

Introduced 7/13/17  
Public Hearing 7/17/17, 9/11/17, 9/18/17  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 10

Bill No. 62-2017

Introduced by the Chairperson at the request of the County Executive

AN ACT amending *PlanHoward 2030*, the general plan for Howard County, to reduce the number of allocations in the Growth and Revitalization category and to increase the number of allocations in the Established Communities category, beginning in 2020; and generally relating to planning, zoning and land use in Howard County.

Introduced and read first time July 3, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
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 July 17, 2017, continued 9/11/17 and 9/18/17,

Tabled 7/26/17  
Extended and tabled 9/5/17  
Extended and tabled 10/2/17

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2017 and Passed \_\_\_\_\_, Failed \_\_\_\_\_, expired on November 5, 2017.

By order Jessica Feldmark  
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**, in the summer of 2015, the County Executive appointed an Adequate  
2 Public Facilities Ordinance review task force (the “APFO Task Force”); and

3  
4           **WHEREAS**, the Task Force held multiple meetings, work sessions and public hearings  
5 and made recommendations to amend *PlanHoward2030*, the general plan for Howard County,  
6 and the Howard County Adequate Public Facilities Act, codified at Title 16, Subtitle 11 of the  
7 Howard County Code; and

8  
9           **WHEREAS**, Council Bill No.\_\_\_\_-2017 is being considered in conjunction with this Act  
10 and proposes changes to the Howard County Adequate Public Facilities Act; and

11  
12           **WHEREAS**, in accordance with the Task Force’s recommendations, this Act amends  
13 Figure 6-10, and related text, contained in *PlanHoward2030* in order to reduce the number of  
14 Growth and Revitalization allocations from 1,200 to 1,000 per year and to increase the number of  
15 Established Communities allocations from 400 to 600 per year, beginning in the 2020 allocation  
16 year; and

17  
18           **WHEREAS**, the APFO Task Force recommended this change in the numbers of  
19 Established Communities and Growth and Revitalization allocations in conjunction with  
20 dissolving the shared Growth and Revitalization and Established Communities allocation pool,  
21 which has been proposed in CB\_\_\_\_-2017; and

22  
23           **WHEREAS**, Figure 6-10 of PlanHoward 2030 is the basis of the annual allocations chart  
24 adopted by the County Council each year.

25  
26           **NOW, THEREFORE,**

27  
28           ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that***



1 *PlanHoward2030, as amended by Council Bill No. 25-2017, is hereby amended as follows:*

- 2 1. *Amend page 74 as shown in the attached; and*  
3 2. *Amend the Growth and Revitalization column and the Established Communities*  
4 *column in figure 6-10, Howard County APFO Allocations Chart, as follows:*

5

Year	Growth and Revitalization	Established Communities
2015	1,200	400
2016	1,200	400
2017	1,200	400
2018	1,200	400
2019	1,200	400
2020	[[1,200]] 1,000	[[400]] 600
2021	[[1,200]] 1,000	[[400]] 600
2022	[[1,200]] 1,000	[[400]] 600
2023	[[1,200]] 1,000	[[400]] 600
2024	[[1,200]] 1,000	[[400]] 600
2025	[[1,200]] 1,000	[[400]] 600
2026	[[1,200]] 1,000	[[400]] 600
2027	[[1,200]] 1,000	[[400]] 600
2028	[[1,200]] 1,000	[[400]] 600
2029	[[1,200]] 1,000	[[400]] 600
2030	[[1,200]] 1,000	[[400]] 600
<b>20 Year Totals</b>	<b>[[19,200]] 17,000</b>	<b>[[6,400]] 8,600</b>

Source: Howard County DPZ

6  
7 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that the  
8 Director of the Department of Planning and Zoning may correct obvious errors, capitalization,  
9 spelling, grammar, headings and similar matters and may publish this amendment to PlanHoward  
10 2030 by adding or amending covers, title pages, a table of contents, and graphics to improve  
11 readability.

12  
13 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland,  
14 that this amendment be attached to and made part of PlanHoward 2030.

15  
16 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland, that  
17 this Act shall become effective 61 days after its enactment.

**Downtown Columbia.** These allocations are based on the Downtown Columbia Plan adopted in 2010, and subsequently amended in 2016. The annualized pace of growth shown in Figure 6-10 is based on the housing unit allocation chart adopted by the County Council. Figure 6-10.1 represents the extrapolated allocations specific to Downtown Columbia through 2030 and beyond. Over the 16-year allocation period from 2015 through 2030, 3,750 Downtown Columbia allocations are available. Including the 950 allocations that were made available in the 2013 and 2014 allocation years in previous allocation charts, a total of 4,700 of the 6,244 ultimate approved Downtown units will be allocated, reflecting the maximum units allowed in the first two of the four total growth phases in the Downtown Plan.

**Targeted Growth and Revitalization.** These areas are defined on Map 6-2 and include the Route 1 Corridor, the Snowden River Parkway area, Maple Lawn, Emerson, Turf Valley, Waverly Woods, Columbia Village Centers, nodes along the Route 40 Corridor, and other locations. These are areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, seek to focus most future County growth. Allocations for the entire Targeted Growth and Revitalization area are set at 1,200 housing units per year. BEGINNING IN 2020, THE ALLOCATIONS FOR THIS AREA ARE SET AT 1,000 PER YEAR.

**Established Communities.** These areas are also defined on Map 6-2 and consist of already established residential and commercial areas in the eastern portion of the County where limited growth is expected, primarily through residential infill development. This entire area is much larger than the entire Targeted Growth and Revitalization area, but has much less growth capacity and *[[at]] IS SET TO 400 units per year [[contains only a third of the phased growth compared to the Targeted Growth and Revitalization area]]*. BEGINNING IN 2020, THE ALLOCATIONS FOR THIS AREA ARE SET AT 600 PER YEAR.

**Green Neighborhood.** This category replicates the Green Neighborhood set-aside in the currently adopted APF allocation chart. This set-aside was first added to the allocation chart in 2007. These units can be built anywhere in the County if the proposed plans meet Green Neighborhood standards as defined in the Howard County Subdivision and Land Development Regulations. The current APF chart includes 100 Green Neighborhood allocations per year. *PlanHoward 2030* increases the annual number to 150 with the goal of promoting more green development in Howard County.

**Rural West.** This area is outside of the Priority Funding Area, is not served by public water and sewer. The current APF chart includes 150 Rural West allocations per year. *PlanHoward 2030* decreases the annual number to 100, slowing future development in the West through 2030. There are, however, currently a significant number of grandfathered lots.

The total annual pace in Figure 6-10 for all areas combined is based on the current adopted APF allocation totals through 2020, with the same pace extended through 2030. Development

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on November 5, 2017.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 62-2017

BY: Chairperson at the request  
of the County Executive

Legislative Day No. 14  
Date: November 6, 2017

Amendment No. 1

*(This amendment makes inserts a cross reference.)*

- 1 On page 1, in line 9 and 21, in each instance insert "61" in the blank.

ADOPTED 11/6/17  
FAILED \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

Amendment 1 to Council Bill No. 62-2017

**BY: Chairperson at the request  
of the County Executive**

**Legislative Day No. 14  
Date: November 6, 2017**

Amendment No. 1

*(This amendment makes inserts a cross reference.)*

- 1 On page 1, in line 9 and 21, in each instance insert "61" in the blank.







# CB 61 and 62 Amendments to APFO




**COUNTY COUNCIL  
WORK SESSION**

**SEPTEMBER 25, 2017**



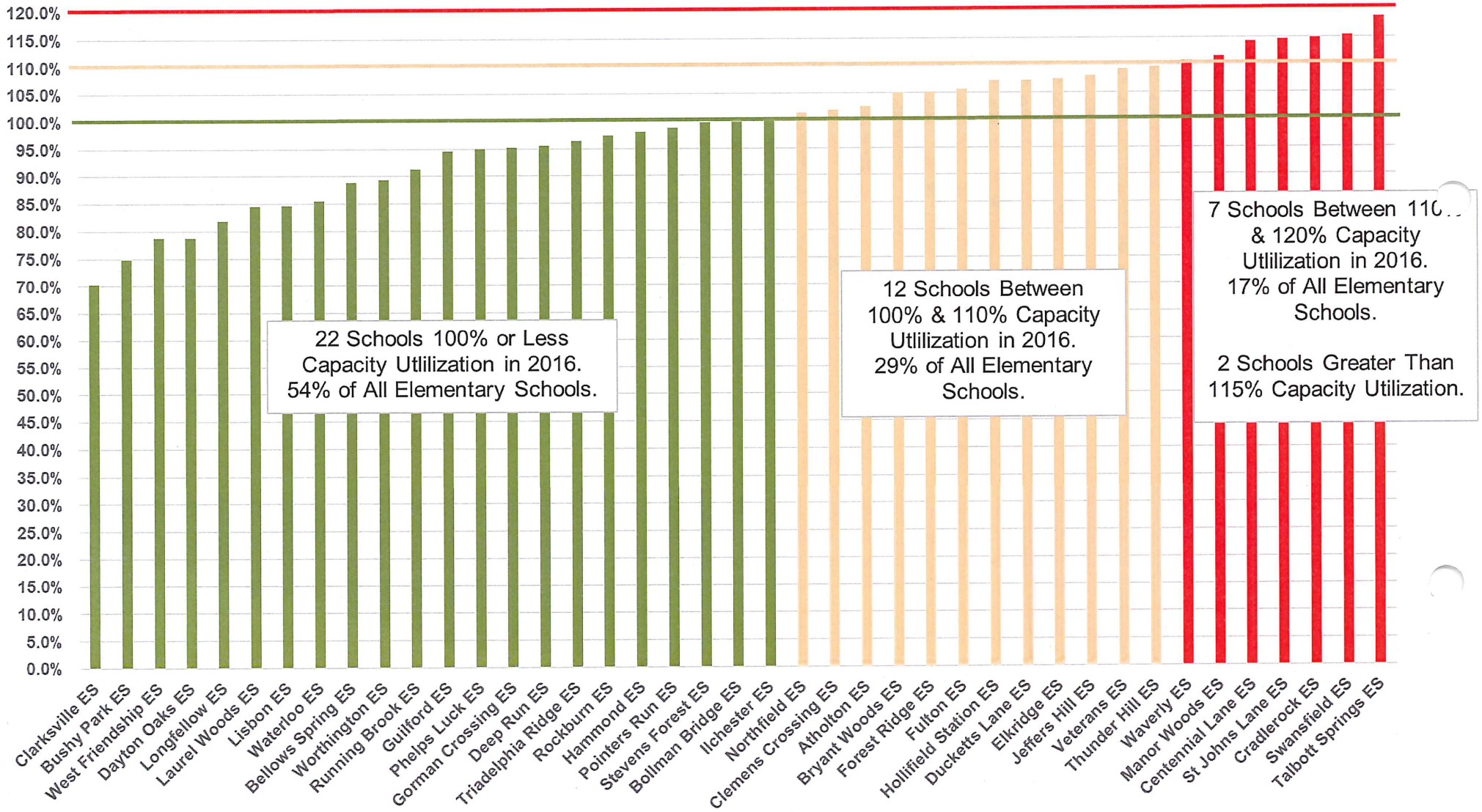
CB 61-2017

# School Capacity Utilization & New Development Trends



**FOR ELEMENTARY, MIDDLE & HIGH  
SCHOOLS IN HOWARD COUNTY**

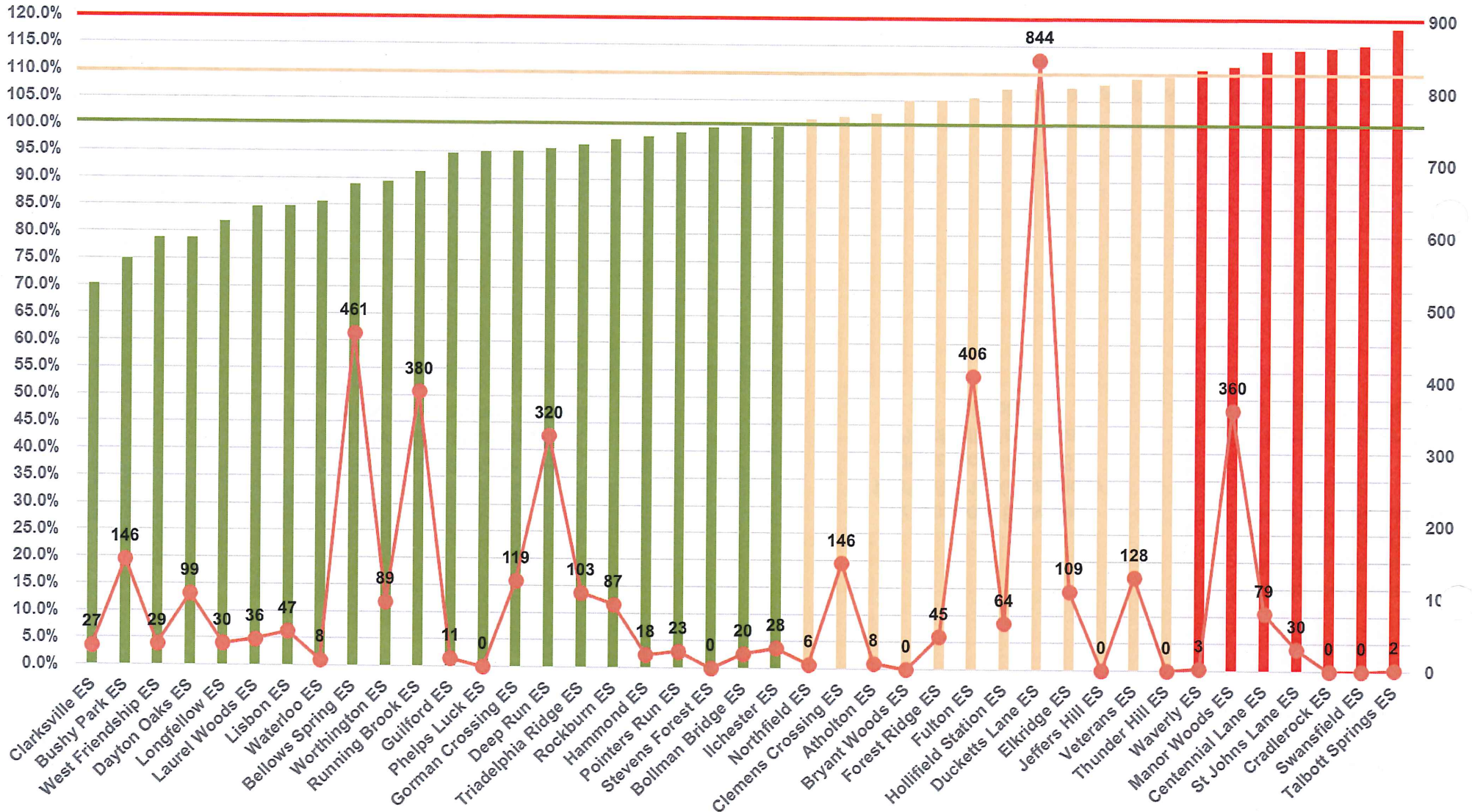
## 2016 Actual Elementary School Capacity Utilization



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments.

