

TO: councilmail@howardcountymd.gov

CC: AKittleman@howardcountymd.gov

SUBJECT: WRITTEN TESTIMONY FOR COUNCIL Bill 61

I have lived in Howard County for over 60 years. My son went through the Howard County school system. I was concerned about the school system and the districting policy when he was in school. And am still concerned with both today. Especially, the way redistricting is being handled now and how rapidly the county is still pushing growth without adequate planning.

There seems to be no one looking out for the children in terms of keeping children together with their communities schools. I can tell you from my experience someone needs to. Howard County High Schools were redistricted when my son was in school. My son went through extreme depression when separated from his friends he grew up with. He felt so isolated and alone and couldn't adjust to being without his neighborhood friends. He became so depressed he was placed on a suicide watch. This is not something any parent wants to go through. I realize many children will be fine in redistricting but some will experience what my son felt. Why put them through that?

The county government appears to care more about balancing the numbers for developers then the quality of the children's lives. Won't there be more redistricting in a few years with another high school?

I am also concerned about the level of development. We seem to be going backwards in providing critical infrastructure such as schools, fire and police services. I have seen increases in our taxes and no increases in benefits. In fact less benefits. We pay more taxes and developers pay less than they do in other counties. Why?

I have a much longer commute to work due to congestion on Rt 29, Rt100 and just out of my own neighborhood where numerous lots are sold and subdivided. The roads are no longer adequate for the growing population. Yet Howard County keeps allowing more development without fixing the infrastructure.

I was appalled by the way this whole redistricting was handled. And shocked to learn that high schools are not including in restricting development due to overcrowding.

I am requesting that Council Bill 61 is 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%. Schools are closed to new development at that level.
- Mitigation (funding, additional time, or both) begins when a school reaches 95% capacity.
- NO reductions to the current wait time for housing allocations or school tests.
- APFO needs to be reviewed every 4 years.
- Increase real estate transfer tax by 1.0%.
- APFO needs to include measures for public safety, emergency services, recreation, and other community facilities.

My son was looking into purchasing a house in Howard County. I am advising him not to do it at this time. He would have no idea what school his children would be attending until all the redistricting

issues are settled. And that may be years from now. And he would be paying higher taxes for a county that is not monitoring and planning adequately for the needs of residents. I think many people with this districting issue are finding about what development is costing residents and the low fees that developers are paying and recognizing things have to change. I have heard many young residents at the meetings where they were not allowed to talk or ask questions or in some cases not even allowed into the meetings, question why they moved here. I can understand why they feel Howard County is failing them. The system needs to be fixed.

Sincerely,
Sharon Ferguson
3922 Chatham Road
Ellicott, City, MD 21042

Sayers, Margery

From: Stu Kohn <stukohn@verizon.net>
Sent: Saturday, October 21, 2017 9:01 PM
To: CouncilMail; Kittleman, Allan; Wilson, B Diane; howard-citizen@yahogroups.com
Subject: FW: Draft APFO Amendments for Monday's Work Session

FYI,

Below is an email received from Councilwoman, Jen Terrasa which there is a link that displays draft amendments concerning the Adequate Public Facilities Ordinance (APFO) to be discussed at this Monday's Council Work Session at 4:30PM in the George Howard Building.

As you know the Howard County Citizens Association, HCCA has been advocating for years for stronger APFO measurements to include Quality of Life issues such as Fire, Police, EMS, and the Hospital. We do appreciate that the Council went way beyond the APFO Task recommendations which HCCA was a member.

It does seem that the APFO draft amendments might be stronger in some areas regarding the schools, however it is not surprising there are no amendments regarding Quality of Life issues. This is very disappointing especially when these items were very much discussed at previous Work Sessions and numerous citizens stated their concerns in testimony at the Council's Legislative Public Hearings. We are tired with what seems to be the attitude of "Business as Usual" in our County. Perhaps one day, Chapter 8, "Public Facilities & Services" of the General Plan – Plan Howard 2030 will really mean something by having some areas of the content of this chapter be a part of APFO where Police, Fire, EMS, and the Hospital is mentioned.

There was an editorial in the Howard County Times, dated April 10, 2014 which I have saved. It is titled. "Time for Howard's Adequate Public Facilities Ordinance to be Reviewed." In the two last paragraphs it states:

"For example, nearby jurisdictions such as Carroll, Montgomery and Prince George's counties consider, in one fashion or another, the impact a growing population has on police, fire, emergency medical services and, in the case of Montgomery, health clinics, At a time when government budgets are stretched, these public needs should be addressed in APFO. Perhaps public hearings in early 2015 would be a place to start.

Development can't and shouldn't stop in Howard. It is a strong engine that keeps the county economy chugging along. But development can't put undue strain on the county's resources. That's why we need a strong APFO."

What needs to be decided is what has precedence – the Economy or Quality of Life Issues? Perhaps they should be equal. If this is the case let's incorporate the necessary categories and measurements to ensure whatever we have today does not in any way deteriorate from tomorrow.

Sincerely,

Stu Kohn
HCCA, President

From: Terrasa, Jen [<mailto:jterrasa@howardcountymd.gov>]
Sent: Friday, October 20, 2017 7:08 PM
To: Terrasa, Jen
Subject: Draft APFO Amendments for Monday's Work Session

In case you haven't seen these. Here are the draft amendments for discussion at Monday's work session.

[Draft amendments to APFO Legislation \(CB61 & CB62\)](#)

All the best,

Jen

Jennifer Terrasa
Councilwoman, District 3
Howard County Council
(410) 313-2001 jterrasa@howardcountymd.gov
"Like" my page on [Facebook](#) and follow me on [Twitter](#)!

