed would increase the allocation of infill subdividing in the established neighborhoods. I also understand that you have received testimony proposing to instead, further restrict the infilling. I propose that there will be less of an impact on the infrastructure by adding a house here and there than emplacing massive developments. I propose that infilling should be encouraged as a method of less impact in meeting the increasing need for housing. I propose that the increase in your cap is insufficient. For the individual, long term owner, I propose that the be no cap on that person's subdividing and building a second house. I am concerned that the county may impose an increase in fees for subdividing such lots as mine to a point of it being onerous. The fees for subdivision should be frozen in and grandfathered for those who have been long term residents to not punish them for not having subdivided immediately upon purchase.

I feel that it would be most unfair and detrimental to me to deprive me of my development right just because I did not already do it.

September 11, 2017

To the Members of Howard County Council:

I am a mother of three children who attend Elkridge Elementary School in Elkridge. I am asking to change APFO in accordance with the Howard County Board of Education Recommendations. I also feel adjustments need to be made to the fees imparted on developers as well as delays in development that make sense and keep the community best interest in mind.

APFO affects my families quality of life at school and in the community. Elkridge Elementary has 900 students and counting. Our capacity at the end of last school year was ~118% capacity and it is continuing to grow as students keep enrolling. More teachers have been hired this year and we were told to expect teachers to still be hired due to a large influx of last minute enrollment and class sizes. Children are taught in portables and makeshift spaces are being turned into classrooms. As an avid PTA volunteer, we try to inject a sense of community, service, and fun into our children. Our events get larger and larger each year and yet there have been some events that have had to be cancelled or modified since we cannot fit into our cafeteria or large spaces safely.

When I think of Howard County, I think of progressiveness. Our education system thrives in our state and even amongst our nation. Howard County believes in planning communities that thrive. However, in the case of APFO, I don't think this fits the philosophy of Howard County. I live in the Rt. 1 corridor and I feel like Elkridge is decaying despite the new construction of homes. The reason it feels this way is because the community amenities are not keeping up with the loads of new multitenant structures being built. The effects of APFO, in my community, feels like someone overspending with a credit card- "living outside of our means". When you live outside of your means, life gets messy. It leads to chronic stress, lapses in safety and the inability to focus on the values because you are constantly trying to get ahead. You are not prepared for potential hardship and this produces a vulnerable society.

The county council should be advocating for the citizens of the community and our children. We shouldn't need multiple classes of APFO 101 nor an interpreter to have a say in this type of legislation. It is intimidating to community members and thus does not allow for equitable representation at the table to discuss whether our community has the adequate resources in which to thrive.

Allowing the burden of these guidelines to be placed onto us over and over again is taking its toll and it is clear as you drive through our community. We are not opposed to development, but the development we have is disproportionate. The development Elkridge needs is to have businesses and public services for those in the community. We are excited to have our new library soon which has always been the "gem" of our community. However, we are hoping that it will be accessible by walking. We cannot walk to our public services. I cannot walk to my grocery store, library or my children's school. I saw a mother walking home from Meet the Teacher Day pushing one son in a stroller and two more in tow on Montgomery Road from the school to probably where she lived whether that be nearby apartments or the newer condos down the street. There is no sidewalk to school. She was walking with a 6 inch area

apparent. Building Duckett's Lane 2 miles away 5 years ago and the day the doors open it was overcapacity. And now about 2 more miles away in the other direction we are in need of an additional school. The council says we don't have land to build a new high school but they do not defend us to slow down development in our community. This is your chance to advocate for Elkridge! Help do the right thing for the community.

Please adopt the recommendations to APFO based on the Board of Education's recommendations and please increase the impact fees on developers as well as lengthen or halt development until less than 100% capacity can be reached.

Thank you for your time and listening to one family from Elkridge. It is much appreciated.

Sincerely,

Laura Wisely

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Elkridge, MD 21075

Laura.wisely@gmail.com