

Introduced October 5, 2020  
Public Hearing October 19, 2020  
Council Action November 2, 2020  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 14

Bill No. 56 -2020

Introduced by: Liz Walsh

AN ACT amending the Howard County Code to remove the Adequate Public Facilities Ordinance's exemption for Conditionally Exempt Residential Subdivision Plans; and generally relating to Adequate Public Facilities Ordinance Exemptions.

Introduced and read first time October 5, 2020. Ordered posted and hearing scheduled.

By order

Diane Schwartz Jones  
Diane Schwartz Jones, 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 October 19, 2020, 2020.

By order

Diane Schwartz Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on November 2 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed .

By order

Diane Schwartz Jones  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_ a.m./p.m.

By order

\_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2020

\_\_\_\_\_  
Calvin Ball, 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 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard  
2 County Code is amended as follows:

3 By amending:

4 Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"

5 Subtitle 11. "Adequate Public Facilities"

6 Section. 16.1107. "Exemptions."

7  
8  
9 **HOWARD COUNTY CODE**

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

12  
13 **Subtitle 11. – Adequate Public Facilities**

14  
15 **Section. 16.1107. – Exemptions.**

16 (a) *Nonresidential Projects:*

17 (1) *Exempt nonresidential subdivision plans.* The following nonresidential subdivisions are  
18 exempt from the requirement to pass the test for adequate road facilities as a condition of  
19 subdivision approval:

20 (i) A nonresidential resubdivision (see: Subdivision regulations).

21 (ii) An exempt governmental facility.

22 (iii) A nonresidential final subdivision plan pending on the effective date of this  
23 subtitle, April 10, 1992, provided that the plan proceeds to recordation in accordance  
24 with the subdivision regulations.

25 (iv) A subdivision that does not generate additional traffic.

26 (2) *Exempt nonresidential site development plans:*

- 1 (i) A site development plan for an exempt government facility is exempt from the  
 2 requirement to pass the test for adequate road facilities as a condition of site  
 3 development plan approval.
- 4 (ii) A site development plan which does not generate additional traffic is exempt from  
 5 the requirement to pass the test for adequate road facilities as a condition of site  
 6 development plan approval.
- 7 (iii) If the project is on a parcel which was zoned nonresidential on the effective date  
 8 of this subtitle and has not previously passed the roads test during the subdivision  
 9 process, a nonresidential site development plan submitted within seven years after  
 10 the effective date of this subtitle, April 10, 1992 is exempt from the requirement to  
 11 pass the test for adequate road facilities as a condition of site development plan  
 12 approval. However, if the floor area ratio on the lot exceeds the following:

Industrial/manufacturing/warehousing	0.45
Office/research and development	0.35
Retail/service	0.25
New town/town center village	1.0

- 13
- 14 The site development plan shall be required to pass the test for adequate road  
 15 facilities for the excess floor area.
- 16 (3) *Conditionally exempt nonresidential subdivision plans.* Nonresidential subdivision  
 17 plans are conditionally exempt from the requirement to pass the test for adequate road  
 18 facilities as a condition of plan approval, provided that the sketch plan was approved  
 19 before the effective date of this subtitle, April 10, 1992. This exemption is conditional  
 20 upon the project continuing to meet required milestones (see: Section 16.1106,  
 21 "Milestones").

1 (b) *Residential Projects:*

2 (1) *Exempt residential plans.* The following residential subdivisions and site development  
3 plans are exempt from the requirement to pass the test for adequate road facilities and the  
4 requirement to pass the tests for allocations and adequate public school facilities as a  
5 condition of approval:

6 (i) Parcel divisions (see: Subdivision regulations).

7 (ii) Subdivisions in agricultural preservation easements for dwellings of the owner or  
8 the owner's children or other dwelling lots permitted on agricultural preservation  
9 easements.

10 (iii) Residential resubdivisions (see: Subdivision regulations) which do not increase  
11 the number of housing units allowed.

12 (iv) Residential final subdivision plans pending on the effective date of this subtitle,  
13 provided that the plan proceeds to recordation in accordance with the subdivision  
14 regulations.

15 (v) Minor subdivision plans and resubdivisions, located in RC and RR zoning districts  
16 outside of the planned service area boundary for water and sewer, which create the  
17 potential for only one additional dwelling unit from a lot existing on April 10, 1992.

18 (vi) Minor subdivision plans and resubdivisions which create the potential of only one  
19 additional dwelling unit to be conveyed to an immediate family member or members  
20 from a lot existing on April 10, 1992 provided that the following conditions are met:

21 a. The property owner must have owned the property for a minimum of three years  
22 before requesting subdivision; and

23 b. The family member must be either a parent, child, or sibling. The term  
24 immediate family member does not include step-parents, step-children, or step-  
25 siblings; and

26 c. The property owner shall not seek further subdivision of the property or another  
27 family member exemption for a period of three years; and

1 d. The granting of this family member exemption shall prohibit the property owner  
2 from seeking a hardship exemption.

