

Introduced 3/7/16
Public Hearing 3/21/16 4/4/16
Council Action 5/2/16
Executive Action 5/15/16
Effective Date 7/15/16

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 3

Bill No. 19 -2016

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

AN ACT to incorporate into the Metropolitan District a parcel of real property containing approximately 91.2575 acres owned by Maple Lawn Farms, Inc., located at 11621 Scaggsville Road in Fulton, Maryland also known as Parcel 113 on Tax Map 46 for Howard County.

Introduced and read first time March 7, 2016. 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 March 21, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Tabled April 4, 2016

This Bill was read the third time on May 2, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of May, 2016 at 4 a.m. (p.m.)

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved vetoed by the County Executive May 5, 2016

Allan H. Kittleman
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**, Section 18.101 of the Howard County Code allows the
2 administrative incorporation of real property into the Metropolitan District in order to
3 enable the property to be served by public water and sewer, if no written objection to the
4 incorporation is filed; and

5
6 **WHEREAS**, if a written objection to an administrative incorporation is filed,
7 Section 18.101(g) requires that the incorporation be proposed to the County Council by
8 bill; and

9
10 **WHEREAS**, a Petition to incorporate Parcel 113 on Tax Map 46 for Howard
11 County, Maryland consisting of 91.2575 acres (the “Property”) into the Metropolitan
12 District of Howard County was submitted to the Director of Public Works by the
13 Property’s owner, Maple Lawn Farms, Inc., and a written objection to the incorporation
14 was filed; and

15
16 **WHEREAS**, the Department of Public Works gave written notice of the hearing
17 on this Act to the persons who objected to the incorporation, in accordance with the
18 requirements of Section 18.101; and

19
20 **WHEREAS**, the property owner has submitted the following plans for
21 subdivision of the Property to the County:

- 22 1. Preliminary Equivalent Sketch Plan (SP-15-014) titled “Maple Lawn
23 South, SFD Residential Lots 1-172, Non-Buildable Parcel ‘A’ (Future
24 Lots 173-176) and Open Space Lot 177-189”;
- 25 2. Final Plan (F-16-021) titled “Plat of Subdivision, Maple Lawn South, Lots
26 1-64, Open Space Lots 65-69, Non-Buildable Bulk Parcel “A” and “B”, A
27 Subdivision of Tax Map 46, Parcel 113 (L. 683/F. 749)”;
- 28 3. Final Road Construction Plan (F-06-021) titled “Maple Lawn South –
29 Phase 1, Lots 1-64, Non-Buildable Bulk Parcel ‘A’, Non-Buildable Bulk
30 Parcel ‘B’, and Open Space Lots 65-69”; and

1 **WHEREAS**, the Preliminary Equivalent Sketch Plan was approved by the
2 Planning Board of Howard County on June 30, 2015 and tentatively approved by the
3 Howard County Department of Planning and Zoning on September 18, 2015.

4
5 **NOW, THEREFORE,**

6
7 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the
8 following parcel of real property shall be incorporated into the Metropolitan District of
9 Howard County, Maryland, as shown on the attached map, and as described below:

10
11 Property owned by: Maple Lawn Farms, Inc.
12 Location: 11621 Scaggsville Road, Fulton, Maryland 20759
13 Tax Map number: 46
14 Parcel: 113
15 Current Zoning: R-ED MXD-3
16 Liber/Folio Ref: 638/747
17 Parcel/lot:
18 Parcel number: 113
19 Lot size: 91.2575 acres
20 Tax Account No.: 05-358906

21
22 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County,
23 Maryland, that as a condition of being incorporated into the Metropolitan District, the
24 property owner shall pay all applicable Metropolitan District charges as set forth in the
25 Howard County Code including, but not limited to water/sewer connection charges and
26 in-aid-of construction charges.

27
28 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County,
29 Maryland, that this Act shall become effective 61 days after its enactment.

Amendment 1 to Council Bill No. 19-2016

BY: The Chairperson
at the request of the County Executive

Legislative Day No. 4
Date: April 4, 2016

Amendment No. 1

(This amendment corrects the property's current zoning.)

- 1 On page 2, in line 15, after "R-ED " insert "MXD-3".

ADOPTED 4/4/16
FAILED _____
SIGNATURE Jessica Feldmark

1 **WHEREAS**, the Preliminary Equivalent Sketch Plan was approved by the
2 Planning Board of Howard County on June 30, 2015 and tentatively approved by the
3 Howard County Department of Planning and Zoning on September 18, 2015.

4
5 **NOW, THEREFORE,**

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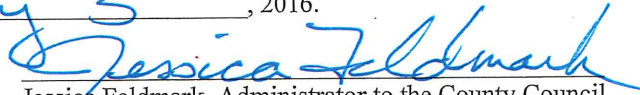
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22 **Section 2. And Be It Further Enacted** by the County Council of Howard County,
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24 property owner shall pay all applicable Metropolitan District charges as set forth in the
25 Howard County Code including, but not limited to water/sewer connection charges and
26 in-aid-of construction charges.

27
28 **Section 3. And Be It Further Enacted** by the County Council of Howard County,
29 Maryland, that this Act shall become effective 61 days after its enactment.



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 5, 2016.