HOWARD COUNTY
PUBLIC SCHOOL SYSTEM

October 10, 2017

**Board of Education
of Howard County**

Cynthia L. Vaillancourt
Chairman

Bess Altwerger, Ed.D.
Vice Chairman

Kirsten A. Coombs

Christina Delmont-Small

Mavis Ellis

Sandra H. French

Ananta Hejeebu

Anna Selbrede
Student Member

Michael J. Martirano, Ed.D.
*Interim Superintendent
Secretary/Treasurer*

The Honorable Jon Weinstein
Chairperson
Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

Dear Chairperson Weinstein:

Thank you for engaging the Board of Education in the Council's discussion of the Adequate Public Facilities Ordinance (APFO). The Board has considered comments made by Council members when we discussed amendments proposed by the Board at the Council's work session. In particular, the Council raised questions about language the Board proposed in its amendment to trigger funding for school facilities at 95% with a projection of more than 110% in 5 years. We appreciate the language concerns raised by the Council, and have revised our requested amendment to address those concerns. We are proposing the following revised amendment:

The County Executive shall annually request that the Board of Education include in its Capital Improvement Program a school project when a school or school region is at 95% capacity utilization and is projected to exceed 110% capacity utilization in the Capital Improvement Plan. When the Board of Education identifies a school project in its Capital Improvement Program as necessary because a school or school region is at 95% capacity utilization and is projected to exceed 110% capacity utilization in that Capital Improvement Plan, the County Executive shall include funding in the County Executive's budget request to the County Council necessary to meet the Board of Education's request and the County Council shall fund such projects prior to approving any housing unit allocations in the associated school or school region.

Chairperson Jon Weinstein
October 10, 2017

Page Two

Please note that the language does not mandate that the County Council fund the project—the County Council can elect not to fund the project, in which case no new housing unit allocations may be approved.

The Board of Education also requests continued consideration of the other amendments that we submitted on September 11, 2017.

We believe the amendments requested by the Board of Education address in principle adjustments that are needed to the APFO in order to ensure that the citizens of Howard County are timely served by construction of school facilities conducive to a productive learning environment. We are of course amenable to any suggested changes in legislative text that may be warranted to achieve these objectives.

We value our discussion on this matter, and appreciate your interest in our experience and perspective on this matter as a Board of Education.

Sincerely,



Cynthia L. Vaillancourt

Chairman

Board of Education of Howard County

cc: Howard County Council Members
Howard County Board of Education Members
Michael J. Martirano, Ed.D.
Mark C. Blom, Esquire



HOWARD COUNTY
PUBLIC SCHOOL SYSTEM



October 20, 2017

**Board of Education
of Howard County**

Cynthia L. Vaillancourt
Chairman

Bess Altwerger, Ed.D.
Vice Chairman

Kirsten A. Coombs

Christina Delmont-Small

Mavis Ellis

Sandra H. French

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Anna C. Selbrede
Student Member

Michael J. Martirano, Ed.D.
*Interim Superintendent
Secretary/Treasurer*

The Honorable Jon Weinstein
Chairperson
Howard County Council
George Howard Building
3430 Courthouse Drive
Ellicott City, MD 21043

Dear Chairperson Weinstein:

In response to questions and comments at the Council's October 11, 2017, work session on the Adequate Public Facilities Ordinance (APFO) and the Council's October 20 deadline for amendments, the Board is pleased to provide the following information concerning our requested amendments. The Board appreciates the County Council's consideration of our experience and perspective on this matter.

The Board submitted various amendments for the Council's consideration on October 11, 2017. Our rationale for these follows.

1. Adding High Schools to the Schools Test

We feel there is no reason to exclude high schools from the protections against overcrowding, and we are not alone in that opinion. Most adequate public facilities' laws in Maryland have a high school test. Please see the attached compilation (Attachment A). At the last work session, questions were raised about the number of students enrolled in high school who are not present for part of the day due to their involvement in special programs. This data, specific to each high school, is attached (Attachment B).

Students involved in these programs are only absent from their home high school for a portion of the day. Therefore, there must be adequate capacity for them at the times they are at their home school.

These absences have very little impact on the capacity needs of the schools, because the students involved in these programs are scattered throughout the classes. So, for example, instead of 25 students being in a 4th period math class, 23 students might be present. We must still have a classroom for the class.

2. Requiring all Development to Pass a Schools Test

Under the current APFO, a project may proceed after a waiting period even though it has failed the open/closed test. Permitting development when the region or school is closed exacerbates the documented overcrowding, and merely delaying the development during a waiting period substantially undermines the purpose of the open/closed chart and APFO. Permitting development to proceed after a waiting period creates a major loop hole in the APFO, and the purpose of this amendment is to eliminate that loop hole. The County Council requested data on the historic high school capacity utilization, and we will forward that information as soon as possible.

3. Defining Open/Closed Chart Capacity Utilization at 100%

The learning environment is compromised when student capacity exceeds 100% at a school. Permitting development to continue after school capacity has been reached simply worsens a known problem. In addition, permitting development to proceed after 100% capacity has been reached aggravates the overcrowding problem for many years since it takes several years to purchase a school site, secure local and state funding, and construct a school building.

4. Including a Funding Trigger for School Facilities at 95% Capacity Utilization with a Projection of more than 110% Capacity Utilization in 5 Years

One of the major weaknesses in the APFO is the absence of a mechanism that would compel the mitigation of overcrowding, such as the construction of a school in instances where overcrowding is known to exist and projected to continue for many years. Long-term mitigation of overcrowding requires the commitment, obviously, of the Board, the County Executive, and the County Council. Capturing these commitments in County Code language consistent with the County's charter may be tricky, but the Board has attempted a couple of iterations for your consideration. Our current proposal is:

The County Executive shall annually request that the Board of Education include in its Capital Improvement Program a school project when a school or school region is at 95% capacity utilization and is projected to exceed 110% capacity utilization in the Capital Improvement Plan. When the Board of Education identifies a school project in its Capital Improvement Program as necessary because a school or school region is at 95% capacity utilization and is projected to exceed 110% capacity utilization in that Capital Improvement Plan, the County Executive shall include funding in the County Executive's budget request to the County Council necessary to meet the Board of Education's request and the County Council shall fund such projects prior to approving any housing unit allocations in the associated school or school region.