3 A maximum of three family member exemptions per year per planning area may be  
4 granted by the Department of Planning and Zoning. Subject to section 22.1000 of  
5 the County Code, the Department of Planning and Zoning shall annually prepare a  
6 home ownership report on this exemption for the Council.

7 (vii) Minor subdivision plans and resubdivisions which create the potential of only one  
8 additional dwelling unit from an adjoining lot existing before April 10, 1992, for  
9 property owners with economic hardships. Upon the property owner's written request  
10 to the Department of Planning and Zoning, the County Council may approve by  
11 resolution a hardship exemption. The property owner shall state in the request to the  
12 Department of Planning and Zoning the severe economic hardship that the property  
13 owner is sustaining and provide the following evidence, which shall be forwarded by  
14 the Department to the County Council with a recommendation concerning the  
15 exemption:

- 16 a. Verification of ownership of the property to be subdivided for at least three years  
17 before the submittal of the economic hardship exemption request; and
- 18 b. A recent financial statement that shows the property owner's complete assets  
19 and liabilities supported by an affidavit of the property owner; and
- 20 c. Other information regarding the severe economic hardship that the property  
21 owner is sustaining, including but not limited to information from lenders, lien  
22 holders, creditors, attorneys, tax collectors or other third parties who have  
23 knowledge as to the economic condition of the property owner; and
- 24 d. Any notice of foreclosure on the property; and
- 25 e. Any medical bills that are not covered by health insurance for a medical  
26 condition/treatment of the property owner or immediate family member of the  
27 property owner. For purposes of this section, the immediate family member shall

1 be either a spouse, parent, child, or sibling but shall not include step-parents,  
2 step-children or step-siblings; and

3 f. Any other evidence that the property owner has no other reasonable means of  
4 relieving that economic hardship.

5 The granting of this hardship exemption shall prohibit the property owner from  
6 seeking a family member exemption.

7 (2) *Partially exempt residential subdivision plans.* Minor subdivision plans are exempt from  
8 the requirement to pass the test for adequate road facilities as a condition of plan approval.  
9 However, minor subdivision plans are required to pass the tests for allocations and  
10 adequate public school facilities as a condition of subdivision approval.

11 (3) *Exempt residential site development plans.* Residential site development plans for  
12 single-family attached and detached housing on recorded lots that existed on April 10,  
13 1992 are exempt from the requirement to pass the test for adequate road facilities and the  
14 tests for allocations and adequate public school facilities as a condition of site  
15 development plan approval.

16 (4) *Partially exempt mobile home park site development plans:*

17 (i) Residential site development plans for mobile home parks are exempt from the  
18 requirement to pass the test for allocations to the extent that the mobile home park  
19 site development plan is replacing units from a mobile home park abandoned or  
20 permanently closed after January 1, 2000. If the number of units in a mobile home  
21 park site development plan exceeds the number of replacement units available, the  
22 number of units exceeding the available replacement units shall be tested for  
23 allocations in accordance with section 16.1104 of this subtitle. The Department of  
24 Planning and Zoning shall keep a record of the number of mobile home park units  
25 abandoned and replaced and shall reassign the replacement units to projects, at the  
26 time of site development plan approval, in the order of site plan approval dates.

27 (ii) Residential site development plans for mobile home parks to which replacement  
28 units have been reassigned in accordance with subsection (i) above are exempt from

1 the adequate public school facilities test for the number of replacement units  
2 reassigned if the site development plan for the mobile home park is located in the  
3 same elementary and middle school districts as the abandoned or permanently closed  
4 mobile home park from which the units were reassigned. If the number of units  
5 proposed on the site development plan exceeds the number of reassigned units  
6 available, or if the site development plan includes reassigned units from a different  
7 elementary and/or middle school district, the excess units receiving allocations as  
8 required in subsection (i) above, and the reassigned units from a different elementary  
9 and/or middle school district, as the case may be, shall be subject to the adequate  
10 public school facilities tests. If the proposed mobile home park is located in a  
11 different elementary and/or middle school district, the site development plan must  
12 pass the appropriate adequate public school facility test(s) for all units approved on  
13 the site development plan.

