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OPINION

Six years is enough for new school

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The adequate public facilities legislation package limits the allowable overcapacity in any Howard County public school to 120% of program capacity. Members of the Howard County Commission on Adequate Public Facilities have asked us to explain this aspect of the APFO legislation.

Public schools in Howard County, as elsewhere in Maryland, are funded in part by the state with a formula that utilizes a 30-to-1 student/teacher ratio. The gymnasium, cafeteria, media center and rest rooms, or core capacity, in these state-funded schools reflect the 30-to-1 ratio. However, no public school system in Maryland uses a 30-to-1 student/teacher ratio for instructional purposes at the elementary school level.

The Howard County Board of Education, prompted by con-

cerns from parents and educators several years ago, decided that our elementary schools would be staffed at a 25-to-1 student/teacher ratio. This staffing ratio allows for the effective delivery of a curriculum that prepares students for post-high-school education in competitive universities as well as the world of work in a global economy. The adequate public facilities legislation supports this position.

The current standard is to utilize 100% of program capacity in each of the public schools in Howard County. The standard under the adequate public facilities legislation is 120% of program capacity.

A school that accommodates 500 students by Howard County standards would be allowed to increase to 600 students under the adequate public facilities legislation. The extra 100 students will be accommodated with four relocatable classrooms, each staffed at a 25-to-1 teacher/student ratio.

The core capacity (cafeteria, media center, etc.) of the facility is already designed to accommodate these students.

When this 120% of program capacity ceiling is reached, all new residential construction in the area will be stopped for four years.

The commission took the po-

sition that class size is inviolate and will not compromise that position. Most parents and students agree. If we had a rallying cry as school advocates, it was "No more St. John's Lanes."

Here is an example of how APFO will help. Laurel Woods today is at 142% of program capacity. This situation will be alleviated by the opening in September 1992 of a new school, Forest Ridge Elementary. Forest Ridge will be at 85% capacity when opened in September 1992.

Developers will be asked to sit idle with their land for no more than four years at the sketch plan stage if either of these schools reaches 120% of program capacity. At the end of this time period, developers will be allowed to proceed. It will take an additional two years before children actually come into the schools from these developments.

Six years is enough time for school officials, PTA leaders and developers to lobby county officials for a new school or an addition. This provision allows building to continue in accordance with the General Plan and allows enough time for county agencies to provide the school or schools necessary to accommodate the students generated by the development.

PLN-26

HOWARD COUNTY

COMMISSION ON ADEQUATE PUBLIC FACILITIES

WRITTEN TESTIMONY FOR THE COUNTY COUNCIL

The Commission on Adequate Public Facilities was appointed by the County Executive in December 1990 to formulate a growth management process that would enable the County to provide adequate roads and schools in a timely manner to achieve the General Plan growth objectives. Since then it has met weekly, originally for four hours, and for the past six months for six hours per week. All members have put in substantial additional time outside of meetings.

When we were appointed, none of us anticipated either the length of time it would take to accomplish our mission, or the total number of hours that it would take to do so. Some of that is the direct result of the diversity in the membership of the Commission. It was the Executive's intent to have as broad a cross section of the County represented on the Commission as is possible. The resulting diversity of interests and points of view meant that debates on specific issues frequently were lengthy, but it also meant that we explored far more options and possible outcomes of alternative solutions than would have been the case had the diversity not been there. Finally, the members committed themselves to work through the issues and processes to the point that we achieved consensus on the final product.

We spent considerable time understanding the problem, and how other jurisdictions have dealt with adequate public facilities. In general we found that what has been done before does not work, and committed ourselves to finding a growth management process that will work for Howard County.

The General Plan is the foundation on which our proposals rest. If we plan for and manage growth so that it occurs in accordance with the General Plan, it should be possible to put the infrastructure in place in a timely manner to support that growth. However, as has become abundantly clear over the past year, resources are limited, priorities have to be set, and new revenue sources will be needed. The purpose of the adequate public facilities package, the assumptions that underlie it, and the five interconnected elements that comprise the package are described in the first section of the Adequate Public Facilities Ordinance.

We used a systems approach to develop the package; a copy of the final Growth Management Systems Flow Chart is attached to this testimony. If nothing else, we hope this flow chart makes it abundantly clear that the legislative package that is before you is a total system, and that all of the legislative pieces are needed to make it work. A copy of the Processing Residential Subdivision flow chart also is attached - we found it helpful in understanding the process and think you may also.

Legislation mandating the creation of Capital Improvement Master Plans is part of our package. These plans, which are to be updated annually, are the bridge between the General Plan, and the annual Capital Improvement Program and Budget, and allow the County to assess what the conditions will be in future years and to identify necessary road and school improvements.