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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

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 _____, 2016.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 19-2016

BY: The Chairperson
at the request of the County Executive

Legislative Day No. 4
Date: April 4, 2016

Amendment No. 1

(This amendment corrects the property's current zoning.)

- 1 On page 2, in line 15, after "R-ED " insert "MXD-3".

Pending legislation CB19-2016 and CB2-2016

Susan Garber [buzysusan23@yahoo.com]

Sent: Sunday, April 03, 2016 8:45 PM

To: CouncilMail; Kittleman, Allan

FILE COPY

In the interest of time I will present my thoughts briefly.

CB19-2016:

I greatly appreciate that all of the materials submitted were posted to the Council website to provide citizens with an opportunity to study them.

After reading through the extensive materials and asking further questions of some of the individuals who testified AGAINST CB19-2016, I find I agree with their conclusions. Therefore I request that you NOT pass this bill.

At a minimum I believe you should table this bill, ask questions of those who testified and carefully examine the evidence. It would appear that YOU as well as the public may have been fooled by some document switching at a time when you had a very large amount of documents under consideration.

It is critical that the Council not give the appearance of favoring particular land owners and/or their attorneys and that they remain committed to preserving some areas for less dense development.

CB2-2016:

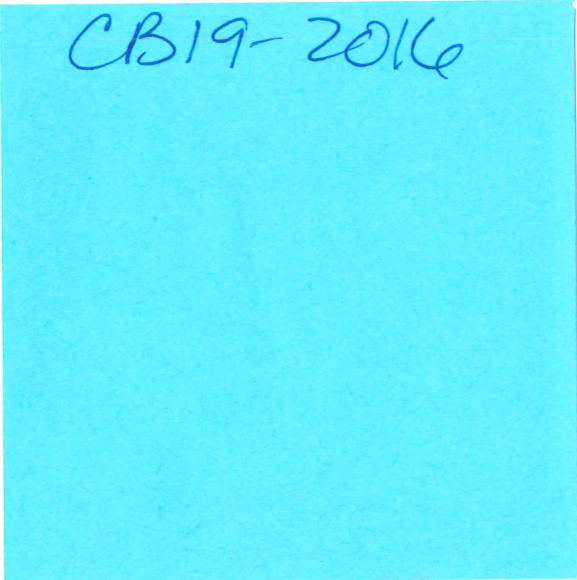
I want to reiterate my position that ATAPCO should NOT be granted any further changes. The level of residential density is already appalling and there are a great number of infrastructure inadequacies. Please do not be influenced by Mr. Oh's ridiculous comment that they could build the commercial space, but it would sit vacant. I'm sure the County could find a use for the vacant building--to house small non-profits, to provide much needed meeting space; etc. ATAPCO should not be allowed another bait and switch for higher residential density. Therefore I request that you NOT pass this bill.

Best regards,
Susan Garber
Laurel, MD

CB 19-2016

King, Lisa [lking@offitkurman.com]

Sent: Monday, March 21, 2016 5:18 PM
To: CouncilMail
Cc: Erskine, William [werskine@offitkurman.com]
Attachments: 3.21.2016.MurnDevelopmentL~1.pdf (384 KB)



Please see attached correspondence in support of CB 19-2016.

Thank you,

Lisa M. King

Paralegal

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Attorneys At Law

the perfect legal partner®

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March 21, 2016

Dr. Calvin Ball
Council Chairperson
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Council Bill 19-2016 – AN ACT to incorporate into the Metropolitan District a parcel of real property containing approximately 91.2575 acres owned by Maple Lawn Farms, Inc., located at 11621 Scaggsville Road in Fulton, Maryland also known as Parcel 113 on Tax Map 46 for Howard County

Dear Dr. Ball,

I am writing to you today on behalf of Maple Lawn Partners, LLC (“MLP”). Unfortunately, my schedule does not permit me to appear in person to offer testimony in support of the above captioned legislation. Nonetheless, I would like to convey to you my enthusiastic support for the incorporation of the Maple Lawn South property into the metropolitan district. As you may be aware, MLP has been processing subdivision plans for the Maple Lawn South development for quite some time. To date, an Environmental Concept Plan and a Preliminary Equivalent Sketch Plan have been approved for the project. At the present time, a Final Plan is being considered for approval by the Department of Planning and Zoning. Based upon current progress, we reasonably anticipate Final Plan and Grading Plan approval within the next 60 to 90 days. The next step in the process will be the recordation of record plats for the project. In order to complete this final step of the subdivision process, it is necessary that the subject property first be incorporated into the metropolitan district. Once incorporated, the project will be able to connect to public water and sewer services.

Tonight you will likely hear from the Department of Public Works who will explain that the county has adequate capacity to serve the proposed Maple Lawn Project which will consist of only 176 single family detached dwelling units. In light of the foregoing, I respectfully request that the County Council approve Council Bill 19-2016.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me in the event that you have any questions.

Sincerely,



Christopher Murn
President
8407 Main Street
Ellicott City, MD 21043

PLEASE do not approve CB 19-2016

Laura Crandon [lcrandon@yahoo.com]

Sent: Monday, March 21, 2016 4:34 PM

To: CouncilMail

Dear Council Members,

I am a concerned and active citizen, residing in Clarksville. I have testified before the Council, Zoning Appeals Board and Zoning Board previously. As I stated in previous testimony, I was active in working to oppose any candidate who sided with Donaldson Funeral Home and its attorney, Sam Oh. And, it worked!