We believe that this version addresses the issues that have been raised by County Council members regarding our initial suggestion. Under this proposal, the County Executive would annually *request* that the Board of Education include in its capital improvement program a school project when a school or school region is at 95% capacity utilization and is projected to exceed 110% capacity utilization in the capital improvement plan. Since this is a request, not a mandate, it does not violate the respective authorities of the parties. Next, when the Board of Education identifies such a school project, the County Executive would be required to include funding in the County Executive's budget. Again, we believe this

provision is lawful. Lastly, the proposal states that the County Council shall fund such a project *prior to* approving any housing unit allocations in the affected area. This language does not mandate that the County Council fund the project. Rather, it provides the County Council with an alternative: provide funding for the project or stay additional unit allocations.

As we have stated throughout, in providing suggested language to meet the need for a trigger, we do not mean to imply that we are wedded to any particular mechanism. We are confident that language can be developed by the County Office of Law that creates a trigger, if the County Council agrees that such a need exists.

It has been suggested that trigger language is not needed because the Board of Education can simply include funding in its capital budget for any school it deems needed. We respectfully disagree. While true as a conceptual matter, we believe that the realities of securing funding, especially for a new school, requires that key action steps be mandated. Currently, all the actions that must take place are discretionary (from funding requests to funding approvals). The Board is willing to be bound to a process that ensures that the steps needed to request and secure school funding are taken by the various parties, and urges all parties to do the same. Amending the APFO to require a public hearing at a trigger point, as has been proposed, would help address this problem.

5. Definition – Open/Closed Chart

The Board requests that the current use of the “Open/Closed” title be retained when referring to the applicable test and chart. This term more accurately communicates the purpose and effect of the test/chart than “school capacity.” The definition should also be aligned with the Board’s definition of program capacity, and we have proposed an amendment to accomplish that.

The Board’s amendments are intended to ensure that the County has sufficient school capacity to provide all students with a conducive learning environment, while accommodating population growth and residential development. We appreciate our dialogue on this matter, and are open to alternative methods of addressing the problems we have identified.

Sincerely,



Cynthia L. Vaillancourt
Chairman
Board of Education of Howard County

cc: Howard County Council
Board of Education Members
Michael J. Martirano, Ed.D.
Mark C. Blom, Esquire
Anissa Brown Dennis
Bruce Gist
Renee Kamen

ATTACHMENT A

June 8, 2017

Adequate Public Facilities Ordinances Level of Service Standards, 2017

Jurisdiction	Code Reference	Adequacy Test	Wait Time (bin)	Levels Tested	Comments
Anne Arundel	Anne Arundel County Code, Article 17, Title 5, Subtitle 5	100% (implied, not written in ordinance)	6 years, after which residential development can move forward without regard to the adequacy of public facilities for schools. Exception: if any school in a district adjacent to the overcrowded school district has sufficient capacity to render the overcrowded school less than 115% of SRC	ES, MS or HS	No approvals of a residential development can take place while in the waiting bin. Exceptions granted in certain development areas
Baltimore County	Baltimore County Code, Article 32, Title 6	115% of SRC*		EM, MS, or HS	No wait time identified in Code Regulation.
Calvert County	Calvert County Zoning Ordinance, Article 7, Title 5	100% of CRC**	7 years	EM, MS, or HS	If enrollment exceeds 100% of the rated capacity, the schools may still be deemed adequate if an adopted redistricting results in the enrollment projected ... for the next school year not exceeding 100% of the rated capacity of any of those schools. EXCEPTIONS given based on date parcels recorded.
Caroline County	Caroline County Code, Chapter 162, Article VII	100% CRC 109% of SRC @ ES & HS =adequate; 109% of functional capacity @ MS; INADEQUATE ES - a relief facility planned to address the >120% of SRC; MS- >120% of functional capacity; HS- >120% of SRC	none.		
Carroll County	Carroll County Code, Chapter 156		No residential plat may be recorded or final residential site plan approved until a relief facility planned to address the inadequacy in the current CIP has construction underway and completion is anticipated within 6 months or the developer provides mitigation acceptable to county	ES, MS or HS	110%-119% of SRC (ES or HS) or functional capacity (MS) is "approaching inadequate" and subject to permit restrictions, exemptions for certain zones and uses; considers relocatable capacity and CIP
Charles County	Charles County Chapter 287, Article XVI		100% not indicated	ES, MS or HS	
Frederick County	Frederick County Code, Chapter 1-20, Article VI	100% SRC	School Construction Fee Account for county to collect/deposit for construction (interest bearing); mitigation strategies to move forward. (option)	ES, MS or HS	If an adjoining school district at the same level is at least 20% below SRC, then applicant may request the BOE determine the viability of redistrict to accommodate the new development