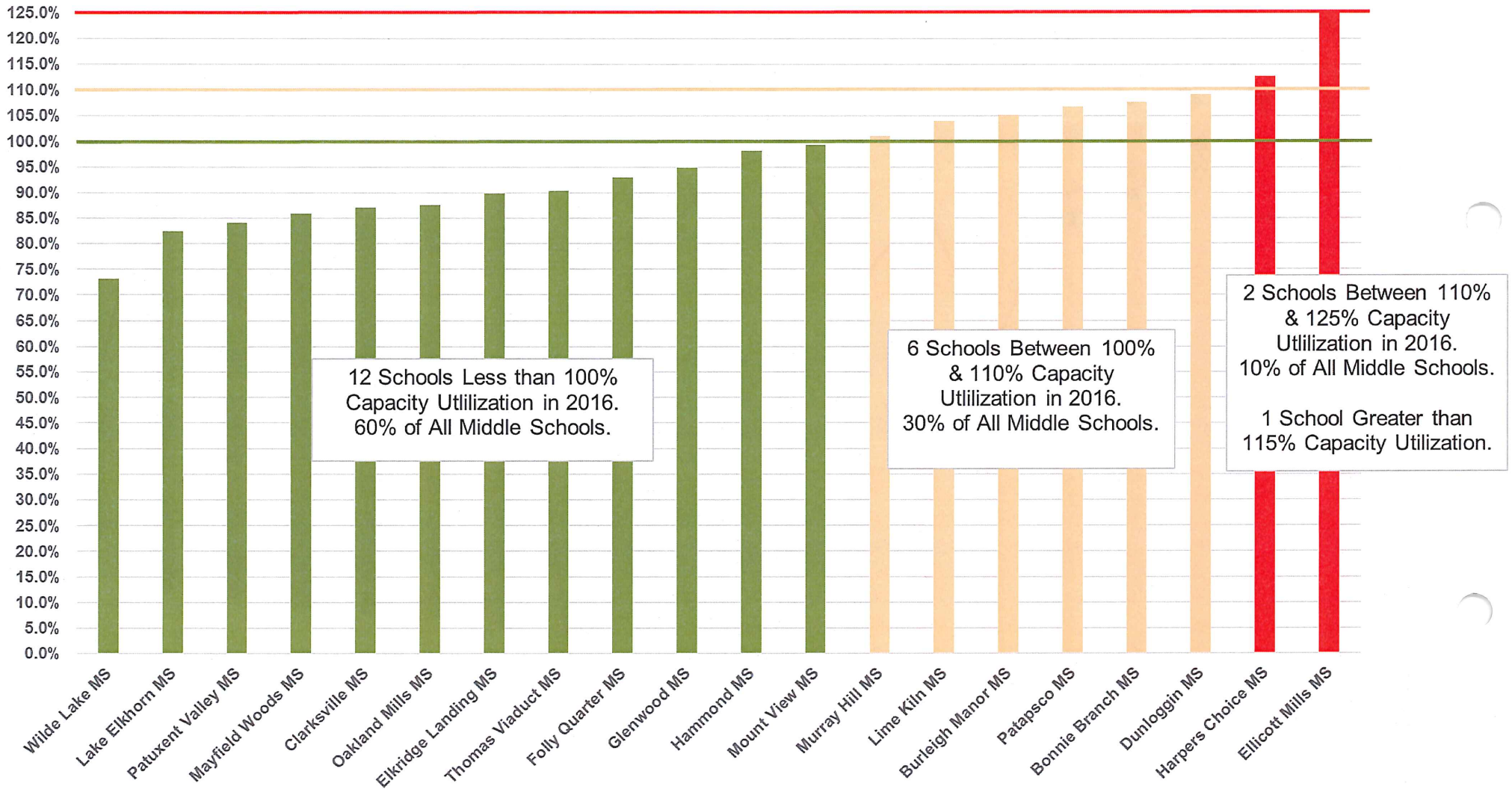


## 2016 Actual Elementary School Capacity Utilization & Number of Residential Units Built in Previous 3 Years (Oct. '13 through Sept. '16)



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments. Residential units built from DPZ Research Division.

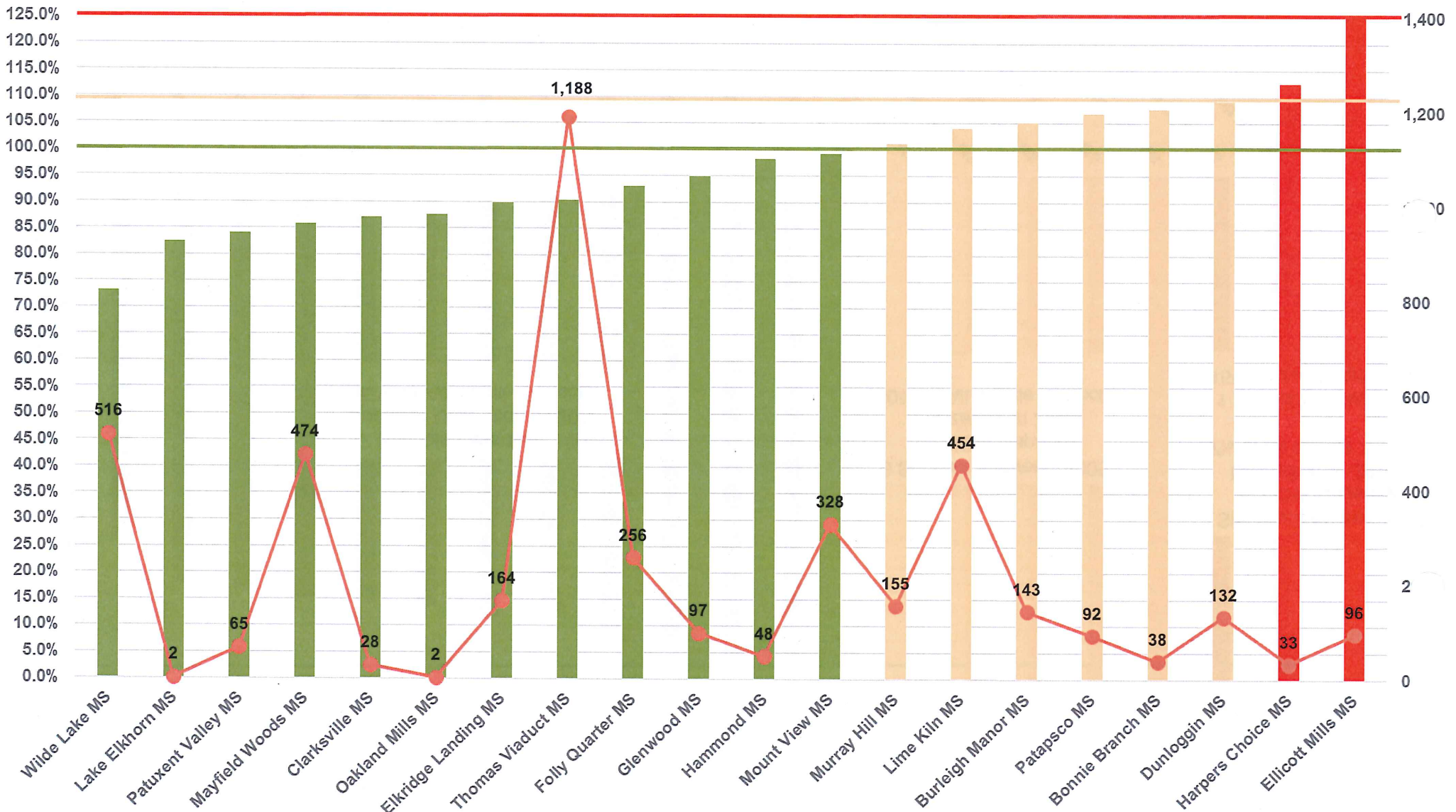
## 2016 Actual Middle School Capacity Utilization



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments.



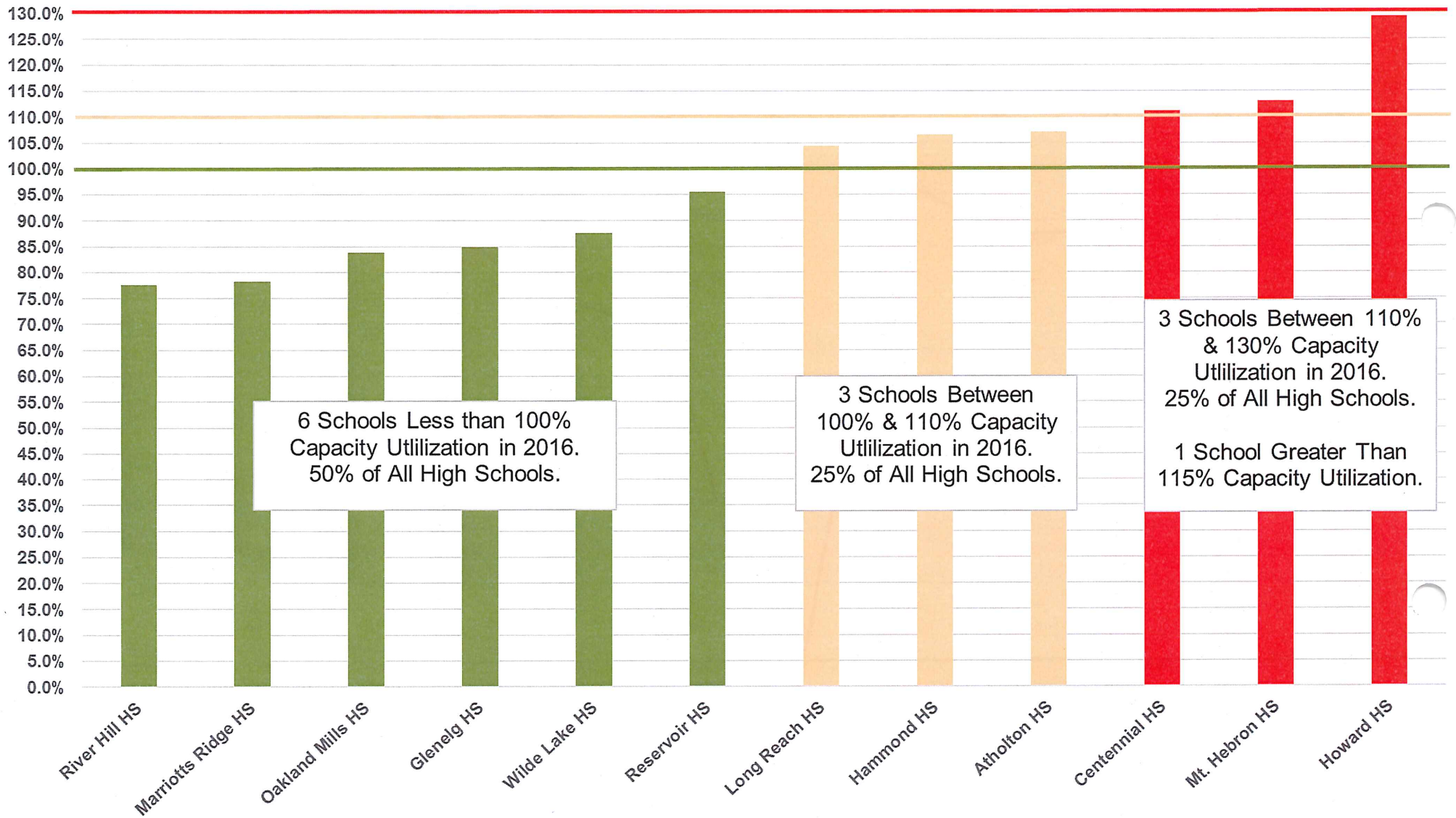
## 2016 Actual Middle School Capacity Utilization & Number of Residential Units Built in Previous 3 Years (Oct. '13 through Sept. '16)



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments. Residential units built from DPZ Research Division.

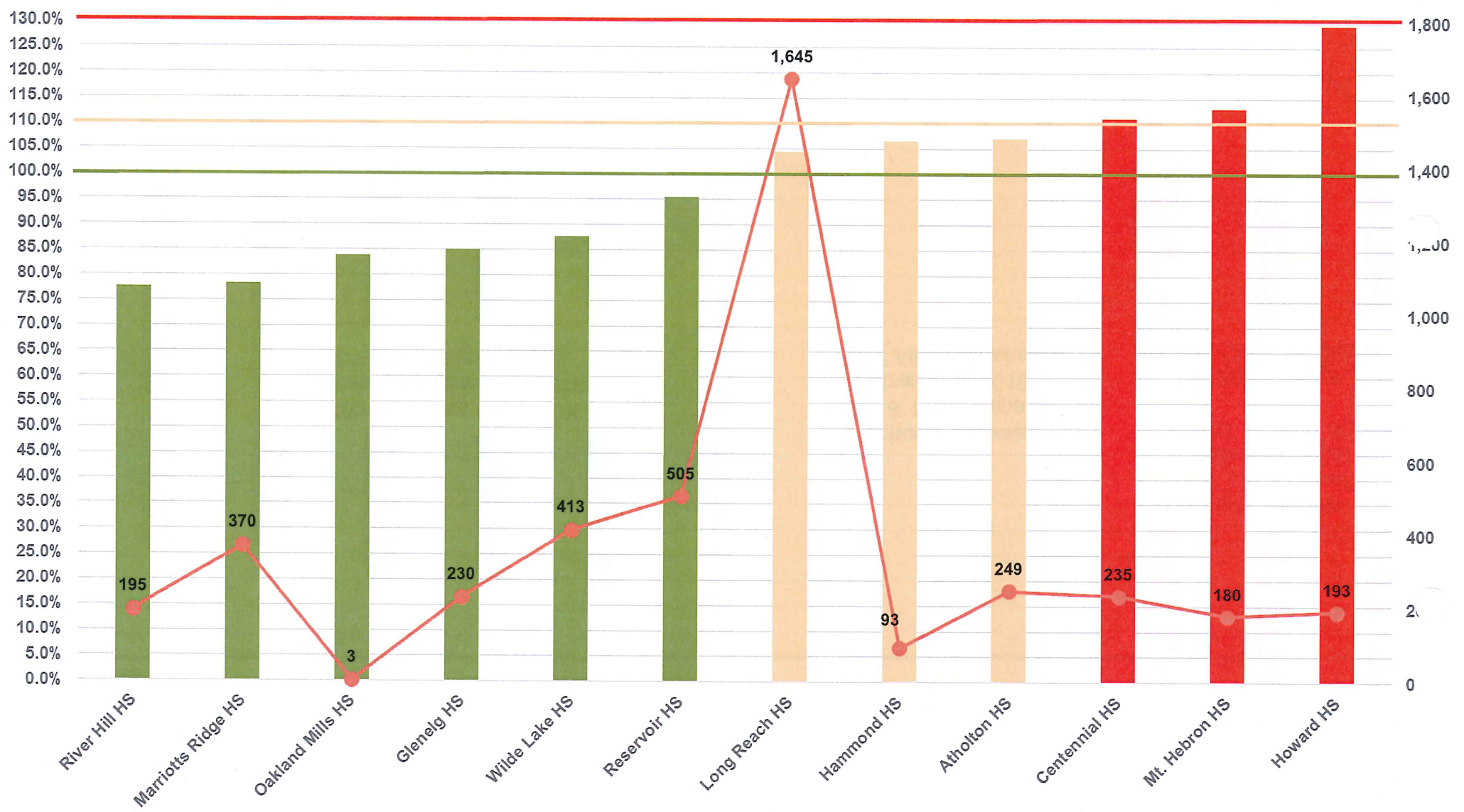


## 2016 Actual High School Capacity Utilization



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments.

## 2016 Actual High School Capacity Utilization & Number of Residential Units Built in Previous 3 Years (Oct. '13 through Sept. '16)



Sources: School capacities from HCPSS 2017 Feasibility Study (pre-measure chart). Enrollments from September, 2016 HCPSS Official Enrollments. Residential units built from DPZ Research Division.