Please, don't approve the bill that allows Maple Lawn South and Hoddinott properties to be included in the Metropolitan District. It would be wrong, fraudulent and against citizens' wishes, in my opinion.

Thank you for listening.

Laura Crandon 240.353.9761 (mobile)

CB 19-2016 OPPOSITION BY GREATER HIGHLAND CROSSROADS ASSOCIATION.

Incorporation of this parcel into the Metropolitan District violates State funding requirements for Howard County. Not passing CB 19-2016 will preserve State funding, will avoid loss of limited Howard County revenues, will avoid unnecessary and counterproductive infrastructure expenses, and will sustain existing communities.

I am submitting this testimony representing the Greater Highland Crossroads Association. GHCA is a nonprofit civic organization. Its membership area includes this 91 acre parcel.

GHCA concurs with the testimony and documentation that this 91 acre parcel is improper to be considered for inclusion into the PSA. This parcel is not legally included in the PSA, and should not be included in the PSA.

GHCA concurs with the testimony of the many citizens who oppose the incorporation of this 91 acre parcel into the Planned Service Area (PSA), and any inclusion into the Metropolitan District.

Howard County must follow State Codes and regulations and regulations to maintain valuable state funding for water and sewer projects. Howard County already projects a shortfall in funding---funding needed for the proposed school budget, not to mention other important infrastructure needs. To protect critical state funding, Howard County must adhere to the letter and the spirit of State PSA codes.

This parcel and another parcel are not in compliance and *shall* be marked for State funding as “non qualified”. Requirements for funding are found in the attachments. Generally, the criteria are defined in the Annotated Code of Maryland, State Finance and Procurement Article (SF&P), §5-7B-02 and §5-7B-03 copies attached.

“Priority Funding Areas were established to meet three key goals:

- To preserve existing communities;
- To make the most efficient and effective use of taxpayer dollars for costly infrastructure by targeting State resources to build on past investments; and
- To reduce development pressure on critical farmland and natural resource areas by encouraging projects in already developed areas.”

Maryland Department of Planning in its publication at

http://planning.maryland.gov/pdf/ourproducts/publications/otherpublications/pfa_update_revise_09.pdf

This parcel does not meet criteria for State funding. These standards were designed to preserve limited State funds. The reasons why this parcel does not meet the criteria for inclusion in the PSA include:

1. Higher infrastructure costs by extending the Planned Service Area outside existing service areas.
2. Failure to conduct a comprehensive study including preservation of existing communities, natural resources and quality of life.
3. Failure to provide any analysis of other projects already served by water and sewer.
4. Environmental justice evaluation considering the denial of upgrades in existing communities.
5. Failure to encourage, to promote and to sustain projects in already developed areas.

Your assistance is requested to preserve limited County funds, and to insure that Howard County does not lose its qualification for State funding

Respectfully,

Greater Highland Crossroads Association

Alan Schneider
12598 Clarksville Pike
Clarksville, Md. 21029

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*** Statutes current through Ch. 6 of the 2016 Regular Session ***

STATE FINANCE AND PROCUREMENT
DIVISION I. STATE FINANCE
TITLE 5. STATE PLANNING
SUBTITLE 7B. PRIORITY FUNDING AREAS

Md. STATE FINANCE AND PROCUREMENT Code Ann. § 5-7B-02 (2016)

§ 5-7B-02. Areas considered priority funding areas

The following areas shall be considered priority funding areas under this subtitle:

(1) a municipal corporation, including Baltimore City, except that:

(i) those areas annexed by a municipal corporation after January 1, 1997 but before October 1, 2006 shall satisfy requirements relating to density and service by water and sewer set forth in § 5-7B-03 of this subtitle; and

(ii) those areas annexed by a municipal corporation after September 30, 2006, shall satisfy all of the requirements set forth in § 5-7B-03 of this subtitle;

(2) an enterprise zone as designated under Title 5, Subtitle 7 of the Economic Development Article, or by the United States government;

(3) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the Financial Institutions Article that is located within a locally designated growth area;

(4) those areas of the State located between Interstate Highway 495 and the District of Columbia;

(5) those areas of the State located between Interstate Highway 695 and Baltimore City; and

(6) an area designated by the governing body of a county or municipal corporation under § 5-7B-03 of this subtitle.

HISTORY: 1997, ch. 759; 2002, ch. 347; 2005, ch. 44, § 1; 2006, ch. 381; 2008, ch. 307, § 1; 2011, ch. 145.

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TITLE 5. STATE PLANNING
SUBTITLE 7B. PRIORITY FUNDING AREAS

Md. STATE FINANCE AND PROCUREMENT Code Ann. § 5-7B-03 (2016)

✓ § 5-7B-03. Designating priority funding areas

(a) In general. --

(1) The governing body of a county or of a municipal corporation may designate priority funding areas as provided in this section.

(2) The governing bodies of two or more adjoining counties, two or more municipal corporations, or any combination of adjoining counties and municipal corporations may designate, as provided in this section and in accordance with the regulations adopted by the Department of Planning, a priority funding area that combines two or more contiguous areas located in each of the local governments.