ATTACHMENT A

June 8, 2017

Adequate Public Facilities Ordinances Level of Service Standards, 2017

Jurisdiction	Code Reference	Adequacy Test	Wait Time (bin)	Levels Tested	Comments
					Preliminary plan or site plan may be approved when enrollment serving the site is >110% if capital budget contains a capital project with appropriations to fund the project and upon completion will reduce enrollment <100% of SRC, actual construction of capital project has begun and is scheduled to be complete and operational within 2 years.
Hartford County	Hartford County Zoning Code, Chapter 267, Article XV	110% SRC within 3 years of CIP	School Construction Fee option. (not valid after July 20, 2016)	EM, MS, or HS	
Howard County	Howard County Code, Title 16, Subtitle 11	115% LRC	4 years (after housing unit allocation)	EM, ES region or MS	
Montgomery County	Montgomery County Subdivision Staging Policy, Pages 47-56	ES- 120% LRC and 110 student or more deficit; MS- 120% and 180 students or more HS Cluster- 120% LRC	placeholder project in CIP for enough capacity to resolve the moratorium	ES, MS or HS	2016 legislation removed the school facility payment. In lieu of school facility payments, the Council increased the school impact tax from capturing 90% of a unit's construction cost impact to 120% of the impact. This is paid on all units, regardless of adequacy and is calculated to include the construction cost impact for all school levels. Goes to School Construction Fund School Construction fund. Developers pay "facility school payment" there are some exceptions depending if in urban vs. suburban vs. rural areas of county.
Prince George's County	Prince George's County Code, Section 24 (superseded by Council Resolution)		no wait time Optional mitigation plan that must result in the construction, dedication or funding of a capital improvement included or to be included within the first 2 years of County's CIP	ES, MS or HS	Temporary or portable classroom structures will not be accepted as sufficient forms of mitigation. Mitigation plan must be approved the the BOE.
Queen Anne's County	Queen Anne's County Code, Part III, Chapter 28	100% SRC		ES, MS or HS	
St. Mary's County	St. Mary's County Zoning Ordinance, Article 7, Chapter 70	ES- 107% SRC within the north or south attendance area; MS- 109% of SRC; HS- 116% of SRC	Optional mitigation plan that is acceptable to the BOE.	ES, MS or HS	

ATTACHMENT A

June 8, 2017

Adequate Public Facilities Ordinances
Level of Service Standards, 2017

Jurisdiction	Code Reference	Adequacy Test	Wait Time (bin)	Levels Tested	Comments
Washington County	Washington County Adequate Public Facilities Ordinance	ES- 90% SRC; MS & HS 100% SRC	Options for mitigation but does not exceed 120% of SRC, applicant can request the BOE to determine the viability of redistricting to accommodate new development if adjoining school district at the same level is at least 20% below SRC.	ES, MS or HS	If a school is not adequate and the development has not chosen the mitigation or the BOE has not approved a specific redistricting plan, the final subdivision or site plan approval shall be denied, except if the County Commissioners determines that approving the development benefits the community by encouraging certain types of development (revitalization, renovation of abandoned or under-utilized structures or affordable or workforce housing or community revitalization projects or approved prior to July 1, 2005

Notes:

SRC = State Rated Capacity

CRC = County Rated Capacity

Attachment B

Howard County High School Students Participating in Non-Home School Programs

	ARL AM	ARL PM	Work Study	Enclave	GT Intern/Mentor	CRD Site- Based	TAM Site- Based	Work Release	HCC Dual Enrollment	Totals
AHS	51	26	5	2	42	12	7	25	8	178
CHS	44	27	3	2	59	3	2	22	2	164
GHS	53	46	1	2	33	3	0	47	12	197
HaHS	28	18	5	5	21	18	4	34	3	136
HoHS	74	56	4	4	25	8	8	111	15	305
LRHS	96	45	1	7	28	24	4	55	2	262
MHHS	50	31	2	5	35	12	0	30	5	170
MRHS	24	16	0	9	25	6	6	35	5	126
OMHS	34	23	2	9	7	22	0	40	17	154
ResHS	72	44	5	6	10	3	3	26	25	194
RHHS	25	22	0	3	25	3	5	30	8	121
WLHS	35	19	4	7	12	24		36	1	138
Totals	586	373	32	61	322	138	39	491	103	2145

* Data is updated as of October 16, 2017

ARL AM - Applications and Research Lab has 12 Career Academy programs in the morning for grades 10-12

ARL PM - Applications and Research Lab has 12 Career Academy programs in the afternoon for grades 10-12

Work Study (supervised, hands-on work experience in a community setting; aligned to IEP goals) - High schools have 1 program for grades 11-12

Enclave (Resource Enclave - supervised, hands-on work experience in a community setting; aligned to IEP goals) - High schools participate in a centralized HCPSS program for grades 9-12

G/T Intern/Mentor - High schools have 1 program for grades 11-12

CRD Site-Based (Career Research and Development Site-based Work Experience) - High schools have 1 program for grade 12

TAM Site-Based (Teacher Academy of Maryland Field Experience in Education) - High schools have 1 program for grade 12

Work Release (Release Time for employment) - High schools have 1 program for grade 12

HCC Dual Enrollment (Release Time for college enrollment) - High schools have 1 program for grade 12

HOWARD COUNTY
PUBLIC SCHOOL SYSTEM

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

**Board of Education
of Howard County**

Cynthia L. Vaillancourt
Chairman

Bess Altwerger, Ed.D.
Vice Chairman

Kirsten A. Coombs

Christina Delmont-Small

Mavis Ellis

Sandra H. French

Ananta Hejeebu

Anna Selbrede
Student Member

Michael J. Martirano, Ed.D.
Interim Superintendent
Secretary/Treasurer

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.

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

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

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

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

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

21 (2) *Test for allocations:*

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

26 a. *Allocations available.* If housing unit allocations are available for the scheduled
27 completion year for unphased projects or for the scheduled completion year for
28 the initial and future phases for phased projects, the Director of Planning and
29 Zoning shall assign tentative housing unit allocations.