14 (5) *Partially exempt multifamily residential site development plans:*

15 (i) *Exemption from tests for adequate public schools.* Residential site development  
16 plans for multifamily projects which cannot generate children, such as age-restricted  
17 adult housing, are exempt from the requirement to pass the tests for adequate school  
18 facilities as a condition of site development plan approval. Except as provided in  
19 subparagraph (iii) of this paragraph, these plans are required to pass the test for  
20 allocations and for adequate road facilities as a condition of site development plan  
21 approval.

22 (ii) *Exemption from tests for allocations and adequate public schools.* Nursing and  
23 residential care facilities are exempt from the requirement to pass tests for allocations  
24 and for adequate public schools as a condition of site development plan approval.  
25 These plans are required to pass the adequate road facilities test as a condition of site  
26 development plan approval.

27 [(6) *Conditionally exempt residential subdivision plans.* Residential subdivision plans are  
28 conditionally exempt from the requirement to pass the test for adequate road facilities and  
29 the tests for allocations and for adequate school facilities as a condition of plan approval,

1 provided that the sketch plan was approved before the effective date of this subtitle, this  
2 exemption is conditional upon the project continuing to meet required milestones (see:  
3 Section 16.1106, "Milestones").]]

4 **([[7]]6)** *Partially exempt residential redevelopment plans.* Residential redevelopment  
5 involving a subdivision plan or site development plan is exempt from the allocations.  
6 Adequate public schools, and roads tests to the extent that the redevelopment will not  
7 increase:

- 8 (i) The number of existing housing units on the site;
- 9 (ii) The number of housing units allowed under paragraph (3) of this subsection; or
- 10 (iii) If the redevelopment is of a mobile home park licensed under subtitle 5 of this  
11 title, the number of mobile home sites permitted under the license.

12 Existing units being replaced must have been occupied on a full-time basis for at least  
13 30 days in the year prior to submission of the subdivision or site development plan for  
14 redevelopment of the site. If the number of units on the redevelopment plan exceeds the  
15 number of existing units, the additional units shall pass the allocations, adequate public  
16 schools and roads tests as a condition of plan approval.

17 **([[8]]7)** *Partially exempt residential subdivision plans.* Except in Downtown Columbia,  
18 moderate income housing units do not require housing unit allocations. However, plans  
19 with moderate income housing units are required to pass the test for adequate road  
20 facilities and adequate public schools as a condition of approval. The number of moderate  
21 income housing units in each plan that do not require housing unit allocations subject to  
22 this exemption shall not exceed the number of moderate income housing units as required  
23 in the Howard County Zoning Regulations.

24 **([[9]]8)** *Partially exempt urban renewal residential subdivision or site development plans;*  
25 *Test for adequate school facilities.* Residential units that are part of an Urban Renewal  
26 project, as designated by title 13, subtitle 11 of this Code, are exempt from the  
27 requirement to pass the test for adequate school facilities as a condition of subdivision or  
28 site development plan approval.



1 **Section 2. Be It Further Enacted** by the County Council of Howard County, Maryland, that any  
2 *conditionally exempt residential subdivision plans previously covered by Section 16.1107(b)(6)*  
3 *that has not received Site Development Plan approval prior to September 24, 2020 shall be*  
4 *subject to all Adequate Public Facilities testing provisions of Section 16.1100 of the Code.*

5  
6 **Section 3. And Be It Further Enacted** by the County Council of Howard County,  
7 *Maryland, that this Act shall become effective 61 days after its enactment.*

8  
9

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Bill No. 56-2020 - Revised**

Introduced: October 5, 2020

Auditor: Michael A. Martin

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Fiscal Impact:

*We have updated our analysis to reflect the most recent information obtained from the Department of Planning and Zoning (DPZ) regarding pending allocations in Turf Valley.*

The fiscal impact of this legislation would be deferred one-time revenue of approximately \$10.4 million. There would also be annual forgone General Fund revenue of \$2.5 million and \$448,000 non-General Fund revenue. This is offset by an annual education cost savings of \$1.3 million.

**Attachment A** provides details and assumptions used to arrive at this estimate.

According to DPZ, 544 units under plan S-86-013 would be subject to the Adequate Public Facilities Ordinance (APFO) requirements with the passage of Council Bill 56-2020. These units would be held in the School Capacity Wait Bin for a maximum of four years as the schools are closed for development.

Purpose:

The purpose of this legislation is to amend current County Code and remove the Adequate Public Facilities Ordinance (APFO) exemption for Conditionally Exempt Residential Subdivision Plans.

Other Comments:

Per the DPZ, development on the 544 pending housing units would be on hold a maximum of four years as they would fail the APFO School Capacity Test based on current school capacity levels.

Previously awarded allocations should not be affected, and it is unknown if developments other than Turf Valley would be impacted, according to DPZ.