(b) Area zoned for industrial use. --

(1) An area zoned or, if applicable, classified by January 1, 1997 principally for industrial use may be designated as a priority funding area.

(2) An area zoned or, if applicable, classified after January 1, 1997, as industrial may be designated as a priority funding area if the area is served by a public or community sewer system.

(c) Principal use of area for employment. --

(1) An area where the principal uses of the area are for employment may be designated as a priority funding area if:

(i) the area is served by public or community sewer systems; or

(ii) public or community sewer systems are planned in the approved 10-year water and sewer plan.

(2) An area zoned or, if applicable, classified after January 1, 1997 as industrial, or where the

principal uses are for employment, in addition to meeting the criteria set forth in paragraph (1) of this subsection, shall be located within a locally designated growth area.

(d) Communities within locally designated growth areas prior to January 1, 1997. --

(1) A community in existence prior to January 1, 1997 that is within a locally designated growth area may be designated as a priority funding area if the community:

(i) is served by a public or community sewer system and in that part of the community designated by the local government for residential use or development:

1. there is an average density of at least 2.0 units per acre; or

2. if a portion of the community is undeveloped, the permitted average density is not less than 2.0 units per acre; or

(ii) except as provided in paragraph (2) of this subsection, is served by a public or community water system and in that part of the community designated by the local government for residential use or development there is an average density of at least 2.0 units per acre.

(2) (i) The provisions of paragraph (1)(ii) of this subsection do not apply to mobile home parks or communities with less than 10 units.

(ii) Funding for a growth-related project under paragraph (1)(ii) of this subsection is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the community except for limited peripheral or in-fill development.

(3) (i) If an existing community receives a public or community sewer system, an area beyond the periphery of the developed portion of the existing community may be designated as a priority funding area if the development of the area beyond the periphery:

1. has a permitted average density of at least 3.5 units per acre; and

2. the area is served by a public or community sewer system.

(ii) The Department of the Environment may provide funding for a sewer system in an existing community beyond the periphery of the developed portion of the community if the expansion has a permitted average density of at least 3.5 units per acre.

(e) Areas other than communities within locally designated growth areas. -- An area, other than an existing community under subsection (d) of this section, may be designated as a priority funding area if:

(1) the area:

(i) is within a locally designated growth area of the local government; and

(ii) is planned to be served under the approved 10-year water and sewer plan;

(2) the designation represents a long-term development policy for promoting an orderly expansion of growth and an efficient use of land and public services; and

(3) in that part of the area designated by the local government for residential use or development, there is permitted an average density of not less than 3.5 units per acre.

(f) Rural villages. --

(1) A rural village may be designated as a priority funding area under this section if:

(i) the village is designated in the county comprehensive plan as of July 1, 1998; and

(ii) the boundary of the priority funding area is the periphery of the developed portion of the village as of July 1, 1998.

(2) Funding for a growth-related project under this subtitle is to be provided only if the project serves to maintain the character of the community and does not serve to increase the growth capacity of the village except for limited peripheral or in-fill development.

(g) Designation by county, municipal corporation, or multiple local governments. -- The designation by a county, municipal corporation, or multiple local governments as provided in subsection (a)(2) of this section, of a priority funding area under this section shall be based on:

(1) an analysis of the capacity of land areas available for development, including in-fill and redevelopment; and

(2) an analysis of the land area needed to satisfy demand for development at densities consistent with the master plan.

(h) Calculating average density. -- For the purposes of this section, average density shall be calculated based on the total acreage of all parcels in the area for which the principal permitted use is residential, excluding land:

(1) (i) dedicated for public use by easement in perpetuity or fee acquisition; or

(ii) dedicated recreational use;

(2) subject to an agricultural easement under § 2-508 of the Agriculture Article;

(3) subject to an agricultural easement under a county agricultural land preservation program certified under § 5-408 of this title;

(4) used for cemetery purposes;

(5) identified by a local government as:

(i) 1. streams and their buffers;

2. 100-year flood plains;

3. habitats of threatened and endangered species; and

4. steep slopes; and

(ii) on which development is prohibited by local law or ordinance; or

(6) identified by a local government as delineated nontidal wetlands on which development is prohibited by State or local law or ordinance.

HISTORY: 1997, ch. 759; 1998, ch. 21, § 1; 2001, ch. 29, § 6; 2003, ch. 415; 2006, ch. 381.

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SUBTITLE 7B. PRIORITY FUNDING AREAS

Md. STATE FINANCE AND PROCUREMENT Code Ann. § 5-7B-04 (2016)

✓ § 5-7B-04. No funding of projects not located within priority funding area

✓ (a) In general. -- Except as otherwise provided in this subtitle, beginning October 1, 1998, the State may not provide funding for a growth-related project if the project is not located within a priority funding area.

(b) Water and sewer service planned. -- In a priority funding area established under § 5-7B-03(c) or (e) of this subtitle in which water and sewer service is planned, a commitment for funding for a growth-related project shall be contingent upon nonstate funding for planned water and sewer service moving forward in advance of or concurrent with the State funding.