30 b. *Allocations not available.* If housing unit allocations are not available for the
31 scheduled completion year for unphased projects or for the scheduled
32 completion year for the initial or future phases for phased projects, the
33 application shall be placed on the bottom of a list of applications waiting for
34 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 ~~(1) 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~~
9 ~~PROCEED.~~

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

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

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

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

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

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

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
percent of the program capacity of the school.
- 4 ~~[(z)]~~ *Open/closed chart* means a chart indicating which elementary school regions and which
 5 Elementary, ~~and middle,~~ and high schools are open to new residential development and which
 6 are closed
 7 to new residential development for the each of the following ten years, and shall be based on
the program capacity, as defined by Board of Education policies.
- 8 (aa) *Open/closed test* means a test to determine whether the elementary school region and
 9 elementary school, ~~and middle school,~~ and high school serving a proposed project are open
 10 to new residential
 11 development in the scheduled completion year of the project or the phases of the project, and
shall be based on the program capacity, as defined by the Board of Education policies.
- 12 .H
- 13 ([[ab]]z) *Phased project* means a project utilizing phasing.
- 14 ([[ac]]AA) *Phasing* means the sequential development of portions of a subdivision pursuant to a
 15 sketch plan which includes a schedule for submission of preliminary and final plan applications
 16 for the various phases of the project and a schedule for completion of these phases.
- 17 ([[ad]]AB) *Plan stage* means one of the three levels of a subdivision plan—sketch plan, preliminary
 18 plan, and final plan.
- 19 ([[ae]]AC) *Planning region* means a geographic area of the County identified in the general plan
 20 that is used for forecasting housing growth.
- 21 ([[af]]AD) *Program capacity* means the capacity, as defined by the Howard County Board of
 22 Education policies, for grades kindergarten through grade ~~8-12~~. Program capacity does not
 23 include prekindergarten, special
 24 education and relocatable capacity.
- 25 ([[ag]]AE) *Road facilities*:
- 26 (1) In planned service area for public water and sewer. In that portion of the County in the
 27 planned service area for public water and sewer, road facilities means at grade
 28 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.*

Name	2009	2010	2011	2012	2013	2014*	2015	2016	2017	Name	2009	2010	2011	2012	2013*	2014	2015	2016	2017
Atholton ES	387	387	387	387	387	424	424	424	424	Bonnie Branch MS	662	662	662	662	662	662	662	662	701
Bellows Spring ES	662	662	762	762	762	751	751	751	751	Burleigh Manor MS	662	662	662	662	779	779	779	779	779
Bollman Bridge ES	566	566	566	663	663	666	666	666	666	Clarksville MS	662	662	662	662	643	643	643	643	643
Bryant Woods ES	355	355	355	355	355	361	361	361	361	Dunloggin MS	526	526	526	526	565	565	565	565	565
Bushy Park ES	788	788	788	788	788	788	788	788	788	Elkridge Landing MS	662	662	662	662	779	779	779	779	779
Centennial Lane ES	628	628	628	628	628	647	647	647	647	Ellicott Mills MS	662	662	662	662	662	662	662	662	701
Clarksville ES	634	634	634	634	634	612	612	612	543	Folly Quarter MS	662	662	662	662	662	662	662	662	662
Clemens Crossing ES	522	522	522	522	522	521	521	521	521	Glenwood MS	584	584	584	584	545	545	545	545	545
Cradlerock ES	487	487	487	487	487	398	398	398	398	Hammond MS	584	584	584	584	604	604	604	604	604
Dayton Oaks ES	788	788	788	788	788	788	788	788	769	Harpers Choice MS	506	506	506	506	506	506	506	506	506
Deep Run ES	601	601	601	601	601	672	672	672	750	Lake Elkhorn MS	584	584	584	584	643	643	643	643	643
Ducketts Lane ES	0	0	0	0	600	669	770	770	770	Lime Kiln MS	701	701	701	701	701	701	701	701	701
Elkridge ES	779	779	779	779	779	760	760	760	760	Mayfield Woods MS	682	682	682	682	798	798	798	798	798
Forest Ridge ES	626	626	626	626	626	669	669	713	713	Mount View MS	662	662	662	662	798	798	798	798	798
Fulton ES	772	772	772	772	772	788	788	788	826	Murray Hill MS	662	662	662	662	662	662	662	662	662
Gorman Crossing ES	540	540	540	540	713	700	700	735	735	Oakland Mills MS	506	506	506	506	506	506	506	506	506
Guilford ES	462	462	462	462	462	465	465	465	465	Patapsco MS	662	662	662	662	643	643	643	643	643
Hammond ES	500	500	597	597	597	653	653	653	653	Patuxent Valley MS	662	662	662	662	760	760	760	760	760
Hollifield Station ES	688	688	688	688	688	694	694	694	694	Thomas Viaduct	0	0	0	0	0	662	701	701	701
Ilchester ES	617	617	617	617	617	653	653	653	653	Wilde Lake MS	506	506	506	506	467	467	467	467	760
Jeffers Hill ES	421	421	421	421	421	421	421	421	421	Total	11799	11799	11799	11799	12385	13047	13086	13125	13457
Laurel Woods ES	540	540	540	540	540	640	640	640	640	Name	2009*	2010	2011	2012	2013	2014	2015	2016	2017
Lisbon ES	553	553	553	553	553	527	527	527	527	Atholton HS	1360	1360	1360	1360	1360	1360	1360	1460	1460
Longfellow ES	418	418	418	418	418	512	512	512	512	Centennial HS	1360	1360	1360	1360	1360	1360	1360	1360	1360
Manor Woods ES	647	647	647	647	647	681	681	681	681	Glennelg HS	1420	1420	1420	1420	1420	1420	1420	1420	1420
Northfield ES	522	522	672	672	672	700	700	700	700	Hammond HS	1220	1220	1220	1220	1220	1220	1220	1220	1220
Phelps Luck ES	540	540	540	540	640	616	616	616	616	Howard HS	1400	1400	1420	1420	1420	1420	1420	1420	1420
Pointers Run ES	776	776	776	776	776	744	744	744	744	Long Reach HS	1488	1488	1488	1488	1488	1488	1488	1488	1488
Rockburn ES	667	667	667	667	667	672	653	653	653	Marriotts Ridge HS	1615	1615	1615	1615	1615	1615	1615	1615	1615
Running Brook ES	405	405	405	405	405	515	515	515	515	Mt Hebron HS	1280	1280	1280	1280	1400	1400	1400	1400	1400
St Johns Lane ES	597	597	597	597	597	612	612	612	612	Oakland Mills HS	1400	1400	1400	1400	1400	1400	1400	1400	1400
Stevens Forest ES	333	333	333	333	433	399	399	399	399	Reservoir HS	1551	1551	1551	1551	1551	1551	1551	1551	1551
Swansfield ES	528	528	528	528	528	521	521	521	521	River Hill HS	1488	1488	1488	1488	1488	1488	1488	1488	1488
Talbott Springs ES	443	443	443	443	443	377	377	377	377	Wilde Lake HS	1424	1424	1424	1424	1424	1424	1424	1424	1424
Thunder Hill ES	368	368	368	468	468	509	509	509	509	Total	17006	17006	17026	17026	17146	17146	17146	17246	17246
Triadelphia Ridge ES	544	544	544	544	544	581	581	581	581	* 2009 HS Capacity Study									
Veterans ES	788	788	788	788	788	788	788	821	799	* 2013 MS Capacity Study									
Waterloo ES	594	594	594	594	594	663	663	663	663	* 2014 ES Capacity Study									
Waverly ES	675	675	675	675	675	638	638	638	616										
West Friendship ES	396	396	396	396	396	414	414	414	414										
Worthington ES	516	516	516	516	516	590	590	590	590										
Total	22673	22673	23020	23217	24190	24699	24881	25093	24977										