# New Students



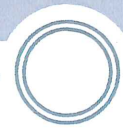
**FROM NEW HOMES & FROM  
RESALES OF EXISTING HOMES AS  
NEIGHBORHOODS TURNOVER**

**New Students added to the Howard County Public School System  
From New Construction & Resales (September enrollments)**

Year	New Construction		Resales		Total	
	Number	Percent	Number	Percent	Number	Percent
2006	601	47%	682	53%	1,283	100%
2007	370	34%	725	66%	1,095	100%
2008	430	47%	482	53%	912	100%
2009	332	42%	452	58%	784	100%
2010	384	42%	530	58%	914	100%
2011	464	38%	763	62%	1,227	100%
2012	396	37%	685	63%	1,081	100%
2013	518	42%	715	58%	1,233	100%
2014	677	50%	670	50%	1,347	100%
2015	590	42%	806	58%	1,396	100%
<b>Subtotal Past</b>	<b>4,762</b>	<b>42%</b>	<b>6,510</b>	<b>58%</b>	<b>11,272</b>	<b>100%</b>
2016	640	46%	749	54%	1,389	100%
2017	770	50%	760	50%	1,530	100%
2018	785	50%	772	50%	1,558	100%
2019	679	46%	785	54%	1,464	100%
2020	696	47%	796	53%	1,492	100%
2021	629	44%	808	56%	1,437	100%
2022	552	40%	819	60%	1,371	100%
2023	524	39%	829	61%	1,353	100%
2024	417	33%	838	67%	1,254	100%
2025	370	30%	845	70%	1,216	100%
2026	354	29%	851	71%	1,205	100%
<b>Subtotal Projected</b>	<b>6,416</b>	<b>42%</b>	<b>8,853</b>	<b>58%</b>	<b>15,268</b>	<b>100%</b>
<b>Grand Total</b>	<b>11,178</b>	<b>42%</b>	<b>15,363</b>	<b>58%</b>	<b>26,540</b>	<b>100%</b>

Source: HCPSS, Office of Planning, September 2016

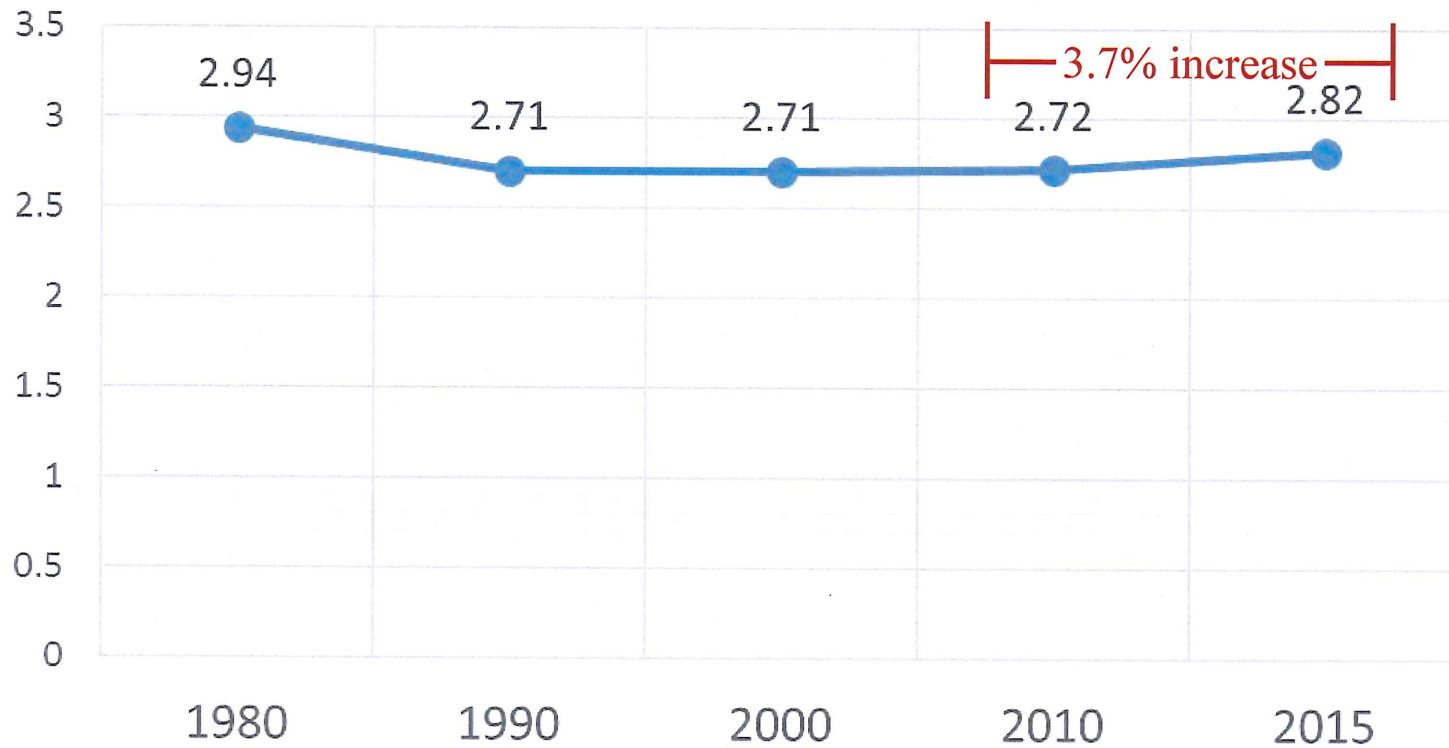
# Increasing Household Sizes



## **SHIFTING TRENDS**



## Persons per Household in Howard County Average for All Households



Source: U.S. Census Bureau, Decennial Census, ACS for 2015. For 2015, margin of error is +/-0.04.

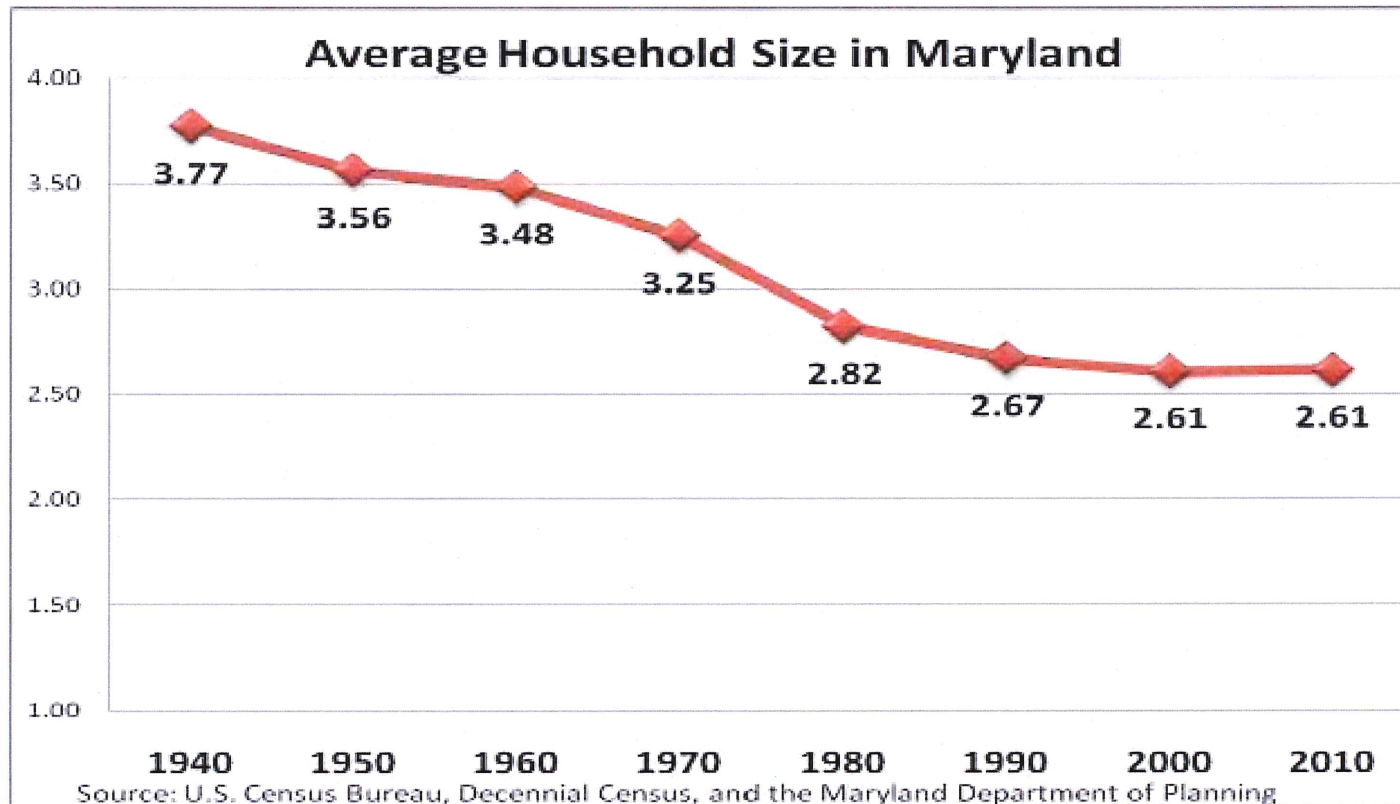
Includes all household types: single occupancy, family, & non-family.  
Living in all unit types: single family detached, townhouse, condo & rental apt.



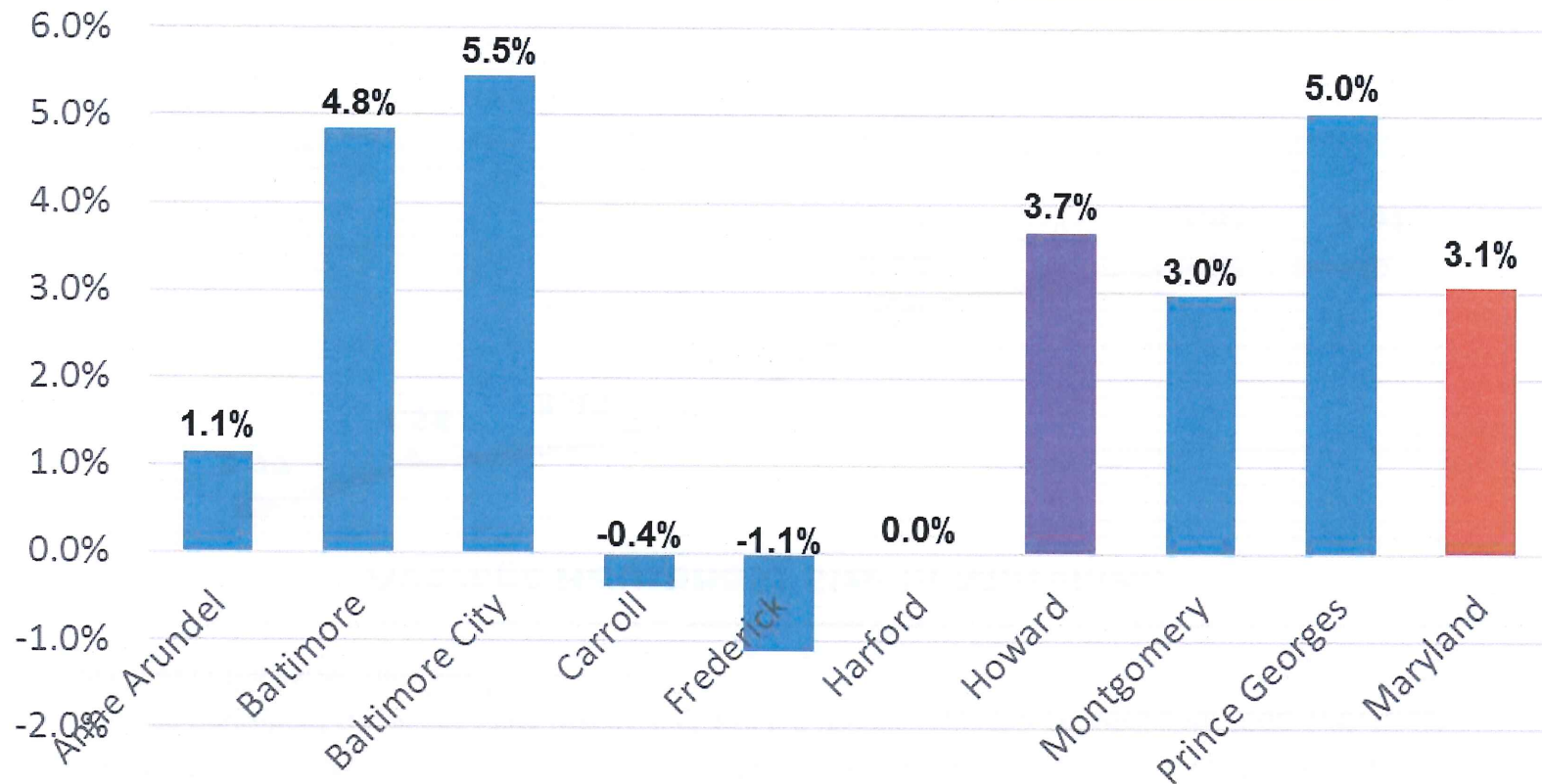
### Average Household Size Stabilizes in Maryland

The average household size remained virtually the same in Maryland between 2000 and 2010, according to calculations from the Maryland Department of Planning, ending a downward trend from at least 1940.<sup>1</sup> And for eight jurisdictions, there was even an increase in the average household size due in part to growth of the foreign born and population gains from strong domestic migration.

The average household size in Maryland in 2010 was 2.61 virtually the same as in 2000.<sup>2</sup> In 1940 the average household size in the State was at 3.77 and fell steadily over the decades until 2000, with larger declines in the earlier decades.<sup>3</sup>



## Persons per Household Percent Change 2010 to 2015 - All Households



Source: U.S Census Bureau, Decennial Census, ACS for 2015.

As of Sept. 30, 2016 there were 113,028 households in Howard County. An increase from 2.72 to 2.82 persons per household (3.7% increase) results in an additional 11,303 residents.

$$\begin{array}{r} 2.72 \times 113,028 = 307,436 \\ \underline{2.82 \times 113,028 = 318,739} \\ \text{Difference} \qquad \qquad 11,303 \end{array}$$

About 16.7% of all Howard County residents attend the HCPSS (53,348 students divided by 318,739 household population as of Sept. 30, 2016).

$$\underline{16.7\% \text{ of } 11,303 \text{ is } 1,888}$$

# Capital Spending



**INCREASING DOLLARS BEING  
SPENT ON SCHOOL RENOVATIONS  
AND REPLACEMENTS**



Howard County Public School System Capital Funding (X \$1,000) - PERCENTAGES (1)

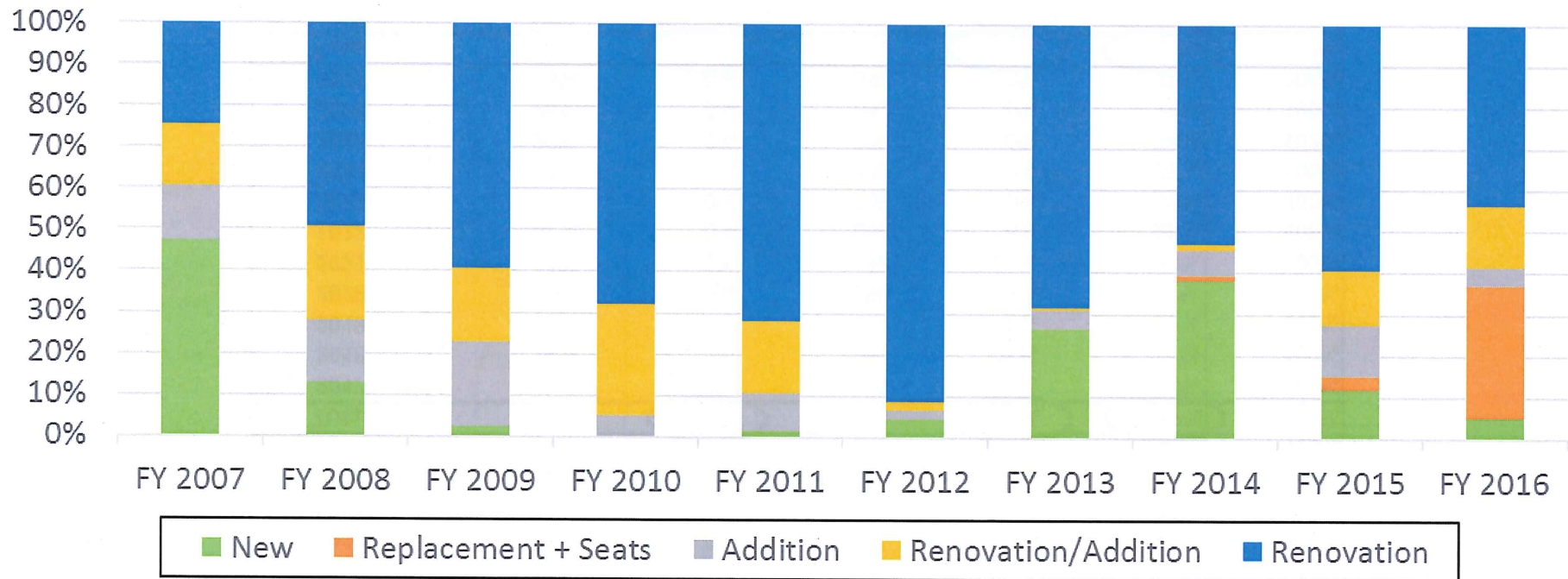
Fiscal Year (2)	Replacement		Renovation/			Total
	New	+ Seats	Addition	Addition	Renovation	
2007	47%	0%	13%	15%	25%	100%
2008	13%	0%	15%	22%	49%	100%
2009	3%	0%	20%	18%	59%	100%
2010	0%	0%	5%	27%	68%	100%
2011	2%	0%	9%	17%	72%	100%
2012	4%	0%	2%	2%	91%	100%
2013	26%	0%	4%	0%	69%	100%
2014	38%	1%	6%	1%	53%	100%
2015	12%	3%	12%	13%	59%	100%
2016	5%	32%	4%	15%	44%	100%
<b>Total</b>	<b>18%</b>	<b>4%</b>	<b>9%</b>	<b>12%</b>	<b>57%</b>	<b>100%</b>
2017	21%	20%	0%	29%	30%	100%
2018	29%	2%	0%	28%	41%	100%
2019	21%	0%	0%	2%	77%	100%
2020	53%	0%	0%	5%	42%	100%
2021	53%	0%	0%	29%	19%	100%
2022	67%	0%	0%	8%	25%	100%
2023	40%	0%	1%	0%	60%	100%
2024	7%	0%	7%	0%	87%	100%
2025	26%	0%	0%	0%	74%	100%
2026	26%	0%	0%	0%	74%	100%
2027	28%	0%	0%	0%	72%	100%
<b>Total</b>	<b>34%</b>	<b>2%</b>	<b>1%</b>	<b>9%</b>	<b>55%</b>	<b>100%</b>
<b>Grand Total</b>	<b>27%</b>	<b>3%</b>	<b>4%</b>	<b>10%</b>	<b>56%</b>	<b>100%</b>