(c) Municipal corporations. --

(1) A growth-related project may not be funded by the State in a municipal corporation exercising zoning authority unless the municipal corporation has first adopted residential development standards relating to public school adequacy. These standards shall be substantially similar to:

(i) the State rated capacity standards established by the public school interagency committee on school construction; or

(ii) the school capacity standards established in its county's adequate public facilities ordinance.

(2) The requirement contained in paragraph (1) of this subsection does not apply:

(i) in a municipal corporation exercising zoning authority located in a county in which no adequate school capacity standards have been established by the county governing body; or

(ii) to a residential development project where an impact fee has been paid or other monetary or nonmonetary contributions have been provided that defray the local cost of school construction attributable to the project.

(3) After October 1, 1997, prior to establishing or changing the school capacity standards in a county's adequate public facilities ordinance, the county shall confer with the governing bodies of the municipal corporations that exercise zoning authority located within the county.

(4) For planning purposes, each county board of education shall annually provide to the county and each municipal corporation exercising zoning authority in the county:

(i) a list of projected student enrollments for a 5-year period for each school serving students in or near that municipal corporation; and

(ii) information relating to the student capacity of each school.

HISTORY: 1997, ch. 759.

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
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SUBTITLE 7B. PRIORITY FUNDING AREAS

Md. STATE FINANCE AND PROCUREMENT Code Ann. § 5-7B-05 (2016)

✓ § 5-7B-05. Funding for growth-related projects not within priority funding area

(a) In general. --

(1) The State may provide funding for a growth-related project not in a priority funding area if:

(i) the Board of Public Works determines that extraordinary circumstances exist in accordance with the requirements of paragraph (2) of this subsection; or

(ii) the Board of Public Works approves the project as a transportation project that meets the requirements of paragraph (3) of this subsection.

(2) In order to determine that extraordinary circumstances exist under paragraph (1) of this subsection, the Board shall determine by a majority vote that:

(i) the failure to fund the project in question creates an extreme inequity, hardship, or disadvantage that clearly outweighs the benefits from locating a project in a priority funding area; and

(ii) there is no reasonable alternative for the project in a priority funding area in another location within the county or an adjacent county.

(3) The Board of Public Works may approve a transportation project under paragraph (1)(ii) of this subsection if the transportation project:

(i) maintains the existing transportation system, if the Department of Transportation and the Department of Planning determine the project does not serve to significantly increase highway capacity;

(ii) serves to connect priority funding areas, if:

1. the Department of Transportation and the Department of Planning determine that

adequate access control or other measures are in place to:

A. prevent development that is inconsistent with § 5-7A-01(1), (2), and (3) of this title;
and

B. maintain the viability of the project while concomitantly constraining development which potentially detracts from main street business areas; and

2. the Department of Transportation and the Department of Planning have first determined whether alternative transportation modes, such as mass transit and transportation demand management, provide a reasonable alternative to the project and that no reasonable alternative exists;

(iii) has the sole purpose of providing control of access by the Department of Transportation along an existing highway corridor; or

(iv) due to its operational or physical characteristics, must be located away from other development.

(b) Request for approval. --

(1) A request for approval by the Board under subsection (a) of this section may be made at the request of the governing body of the local jurisdiction in which the project is located or the Secretary with approval authority over the project.

(2) When making a request to the Board of Public Works, the applicant shall:

(i) identify the extraordinary circumstances that require State funds for the project; and

(ii) demonstrate that no feasible alternatives exist to making an exception to the requirements of this subtitle.

(3) The Board of Public Works, at its discretion, may require remedial actions to mitigate any negative impacts of the proposed project.

(c) Advisory opinion. --

(1) When a request is made to the Board of Public Works for an exception under this section, the Board of Public Works may request from the Department of Planning an advisory opinion on the request for the exception.

(2) Upon receiving a request for an advisory opinion under this subsection, the Department, if requested by a member of the public, shall hold a public meeting to gather information relevant to the advisory opinion.

HISTORY: 1997, ch. 759; 2000, ch. 209, § 2; 2004, ch. 18.

View Full

1 of 1

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Md. STATE FINANCE AND PROCUREMENT Code Ann. § 5-7B-05 (Copy w/ Citr)

Legal or illegal, does it matter to you?
Testimony against CB19-2016

Dear Howard County Council Members,

Legal or illegal, does it matter to you? This is a question we are asking in reviewing this case: the inclusion of the parcels in Maple Lawn, Fulton, and Hoddinott in Clarksville, and others in the public water and sewer plan possibly through illegal means unknown to the public in 2012 and later.

My neighbors and I believe it is important to draw a line between developments that follow the regulations, and the ones that are achieved through fraud, and lack of transparency. We rely on you, our elected representatives to help draw this important line, uphold truth, and correct the wrong doings. The letter from the Fulton residents to you raise a serious issue: about possible fraud involved in the Gneral Plan in 2012 when these parcels were mysteriously placed into the planned service area without the public's awareness.

Please let me share with you a personal experience on June 18, 2012, the day the County Council held a public hearing on the new General Plan. Before the hearing, I tried to find out if Hoddinott in Clarksville was placed in the map from well to public water. I sent an email to DPZ Public Service and Zoning Administration that day, specifically asking "Is Parcel 88, the Hudnutes (Hoddinott) Property included in the PSA in 2030 Plan?" I received a reply: "According to the planning maps, that property is not located in the Planned Service Area, and therefore is not eligible for public water and/or sewer."