Note: Capacity calculations are based on the following formula:
 ES= (#K X 22)+ (#Gr1-2 X 19) + (#Gr3-5 X 25)
 MS= (#classroom X 20.5) X 95%
 HS= (#classroom X 25) X 85% (or 80% , depending on core space)

Source: HCPSS, Office of School Planning
 Date: 10.20.2017

ATTACHMENT 2

Capacity Changes

Name	2009	2010	2011	2012	2013	2014*	2015	2016	2017	
Atholton ES	0	0	0	0	0	37	0	0	0	
Bellows Spring ES	0	100	0	0	0	-11	0	0	0 Addition	
Bollman Bridge ES	0	0	97	0	0	3	0	0	0 Addition	
Bryant Woods ES	0	0	0	0	0	6	0	0	0	
Bushy Park ES	0	0	0	0	0	0	0	0	0	
Centennial Lane ES	0	0	0	0	0	19	0	0	0	
Clarksville ES	0	0	0	0	0	-22	0	0	-69 Regional ALS program	
Clemens Crossing ES	0	0	0	0	0	-1	0	0	0	
Cradlerock ES	0	0	0	0	0	-89	0	0	0	
Dayton Oaks ES	0	0	0	0	0	0	0	0	-19 K-5 room assigned to PreK	
Deep Run ES	0	0	0	0	0	71	0	100	-22 Addition; K-5 room assigned to PreK	
Ducketts Lane ES	0	0	0	0	600	69	101	0	0 New school; removed PreK & reclaimed spaces	
Elkridge ES	0	0	0	0	0	-19	0	0	0	
Forest Ridge ES	0	0	0	0	0	43	0	44	0 Reclaimed Community room	
Fulton ES	0	0	0	0	0	16	0	0	38 Reclaimed Community room	
Gorman Crossing ES	0	0	0	0	173	-13	0	35	0 Addition; Reclaimed Community room	
Guilford ES	0	0	0	0	0	3	0	0	0	
Hammond ES	0	97	0	0	0	56	0	0	0 Addition	
Hollfield Station ES	0	0	0	0	0	6	0	0	0	
Ilchester ES	0	0	0	0	0	36	0	0	0	
Jeffers Hill ES	0	0	0	0	0	0	0	0	0	
Laurel Woods ES	0	0	0	0	0	0	100	0	0 Addition	
Lisbon ES	0	0	0	0	0	-26	0	0	0	
Longfellow ES	0	0	0	0	0	94	0	0	0	
Manor Woods ES	0	0	0	0	0	34	0	0	0	
Northfield ES	0	150	0	0	0	28	0	0	0 Addition	
Phelps Luck ES	0	0	0	100	0	-24	0	0	0 Addition	
Pointers Run ES	0	0	0	0	0	-32	0	0	0	
Rockburn ES	0	0	0	0	0	5	-19	0	0 K-5 room assigned to PreK	
Running Brook ES	0	0	0	0	0	110	0	0	0 Addition	
St. Johns Lane ES	0	0	0	0	0	15	0	0	0	
Stevens Forest ES	0	0	0	100	0	-34	0	0	0 Addition	
Swansfield ES	0	0	0	0	0	-7	0	0	0	
Talbott Springs ES	0	0	0	0	0	-66	0	0	0	
Thunder Hill ES	0	0	100	0	0	41	0	0	0 Addition	
Triadelphia Ridge ES	0	0	0	0	0	37	0	0	0	
Veterans ES	0	0	0	0	0	0	33	-22	Reclaimed Community rm. & K-5 rm. to PreK	
Waterloo ES	0	0	0	0	0	69	0	0	0	
Waverly ES	0	0	0	0	0	-37	0	0	-22 K-5 room assigned to regional program	
West Friendship ES	0	0	0	0	0	18	0	0	0	
Worthington ES	0	0	0	0	0	74	0	0	0	
Total	0	0	0	347	197	973	509	182	212	-116