(1) Capital dollars include individual project lines (renovations, additions, new schools, replacement schools renovations/additions), roofs, systemic renovations, Full Day K. Does not include projects grouped by type (barrier free, playgrounds, relocatables, site technology, parking lots, planning/design etc.), specific needs (MBR, etc.) special schools (Cedar Lane, etc.)

(2) FY 2007 through FY 2016 are actual expenditures, FY 2007 is funded amount and FY 2018 through FY2027 are funds requested in the Proposed FY2018 Capital Budget.

Source: Howard County Public School System, September, 2016

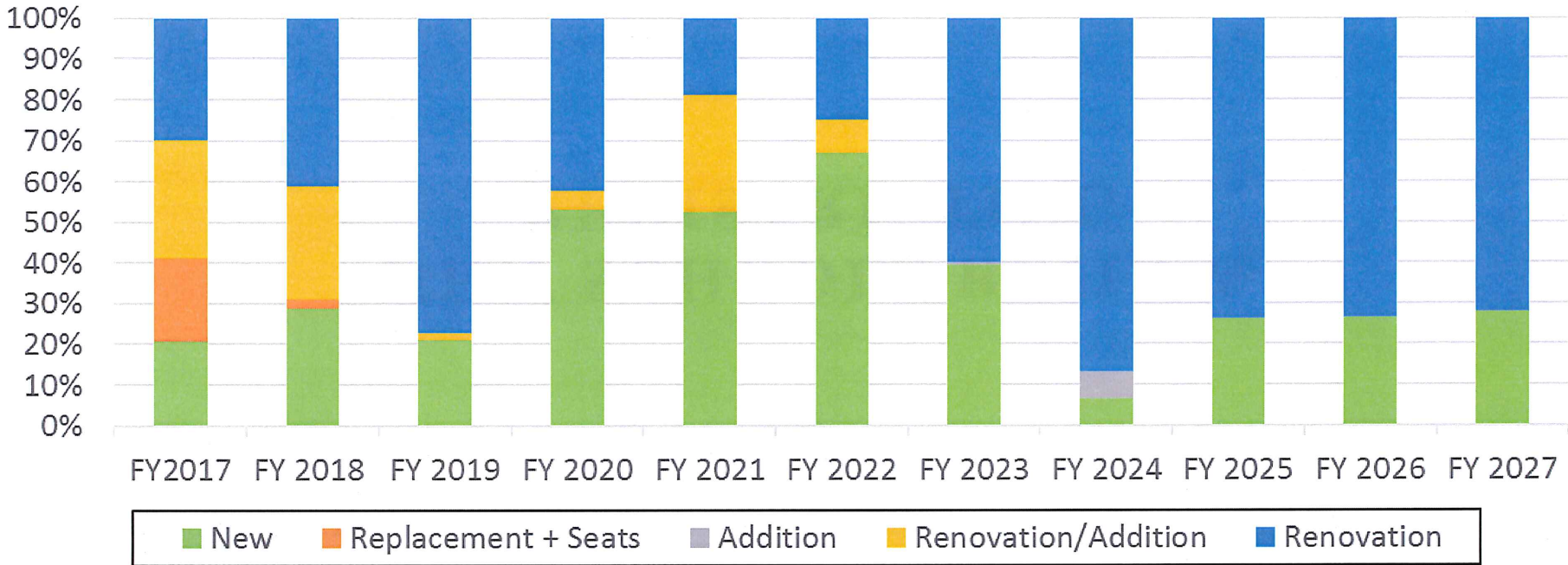
## Actual Capital Expenditures by Type Howard County Public School System



Source: HCPSS, Office of Planning, September 2016 - Includes individual project lines (renovations, additions, new schools, replacement schools, renovation/additions), roofs, systemic renovations, full day Kindergarten



## FY 2017 Capital Budget by Type Howard County Public School System



Source: HCPSS, Office of Planning, September 2016 - Includes individual project lines (renovations, additions, new schools, replacement schools, renovation/additions), roofs, systemic renovations, full day Kindergarten

# Accommodating Growth



## **NEW SCHOOLS BUILT & REDISTRICTING**



### Attendance Area Adjustment History

Implementation	Purpose	Elementary	Middle	High	Approx. # of Students	Approx. # of Schools	Approx. # of Polygons*	Regions
August 1992	Open Burleigh Manor MS	Elementary	Middle		1000	10	N/A	North, Southeast, Columbia East, Northeast
August 1993	Open Rockburn ES, Mount View MS	Elementary	Middle	High	N/A	9	N/A	North, West, Northeast, Columbia West
August 1994	Open Manor Woods ES	Elementary	Middle	High	N/A	10	N/A	All
August 1995	Open Elkridge Landing MS	Elementary	Middle		560	5	N/A	Northeast, Columbia East, Southeast
August 1996	Open Ilchester ES, Long Reach HS, River Hill HS	Elementary		High	N/A	13	N/A	Northeast, West, North, Columbia West
August 1997	Open Fulton ES, Hollifield Station ES, Murray Hill MS	Elementary	Middle		N/A	9	N/A	Southeast, West, North
August 1998	Open Triadelphia Ridge ES, Gorman Crossing ES	Elementary			N/A	9	N/A	Southeast, West
August 1999	Open Lime Kiln MS		Middle		N/A	2	N/A	West
August 2000	Crowding in Columbia East/Southeast	Elementary		High	N/A	7	N/A	Columbia East, Southeast, Northeast
August 2001	Open Bonnie Branch MS		Middle		660	4	N/A	Northeast
August 2002	Open Reservoir HS	Elementary	Middle	High	1500	15	N/A	All
August 2003	Open Bellows Spring ES, Folly Quarter MS	Elementary	Middle		1500	39	151	West, Columbia West, Columbia East, Northeast, Southeast
August 2004	Adjustment for new development	Elementary	Middle	High	27	11	5	Northeast, Columbia East, Southeast, North, West, Columbia West
August 2005	Open Marriotts Ridge HS			High	840	9	99	All
August 2006	Open Dayton Oaks ES	Elementary	Middle	High	1300	18	64	North, West, Columbia East, Columbia West
August 2007	Open Veterans ES	Elementary	Middle		1200	11	40	Columbia West, North, Northeastern
August 2008	<i>(no change)</i>							
August 2009	<i>(no change)</i>							
August 2010	End open enrollment			High	**	3	13	West, North
August 2011	<i>(no change)</i>							
August 2012	Crowding in Southeast	Elementary			900	10	42	Southeast
August 2013	Open Ducketts Lane ES	Elementary			1860	16	37	Northeast, North, Columbia East
August 2014	Open Thomas Viaduct MS		Middle		1200	10	64	Northeast, Southeast, West, Columbia East
August 2015	<i>(no change)</i>							
August 2016	<i>(no change)</i>							
August 2017	<i>(no change)</i>							
August 2018	<i>Under consideration, open New ES #42</i>							

This data is an approximation.

\* Number of polygons has evolved over time. Polygons were developed in 2002 and have been adjusted as needed. The number referenced was calculated based on the 2017 polygon IDs.

\*\* Students who started at a high school were allowed to remain at that school. Trailing siblings were also allowed to enroll out of district with their older sibling, if they shared at least 1 year of high school together.

**In the past 26 years (1992-2017)**

Adjustments to boundaries took place in 20 years

Only 4 of those years did not include the opening of a new school

**In the past 10 years (2008-2017)**

Adjustments in boundaries took place in 4 years

2 years included the opening of a new school, 2 years did not

6 years had no boundary adjustments

Source: Howard County Public School System

# APFO History



## **NUMBER OF UNITS ON HOLD**



**Total Units on Hold  
Allocations & Open/Closed Bin**

<b>Allocation Year</b>	<b>Allocations</b>	<b>Open/Clsd Schools</b>	<b>Total</b>
1995	0	0	0
1996	63	0	63
1997	832	62	894
1998	688	533	1,221
1999	869	0	869
2000	109	0	109
2001	74	51	125
2002	484	154	638
2003	360	0	360
<b>GP 2000 Adopted</b>			
2003	461	75	536
2004	497	376	873
2005	654	706	1,360
2006	676	782	1,458
2007	994	966	1,960
2008	1,002	756	1,758
2009	2,925	363	3,288
2010	553	0	553
2011	261	0	261
2012	248	16	264
2013	211	850	1,061
2014	37	13	50
2015	12	133	145
<b>PlanHoward 2030 Adopted</b>			
2015	17	151	168
2016	111	60	171
2017	485	182	667
2018	0	509	509
2019	0	849	849

# APFO History



## **PLANS IN THE WAITING BIN**

PROJECTS IN THE OPEN/CLOSED SCHOOLS BIN AT THE TIME OF THE MOST RECENT 2017 OPEN/CLOSED CHART ADOPTION IN JULY, 2017

	File Number	File Name	Elementary District		School Region		Middle District		Open/Closed Test	Allocations	Failure Number
1	F-13-116	Ellicott Woods	Worthington	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	2	4th failed test
2	F-14-074	Acra Property	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	2	4th failed test
3	F-15-014	Sunset View	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	2	4th failed test
4	SDP-14-074 (1)(2)	Long Gate Overlook	Veterans	Pass	Northeast	Pass	Ellicott Mills	Fail	Pass	73	5th failed test - PASSED
5	F-15-005	Gladys Woods	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	2	3rd failed test
6	F-15-024	Sunset Plains	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	1	3rd failed test
7	SP-15-013	Lacey Property	Veterans	Pass	Northeast	Pass	Dunloggin	Fail	Fail	12	2nd failed test
8	S-17-007	The Towns at Court Hill	Veterans	Pass	Northeast	Pass	Dunloggin	Fail	Fail	8	2nd failed test
9	SP-15-016	Hampton Hills	Worthington	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	13	3rd failed test
10	S-17-004	Dorsey Center	Ducketts Lane	Pass	Northeast	Pass	Thomas Viaduct	Fail	Fail	230	2nd failed test
11	S-17-006	Dorsey's Ridge	Veterans	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	52	2nd failed test
12	SP-16-013 (3)	Taylor Place	Worthington	Pass	Northeast	Pass	Ellicott Mills	Fail	Fail	252	3rd failed test
13	F-14-082	Dunwoody Property	Centennial Lane	Fail	North	Fail	Burleigh Manor	Fail	Fail	1	4th failed test
14	SP-14-004 (4)	Kings Forest	Centennial Lane	Fail	North	Fail	Burleigh Manor	Fail	Fail	37	4th failed test
15	F-16-095	Goldberg Property	Hollifield Station	Fail	North	Fail	Dunloggin	Fail	Fail	1	2nd failed test
16	S-16-004	Dorsey Overlook	Northfield	Pass	North	Fail	Dunloggin	Fail	Fail	75	2nd failed test
17	F-14-078	Jett Property	Waverly	Pass	North	Fail	Patapsco	Pass	Fail	1	4th failed test
18	F-14-112	Centennial Choice	Northfield	Pass	North	Fail	Dunloggin	Fail	Fail	2	3rd failed test
19	F-14-045	Goins Property	St. John's Lane	Fail	North	Fail	Patapsco	Pass	Fail	3	4th failed test
20	F-13-106 (2)	Melvin Property	Hollifield Station	Fail	North	Fail	Dunloggin	Fail	Pass	5	5th failed test - PASSED
21	SP-13-013 (2)	Tiber Woods	Northfield	Pass	North	Fail	Dunloggin	Fail	Pass	33	5th failed test - PASSED
22	F-15-057	Crestleigh Property	Northfield	Pass	North	Fail	Dunloggin	Fail	Fail	1	3rd failed test
23	F-16-034	Van Stone Property	Northfield	Pass	North	Fail	Dunloggin	Fail	Fail	1	3rd failed test
24	F-17-084	Harbin Property	Waverly	Pass	North	Fail	Mount View	Pass	Fail	1	2nd failed test
25	F-17-021	Honrao's Property	Northfield	Pass	North	Fail	Dunloggin	Fail	Fail	1	2nd failed test
26	SP-15-002	Sunell Property	Hollifield Station	Fail	North	Fail	Patapsco	Pass	Fail	38	3rd failed test
27	F-17-061	Margaret Tillman	Guilford	Pass	Southeast	Pass	Thomas Viaduct	Fail	Fail	2	2nd failed test

(1) This plan fails the school test for the fifth time (37 for year 2017 and 36 for year 2018).

(2) This project reached maximum failures so can now move forward.

(3) This plan fails the school test for the 3rd time (248 for 2018 and 4 for 2019).

(4) This plan fails for the fourth time (33 units for year 2017 and 4 units for 2018).

SUMMARY TOTAL IN OPEN/CLOSED SCHOOLS BIN

School Region	In Bin	Get Out	% Get Out
Northeast	649	73	11%
North	200	38	19%
Southeast	2	0	0%
Columbia East	0	0	0%
West	0	0	0%
Columbia West	0	0	0%
<b>Total</b>	<b>851</b>	<b>111</b>	<b>13%</b>

SUMMARY TOTAL FOR ALLOCATION AND O/C BINS

	In Bin	Get Out	Percent
<b>Total units</b>	<b>851</b>	<b>111</b>	<b>13%</b>
<b>Total plans</b>	<b>27</b>	<b>3</b>	<b>11%</b>

CB 7

Howard County Times  
2/20/92

**OPINION**

# Six years is enough for new school

**From: Rosemary Mortimer  
PTA Council of  
Howard County  
Maurice Kalia  
Howard County  
Public Schools**

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.