The DPZ employee did his duty truthfully and diligently. Even they didn't know about the map change on the day the County Council held a public hearing. You can tell how difficult it is for the public to participate in this process without correct information. We hope the lack of transparency sheds some light on the mysterious placement of the parcels into the PSA area. We also hope you take a close look at the facts presented by the Fulton residents about the possible fraud and deny bill CB19-2016 if you find this placement of the Maple Lawn farms, Hoddinott farm, and others into PSA was indeed through fraud and illegal means. The email with DPZ on June 18, 2012 is attached.

Thank you!

Shun Lu
12852 Macbeth Farm Lane
Clarksville, 21029

Our opportunity to testify in opposition to the zoning map change in 2012 General plan process was taken away. This is contrary to the State Law and Howard County Charter.

From: "Lalush, Bob" <blalush@howardcountymd.gov>
To: Shun Lu <shunlu88@yahoo.com>
Sent: Monday, June 18, 2012 1:21 PM
Subject: RE: Is Parcel 88, the Hudnutes Property included in the PSA in 2030 Plan?

According to the planning maps, that property is not located in the Planned Service Area, and therefore is not eligible for public water and/or sewer.

J Robert Lalush

Division of Public Service and Zoning Administration
Howard County Department of Planning and Zoning
410-313-4344
blalush@howardcountymd.gov



From: Shun Lu [mailto:shunlu88@yahoo.com]
Sent: Monday, June 18, 2012 1:09 PM
To: Lalush, Bob
Subject: Is Parcel 88, the Hudnutes Property included in the PSA in 2030 Plan?

Dear Bob,

My neighbors and I have looked at the map trying to figure out if this parcel of about 86 acres of farm field is included in the Public Service Area in the 2030 General Plan.

Parcel 88 has about 86 acres farmland. It is named Hudnutes property and located south of Guiford Rd and East of Md 108. It is zoned rural residential. We want to check and know if there is any change in its zoning status, and if it's changed from private well and septic system to public water and sewer.


Your help is greatly appreciated!

Thank you!

Shun Lu

12852 Macbeth Farm Ln

T.CB19

**Howard County**
Internal Memorandum

SUBJECT: Council Bill No. _____ - 2016
Testimony and Fiscal Impact Statement
to incorporate into the Metropolitan District a parcel of real property containing
approximately 91.2575 acres owned by Maple Lawn Farms, Inc., located at 11621
Scaggsville Road in Fulton, Maryland also known as Parcel 113 on Tax Map 46 for
Howard County

TO: Lonnie R. Robbins
Chief Administrative Officer

FROM: James M. Irvin, Director *J. M. I.*
Department of Public Works

DATE: February 25, 2016

The Department of Public Works has been designated coordinator for preparation of testimony relative to the incorporation a parcel of real property containing approximately 91.2575 acres owned by Maple Lawn Farms, Inc., located at 11621 Scaggsville Road in Fulton, Maryland also known as Parcel 113 on Tax Map 46 into the Metropolitan District.

Pursuant to Section 18.101(f) of the Howard County Code, the Director of Public Works published a Public Notice in the Howard County Times on April 30, 2015, notifying all interested parties that Maple Lawn Farms, Inc., owner of the property described below, had petitioned to incorporate the parcel of land into the Metropolitan District. Written opposition to the Metropolitan District Incorporation by Administrative Decision was received on May 15, 2015, copy attached. In accordance with Section 18.101(g)(1) of the Code, if the Director of Public Works receives a timely objection to the incorporation of a parcel into the metropolitan district, the Director shall prepare a bill to be introduced by the County Council authorizing incorporation of the parcel into the district.

The following is a synopsis for your review.

- Name of Property Owner: Maple Lawn Farms, Inc.
- Location of Property: 11621 Scaggsville Road, Fulton, Maryland 20759
(South of Maryland Route 216 and west of US Route 29)
- Tax Map: 46 Grid No.: 2 Parcel: 113 Election District: Fifth
- Present Zoning: R-ED MXD-3 (Residential: Environmental Development)
- Deed Date: May 30, 1974 Liber/Folio: 683/747
- Tax ID No.: 05-358906 Parcel Size: 91.2575 Acres Parcel No.: 113

Lonnie R. Robbins:
Metropolitan District Incorporation

February 25, 2016
Page 2

Water: The sixteen (16) inch water main constructed under Contract Nos. 44-3505 and 44-3934 exists along Maryland Route 216/Scaggsville Road, adjacent to the property. Rights-of-way will not be required on the subject property.

Sewer: The eight (8) inch sewer main constructed under Contract No. 20-3056 exists along Maryland Route 216/Scaggsville Road, adjacent to the property. Rights-of-way will not be required on the subject property.

On May 8, 2015, the Department of Planning and Zoning determined that inclusion of the property into the Metropolitan District will not violate the intent of the General Plan and recommends approval of the proposed legislation to incorporate the parcel belonging to Maple Lawn Farms, Inc. into the Metropolitan District. The Department of Public Works concurs with the recommendation of the Department of Planning and Zoning.