Name	2009	2010	2011	2012	2013*	2014	2015	2016	2017
Bonnie Branch MS	0	0	0	0	0	0	0	0	39 Reclaimed Community room
Burleigh Manor MS	0	0	0	0	117	0	0	0	0
Clarksville MS	0	0	0	0	-19	0	0	0	0
Dunloggin MS	0	0	0	0	39	0	0	0	0
Elkridge Landing MS	0	0	0	0	117	0	0	0	0
Ellicott Mills MS	0	0	0	0	0	0	0	39	0 Reclaimed Community room
Folly Quarter MS	0	0	0	0	0	0	0	0	0
Glenwood MS	0	0	0	0	-39	0	0	0	0
Hammond MS	0	0	0	0	20	0	0	0	0
Harpers Choice MS	0	0	0	0	0	0	0	0	0
Lake Elkhorn MS	0	0	0	0	59	0	0	0	0
Lime Kiln MS	0	0	0	0	0	0	0	0	0
Mayfield Woods MS	0	0	0	0	116	0	0	0	0
Mount View MS	0	0	0	0	136	0	0	0	0
Murray Hill MS	0	0	0	0	0	0	0	0	0
Oakland Mills MS	0	0	0	0	0	0	0	0	0
Patapsco MS	0	0	0	0	-19	0	0	0	0
Patuxent Valley MS	0	0	0	0	98	0	0	0	0
Thomas Viaduct	0	0	0	0	0	662	39	0	0 New school; Reviewed and recalculated
Wilde Lake MS	0	0	0	0	-39	0	0	0	293 Replacement school
Total	0	0	0	0	586	662	39	39	332

Name	2009*	2010	2011	2012	2013	2014	2015	2016	2017
Atholton HS	28	0	0	0	0	0	0	100	0 Reviewed and recalculated, post renovation
Centennial HS	28	0	0	0	0	0	0	0	0
Glenelg HS	86	0	0	0	0	0	0	0	0
Hammond HS	-112	0	0	0	0	0	0	0	0
Howard HS	68	20	0	0	0	0	0	0	0 Reviewed and recalculated
Long Reach HS	156	0	0	0	0	0	0	0	0
Narriotts Ridge HS	288	0	0	0	0	0	0	0	0
Mt Hebron HS	-52	0	0	0	0	0	0	0	0
Oakland Mills HS	68	0	0	0	120	0	0	0	0 Reviewed and recalculated, post renovation
Reservoir HS	218	0	0	0	0	0	0	0	0
River Hill HS	156	0	0	0	0	0	0	0	0
Wilde Lake HS	92	0	0	0	0	0	0	0	0
Total	0	0	0	20	0	120	0	100	0

* 2009 HS Capacity Study
 * 2009 MS Capacity Study
 * 2013 MS Capacity Study
 * 2014 ES Capacity Study

ATTACHMENT 3

Regional Program Location

Regional Program Locations

School	Programs
Atholton ES	Pre-K, Preschool, MINC
Bellows Spring ES	Pre-K, Preschool, MINC, EB, ES PL
Bollman Bridge ES	Title I, Pre-K, Preschool, MINC
Bryant Woods ES	Title I, ESM Full-day Pre-K
Bushy Park ES	Pre-K, Preschool
Centennial Lane ES	
Clarksville ES	
Clemens Crossing ES	
Cradlerock ES	Title I, Pre-K, Preschool
Dayton Oaks ES	Pre-K, Preschool, MINC, EB
Deep Run ES	Title I, Pre-K, Preschool, MINC
Ducketts Lane ES	
Elkridge ES	Pre-K
Forest Ridge ES	
Fulton ES	Regional ED
Gorman Crossing ES	Pre-K, Preschool, MINC
Guilford ES	Title I, Pre-K
Hammond ES	
Hollifield Station ES	Pre-K, Preschool, MINC
Ilchester ES	Pre-K, Preschool, MINC, ES PL
Jeffers Hill ES	
Laurel Woods ES	Title I, ESM Full-day Pre-K
Lisbon ES	
Longfellow ES	Title I, Pre-K, Preschool, MINC
Manor Woods ES	
New ES #42	
Northfield ES	
Phelps Luck ES	Title I, ESM Full-day Pre-K
Pointers Run ES	Pre-K, Preschool, MINC, ES PL, ALS
Rockburn ES	Pre-K, Preschool, MINC
Running Brook ES	Title I, ESM Full-day Pre-K, Preschool
St. John's Lane ES	
Stevens Forest ES	Title I, ESM Full-day Pre-K, Regional ED
Swansfield ES	Title I, Pre-K
Talbott Springs ES	Title I, ESM Full-day Pre-K
Thunder Hill ES	ALS
Triadelphia Ridge ES	EB
Veterans ES	EB, Pre-K, Preschool, MINC
Waterloo ES	Pre-K, Regional ED, Preschool, MINC
Waverly ES	Pre-K, ALS, Preschool, MINC, ES PL
West Friendship ES	
Worthington ES	

School	Programs
Bonnie Branch MS	
Burleigh Manor MS	
Clarksville MS	
Dunloggin MS	
Elkridge Landing MS	ALS
Ellicott Mills MS	Regional ED
Folly Quarter MS	
Glenwood MS	
Hammond MS	
Harper's Choice MS	
Lake Elkhorn MS	
Lime Kiln MS	ALS
Mayfield Woods MS	
Mount View MS	
Murray Hill MS	Regional ED
Oakland Mills MS	
Patapsco MS	
Patuxent Valley MS	
Thomas Viaduct MS	
Wilde Lake MS	

School	Programs
Atholton HS	JROTC, PSECDP
Centennial HS	
Glenelg HS	
Hammond HS	Regional ED
Howard HS	JROTC
Long Reach HS	PSECDP
Marriotts Ridge HS	PSECDP
Mt Hebron HS	Regional ED
Oakland Mills HS	ALS, JROTC, PSECDP
Reservoir HS	Regional ED
River Hill HS	PSECDP
Wilde Lake HS	PPS

ALS	Regional Academic Life Skills
Preschool	Preschool Program, including Parent Assisted Learning at Schools
Pre-K	Income qualifying Pre-K program. Astrisk (*) indicates 300% poverty qualification.
ESM Full-day Pre-K	Elementary School Model Full-day Pre-K program
EB	Early Beginnings - Special Education services for very young children
Title I	State approved based upon income
Regional ED	Regional Emotional Disabilities Program (draws from other schools)
Construction	Swing space for year round construction project
MINC	Multiple Intensive Needs Classroom (Toddler, Preschool/K, and/or Early Learner)
ES PL	Elementary School Primary Learner Program
JROTC	Junior Reserve Officers Training Corps
PPS	Pregnant and Parenting Students
PSECDP	Public School Employees' Child Development Program

ATTACHMENT 4

Cost Per Seat/Student Generation Rates

Current figures for the cost of a seat and student generation rates per unit (based on unit type).