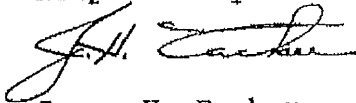
The members of the Commission, and the affiliation with the group that led to their appointment are:

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



## **A History of State-Rated and Howard County Program Capacity**

**September 21, 2017**

- In 1992, when APFO first began, state-rated capacity was 120 percent of county program capacity. Since school funding was tied to state-rated capacity, which reflected core school space, Howard County's APFO was based on that rate (see the attached news clip from 1992).
- In 1992, county program capacity was calculated simply (25-to-1 student/teacher ratio). State-rated capacity was also calculated simply (30-to-1 student/teacher ratio), thus the derivation of the 120 percent as shown in the first bullet – 30 divided by 25.
- In the 2003 APFO year, a middle schools test was added to APFO and middle schools were deemed closed at 115% county program capacity. Also at that time, the elementary district and elementary region tests were changed to 115 percent of county program capacity, which severed the County's use of state-rated capacity.
- Since 2003, the formulas for determining both state-rated and county program capacities became more complex by adding variables for actual space, design, use, etc. Given this complexity, program capacity calculations vary significantly from school to school—in some schools, state-rated capacity is higher than county program capacity and vice-versa.
- Therefore, the original comparison of state-rated capacity being 120 percent of county program capacity no longer applies.

**Sayers, Margery**

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**From:** Jon Lemich <jonlemich@gmail.com>  
**Sent:** Wednesday, September 20, 2017 3:03 PM  
**To:** CouncilMail  
**Subject:** APFO

I'm writing to express my support for the Board of Education amendments to the APFO regulations.

I know it won't stop redistricting. Even if we had more money tomorrow, the schools need to be redistricted to relieve overcrowding in the eastern half of the county. I don't have any problem with redistricting. I am concerned with development that costs taxpayers too much money - development that doesn't contribute enough for adequate public facilities.

I like development. Once we get APFO fixed, we can open the gates to development again. But then, we'll have better funds to pay for roads, stormwater management, and schools.

Sincerely,

Jon Lemich  
9568 Patchin Ct., Columbia MD 21045  
Oakland Mills resident since 2009

## Sayers, Margery

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**From:** Lisa Link <LLink78@hotmail.com>  
**Sent:** Wednesday, September 20, 2017 3:08 PM  
**To:** CouncilMail  
**Cc:** AKittleman@howardcounty.md.gov  
**Subject:** Written Testimony For Council Bill 61

To Members of the Howard County Council:

My name is Lisa Link. I reside in the Dorsey Hall neighborhood of Ellicott City, MD. My husband also owns his own small business, with an office located in Columbia, MD. My oldest son currently attends Northfield Elementary and my youngest is in the MINC-RECC program at Waverly Elementary School.

I am writing out of concern for the current development in our county. It seems to be way exceeding that which can be accommodated with the present infrastructure. Many people, like my family and I, moved to Howard County (HoCo) to have access to great schools, communities and easy access to the major highways of the Baltimore/Washington Metropolitan area. In the twelve years we have lived in in HoCo we have seen tons of development, both residential and commercial. I recognize how growth, such as updates to the Columbia Mall and Columbia Lakefront areas benefit the community both culturally and monetarily. However, continuing to build public housing in areas already beyond capacity actually makes the county less appealing to those living here, or looking to move to the area.

Schools are of the utmost concern to my family. Redistricting has caused schools to be changed already once in the past ten years with talk of another change currently in the works. The disruption to students is not conducive to learning, nor is being forced into trailers to accommodate overcrowding. Bussing is also becoming a scheduling nightmare, as drivers fight the increased traffic resulting from the over-development. Drop off times can differ by up to a half hour, making it difficult to know when students will actually arrive home.

I am pleading with the council to amend Council Bill 61 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.
- AFPO needs to be reviewed every 4 years.
- Increase real estate transfer tax by 1.0%
- AFPO needs to include measures for public safety, emergency services, recreation, and other community facilities.

I voted for Allan Kittleman last election, believing he would do what is best for the citizens of HoCo. Action on this AFPO legislation will heavily influence my voting in 2018.

Thank you for your time and consideration regarding this matter.

Sincerely,

Lisa Link



## Sayers, Margery

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**From:** Colleen Morris <info@actionnetwork.org>  
**Sent:** Wednesday, September 20, 2017 12:10 PM  
**To:** CouncilMail  
**Subject:** Adopt HCPSS BOE APFO Amendments

Council Members ,

Please adopt the HCPSS Board of Education suggested amendments to the county's APFO regulations. These amendments will ensure that our students receive the individualized instruction and classroom space they deserve.

Colleen Morris  
cmorris@mseanea.org  
5082 Dorsey Hall Dr  
Ellicott City, Maryland 21042

- 4) Increase transfer tax percentage on resales to help off-set the costs of new seats being added from resales.
- 5) Add measures for public safety, roads, emergency services, recreation, and other community facilities.
- 6) Review and update APFO every 4 years

Do not delay this critical vote. Parents and taxpayers deserve to see where you stand on this important issue.

Thanks so much,  
Debbi Holihan  
3090 Greenhaven Court  
Ellicott City MD 21042

410-440-3395

*"When you love what you do, you convey that feeling, that attitude, that resolve, that love to all around you." ~ Ayrton Senna.*

*Ask me about my strengths \*Positivity \*Activator \*WOO \*Harmony \*Consistency*

## Sayers, Margery

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**From:** Deborah D. Holihan <Deborah\_Holihan@hcpss.org>  
**Sent:** Thursday, September 21, 2017 4:24 PM  
**To:** CouncilMail  
**Cc:** Kittleman, Allan  
**Subject:** Council Bill 61 -- NO DELAY -- ACTION REQUIRED NOW !

<!-- /\* Font Definitions \*/ @font-face {font-family:Arial; panose-1:2 11 6 4 2 2 2 2 4; mso-font-charset:0; mso-generic-font-family:auto; mso-font-pitch:variable; mso-font-signature:3 0 0 1 0;} /\* Style Definitions \*/ p.MsoNormal, li.MsoNormal, div.MsoNormal {mso-style-parent:""; margin:0in; margin-bottom:.0001pt; line-height:115%; mso-pagination:widow-orphan; font-size:11.0pt; font-family:Arial; mso-fareast-font-family:Arial; mso-bidi-font-family:Arial; color:black; mso-ansi-language:EN;} p.normal, li.normal, div.normal {mso-style-name:normal; mso-style-parent:""; margin:0in; margin-bottom:.0001pt; line-height:115%; mso-pagination:widow-orphan; font-size:11.0pt; font-family:Arial; mso-fareast-font-family:Arial; mso-bidi-font-family:Arial; color:black; mso-ansi-language:EN;} @page Section1 {size:8.5in 11.0in; margin:1.0in 1.25in 1.0in 1.25in; mso-header-margin:.5in; mso-footer-margin:.5in; mso-paper-source:0;} div.Section1 {page:Section1;} /\* List Definitions \*/ @list l0 {mso-list-id:1255165233; mso-list-template-ids:1945815774;} @list l0:level1 {mso-level-text:"%1\"); mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level2 {mso-level-number-format:alpha-lower; mso-level-text:"%2\"); mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level3 {mso-level-number-format:roman-lower; mso-level-text:"%3\"); mso-level-tab-stop:none; mso-level-number-position:right; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level4 {mso-level-text:"(%4\"); mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level5 {mso-level-number-format:alpha-lower; mso-level-text:"(%5\"); mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level6 {mso-level-number-format:roman-lower; mso-level-text:"(%6\"); mso-level-tab-stop:none; mso-level-number-position:right; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level7 {mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level8 {mso-level-number-format:alpha-lower; mso-level-tab-stop:none; mso-level-number-position:left; text-indent:-.25in; text-decoration:none; text-underline:none;} @list l0:level9 {mso-level-number-format:roman-lower; mso-level-tab-stop:none; mso-level-number-position:right; text-indent:-.25in; text-decoration:none; text-underline:none;} ol {margin-bottom:0in;} ul {margin-bottom:0in;} -->BODY {scrollbar-base-color:undefined;scrollbar-highlight-color:undefined;scrollbar-darkshadow-color:undefined;scrollbar-track-color:undefined;scrollbar-arrow-color:undefined}Hello,

I have lived in Howard County for 26 years. I have a daughter who recently graduated from Mt. Hebron and another daughter in the third grade at Waverly Elementary. My husband and I have both worked for the Howard County School System for 25 years each. Mr. Kittleman visited my classroom in Clarksville Middle a couple of days ago. My biggest concern with APFO is that the developers are getting a free pass on the back of the taxpayers.

I urge County Council to vote this month on CB61. Updates to the County's APFO are well overdue as evidenced by the County Executive's action to form a committee to review and submit recommendations to APFO and his subsequent drafting of CB61 and CB62. We need immediate action on APFO.

Our award-winning county schools are facing a dire overcrowding situation due to lack of political leadership and planning. County Council members need to show the community that their first priorities are the schools by not delaying the vote on APFO. Do not allow public trust in the process to erode further by deferring or tabling this bill.

Now is the time to add the following parent-endorsed amendments to APFO to ensure that Howard County continues to attract businesses and residents to our strong schools and communities:

- 1) Set school capacity limits -- INCLUDING high schools -- at 100%. Schools are closed to new development at that level.
- 2) Begin mitigation (funding, additional time, or both) when a school reaches 95% capacity.
- 3) NO reductions to the current wait time for housing allocations or school tests.

**Do not delay this critical vote. Parents and taxpayers deserve to see where you stand on this important issue.**

Thank you for standing up for our county.

Sincerely,

Courtney Skinner

3020 Grotto Walk

Ellicott City, MD 21042

410-465-2112



## Sayers, Margery

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**From:** Courtney Skinner <courtneyskinner35@gmail.com>  
**Sent:** Thursday, September 21, 2017 5:54 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** Council Bill 61 -- NO DELAY -- ACTION REQUIRED NOW !!

My name is Courtney Skinner and I have been a Howard County resident for 8 years. My children attend Howard County Public Schools. I am also a teacher in the Howard County Public School System. I am reaching out to you today because I am unhappy with Howard County's weak APFO. Our schools are already over capacity. My children sit in classrooms where they lack the space and materials to learn. My son's middle school level, GT Science class only has 17 laptop computers for 32 students. They are told that there aren't enough to go around. Howard County has received accolades for years for student achievement. People uproot their families to move to our county just for our schools. However, how is this expected to continue when we allow our schools to become over-populated? How are HCPSS students supposed to receive top-notch instruction in over-crowded classes with insufficient supplies and instructional materials? We need a stronger APFO, so that Howard County can continue to excel in education.

I urge County Council to vote this month on CB61. Updates to the County's APFO are well overdue as evidenced by the County Executive's action to form a committee to review and submit recommendations to APFO and his subsequent drafting of CB61 and CB62. We need immediate action on APFO.

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- 3) NO reductions to the current wait time for housing allocations or school tests.
- 4) Increase transfer tax percentage on resales to help off-set the costs of new seats being added from resales.
- 5) Add measures for public safety, roads, emergency services, recreation, and other community facilities.
- 6) Review and update APFO every 4 years

## Sayers, Margery

---

**From:** Elizabeth Garstecki <edgarstecki@gmail.com>  
**Sent:** Thursday, September 21, 2017 7:16 PM  
**To:** CouncilMail  
**Cc:** Kittleman, Allan  
**Subject:** Council Bill 61 -- NO DELAY -- ACTION REQUIRED NOW !

### Council Bill 61 -- NO DELAY -- ACTION REQUIRED NOW !

Good evening and thank you for taking time to address my concern. I have lived in Howard County for fifteen years and currently have two children in Manor Woods Elementary School (and first and third graders). Obviously I have a great concern regarding school redistricting but I realize that it is inevitable and is for the greater good of the community. What has me more concerned is the constant "big" housing developments, overcrowded roads and overburdened police, fire and hospital services. I have had to use the services of Howard County General Hospital's emergency room four times over the last year (thankfully a unrelated doctor finally found the problem). Most recently I waited for 8 hours to be seen by anyone! Can you imagine being in pain and having to wait in the emergency room (waiting room) before you can be seen? it is simply unacceptable.

I urge County Council to vote this month on CB61. Updates to the County's APFO are well overdue as evidenced by the County Executive's action to form a committee to review and submit recommendations to APFO and his subsequent drafting of CB61 and CB62. We need immediate action on APFO.

Our award-winning county schools are facing a dire overcrowding situation due to lack of political leadership and planning. County Council members need to show the community that their first priorities are the schools by not delaying the vote on APFO. Do not allow public trust in the process to erode further by deferring or tabling this bill.

Now is the time to add the following parent-endorsed amendments to APFO to ensure that Howard County continues to attract businesses and residents to our strong schools and communities:

- i. Set school capacity limits -- INCLUDING high schools -- at 100%. Schools are closed to new development at that level.
- ii. Begin mitigation (funding, additional time, or both) when a school reaches 95% capacity.
- iii. NO reductions to the current wait time for housing allocations or school tests.
- iv. Increase transfer tax percentage on resales to help off-set the costs of new seats being added from resales.
- v. Add measures for public safety, roads, emergency services, recreation, and other community facilities.
- vi. Review and update APFO every 4 years

Do not delay this critical vote. Parents and taxpayers deserve to see where you stand on this important issue.

I realize that many council members have reached their three-term limit and hope they do not bow out by tabling this important issue. For those who are up for reelection (and need my vote), I can guarantee that I will be watching the outcome of this important APFO legislation and my vote WILL reflect this outcome. For your files, my name is Elizabeth Garstecki and I live at 3024 Carlee Run Court, Ellicott City, MD 21042.

Thank You,  
Elizabeth Garstecki

- APFO to be reviewed every 4 years
- APFO to include measures for *all* public facilities, including public safety, emergency services, recreation and other community facilities

Thank you.

Christine Lemyze

## Sayers, Margery

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**From:** Michael Young <michaelyoung16@hotmail.com>  
**Sent:** Thursday, September 21, 2017 7:48 PM  
**To:** CouncilMail; Kittleman, Allan  
**Cc:** Christine Lemyze  
**Subject:** Re: CB61

Dear Council Members and County Executive,

I support my wife's position in amending CB 61, as she so clearly outlined in her email below.

We moved to Howard County 30 years ago for the reputation of the school system, which delivered for our two children. I believe the school system is still the biggest advantage Howard County has over surrounding counties, hands down, therefore I support amending CB 61.

Thank you for your consideration,

Michael Young  
3861 Woodville Lane  
Ellicott City, MD 21042

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**From:** Christine Lemyze <clemyze@hotmail.com>  
**Sent:** Tuesday, September 19, 2017 8:43 AM  
**To:** councilmail@howardcountymd.gov  
**Cc:** AKittleman@howardcountymd.gov  
**Subject:** CB61

Dear Council Members,

My name is Christine Lemyze; I live at 3861 Woodville Lane in Ellicott City, 21042.

I have been a resident of Howard County for over 30 years; my husband and I picked this county primarily for the reputation of its schools. While Howard County schools are a source of pride, we have to acknowledge the persistent overcrowding issues and painful redistricting exercises which have existed for years and, as responsible government officials and citizens, strive to address them.

To that end, I am requesting that CB 61 be amended as follows (consistent with recommendations from the Board of Education, presented last week):

- School capacity limits—including high schools—to be set at 100%.
- Mitigation (funding and/or additional time) to begin when a school reaches 95% capacity
- No reductions to the current wait time for housing allocations or school tests



## Sayers, Margery

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**From:** Todd Garner <info@actionnetwork.org>  
**Sent:** Wednesday, September 20, 2017 8:08 PM  
**To:** CouncilMail  
**Subject:** Adopt HCPSS BOE APFO Amendments

Council Members ,

Please adopt the HCPSS Board of Education suggested amendments to the county's APFO regulations. These amendments will ensure that our students receive the individualized instruction and classroom space they deserve.

Todd Garner  
todd\_garner@yahoo.com  
7116 Millbury Ct  
Elkridge, Maryland 21075



continued argument that has been made is it's not development its resale's, means we need to have this threshold even more!! Resale's are more gradual, it's easier to find room for one or two kids than 300 at a time. AND if we build new homes, guess what, we now have more homes that can be resold!! We can't control resale's, APFO can control the development of new homes/buildings. If everyone starts paying their fair share then I think we can make it work. Developers don't even blink when paying in lieu of fees for MIHUs, so they don't have to build affordable housing that is required, they also don't blink when funding campaigns. Think of what we can do with that money when used properly.