## Attachment A

Deferred Tax Revenue as a result of this legislation holding development on the 544 pending housing units under plan S-86-013

Annual Revenue Sources (Forgone)		One-Time Revenue Sources (Deferred)		Non-General Fund Revenue (Forgone)	
Property Tax	1,439,000	County Transfer Tax	1,773,000	Fire Tax	335,000
Local Income Tax	1,065,000	Recordation	355,000	Ad Valorem	113,000
<b>Total</b>	<b>2,504,000</b>	School Surcharge	6,857,000	<b>Total</b>	<b>448,000</b>
		Road Excise Tax	1,371,000		
		<b>Total</b>	<b>10,356,000</b>		

### Assumptions

Housing Type	Number of Housing Units	Average Square Feet	Average Sales Price	Assumed Taxable Income
SFD Rural West	2	7,327	737,110	133,830
SFA	97	2,586	375,866	85,590
APT	445	1,458	233,568	55,560

### Cost per pupil savings as a result of legislation

ESTIMATED EDUCATIONAL COST PER 2020 APFO SCHOOL CAPACITY CHARTS					
File Name	Allocations	Unit Type	Estimated Total Yield	Cost Per Pupil	Estimated Education Cost (Annual Savings)
S-86-013	445	APT	32.3	15,340	495,410
S-86-013	2	SFD	1.2	15,340	18,405
S-86-013	97	SFA	50.0	15,340	767,705
<b>TOTAL</b>	<b>544</b>		<b>83.5</b>		<b>\$ 1,281,520</b>

### Student Yields (83.5 Total):

- *Manor Woods Elementary School – Student Yield 45.1*
- *Mount View Middle School – Student Yield 18.5*
- *Marriott's Ridge High School – Student Yield 19.9*

**Office of the County Auditor**  
**Auditor's Analysis**

**Council Bill No. 56-2020**

Introduced: October 5, 2020

Auditor: Michael A. Martin

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Fiscal Impact:

The fiscal impact of this legislation cannot be determined at this time.

According to the Department of Planning and Zoning (DPZ), there are 536 units that could be impacted by this legislation (see **Attachment A**). Should these units lose their exemption status, there would be a fiscal impact. **We have requested additional details on these units from DPZ.**

Purpose:

The purpose of this legislation is to amend current County Code and remove the Adequate Public Facilities Ordinance (APFO) exemption for Conditionally Exempt Residential Subdivision Plans.

Other Comments:

This legislation could delay residential subdivision plans that are currently exempt from APFO's testing requirements, which may result in deferred or lost tax revenue associated with such development. The corresponding expense, such as per pupil cost, would also be deferred.

Previously awarded allocations should not be affected, and it is unknown if developments other than Turf Valley would be impacted, according to DPZ.

## Attachment A

### Status of Turf Valley Development (as of September 22, 2020)\*

#### APFO Exempt Portion of Turf Valley

Built Units	710
Recorded Unbuilt Lots	100
Units Under Construction	33
Other PB Approved	0
<b>Total</b>	<b>843</b>

Total Units in APFO Exempt Sketch Plan 1,379 S-86-013

**Remaining Turf Valley Units APFO Exempt 536**

#### Non-APFO Exempt Portion of Turf Valley - 258 Units

Built Units	0	
Recorded Unbuilt Lots	7	SDP-20-036 - Ravenwood at Turf Valley SFA Units
Units Under Construction	0	
PB Approved	84	SDP-20-036 - Ravenwood at Turf Valley Apt Units
In Process, not PB Approved	144	P-18-004 - The Villages at Town Square
Remaining - no plans in for yet	23	Housing type TBD
<b>Total</b>	<b>258</b>	

\*Information provided by DPZ



Analysis and cartography provided by  
The Howard County Dept. of Planning & Zoning  
October 21, 2020

# Turf Valley Residential Units

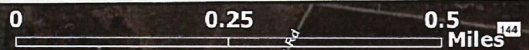


**Land Use Parcels in Turf Valley**

- Undeveloped Residential
- Low-Density Residential
- Medium-Density Residential
- High-Density Residential
- Undeveloped Commercial
- Commercial
- Government & Institutional
- Roadway & Parking
- Parks & Open Space

**Zoning**

- PGCC-1
- PGCC-2
- Turf Valley SDPs and F-plans



Map data by Esri, Community Maps Contributors, Baltimore County Government, SITA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, Mapbox, OpenStreetMap contributors, Swatch, and Mapbox

David W Force  
Total Units Allowed Under S-86-013 Sketch Approved 9/26/1985 is 1,386