The Adequate Public Facilities Ordinance provides the growth management mechanisms necessary to assure that growth will occur in accordance with the Capital Improvement Master Plans and that the infrastructure can be put in place in a timely manner. Three tests are applied ; one for roads and two for schools. Those tests are based on what conditions will exist at the time that the project puts traffic on the roads and children in the schools, not on what exists at the time of application. To implement the Adequate Public Facilities Ordinance, our package includes a resolution adopting the Housing Unit Allocation Chart, a resolution adopting the Open/Closed Chart, a resolution adopting the List of Constrained Roads, resolutions adopting Chapters 4 and 5 of the Highway Design Manual which have been revised to reflect this legislation, and legislation conforming other sections of the subdivision regulations.

As we evaluated how to deal with adequate road facilities, we concluded that Howard County is different from most of the adjoining counties. Being relatively small, an improvement to any of its major roads has a significant impact on other roads. The major improvements that will be needed in the future require the commitment of relatively large sums; spending available funds in a piecemeal fashion across the County is not going to have the desired result. Consequently, we concluded that the bulk of the funds to be paid by developers for the improvement of road facilities should go into a fund that can only be used for road improvements. The Building Excise Tax Ordinance creates this new revenue source and restricts how it can be used. To implement this ordinance, the package includes a resolution adopting the Building Excise Tax Rate Schedule, and legislation amending the Rental Housing Expense Assistance Program so as to allow grant funds for payment of the Building Excise tax and to increase the amount of the grants. We also need state legislation authorizing the County to establish the tax; a copy of what is under consideration by our state delegation is included in the package for your information.

The package we have developed is forward looking, and we are convinced that when it is fully implemented it will do the job for Howard County. However, it is not going to be an instantaneous cure for all of the current problems; these require enough time to put new school and road facilities in place. No adequate facilities bill or any other legislation could change that. The simple fact is that the bulk of the increase in school enrollments that we will see in the near term is the direct result of development that already is in place. The package we are proposing will put the mechanisms in place so that growth will occur in a controlled and predictable manner.

Since releasing our package the Monday after Thanksgiving, we have held a press conference and three public briefings. In addition, we have done eight special presentations for groups such as the Board of Education, PTA Council, Planning Board, Economic Forum, Homebuilders Association, NAIOP, and COCA. Two newspaper ads and thirty second public service announcements on Howard Cable and Channel 15 were used to alert the public to the schedule for the public briefings. The press conference was rebroadcast more than six times on Channel 15 over the course of a week, and our Video presentation was broadcast a number of times. In addition, CNN ran a four and a half minute version of the Video many times over a week long period. The Office of Public Information had three copies of the Video available for loan that were in use constantly. Cable Channel 8 has produced two programs, each one-half hour long. "PTA Monthly" aired three times a day for six days in December. "Viewpoint" will air three times a day, five days a week for a month starting on January 6. Five hundred and fifty copies of our "green brochure," containing copies of the draft legislation, were distributed. In short, we believe we gave Howard County residents ample opportunity to learn about this legislative package.

During our briefings and presentations, we invited comments and received a number of them, all of which have been reviewed by the Commission. As a result we have clarified the language concerning the Rolling Average in the Adequate Public Facilities Ordinance. The Building Excise Tax Ordinance has been modified so that residential additions of one hundred square feet or less are not required to pay the tax and we added language to make it clear that interest earned on the Development Road Improvement Fund will accrue to the Fund. We also added language to make it clear that the proceeds of this tax are not to be used to relieve the State of its responsibility to fund road improvements in Howard County. The Constrained Roads List has been amended and simplified to reflect the fact that mitigation required under the Adequate Public Facilities Ordinance is only to intersections.

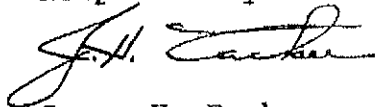
The members of the Commission, and the affiliation with the group that led to their appointment are:

Lynn S. Benton, Secretary
Barbara M. Cook
Lee Cunningham
James H. Eacker, Chairman
Scot Hoeksema
James M. Irvin
Maurice Kalin
Rosemary Mortimer
Joseph Rutter
Alton Scavo
James R. Schulte
James Truby

PTA Council
County Solicitor
Lee Cunningham & Assoc., Inc.
Howard County Citizens Assoc.
Coalition of Community Assoc.
Director of Public Works
Howard County Public Schools
PTA Council
Director of Planning & Zoning
The Rouse Company
Homebuilders Association
National Assoc. of Industrial
and Office Parks

Because what we have developed is an integrated package, we respectfully urge that the Council consider it that way, rather than piece by piece.

Respectfully submitted,



James H. Eacker
Chairman

December 20, 1991