Updated¹ by HCPSS, 10.20.2017

Cost per seat: Estimates of costs were provided in July 2017; however, due to a recent increase to the construction cost per square foot at the state level, estimates have increased. There is a level of conservatism in the estimated costs for new construction. Some differences in cost estimations include variations for site excavation, materials, labor and any LEED requirements by the State government. Based on the FY 2019 capital budget requests, the estimation to fund a future elementary, middle or high school is below:

Year Opened	School	Cost ²	Cost/seat
2006	Mariotts Ridge HS	\$44.1M (actual)	±\$33,100 (\$44.1M/1332)
2013	Duckett's Lane ES	\$33.97M (actual)	±\$56,600 (\$33.97M/600)
2014	Thomas Viaduct MS	\$30.98M (actual)	±\$44,130 (\$30.98M/702)
2022	HS #13	\$124M	±77,500 (\$124M/1615)
2022	Ellicott Mills MS* (addition, only)	\$8.45M	±\$53,900 (\$8.45M/156)
2023	ES #43	\$58M	±\$73,600 (\$58M/788)

**The 2017 Feasibility does not anticipate a need for a new middle school in the 10-year capital improvement program. It does recommend strategic placement of seats in the northern region, specifically at Dunloggin MS and Ellicott Mills MS. There is no direct comparison for a new build MS and the cost to build seats above are missing the capital costs of core spaces (gym, auditorium, cafeteria, etc.).*

Student Generation Rate: The Countywide by level (ES, MS and HS) five-year average yield rates from new construction are in the below table:

Unit Type*	Elementary School	Middle School	High School
SFD	0.469	0.144	0.075
SFA	0.242	0.093	0.060
APT	0.106	0.043	0.032
MH	0.481	0.145	0.075

** SFD = Single Family, Detached; SFA = Single Family, Attached; APT = Apartment; MH = mobile home*

¹ Updated as requested by Council staff to show cost increases since last constructed ES/MS/HS.

² Escalation is 3% yearly, wage rate is 10% yearly since 2014, and LEED 6% since 2014

Sayers, Margery

From: Carolan <cbstansky@comcast.net>
Sent: Thursday, October 19, 2017 10:38 AM
To: CouncilMail
Cc: Kittleman, Allan
Subject: CB61 and CB62--please strengthen APFO

Dear Howard County Councilpersons,

When you ran for election or re-election, each of you stated your intent to make our county --already a very good place to live-- even better. I hope you will reflect on the specific commitments and goals that you professed as you consider CB61 and CB62 and related amendments over the next two weeks before voting.

In my opinion, APFO must be strengthened!

At a St. John's Community Association meeting on a recent Saturday morning, I asked Gary Smith this question: "Do we have any data that development in Howard County actually pays for itself?"

Sadly, he had no answer. I have to believe if there were a clear cut answer for Howard County, each of you and your staff members would be able to rattle off many answers to that question.

Alas, the non-answer suggests the answer. At best, "we don't know." At worst, "no, but..."

But what?

I know that many will always argue "growth is good." But as a CPA, I understand that if marginal cost is greater than the marginal revenue, the finances will become worse, not better, with such growth. What I learned during the first APFO revision process in 2003 is that new housing units bring additional demand for schools and roads and hospitals and police/fire/EMTs. Housing does not usually pay for itself. Business growth demands roads and police/fire, and may attract additional residents. It tends to help the county coffers. But, if you "give away" the marginal benefits provided by the businesses' taxes through TIFs or other "economic development incentives" like increased density, Howard County's residential taxpayers are left with the bill: whether in higher tax rates, or "just" crowded schools, congested highways, clogged intersections, longer commutes--both on school buses and parents/employees' cars, and deteriorating neighborhood streets and county-maintained major collector roadways. (Ditto for state roads and services!)

I was a frequent "pen pal" of Chris Merdon and Courtney Watson. I am on record for supporting past transfer tax proposals. The recent APFO review process found that development fees in Howard County are far below

those of other counties. You MUST change the economics of "the deal" for developers. Benefits must accrue to Howard County, not to development firms and their executives.

"Adequate" in the title of the legislation may be part of the problem; it may have allowed you and your elected predecessors to be complacent. Residents who move to Howard County agree to "pay up" to live here, and of course, hope life gets even better. In general, though still recognized as "one of the best places to live", to many, Howard County is becoming less desirable. Adequate is not good enough. The County Council, which sits as the Zoning Board, MUST have its eye on the needs of ALL county facilities—schools included—with every "deal". "Adequate" is a floor, not a ceiling. That we haven't been able to pay for needed schools and roads in a timely manner -- plus the upkeep of pre-existing facilities -- only proves that our policies are out of balance and need fixing.

Please act now to strengthen the APFO legislation. Developers, I believe, will still want to build here!

Carolyn Stansky

Sayers, Margery

From: DIANE BUTLER <politicodiane@msn.com>
Sent: Tuesday, October 17, 2017 12:12 PM
To: CouncilMail
Subject: green allocations

All building should go through the allocations process as well as the other APFO tests. Every unit built, in Howard County, whether it is Green, MIHU, or senior housing, etc, affects the adequate public facilities for the entire county. Especially the student generation rate. EVERY SINGLE UNIT. Quit letting the developers ruin the planning for the county!!! Take a statistics course.

Diane Butler