Plan ID	Subdivision Name	Zoning	Existing			In-Process		Unbuilt		Permitted		Total Units	
			SFD	SFA	APT	SFA	APT	SFD	SFA	APT	SFD		SFA
SDP-98-148	TURF VALLEY VILLAS	PGCC-2			26							26	
SDP-00-53	THE LEGENDS AT TURF VALLEY	PGCC-1		59								59	
MULTIPLE SDPs*	TURF VALLEY VISTAS	PGCC-1	74									74	
SDP-07-062	OAKMONT AT TURF VALLEY	PGCC-2			192							192	
SDP-08-032	VANTAGE CONDOMINIUMS AT TURF VALLEY	PGCC			60							60	
SDP-10-026	VILLAGES AT TURF VALLEY	PGCC-2	29	33								62	
SDP-10-034	VILLAGES AT TURF VALLEY - PH. 4	PGCC-2	10	13								23	
SDP-15-014	VILLAGES AT TURF VALLEY PH 2 SEC 2	PGCC-2	47				1					48	
SDP-15-058	VILLAGES AT TURF VALLEY, PH. 1, SEC. 3	PGCC-2		6								6	
SDP-16-054	WEST END VILLAGE	PGCC-2		36								36	
SDP-17-057	FAIRWAYS AT TURF VALLEY - PHASE 2	PGCC-1		27							6	33	
SDP-17-058	FAIRWAYS AT TURF VALLEY PH 3	PGCC-1		63			1				1	65	
SDP-19-012	CAPERTON VILLAGE AT TURF VALLEY	PGCC-2		4						1	1	6	
SDP-19-056	CAPERTON VILLAGE AT TURF VALLEY	PGCC-2	6	8			37	17			7	80	
SDP-19-061	PARK VIEW AT TURF VALLEY	PGCC-1		17								17	
SDP-20-002	PARK VIEW AT TURF VALLEY	PGCC-1					29	8		1	17	55	
SDP-21-001	VILLA APARTMENTS AT TURF VALLEY	PGCC-2							192			192	
F-17-101	CAPERTON VILLAGE AT TURF VALLEY	PGCC-2							95			95	
SDP-20-036	RAVENWOOD AT TURF VALLEY	PGCC-1						7	84			91	
F-20-071, &-072**	VILLAGE AT TOWN SQUARE	PGCC-2				86	67					153	
<b>Totals</b>			166	266	278	86	354	68	32	84	9	30	1,373

\*SDPs: 95-041, 95-047, 95-056, 95-057, 96-012, 97-145, 99-080  
\*\*No SDP  
Not APFO Exempt, additional density added later under PB 368 (not part of original 5-86-013 plan). In-process plans. SDP not approved

CB56-2020



**HCCA****Howard County Citizens Association***Since 1961...**The Voice Of The People of Howard County*

Date: 19 October 2020

Subject: CR56-2020 - Removal of APFO exemption for Conditionally Exempt Residential Subdivision Plans

The Howard County Citizens Association, HCCA would like thank Councilmember Liz Walsh for this legislation that would end exemption for conditionally exempt residential subdivision plans from the Adequate Public Facilities Ordinance.

We commend her continued efforts at increasing accountability and addressing the decades of mismanagement that has led to woefully inadequate public infrastructure. Our County is dealing with the adverse consequences of the countless residential projects approved over the past few decades with little or no consideration to public infrastructure.

The HCCA encourages responsible growth with proper mitigations to address over development. This has not taken place and as a result, our schools are overcrowded with the last count of 234 portables, class sizes are going up, our public safety capacity is constrained, roads are congested, and we don't have the funds to deal with states of emergency and shock events such as COVID because our contingency funds have largely dried up.

Terrible zoning and land-use laws have in effect created inequitable conditions where developer profits are subsidized, while the taxpayer is asked to cover these costs or bear terrible infrastructure conditions.

The fiscal impact analysis shows this will affect around 536 homes. It further states that this will result in deferred or lost tax revenue as well as corresponding expense. What the fiscal impact study does not quantify is the net effect.

For decades, the County has approved residential projects by only looking at the tax revenue side of the project instead of the net effect by accounting for the expense. As a result, the taxpayer has been saddled with financing over 60% of the capital projects thru bonds while developers pay less than 1.8% of this cost.

Furthermore, since 2011, the County has spent an average of \$100 million per year servicing these bonds. This unsustainable trend continues as the county contemplates projects such as the new cultural center.

We urge passage of this legislation.

Hiruy Hadgu  
HCCA Board of Directors

October 18, 2020

Members of the Howard County Council,

I am writing to you in support of **CB53 - 2020** and **CB56 – 2020.**

**CB56-2020: “Adequate Public Facilities Ordinance - Conditionally Exempt Residential Subdivision Plans - Removal of Exemption.”**

The existing exemption allows units to be added regardless of local school overcrowding levels.