4. APFO needs to be looked at every 4 years if not more in the beginning. Significant changes are needed and in that we need to keep an eye on things to make sure things are running smoothly. For some changes, the effects won't be seen until a few years down the road. A regular review needs to happen. Also, the process needs to be transparent. Not done from just the developers or anyone that has a financial gain to twist the numbers, but an independent open look at it. The public has lost faith in those who produce the numbers, this to needs to change.
5. Need to include fire, police, sewer, etc. into the APFO. Many times, I hear that for instance the fire department is getting help from neighboring counties. We drain the resources from our neighbors, what would happen if there was a major disaster. We need to have better resources that can handle more than one simultaneous fire or rescue.
6. A school test needs to be passed each and every time. Right now, after 3 years, the 4<sup>th</sup> year developers can do what they want regardless. How is that right? Especially when there is no financial anything coming in those 3 years to help things out. This is why mitigation needs to start earlier rather than later. This is why the thresholds need to be lowered. Everyone needs to help pay for the county needs.
7. Roads test needs to have a higher grade than F. If people have to sit through 5 lights before they go through, that is not good enough. It shouldn't take 60 minutes to go 5 miles. I don't think anyone would want that.

Howard county for too long has not done the right thing. It's very nice for the developers to simply suggest, redistricting will cure all, but as we have seen that is not a good solution for our county, unless you want neighborhoods and the citizens to be driven apart every couple of years, we can do better and is not the Civility way, it's the easy, way for the developers not for us. It's another Band-Aid. The current APFO regulations and the current state of our infrastructure proves it is not working. The development community has taken advantage of Howard county and its high time something changes. When a huge chunk of the community bans together and agree it's time to listen. 3 nights of testimony is almost unheard of for one bill, its time to listen. I heard testimony from the BOE, Teacher's Union, PTA Council of Howard County, Muslim Association, Hispanic Association, HCCA, Savage Association, just to name a few and they are all in agreement. It's time to change. The only ones not favorable to it are ones that have financial interests, not that of the people who vote for you. We are a great county, it says so in all the polls and lists out there, now let's get everyone in the county to feel it. Let your legacy be one where you actually made a difference. We are all here to help.

Thank you.

Sincerely,

## Sayers, Margery

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**From:** lisaloveless@aol.com  
**Sent:** Friday, September 22, 2017 2:18 PM  
**To:** CouncilMail  
**Subject:** Written Testimony for Council Bill 61

Dear Council Members:

I am writing to you to make much needed changes to CB61 and not to approve the bill from the way it is written. APFO in its current form is weak and the changes brought forth from the executive are not making it stronger. I am a concerned citizen who has lived here for 20 years. I have seen the quality of life go downhill for many. I am also a mom of two school aged daughters and I want them to get an excellent education in a building, not a trailer. I am also a PTA member/volunteer and have spent countless hours giving up my time to help in the schools and I have seen firsthand how inadequate facilities affect everyone during the school day. I also drive down the roads and am dismayed that it takes me 60 minutes to go 5 miles some days, or to wonder how on earth a firetruck will get down a residential road that is narrow and has barely the room for two cars passing each other. I am also a taxpaying citizen of this county and I demand better from a county that touts how great it is, let's start putting our money where our mouth is.

Infrastructure is the foundation of the quality of life for those living here. If the foundation isn't solid, as with buildings, they will crumble and fall. Our "building" is ready to crumble and no matter how many coats of paint you put on it, it will still fall. It's time the truth matches the PR. What drives many people to live in Howard County are the schools. If they are not adequate, it doesn't matter how great the teachers are, volunteers, or how hard the BOE/Superintendent work to make the learning great, crowded schools are not ideal and many parents will either move out of the county or never come in. Then what will be left, a lot of empty houses that won't help the economy. Let me be clear. We are not advocating to stop development permanently. We need to be smarter. There are plenty of projects already in the works, but we can't keep doing business as usual. It's going to take everyone working hard together to figure this out (and I mean every department working together, not separate entities) and there are many parents in Howard County that have degrees and have shown dedication to help this along.

Here are my suggestions for improvements:

1. Include high schools in the school's test. I don't know where everyone thought the kids would go once they finish middle, they are still relevant and they must be included. We have seen in Howard High especially what happens when they aren't. Getting a 13<sup>th</sup> high school is nice and we are happy for it, but it doesn't solve the problem. We need to stop seeing these as the solutions, they are the Band-Aids.
2. Start mitigation of school funding when a school reaches 95% capacity with a projected outlook of reaching 115% in the next 5 years. We need to be more proactive than reactive. It seems that now nothing is done until the capacity is too high. Developers need to start paying as they do in other jurisdictions.
3. Reduce the capacity threshold to ALL (Elementary, Middle & High) to 100%. Other jurisdictions do. I believe it is what we have to do NOW in order to give us time to come up with solutions and get ourselves back on track. Yes, it will reduce development from what they are used to, but as I said before there are plenty of projects in the works, and it won't devastate them. Plus, the



## Sayers, Margery

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**From:** Randall MacCuaig <rdm@prestonsp.com>  
**Sent:** Friday, September 22, 2017 2:19 PM  
**To:** CouncilMail  
**Subject:** I support Council Bill 61 as Drafted

Dear Howard County Council,

Dear Chairman Weinstein and Members of the Howard Council,

I am one of the over 100,000 employee members of the Maryland Building Industry Association (MBIA) representing over 1,000 business members. I write in support of Council Bill 61 as drafted and without ANY substantive amendments related to the County's Adequate Public Facilities Ordinance. This bill represents hundreds of hours of work over the course of an entire year by the APF Task Force including 23 county residents from a broad cross section of stakeholders. The bill as presented is a reasonable and responsible compromise that effectively protects the County's valuable public resources while respecting the rights of private property owners and implementing the County's growth goals in PlanHoward 2030.

Specifically, I am opposed to any potential amendment to lower the school capacity test, add a high school capacity test or increase school impact fees. Howard County's total development fees are already among the highest in the State when taken together with the MIHU fee and the building excise tax which are generally not present in other counties. Any of these potential amendments which have been introduced during recent testimony will drastically limit the County's ability to meet its Plan Howard 2030 residential and commercial development goals as well as its goals related to job growth and economic development. Failing to meet these goals may have devastating impacts on the County's budget through loss of permit fees, impact fees, MIHU fees, property tax revenue and income tax revenue causing significant budget shortfalls, decreases in vital public safety and health services and layoffs to Howard County staff, teachers, and first responders. They would also undermine the substantial efforts of the APFO Task Force and all of the County's resources that were devoted to establishing a fair and reasonable compromise between the goals and interests of all stakeholder groups. If any of these amendments are introduced, they must not be acted upon until a full fiscal analysis of the negative impacts to the County budget and economy is completed.

Please do not move forward with any policy that results in job loss, cuts to vital County services or limited growth in the County. Please vote for Council Bill 61 as drafted.

Thank you for consideration of this important bill and for your service to the County.

Sincerely,

Randall MacCuaig  
7014 Charles Ridge Rd  
Towson, MD 21204  
rdm@prestonsp.com

## Sayers, Margery

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**From:** Marc Friedlander <marc.friedlander@calatl.com>  
**Sent:** Saturday, September 23, 2017 1:04 PM  
**To:** CouncilMail  
**Subject:** I support Council Bill 61 as Drafted

Dear Howard County Council,

Dear Chairman Weinstein and Members of the Howard Council,

I am one of the over 100,000 employee members of the Maryland Building Industry Association (MBIA) representing over 1,000 business members. I write in support of Council Bill 61 as drafted and without ANY substantive amendments related to the County's Adequate Public Facilities Ordinance. This bill represents hundreds of hours of work over the course of an entire year by the APF Task Force including 23 county residents from a broad cross section of stakeholders. The bill as presented is a reasonable and responsible compromise that effectively protects the County's valuable public resources while respecting the rights of private property owners and implementing the County's growth goals in PlanHoward 2030.

Specifically, I am opposed to any potential amendment to lower the school capacity test, add a high school capacity test or increase school impact fees. Howard County's total development fees are already among the highest in the State when taken together with the MIHU fee and the building excise tax which are generally not present in other counties. Any of these potential amendments which have been introduced during recent testimony will drastically limit the County's ability to meet its Plan Howard 2030 residential and commercial development goals as well as its goals related to job growth and economic development. Failing to meet these goals may have devastating impacts on the County's budget through loss of permit fees, impact fees, MIHU fees, property tax revenue and income tax revenue causing significant budget shortfalls, decreases in vital public safety and health services and layoffs to Howard County staff, teachers, and first responders. They would also undermine the substantial efforts of the APFO Task Force and all of the County's resources that were devoted to establishing a fair and reasonable compromise between the goals and interests of all stakeholder groups. If any of these amendments are introduced, they must not be acted upon until a full fiscal analysis of the negative impacts to the County budget and economy is completed.

Please do not move forward with any policy that results in job loss, cuts to vital County services or limited growth in the County. Please vote for Council Bill 61 as drafted.

Thank you for consideration of this important bill and for your service to the County.

Sincerely,

Marc Friedlander  
9710 Patuxent Woods Dr  
Columbia, MD 21046  
marc.friedlander@calatl.com

## Sayers, Margery

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**From:** Patricia Lins <patricia.lins@yahoo.com>  
**Sent:** Saturday, September 23, 2017 7:20 PM  
**To:** Weinstein, Jon  
**Cc:** AKittleman@howardcountymd.g; CouncilMail  
**Subject:** Written Testemony for Council Bill 61

Ellicott City, September, 23 rd, 2017

To Whom it may concern,

I am a U.S. citizen and a resident of Howard County. Recently, the ongoing school redistricting process brought chaos in mine community. I'm worried that if the county doesn't do a better job controlling and planning for development the schools will be forced to redistrict again in 2-3 years.

Therefore, 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.

Sincerely,

Patricia Silva  
8603 Manahan Drive  
Ellicott City, MD, 21043

**Sayers, Margery**

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**From:** Jennifer Wilson <info@actionnetwork.org>  
**Sent:** Friday, September 22, 2017 11:52 AM  
**To:** CouncilMail  
**Subject:** Adopt HCPSS BOE APFO Amendments

Council Members ,

Please adopt the HCPSS Board of Education suggested amendments to the county's APFO regulations. These amendments will ensure that our students receive the individualized instruction and classroom space they deserve.

Jennifer Wilson  
Jenanwil@gmail.com  
10813 Henley Ct  
Columbia, Maryland 21044



## Sayers, Margery

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**From:** Cindy Zhao <4chsinfo@gmail.com>  
**Sent:** Monday, September 25, 2017 9:48 AM  
**To:** CouncilMail  
**Cc:** Kittleman, Allan  
**Subject:** WRITTEN TESTIMONY FOR COUNCIL BILL 61

I am a resident of Howard County for 18 years.

In Spring 1999, I moved to Howard County. The beginning of 10 years, my commuter was to Silver Spring, the congested road spot on 29 was right around route 650 - outside Howard County.

Today, the congestion of route 29 in Howard County is close to Beltway. And NOT just road, all other facilities as well. i.e. for my family, we have found that it's difficult to find public tennis courts available often. So many times, we have to spend an hour to check out each nearby tennis court, and then ended up outside Howard County.

I am concerned that the direction we have been, the diminish of our quality of life.

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.

Cindy Zhao

9010 Labrador Lane

Ellicott City, MD 21042

## Sayers, Margery

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**From:** Sarika Hirose <sarika.hirose@gmx.com>  
**Sent:** Monday, September 25, 2017 12:21 PM  
**To:** CouncilMail  
**Subject:** CB61-2017 is for the public. Please fix the APFO

CB61-2017

I am Sarika Hirose in Ellicott City. I request the County Council fix the Adequate Public Facilities Act to align with the public's needs. The current version is aligned with developers needs due to too many contributions to the county executive and some council members. This was given to me. It is public information and the cause of my concern. Mr. Kittleman had donations over the limit from a developer who has felony criminal charges for financial crimes. His last name is Jaffe and his first name is sometimes S and sometimes Bruce. Donations to Committee to Elect Allan Kittleman for filing years 2016 and 2017 amount to at least \$35,500 from developer S. Bruce Jaffe and his companies even though the legal donation limit to a political campaign in Maryland is \$6000 per entity per 4-year election cycle. The current cycle is January 1, 2015 to December 31, 2018. Donations from companies located at Mr. Jaffe's headquarters at 8600 Snowden River Parkway, Suite 207, Columbia, MD 21045:

2017 filing year

\$1,000 from Stein Properties, Inc. on 4/21/2016

\$2,500 from Oak Run I Limited Partnership on 12/14/2016

\$4000 from Chapeldale Properties, LLC on 10/26/2016

\$3000 from USF Facilities Services, LLC on 10/26/2016

\$3000 from TSC/Marriottsville LLC on 10/26/2016

2016 filing year

\$5000 from The Sanford Companies, Inc., 1/4/2016

\$5000 from Red Branch Warehouse Assoc, Lp. 1/4/2016

\$6000 from Sanford B. Jaffe on 7/24/2015

\$6000 from F & S Associates LP on 4/1/2015

All donations from Mr. Jaffe himself and all donations from companies of 80% ownership of his are one entity under Maryland's election law and must not be more than \$6000 in a four year cycle. TSC/Marriottsville LLC is 100% owned by The Jaffe Family Trust. How much is Mr. Jaffe's percent?

Two donor companies at 8600 Snowden River Parkway, Suite 207, had forfeited the right to conduct business in Maryland PRIOR to writing checks to Allan Kittleman's election campaign.

<https://egov.maryland.gov/BusinessExpress/EntitySearch>

These two companies are:

Stein Properties, Inc.,

--- forfeited in 2015 for "failure to file a property return"

--- In 2016 donated \$1000 to The campaign to Elect Allan Kittleman.

USF Facilities Services

--- forfeited in 2014 for "failure to file a property return"

---In 2016 donated \$3000 to The campaign to Elect Allan Kittleman.

This is too much money from the same person. He is buying away our rights! And this is allowed!!!!??? Council members, please request the county council fix the Adequate Public Facilities Act to align with the public's needs. The current version is aligned with developers needs due to too many contributions to the county executive. I request a fix to this.

Sarika

Thank you for your consideration,

-Vlad Patrangenaru

## Sayers, Margery

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**From:** Vlad Patrangenaru <vpatrang@gmail.com>  
**Sent:** Monday, September 25, 2017 12:44 PM  
**To:** Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; CouncilMail  
**Cc:** Kittleman, Allan  
**Subject:** Written Testimony for Council Bill 61

Dear Council Members,

My name is Vlad Patrangenaru of 4053 Pebble Branch Rd., Ellicott City, MD 21042. I have been following the debate about Council Bill 61 closely over the few months, and wanted to add my voice on record in regards to the contents of this bill:

My wife and I are recent first-time home buyers with two small children. Like many others have mentioned in their testimonies, we made a decision to plant roots in Howard County largely because of the quality of the schools. We consciously paid a large premium for our home so that our children can live in a diverse community and have access to a world-class education.

We made an investment in Howard County and the community it represents that transcends a financial transaction - purchasing a home and settling down here it is an investment into our kids future and their well-being, and there is no investment more important for us!

With that said, the council does not appear to recognize how critical the outstanding reputation of the HCPSS is to the overall appeal of the county, or at least is not willing to prioritize investing in maintaining this reputation. As a county, we are very fortunate to have strong tax base that comes in part from property taxes of sought-after homes, and from being a community with a large portion of prosperous residents. As we continue defer making the necessary investments to ensure schools are not overcrowded, and delay adding new schools and expanding existing ones for as long as possible, our education quality suffers. This will show up more and more in our test scores and overall student performance, at which point home valuations will begin to drop, tax valuations will soon follow, and we will find ourselves in a full-fledged downward spiral. This pessimistic scenario is, I'm afraid all too plausible to ignore. Even developers stand to suffer in the long run if we allow this scenario to unfold.

I have heard multiple council members mention our real problem is an imbalance in our utilization, and that we have schools in the west that are being under-utilized. To this I say the following: If we were to perfectly balance all of our High Schools county wide they would all be at 111% utilization in 2022 with current projections, and this is the earliest we could possibly have another HS come online. **This is why we need an APFO HS test.** In reality, there will be multiple schools that will exceed 120% at that time, regardless of any redistricting scheme, as busing children around can only get you so far ... This goes beyond quality of education and starts to encroach on questioning safety standards are adequate at these grossly overburdened schools.