The property is part of an expansion of the Planned Service Area of the Howard County Master Plan for Water and Sewerage (the "Master Plan") which is part of Council Resolution Number _____-2016 also being heard tonight. Approval of the Master Plan is required prior to approval of the Metropolitan District Incorporation.

Upon approval of the Master Plan, the subject property will be an out parcel of the Metropolitan District located in the 6-10 Year Comprehensive Service Area of the Howard County Master Plan for Water and Sewerage Plan Howard 2030: PSA/PFA Expansion by Property Ownership. Extension of the Metropolitan District to include the subject property will not violate the intent of the Master Plan.

If this legislation is enacted, upon entry into the Metropolitan District, the property owner would be paying an ad valorem charge, currently eight cents (\$0.08) per one hundred dollars (\$100.00) of assessed valuation. Front-foot benefit charges are not applicable. Upon connection, the property owner would be paying the standard water and sewer connection charges and in-aid-of-construction charges.

The Department of Public Works will be represented at the Public Hearing to present testimony and respond to any questions regarding the Council Bill.

JMI/paw
Attachments

cc: Jennifer Sager
File

May 15, 2015
Hand delivery

RECEIVED
DEPT. OF PUBLIC WORKS
DIRECTOR'S OFFICE
2015 MAY 15 PM 4:44

Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

Dear Mr. Irvin:

Pursuant to the attached notice, this letter is to formally note my objection to the inclusion of the listed property (Maple Lawn Farms, Inc., 11621 Scaggsville Road, Fulton MD 20759, tax map 46 (the county notice was in error in identifying this property as being on tax map 47), Parcel/Lot 113) into the Metropolitan District.

This property was never legally placed in the Planned Service Area and therefore cannot be incorporated into the Metropolitan District.

Sincerely yours,

<u>Suzanne M. Jewell</u>	<u>Suzanne Jewell</u>	<u>Philip L. Ault</u>	<u>Richard Ault</u>
<u>B. K. Bann</u>	<u>George Kevin Bennett</u>	<u>Romina Charles</u>	<u>Romina Charles</u>
<u>Catherine A. Bennett</u>	<u>Catherine A. Bennett</u>	<u>Christine Brown</u>	<u>Christine Brown</u>
<u>John J. South</u>	<u>John J. South</u>	<u>Eldon Charles</u>	<u>Eldon Charles</u>
<u>Ashley Truscaw</u>	<u>Ashley Truscaw</u>	<u>Michelle Wilkerson</u>	<u>Michelle Wilkerson</u>
<u>CHRIST KIMNACH</u>	<u>CHRIST KIMNACH</u>	<u>Linda L. Wilkerson</u>	<u>Linda L. Wilkerson</u>
<u>Shelly Kinnach</u>	<u>Shelly Kinnach</u>	<u>Ranball Jewell</u>	<u>Ranball Jewell</u>
<u>PAUL T. LEWIS</u>	<u>PAUL T. LEWIS</u>	<u>THUT</u>	<u>TRAW</u>

May 15, 2015
Hand delivery

Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

Dear Mr. Irvin:

Pursuant to the attached notice, this letter is to formally note my objection to the inclusion of the listed property (Maple Lawn Farms, Inc., 11621 Scaggsville Road, Fulton MD 20759, tax map 46 (the county notice was in error in identifying this property as being on tax map 47), Parcel/Lot 113) into the Metropolitan District.

This property was never legally placed in the Planned Service Area and therefore cannot be incorporated into the Metropolitan District.

Sincerely yours,

<u>JANE WHYTE</u>	<u>JANE WHYTE</u>
<u>Margaret H. Whyte</u>	<u>MARGARET H. WHYTE</u>
<u>Gregory J. Perena</u>	<u>GREGORY J. PERENA</u>
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May 15, 2015
Hand delivery

Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

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This property was never legally placed in the Planned Service Area and therefore cannot be incorporated into the Metropolitan District.

Sincerely yours,

Kathleen M. Koehle KATHLEEN M. KOEHLE

Vince Koehle VINCE KOEHLE

Christine Pereira Christine Pereira

Chris Kinna CHRIS KINNA

Jane Gray
8301 Murphy Road
Fulton, Maryland 20759

May 15, 2015
Hand Delivery

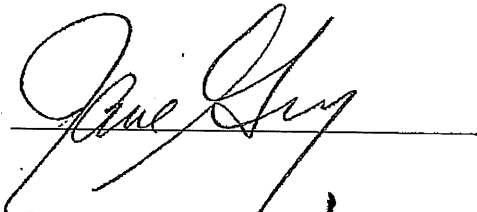
Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

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This property was never placed in the Planned Service Area and therefore cannot be placed in the Metropolitan District.

Sincerely yours,



cc: County Executive Alan Kittleman
ALLAN

Frederick Gray *
8301 Murphy Road
Fulton, Maryland 20759

May 15, 2015
Hand Delivery

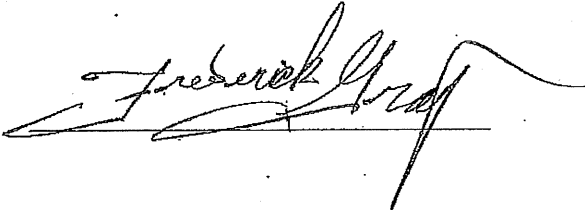
Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

Dear Mr. Irvin:

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This property was never placed in the Planned Service Area and therefore cannot be placed in the Metropolitan District.