In particular, Turf Valley has 1,379 units in the APFO Exempt Sketch Plan. Of which includes 710 units that have been built, 100 recorded unbuilt lots and 33 units that are under construction. This leaves 536 remaining units.

The May 2020 APFO School Capacity Chart on the Howard County Maryland website shows the Northern region is “constrained for future residential development”.

By voting “yes” to CB-56 -2020, the remaining 536 units in Turf Valley would need to adhere to APFO some 30 years after they were exempt. This seems more than reasonable especially since 843 units will be built without consideration of the impact on our schools and roads in the north.

Below is a chart outlining the schools that Turf Valley feeds into and projected utilization rates:

HCPSS Feasibility 2020 Projected Utilization	2020/21	2021/22	2022/23	2023/24	2024/25
Marriotts Ridge HS	100.6%	105.8%	111.4%	115.4%	120.2%
Mount View MS	109.0%	122.1%	126.6%	124.9%	123.8%
Waverly ES	109.6%	109.5%	108.6%	109.6%	110.0%
Manor Woods ES	109.7%	113.1%	114.8%	121.1%	119.4%

Waverly ES and Manor Woods ES have both had students moved due to redistricting in 2017 and 2019 to help mitigate overcrowding. The above utilization rates show that those redistricting tactics were a temporary fix. The massive Turf Valley building with no APFO restrictions have overwhelmed our schools in the northern region. Please vote “yes” to CB56 -2020 and give much needed protection from overbuilding in our community.



**CB53-2020: AN ACT pursuant to Section 612 of the Howard County Charter and Section 4.201A of the Howard County Code, approving the execution by Howard County, Maryland of one or more installment purchase agreements to finance the acquisition of land for a new elementary school in the Turf Valley neighborhood of Ellicott City, Maryland and the payment of any related costs in the aggregate maximum amount of \$6,000,000.**

As mentioned, there are 1,379 units planned for Turf Valley of which 710 units have already been built. There is an additional 258 Turf Valley units that are Non-APFO exempt that are to be built. In addition, there are 113 townhouse allocations for Chapelgate (2021) located just across Marriottsville road from Turf Valley. There are many other new developments in the area. A new elementary school in the north is much needed.

I reviewed the Fiscal Impact for this bill that showed tax revenue losses and savings on educational costs. This location is ideal for the much needed elementary school since a large portion of the student body would be walkers. This has many benefits such as healthier children, less busing which in turn uses less gasoline and reduces traffic. A community school that children can walk to will bring up the housing value and in turn increase tax revenue. With just the purchase of the land and the intent of a school being built would also be a boost for property value/revenue.

Please vote "yes" to CB53 -2020 which would set the school system up to be able to plan for a school in the north.

I respectfully ask that you vote in favor of our children and vote yes for CB53- 2020 and CB56 - 2020.

Sincerely,  
*Amy Grutzik*  
*District 5*

October 26, 2020

Members of the Howard County Council,

I sent in written testimony to you last week asking for your support of and **CB56 – 2020**.

After listening to the oral testimonies last Monday night, I have more to say.

There were several comments from Monday night's testimony that I would like to address:

1- *"(Turf Valley) It's a great place to live, work and play" - Sang Oh*

- **I agree that they have built some really pretty homes, but**
  - **Where are the jogging paths?**
  - **Where are bike paths?**
  - **Where are the playgrounds?**
  - **Where is the preserved park land?**
  - **Where do the kids play? The streets?**

2- *"For over 30 years Turf Valley has worked with the county to consider all aspects of a good development. Schools, roads, utilities, housing, and commercial." – Louis Mangione*

- **For over 30 years Mangione has known the school system has needed a site in Turf Valley for a school.**
- **The only reason Mangione is currently working with the County to sell property for a school site is because they got concerned when HCPSS proposed redistricting Turf Valley students to Bushy Park Elementary School.**
- **It has been known that the school system needed a minimum of 15 acres for an elementary school. Mangione is offering 10 acres for a site to purchase.**

3- *"What problem is it trying to resolve?" Louis Mangione*

- **Really? It seems to me that the problem is that they still don't know what the problem is.**

4- *"Passing this bill won't magically open the school chart or relieve overcrowding" – Louis Mangione*

- **Bingo! We need to slow down the growth, so that we don't make the overcrowding worse.**
- **Has Mangione Enterprises offered any solutions to their development overcrowding schools? Have they ever expressed concern for our students?**
- **Although the county is on track to buy the property for an elementary school, the school won't be built for over 10 years due to HCPSS and County financial constraints.**