Wouldn't it be wiser to make the sure proper incentives are in place such that development happens primarily in areas that have the existing infrastructure in place to support it? A strong APFO (**fees substantially increase at 95% to account for the marginal cost of each additional student, and construction delayed while a tested school is above 105% for up to 7 years from the initial application**) would concentrate development to those areas, all while providing incentives for the politicians and developers alike to find the funds necessary to build and expand schools so that school overcrowding will stop being a chronic stain on what otherwise appears to be a well-managed Howard County.

Raj Kathuria  
8398 Governor Run  
Ellicott City, MD. 21043

#### Testimony for CB61-2017 & CB62-2017

For past few months I have been meeting resident of our County, attending all the County Council's Public hearings on APFO, attended AAC meetings and much more!

It has become apparent to me that all the major issues in the county like overcrowded schools, inadequate public facilities - massive traffic on 29/40/70/100, flooding / storm water issues, they all point directly to 5 people that are known as our County Council!

It is County Council's authority & responsibility to approve any rezoning / new development within the County. Our Council have failed in their tasks by approving multiple projects with as high as 2400 residential units without any consideration of the impact on our existing facilities.

Here's what I believe is needed for the County to move forward:

1. Immediately build 2 High Schools in the County HS #13 already initiated, but we should also talk about HS #14.

2. Accept the School Board recommendation and make APFO stronger by:

(a) Adding High School to Capacity Testing

(b) Reducing open / close capacity to the number recommended by BOE.

Please see Page 45 & 46 of [09 07 2017 APFO Legislation BR.pdf](#) for the latest proposed amendments.

3. Should bring impact fees in-line with the neighboring Counties.

4. Should add Police, Fire & rescue, Hospital, Roads & Bridges and other essential services to the APFO.

5. Find out how many schools have been using "Temporary Classrooms" for over 5 Years.

This would mean that we need a permanent solution for those classrooms.

- Consider adding permanent classes to these schools if there is room to build an addition to those Buildings.

- Quickly add new MES & ES that are on the books to be added.

6. Get better, correct, and current data. It is widely known that the Data used at present is flawed or old data.

7. Council need to stop approving all haphazard development & demand smart and thoughtful development projects from the developers.

8. Redistricting is inevitable!

We need to have a thoughtful & smart way of redistricting with minimal impact on our Students, Parents & the Community.



## Sayers, Margery

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**From:** Rajneesh Kathuria <rajkathuria@gmail.com>  
**Sent:** Monday, September 25, 2017 12:58 PM  
**To:** CouncilMail  
**Subject:** Testimony for CB61-2017 & CB 62-2017  
**Attachments:** Testimony for recomendations cb61-cb62.pdf

Please see the attached testimony!

Regards,

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Raj Kathuria

The information contained in or attached to this e-mail is from [RajKathuria@gmail.com](mailto:RajKathuria@gmail.com) and may contain personal information. This information is CONFIDENTIAL and intended only for the use of the individual or entity to whom or which it is addressed. Any unauthorized dissemination, distribution or copying of the information in this e-mail or attached thereto is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the original message from your system. *Please note that if you are receiving this email at a work email address, the privileged nature of this communication may be jeopardized.*

Cindy Vaillancourt

Dr. Martirano's departure from West Virginia was well known to folks in HoCo and education in Maryland. Many of the Board Members had either met or heard of Dr. Martirano in the past. His qualifications are extensive, his HCPSS and HoCo roots and experience, and his references all fit our immediate needs. As far as I know, he is not related to anyone within HCPSS or the Board.

I can tell you that I attended a seminar at Marriotts Ridge High School several weeks before the departure of the now former superintendent where Dr. Martirano was coincidentally the keynote speaker. I was very impressed. I shared that experience with my colleagues. Others were also contacted and considered. If they choose to come forward to identify themselves, that is their prerogative. Others also contacted various Board Members offering their services. The Board did not conduct a search or make any offers prior to concluding the negotiations with the former superintendent.

When the separation agreement was finalized and we were free to speak to potential candidates, on behalf of the Board I called the candidates we had discussed. On the morning of May 2, I called Dr. Martirano and asked if he would be available to come to Ellicott City to discuss the possibility of becoming the interim Superintendent. He agreed and met with the Board that afternoon.

In a closed meeting May 2, the Board voted to offer Dr. Martirano the position of "acting" superintendent while it evaluated the options and process available to choose an "Interim Superintendent" within the timeline required by the Statute. The Board signed a contract with Dr. Martirano for the immediate position of "Acting" Superintendent at the next Board Meeting, which I believe was May 4.

The Board then considered the options for conducting a search for an "Interim Superintendent" with a term that would be required to run from July 1, 2017 through June 30, 2018. After considering all the factors involved, we determined that the most reasonable course of action was to offer Dr. Martirano the one year Interim position, and direct our resources and attention to the process that will begin in the Fall to search for a "permanent" Superintendent whom we will be required to give a four year contract.

The Board and Dr. Martirano concluded negotiations and signed a one year contract at the June 22, 2017 Board meeting. The contract that was signed has been made available to the public, and to you, I believe. All the details of the compensation and terms of his employment are included.

You have also suggested that there were public funds used to pay the personal expenses of Board Members relative to the lawsuit filed against us in our individual capacities by the now former superintendent. This is an interesting take on the situation, but inaccurate.

Individual Board Members have immunity from these kinds of lawsuits, and never should have been included in their individual capacities. The Board Members in their individual capacities had already been dropped from the lawsuit prior to the separation agreement. That is a matter of public record. Sadly public money was used to defend the Board and the Board Members in the lawsuit that was brought against us. It was a terrible waste of resources. There are no "receipts". The costs incurred by the Board of Education for the totality of the litigation and other actions taken by the now former superintendent are public record. I don't know if there is a separate accounting for the expenses that can be attributed solely to resolving the matter of individual board members being immune from this kind of litigation.

Finally, this board and this Board Member (me) have tried to be responsive to your emails and MPIA requests, and provide answers to your questions. The HCPSS MPIA Office is absolutely going to be responding to MPIA requests in the spirit, and not just the letter, of the law. However, you frequently combine general information requests with requests for documents. Where there are no documents responsive to your information requests, that means the MPIA Office can't send you any documents. Where you have general information questions, I am happy, as the Board Chair or as an individual Board Member, to try to provide the information you seek.... even where it doesn't fall strictly under the MPIA.

It is clear you are frustrated with how this all unfolded. I dare say the rest of the Board and I might actually have found this whole process somewhat more frustrating over the past several months. I will continue to do my best to respond to your requests for information. I am also confident that the new administration will also do its' best to be responsive to your requests. Please feel free to continue to copy me on anything you send to the MPIA office. If I can figure out what you are looking for, I will be happy to try to help.

Sincerely,

**Subject:** FW: [BoE Email] - PIA request

**Date:** Wednesday, July 5, 2017 at 12:27:24 PM Eastern Daylight Time

**From:** Cynthia Vaillancourt

**To:** Michael Martirano, Karalee Turner-Little

**CC:** akittleman@howardcountymd.gov

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**From:** Cynthia Vaillancourt

**Sent:** Wednesday, July 05, 2017 10:15 AM

**To:** [REDACTED]

**Cc:** Kathleen V. Hanks; Mark Blom; Joan R. Fox; Bess Altwerger; Christina Delmont-Small; Christine O'Connor; Cynthia Vaillancourt; Kirsten Coombs; Mavis Ellis; Sandra French

**Subject:** FW: [BoE Email] - PIA request

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**From:** [REDACTED] ]

**Sent:** Thursday, June 29, 2017 1:12 AM

**To:** BoE Email; Howard Public Education List; Superintendent; akittleman@howardcountymd.gov; Kathleen V. Hanks; Student Board Member; Linda T. Wise; HCPSS MPIA Requests; [REDACTED]; Joan R. Fox; Cynthia Vaillancourt; office@ptachc.org; Kirsten Coombs

**Subject:** [BoE Email] - PIA request

Good Afternoon [REDACTED]

I have been following your correspondence with the new MPIA officer. It appears to me she has been trying to provide you with the documents that you have requested, at least to the extent that they actually exist.

The MPIA generally involves documents. Your correspondence, however contains questions that do not necessarily have corresponding documents. I hope it is OK with you if I try to provide answers to the questions that appear to remain. I know there are folks in the community who do not follow every move of the Board of Education or the HCPSS who are also interested in the answers to these questions. We have tried to put this information out, but perhaps this will help fill the holes you have identified.

Specifically, you have questions about the Separation Agreement with the former Superintendent. This document has been shared with a number of people, yourself included. It includes the specifics of the payments, how they were determined and the schedule under which they will be receive. You also have questions about how these payments will be funded.

The separation agreement with the former superintendent includes payments that will be made over the next three years. The initial sums that were paid came from the budget and additional funding provided by the County Executive. As you no doubt recall, there were sums slated to be transferred to the fixed charges category to pay down the deficit in that category. Those amounts were reduced in order to keep sufficient funds in the salaries category to fund the initial payout. All fy 2017 expenses were paid out of the fy 2017 budget. All future costs involved are included, or will be included, in the approved budget for the appropriate year.

You have also asked about how the interim Superintendent was identified, and the timeline of the Board of Education's activities around searching for an interim replacement for the now former superintendent. You suggest that there was a secret process over a period of time. That is not the case.

I believe most of the Board Members had been on the lookout for a suitable replacement for the superintendent in the event there would be a parting of the ways. I know I was. There was no search. When the now former superintendent's departure was imminent, one of the considerations of the board was whether we would be able to find a suitable replacement for the interim period while we conduct a complete search. We considered internal candidates, and others with experience within HCPSS who would be able to step in, get up to speed quickly, and were fully qualified with superintendent experience.

perhaps the situation is so close to us that many residents and leaders did not think to question it; it seemed okay. We can't fix systemic injustice this way. I very much appreciate your consideration on this matter.

Sincerely,  
Kristine Lockwood  
Columbia, Maryland



Furthermore, in hiring Dr. Martirano, the interim superintendent, the HCPSS illegally avoided compliance with equal opportunity employment laws. Regardless of their excuses and denial, each board member is fully aware of this. I hear them conveniently using the term "equity" a lot: that term seems to get them carte blanche support for their not-very-transparent redistricting plans. The reality is a very inequitable situation.

Dr. Martirano is most recently from West Virginia and then St. Mary's County before that.

West Virginia is 95% white.

St. Mary's County is more diverse, but not so much that he's had experiences that qualify him to mass redistrict Howard County.

Adequate leadership affects overcrowding just as much as adequate facilities.

Dr. Martirano's actions show the opposite of equitable and adequate leadership. His executive leadership team is 70% male. His planning data for county demographics was flawed, and he still plowed ahead. That's not the picture of equity. Yet, he seems to have voices around the country helping him spread rumors that residents who oppose the plans are racists, although that tactic has not worked as well as he probably would have like because it turned out the people who opposed his redistricting are minorities. So he and his helpers switched to referring to concerned residents as selfish "me" people. I quote from Dr. Martirano's Twitter post:

-- Begin quotation --

**Petty, self-absorbed & "all about me" people don't impress me. Is this ME-centered behavior learned? They are draining. [#NotImpressed](#)**

7:37 AM - 17 Sep 2017

-- End quotation --

After he tweeted that statement, I heard versions of it parroted to concerned residents as if residents are not allowed to have feelings about their deep roots in their established school communities.

It's not okay that the board of education excluded all women and minorities and other protected classes from the application opportunity for the interim superintendent position and instead searched exclusively within their own network, which is a majority white network ( <https://goo.gl/J9y5yb> ) and then as a result brought in a white man from a 95% white district to dictate to our minority communities, our immigrant communities, our FARM communities, and also redraw 50-year Columbia neighborhoods as if he is unaware of Columbia's value as a planned community with distinct neighborhoods carefully designed for multiple types of integration. Those of us who recognize this for what it is and expressed concerns have been treated with hostility.

It's a situation set up for inherent racism and gender bias, and the setup is unnecessary because HCPSS has more than enough highly skilled, thoughtful administrators who understand and appreciate the community and its neighborhoods. Any one of them could have filled in during a long-term search for a permanent superintendent.

Adequate leadership matters just as much as adequate facilities. Please adjust APFO, and then address the leadership problem. Right now, I feel as if so many in our community rightfully address racism and misogyny and racial and gender bias when it happens somewhere else, and that's great, but I really need leaders to address it when it happens here too instead of allowing the hostility to fall on the backs of the few of us willing to voice our concerns. Perhaps it looks normal,

## Sayers, Margery

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**From:** Kristie L <kristielockwood@gmail.com>  
**Sent:** Monday, September 25, 2017 3:13 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** Re: APFO  
**Attachments:** BOE Email 070517 REDACTED (1).pdf

Corrected link: <https://goo.gl/Ra7rqd>

I have also attached the document to this email.

On Mon, Sep 25, 2017 at 2:58 PM, Kristie L <[kristielockwood@gmail.com](mailto:kristielockwood@gmail.com)> wrote:

From: Kristine Lockwood

Columbia, Maryland

To: Howard County Council

Dear Howard County Council Members:

Please consider my testimony as you work on APFO today.

APFO should be designed so that schools stay under 100% capacity. Even at the under-enrolled schools, hallway crowding is a frequent complaint, adding stress to students' school day.

To address some details and a larger issue:

I do not oppose portable classrooms, although I do object to portables used inappropriately. Parents and students have cited a lack of bathrooms in portable classrooms. Perhaps APFO could require bathrooms in all portables used as classrooms. Lack of safe passage to and from the main school building is another concern. Yet, construction of a hallway passage is a practical solution.

I would also be in favor of APFO requiring HCPSS to offer open enrollment options at any school with less than a given capacity, such as 97%, and priority could go to students assigned to overcrowded schools.

Our current school leaders have many options available to reduce some overcrowding. Instead, the current BOE and interim superintendent have used overcrowding as an excuse to force their ideas onto the community without truly working with community members. When the board initially requested applications for the public to join the AAC, the board advertised it as adjusting elementary school boundaries, and the BOE never once attempted to correct that notion even as they were completing the feasibility study and knew they were misleading the public by not correcting the misinformation. Perhaps some AAC members would still have wanted to apply, and perhaps others would have not applied if they had known the scope of the task. Similarly, the board's misinformation denied opportunities to residents who would have wanted to submit an AAC application if they had known the true scope. It saddens me to see how this lack of transparency has negatively impacted the community.



## Sayers, Margery

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**From:** stukohn@verizon.net  
**Sent:** Tuesday, September 26, 2017 3:08 PM  
**To:** howard-citizen@yahoogroups.com; CouncilMail; Kittleman, Allan; Wilson, B Diane  
**Subject:** Some Encouragement Regarding APFO

FYI

There maybe some hope based on the County Council's Work Session held yesterday regarding the Adequate Public Facilities Ordinance, APFO Bill - CB61-2017. Councilman Calvin Ball, much to his credit, invited Steven Snelgrove, President of Howard County General Hospital and his staff to discuss the concern that the Hospital should perhaps be a part of APFO as a measurement for future residential growth in the County. We were undoubtedly encouraged that the conversation was even introduced as it is an important piece of potentially ensuring we have thoroughly analyzed our infrastructure to determine future development.

As you know the Howard County Citizens Association, HCCA has for many years been advocating that quality of life issues regarding categories such as Hospital, Police, Fire, Emergency Medical Services, etc. to be a part of the APFO. These categories of concern would be used to analyze if a proposed development is warranted for a given area. We testified to this on 17 July which can be found on our website at <http://howardcountyhcca.org/wp-content/uploads/2017/07/HCCA-APFO-Testimony-to-Council-17Jul2017.pdf>. We also produced a report a few years ago which further provides recommendations titled, "Howard County APFO Needs Review and Action for our Future" which can be found at <http://howardcountyhcca.org/apfo/>.