- **What is Mangione Enterprises' solution?**

5- "For over 4 decades we've been partners, we've been good corporate citizens and proud of our partnership with Howard County and of the projects we added to this county." - Louis Mangione

***Read below to see if these are examples of being a good corporate citizen:***

- A. November 2000:** Maryland Department of the Environment fines Mangione \$100,000 for rebuilding two golf course ponds without a permit and then ignoring a Howard County order to stop work. This was ordered because sediment from the project drained into a nearby stream which connects to the Little Patuxent River that feeds to the Bay. [http://articles.baltimoresun.com/2010-08-01/news/bs-ho-pond-fine-20100801\\_1\\_the-mangiones-state-department-new-project](http://articles.baltimoresun.com/2010-08-01/news/bs-ho-pond-fine-20100801_1_the-mangiones-state-department-new-project)

The Mangione's denied any wrongdoing. Instead of appealing the fine, however, their attorney, Joseph Laverghetta, helped negotiate a deal with state officials in 2002 to pay \$5,000 in cash and undertake a new project to benefit the river — worth \$150,000. If that work wasn't done, the Mangione's were supposed to pay another \$45,000 under the contract both sides agreed to, said Dawn Stoltzfus, an agency spokeswoman. However, that work was never completed.

According to documents in the case, inspectors found an "extensive amount of grading activity, including the renovation of two ponds, the installation of pipe for an irrigation system, and the construction of a dirt haul road." Also, the documents said, sediment entered the stream March 2. Inspections as late as March 13 found work continuing, despite the stop-work order."

- B. September 23, 2007:** Dr. Peter L. Beilenson, the county health officer said he was "truly outraged that the Mangione's did not divulge this, though they clearly knew for all these years."  
<http://articles.baltimoresun.com/2007-09-23/news/07092201361mangione-turf-valley-arsenic>

MDE report 2011 (no use of groundwater in Phase 4 area and long term monitoring in Area 3)

<http://www.mde.maryland.gov/programs/Land/MarylandBrownfieldVCP/Documents/Turf%20Valley%20Maintenance%20Facility%20Villages%20Phase%204.pdf>

The owner of the Turf Valley planned community has agreed to enter a state environmental cleanup program after a report revealed that part of the land in Ellicott City has arsenic levels 60 times higher than normal. The announcement yesterday came after a request by Dr. Peter L. Beilenson, Howard County's health officer, for mandatory comprehensive testing of the land where Turf Valley wants to add 1,000 homes to the community. "Everybody seems to be on the same page," Beilenson said.

C. **October 23, 2008:** County Council meeting on increasing size of grocery store from 18,000 to 55,000 SF

Sid Roros of Oekos Management Corp., which owns the nearby Waverly Woods Shopping Center, said his company invested millions in that enterprise on the assumption that stores in Turf Valley would not exceed 18,000 square feet. He learned of the petition only a week before, he said, arguing that "a change this significant should go through the comprehensive rezoning process, not [be presented] as a text amendment." Greenberg-Gibbons, he said, was using a text-amendment approach, not waiting for the next comprehensive rezoning process in 2013, because that way, they "don't have to post signs about what they're doing."

6. *"this is targeted legislation" - Louis Mangione*

- **They are the only beneficiaries of this exclusion and have been for decades.**
- **The northern communities were "targeted" with overcrowded schools because of the sweetheart deal made for one developer.**

7. *"it fails in effectiveness and fairness" – Louis Mangione*

- **What about other developers in the area that cannot build because Mangione Enterprises has been building without limitations regarding school capacity? Do those developers feel the current exemption is fair to them?**
- **What about all the students that will be going to class in trailers, because there are not future seats for them in school. How is this fair to them?**
- **Delaying 526 new units for four years IS an effective way to mitigate overcrowding schools.**

The HCPSS does not have many tools to help with overcrowding. They did propose in 2016 to redistrict Turf Valley current and future students to Bushy Park Elementary School. This was the only school that would be able to handle this massive development. Mangione Enterprises had their lawyer testify to the BOE against this redistricting. In the end, the school system redistricted the students from Manor Woods to Waverly, with the hope of having a new ES in Turf Valley.

Mangione Enterprises has a total of 1,637 housing units in their plan (the original sketch plan had less units). 710 units have been built, this leaves 927 remaining units to build. Are the builders planning to build 927 units within the next 4 years? How will the community be able to handle that? I ask you to help the school system and community by delaying the building of 526 units in Turf Valley.

Unfortunately, we cannot just rely on corporations to "do the right thing". That is why legislation is put in place including APFO. We need **pure** APFO protection that is not diluted with these sweetheart deal exemptions. Our communities do not have a lobbyist to advocate on our behalf and we need our Council Members to look out for us.

I thank Councilwomen Liz Walsh for doing the research and looking out for our students and teachers. Although the developer implied that this is not a District 1 issue and that Ms. Walsh had no business putting out this bill, he is very wrong. This is an issue for all of Howard County Districts. With the projections of new students that Turf Valley will produce, the school system will have to come up with millions of dollars to purchase more trailers for overcrowded schools. I can think of many better ways for the school system to spend that kind of money.

I respectfully ask that you vote in favor of our children and our teachers and vote yes for CB56 - 2020.

Sincerely,

*Amy Grutzik*  
*District 5*





RE: CB-56-2020

The PTA Council of Howard County met on October 19, 2020 with its presidents and delegates from the 74 local PTA organizations in order to conduct elections and perform business to continue operations for the 2020-2021 School Year. A status on pending legislation was given followed by a unanimous reaffirmation position and vote of the new and returning delegates to support legislation that works toward eliminating overcrowding of all HCPSS facilities with utilization beyond 100%. This broad position may apply to multiple future items, but the overcrowding exemption case at Turf Valley was delivered as an

specific example to members to consider as they voted.

CB-56-2020 attempts to temporarily mitigate intentional overcrowding in assigned attendance areas that are beyond APFO thresholds by removing an exemption from current APFO tests. This change also retains many other exemptions and incentives already in APFO code. As written, this bill aligns with the PTACHC position as an incremental improvement to overcrowding issues with the ultimate goal of eliminating overcrowding systemwide.

The original and updated fiscal analysis includes one-time capital improvement revenues (forgone or realized) without the corresponding additional one-time capital improvement costs to sustain increased enrollment from the impact of this bill. A decision based on the fiscal information provided would be inaccurate.

In addition, student yields provided in the fiscal report to make impact assessments use a combined .15 students per unit level that is significantly below the county average of .47 student yield per housing unit of all types combined countywide \* Even factoring in high apartment percentages for this example, the SFD and SFA yields do not compare with actual SFA & SFD county averages. Using the same methodologies applied to existing households, there should be only 49,600 students in the school system today, a nearly 19% discrepancy. This brings impact methodology into question for this bill as well as CB-53-2020 using similar data.

If there are enough resources provided for adequate school capacity using current regulations and mitigation, the passage of the bill should have little or no impact to the development patterns of projects currently exempted. If on the other hand the county is unable to provide adequate capacity, this bill is justified a growth management tool to reduce the impact to students locally and systemwide deserving council passage.

Brent Loveless

President - PTACHC

*\*Derived from 58,868 enrollment – HCPSS Sep 2019 Enrollment \*122,916 housing units Oct 2020 DPZ Construction Report*

*\*Yields comparison based on CB-56-2020, CB-53-2020 Fiscal analysis and OCT 2020 Construction Report.*

## Sayers, Margery

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**From:** Kurt Schwarz <krschwa1@verizon.net>  
**Sent:** Monday, October 19, 2020 3:03 PM  
**To:** CouncilMail  
**Subject:** CB-56 Support

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I support CB-56, and urge the Council to approve this bill. Extension of the Adequate Public Facilities Ordinance to conditionally exempt residential subdivisions is good governance, and will redound to the benefit of traffic and our schools. Rampant development has burdened both, and ensuring adequate facilities for new developments will help alleviate that.

Please support CB-56.

Sincerely,

Kurt R. Schwarz  
District 1  
9045 Dunloggin Ct.  
Ellicott City, MD 21042  
410-461-1643  
krschwa1@verizon.net

# The People's Voice

October 18, 2020

## Support of CB 56-

There have been frustrating effects from having APFO exemptions that are too far-reaching into the future, such as with the extremely long, and large Turf Valley area developments not having to abide by any APFO tests. We support eliminating APFO exemptions in this older area of the legislation. We would also support eliminating other exemptions such as the schools test for age-restricted housing, and multiple additions of on-site additional residential units on parcels. Only one should be allowed, for family members as we attempt to provide more affordable housing for our elderly family members and children.

Lisa Markovitz

President

The People's Voice is a civic/political organization with over 4000 members in Howard County and over 500 in Montgomery County.





**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Hiruy Hadgu, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB55-2020, CB56-2020, and TAO1-2021 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Hiruy Hadgu

Signature: \_\_\_\_\_

Date: 10/19/2020

Organization: Howard County Citizens Association

Organization Address: P.O. Box 89, Ellicott City, MD 21041

P.O. Box 89, Ellicott City, MD 21041

Number of Members: 500

Name of Chair/President: Stuart Kohn

*This form can be submitted electronically via email to  
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the  
Public Hearing.*