Mr. Snelgrove did state that he has major concerns with the influx of our population growth, the increase of our aging population, not enough personnel, not enough inpatient beds, and the impact of the downsizing of Laurel Regional Hospital. These are concerns that must be taken into consideration when our decision makers assess approval of development. The question is what has precedence -- the economy or quality of life issues?

The Work Session is to be continued to discuss other areas where APFO should be considered as part of the package. The date for this meeting has not been established as of yet.

All one has to do is see <http://planning.maryland.gov/PDF/YourPart/773/20130325/AdequatePublicFacilitiesDraftReport032513.pdf> and refer to page 9, "Counties with APFOs in Maryland." When reviewing this Table the question arises is why is Howard County not as inclusive in APFO categories as compared to other neighboring Counties?

Hopefully the APFO Work Session with the Council's discussions will indeed lead to not just rhetoric, but action we can really say Thank You for not only listening, but taking the necessary action for the betterment of our future.

Sincerely,

Stu Kohn  
HCCA, President

**Sayers, Margery**

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**From:** Kirsten Coombs <Kirsten\_Coombs@hcpss.org>  
**Sent:** Thursday, September 28, 2017 2:59 PM  
**To:** CouncilMail  
**Cc:** Board & Student Member; Mark Blom; Danielle Lueking; Karalee Turner-Little  
**Subject:** APFO Legislation

Council Members,

Thank you for your time & attention at Monday's work session. We are discussing updates to the proposal that we originally submitted. Is it possible to grant us a delay?

Thank you,  
Kirsten

**Regards,**

**Kirsten Coombs**

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

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

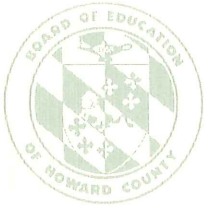
When I was in 1st Grade, there were so many kids that besides the four classrooms connected to the pod, there were two auxiliary classrooms, as well as a 30-kid class in another tiny room. Each pod had a smaller room in with the classrooms that was called a "resource room". It was never meant to be used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

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





**HOWARD COUNTY**  
PUBLIC SCHOOL SYSTEM



**Board of Education  
of Howard County**

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*

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


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

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

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

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

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



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

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

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

**County Council of Howard County, Maryland**

2017 Legislative Session

Legislative Day No. **10**

**Bill No. 61-2017**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4  
5           **NOW, THEREFORE,**

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

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

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

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

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

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

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

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

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

1            *Subsection (b) and (c)*

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

5            *Subsection (c)*

6  
7            *f. Section 16.1110 "Definitions"*

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

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

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

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

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

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



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

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

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

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

9  
10 **Section 16.156. Procedures.**

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

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

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

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

29 (b) *Background:*

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

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

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

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

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

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

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

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

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

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

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

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

8 (1) Road facilities in existence as of the date the developer submits the application for  
9 approval of the project;

10 (2) New road facilities or improvements to existing road facilities for which sufficient funds  
11 have been included in the Howard County Capital Program or Extended Capital Program  
12 as defined in title 22 of the Howard County Code or the Maryland Consolidated  
13 Transportation Program so that the facilities will be substantially completed before or  
14 during the scheduled completion year of the project, unless the Director of Planning and  
15 Zoning, after consultation with the Director of Public Works, demonstrates that such  
16 facilities or improvements are not likely to be completed by that time.

17 (3) New road facilities or improvements to existing road facilities which:

18 (i) Have been included in developers' mitigation plans submitted for approval to the  
19 Department of Planning and Zoning before the project which is being tested; [[and]]

20 (ii) Which are scheduled to be substantially completed before or during the scheduled  
21 completion year of the proposed project[.]; AND

22 (iii) HAVE BEEN INCLUDED IN A DEVELOPER AGREEMENT WHICH SHALL INCLUDE THE  
23 INFORMATION REQUIRED BY SECTION 16.147(E) AND SECTION 16.156 (K) OF THIS  
24 CODE.

25 (4) The mitigation proposed by the developer.  
26

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

28 (b) *Housing Unit Allocation Chart:*

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

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

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

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

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

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

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

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

17 (1) *Definition.* The ~~[[open/closed]]SCHOOL CAPACITY~~ chart is a chart indicating which  
18 elementary school regions and which elementary schools, ~~and middle schools,~~ and high  
schools are open for

19 new residential development and which are ~~[[closed]]CONSTRAINED~~ each year for each  
20 of the following ten years, and shall be based on the definition of program capacity  
defined by HCPSS policy.

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

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

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

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

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  
31  
32

- c. *Revised housing unit allocation chart adopted.* Whenever a revised housing unit allocation chart is adopted, the Department of Planning and Zoning shall test 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 ~~(4)~~ 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.~~

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

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

13 AND

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

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

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

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

25

26 **Section 16.1107. Exemptions.**

27 (b) *Residential Projects:*

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

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

5  
6 **Section 16.1110. Definitions.**

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

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

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

14 (1) Regional pass-through users; and

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

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

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

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

23 (1) New Town (NT)

24 (2) Planned Golf Course Community (PGCC)

25 (3) Mixed Use (MXD)

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

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

31

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

5

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

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

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

11 (i) *Exempt governmental facility* means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- 1 (ii) The prior year's general plan target.
- 2 (3) In the third and later years after the effective date of this subtitle, the number of housing
- 3 unit allocations on the chart for the current year and for each of the next two years, based
- 4 on the rolling average, shall be the general plan target for residential completions for the
- 5 year in question minus one-third of the difference between:
- 6 (i) The housing unit allocations granted during the two preceding years plus the housing
- 7 units in projects approved during two preceding years which were exempt from the
- 8 provisions of this subtitle pursuant to subsections 16.1107(b)(1) and (5) of this subtitle;
- 9 and
- 10 (ii) The sum of the general plan targets for the two preceding years.
- 11 [[(4) In order to provide flexibility for development in areas designated in the general plan as
- 12 established communities or growth and revitalization areas, any unused annual allocations
- 13 for these areas may be combined and redistributed, using the rolling average, into a single
- 14 allocation category that may be used by development projects in either geographic area.]]
- 15 (p) *Howard County Design Manual* means Chapter 4 of Volume III (Roads and Bridges) of the
- 16 Howard County Design Manual which specifies requirements for adequate transportation
- 17 facilities.
- 18 (q) *Impact area*:
- 19 (1) In planned service area for public water and sewer. In that portion of the County in the
- 20 planned service area for public water and sewer, excluding Downtown Columbia, an
- 21 impact area means an area up to one and one-half road miles in all directions from the
- 22 entrance to the project on an existing County or State road or a planned roadway or
- 23 intersection identified in the capital budget or capital program, but not beyond the
- 24 intersection of a major collector or higher classified road with a major collector or higher
- 25 classified road. For Downtown Columbia the impact area shall be determined in
- 26 accordance with the Howard County Design Manual.
- 27 (2) In no-planned service area for public water and sewer. In that portion of the County in the
- 28 no planned service area for public water and sewer, an impact area means an area up to two
- 29 road miles in all directions from the entrance to a project on an existing County or State
- 30 road or a planned roadway or intersection identified in the capital budget or capital

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

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

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

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

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

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

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

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

27 (y) *Open*:

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

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

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

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

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

5 ~~[(z)]~~ *Open/closed chart* means a chart indicating which elementary school regions and which  
6 Elementary, ~~and~~ middle, and high schools are open to new residential development and which  
7 are closed

8 to new residential development for the each of the following ten years, and shall be based on  
9 the program capacity, as defined by Board of Education policies.

10 (aa) *Open/closed test* means a test to determine whether the elementary school region and  
11 elementary school, ~~and~~ middle school, and high school serving a proposed project are open  
12 to new residential

13 development in the scheduled completion year of the project or the phases of the project, and  
14 shall be based on the program capacity, as defined by the Board of Education policies.

15 .H

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) *Road facilities*:

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

9 (ii) *Residential projects*:

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

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

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

23 (2) *Schools*:

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

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

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

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

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

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

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

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

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



September 11, 2017

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

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

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

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

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

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

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

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

Two final points worth noting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

Steve Breeden

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

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

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

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

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



Richard Kohn  
5218 Wood Stove Lane  
Columbia, MD 21045

### **Statement on APFO**

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

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

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

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

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

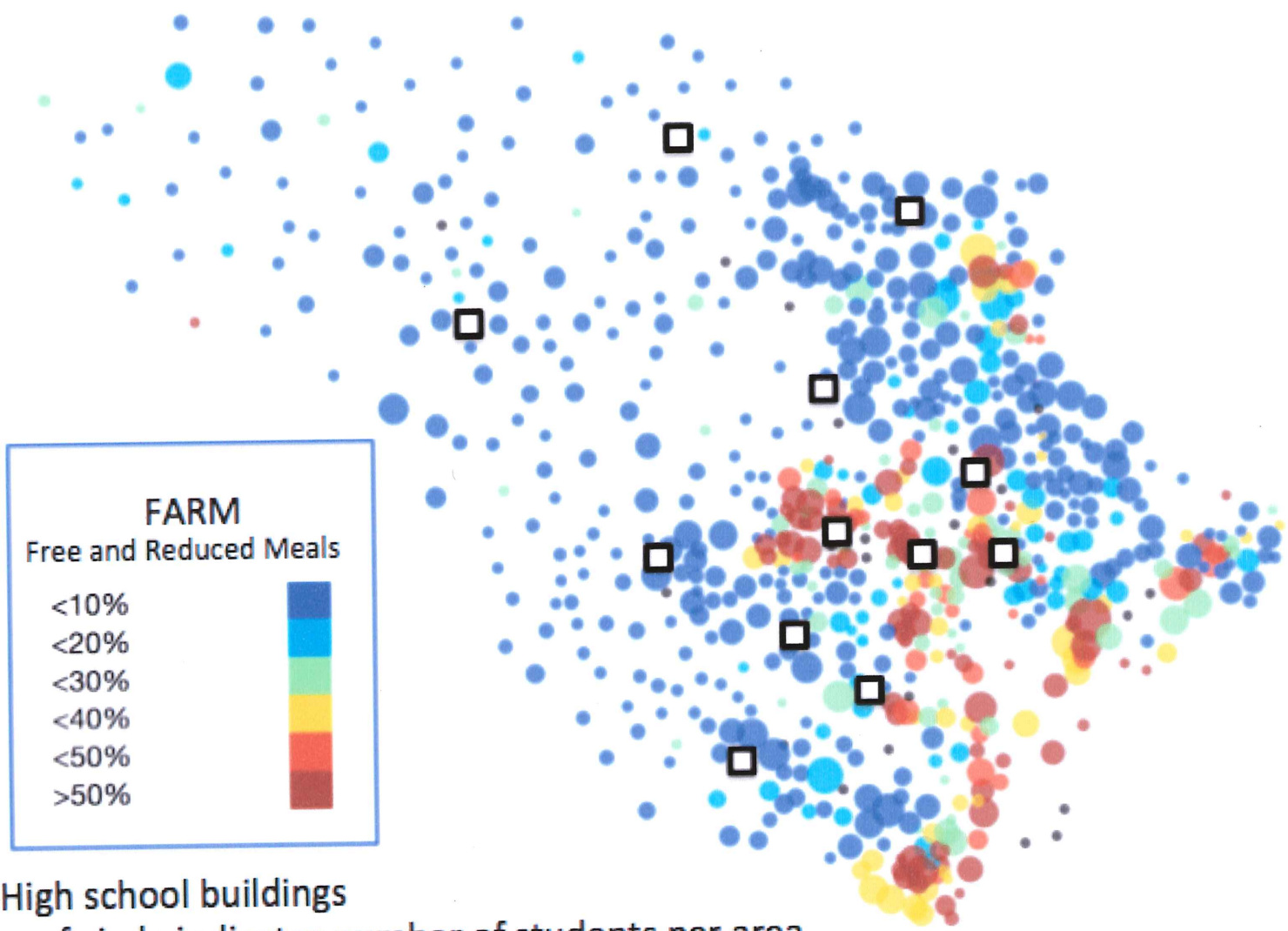
Certainly developers should not be permitted to build where there is a lack of public resources: schools, roads, public safety. Certainly developers should be required to fund the cost of the public infrastructure that is needed.

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

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

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

# Howard County Demographic Map



**FARM**  
Free and Reduced Meals

<10%	Dark Blue
<20%	Light Blue
<30%	Green
<40%	Yellow
<50%	Orange
>50%	Red

□ High school buildings  
Size of circle indicates number of students per area

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

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

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

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

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

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

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

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

Remove the four-year limit.

Lower the acceptable threshold for a school's capacity.

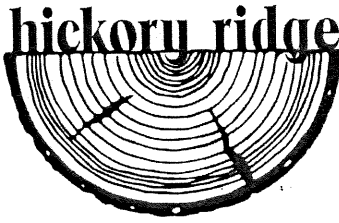
Increase developers' school impact fees.

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

Protect the people you represent.

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

(Table courtesy of Hiruy Hadgu)



## Hickory Ridge Community Association

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

September 11, 2017

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

RE: CB61-2017, CB62-2017

Dear Mr. Kittleman and Council Members,

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

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

Sincerely,

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



September 11, 2017

Testimony on Adequate Public Facilities Ordinance

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

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

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

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

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

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

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

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

Thank you.





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

Provided by Eric Zachary (Zack) Rose

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

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

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

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

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

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

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

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

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

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

THANK YOU!  
E. Gh

Good evening and thank you holding this special hearing tonight.

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

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

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

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

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

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

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

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

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

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

Thank you



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

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

**VOTE: 17-0-1**

OPPOSITION VIEW: Fiscal projections not yet available

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

**VOTE: 14-3**

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

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

**VOTE: 13-7**

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

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



MOTION: Eliminate regions test from APFO
<b>VOTE: 9-8</b>
OPPOSITION VIEW: A backup provision of the individual schools test is needed; no existing test for development should be removed without also adopting a substituting protection

MOTION: Eliminate elementary school regions test and replace it with an adjacent (i.e., contiguous borders) schools test in which the capacity utilization of the school being tested and all adjacent elementary schools are totaled for a test of overall capacity utilization. If the grouping is greater than 115% then the school is deemed constraint.
<b>VOTE: 8-8-1</b>
OPPOSITION VIEW: Motion doesn't balance the benefits of growth with the cost of maintaining adequate public facilities

MOTION: Repeat the language and provisions of an elementary school test for high schools
<b>VOTE: 8-9</b>
OPPOSITION VIEW: New households do not generate as many high school-aged children as they do elementary school-aged children

MOTION: <ul style="list-style-type: none"> <li>(1) Change program capacity at which a school is deemed open to 110%;</li> <li>(2) If projected enrollment lies between 110% and 115% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge double the amount currently in law;</li> <li>(3) If projected enrollment lies between 115% and 120% of program capacity then developer's wait time will decrease to two years if it pays a public school facilities surcharge triple the amount currently in law</li> </ul>
<b>VOTE: 7-9-2</b>
OPPOSITION VIEW: Increased revenue is contingent on capacity resting between 110% and 120%; a reduction in capacity will close more schools thereby halting development and preventing the County from collecting additional surcharge revenue

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

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

1 Assumes 2000 square foot house

2 \$1.24 per square foot x 2000 square feet

3 Outside Capital Beltway

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

Jennifer Spiegel  
12475 Triadelphia Road  
Ellicott City, MD 21042

Howard County Council Testimony -- September 11, 2017

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

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

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

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

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

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

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

We can and must do better.

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

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

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

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

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

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

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

Testimony regarding CB61-2017 and CB62-2017

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

By: Paul A. Scott, Ph.D.

6401 South Wind Circle

Columbia, MD 21044

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

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

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

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

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

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

Respectfully,

Paul A. Scott, Ph.D.

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

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

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

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

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

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

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

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



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

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

Thank you for listening.

Sincerely,

Hongling Zhou

On behalf of the CAPA of HC

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

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

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

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

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

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

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

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

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

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

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

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

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

September 11, 2017

To the Members of Howard County Council:

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

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

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

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

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

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

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

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

Sincerely,

Laura Wisely

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Elkridge, MD 21075

Laura.wisely@gmail.com