Sincerely yours,



cc: County Executive Alan Kittleman
ALLAN

Alan J. Schneider
12598 Clarksville Pike
Clarksville, Maryland 21029

May 15, 2015
Hand Delivery

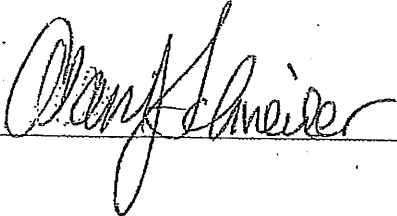
Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

Dear Mr. Irvin:

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This property was never placed in the Planned Service Area and therefore cannot be placed in the Metropolitan District.

Sincerely yours,



A handwritten signature in cursive script, appearing to read "Alan J. Schneider", is written over a horizontal line.

cc: County Executive Alan Kittleman

May 15, 2015
Hand delivery

Mr. James M. Irvin, Director
Howard County Department of Public Works
3430 Court House Drive, 2nd Floor
Ellicott City, Maryland 21043

Dear Mr. Irvin:

Pursuant to the attached notice, this letter is to formally note my objection to the inclusion of the listed property (Maple Lawn Farms, Inc., 11621 Scaggsville Road, Fulton MD 20759, tax map 46 (the county notice was in error in identifying this property as being on tax map 47), Parcel/Lot 113) into the Metropolitan District.

This property was never legally placed in the Planned Service Area and therefore cannot be incorporated into the Metropolitan District.

Sincerely yours,

Soon S. Park

6420 Richardson farm ln.
clarksusile, MD 21029

John McMalon

Tsun Liang

John McMalon

Delong Liu

SWAMY POLUMBER

Xiaoli Ju
YIM LU HU
6413 Gateway Dr.

B. Gray

BRIAN SNOW
6446 GATEWAY DRIVE, CLARKSVILLE, MD 210
Brian Snow

Marvin Schneider

David R. Searcy
12832 HIGHLAND RD. 20777

Shun Lu

**PUBLIC NOTICE
DEPARTMENT OF PUBLIC WORKS
PETITION RECEIVED TO INCORPORATE A PARCEL
OF LAND INTO THE METROPOLITAN DISTRICT**

THE DIRECTOR OF PUBLIC WORKS IS GIVING PUBLIC NOTICE THAT HE HAS RECEIVED A WRITTEN PETITION SUBMITTED BY THE OWNER OF PROPERTY LOCATED IN THE PLANNED SERVICE AREA IN THE HOWARD COUNTY MASTER PLAN FOR WATER AND SEWERAGE TO INCORPORATE THIS PARCEL OF LAND INTO THE METROPOLITAN DISTRICT. THIS PROPERTY LOCATION IS:

NO.	PROPERTY OWNER NAME	TAX MAP	PARCEL LOT
(1)	MAPLE LAWN FARMS, INC. 11621 SCAGGSVILLE ROAD, FULTON, MD 20759	47	113

PLATS OF THE PROPOSED LOCALITY MAY BE INSPECTED AT THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS, GEORGE HOWARD BUILDING, SECOND FLOOR, 3490 COURT HOUSE DRIVE, ELICOTT CITY, MARYLAND 21043, BETWEEN THE HOURS OF 8:00 A.M. AND 3:00 P.M.

ANY PERSON OBJECTING TO THE PROPOSED INCORPORATION SHALL SUBMIT WRITTEN OBJECTIONS TO THIS OFFICE ON OR BEFORE MAY 15, 2015. IF WRITTEN OBJECTION TO THE INCORPORATION OF A PARCEL INTO THE METROPOLITAN DISTRICT IS RECEIVED, THE DIRECTOR SHALL PREPARE A BILL TO BE INTRODUCED BY THE COUNTY COUNCIL AUTHORIZING INCORPORATION OF THE PARCEL INTO THE DISTRICT AT THE FIRST AVAILABLE COUNTY COUNCIL HEARING.

IF NO WRITTEN OBJECTION IS RECEIVED BY MAY 15, 2015, THE PETITION WILL BE PROCESSED TO INCORPORATE THE PARCEL INTO THE METROPOLITAN DISTRICT ON MAY 18, 2015.

JAMES M. IRVIN, DIRECTOR
DEPARTMENT OF PUBLIC WORKS
3241572

HCT 4/532 April 30


Howard County
Internal Memorandum

2015 MAY 11 A 11: 36

Subject: Proposed Administrative Decision to Incorporate in
the Metropolitan District Property of
Maple Lawn Farms, Inc.
Tax Map 46, Parcel 113, 91.25 Acres
11621 Scaggsville Road
Fulton, Maryland 20759

RECEIVED
DEPT. OF PUBLIC WORKS

To: James M. Irvin, Director
Department of Public Works

From: Marsha S. McLaughlin, Director *ms*
Department of Planning and Zoning

Date: May 8, 2015

PlanHoward 2030 indicates that the subject property is in the Planned Service Area. It is zoned R-ED MXD-3 (Residential: Environmental Development) District and located in a residential area south of MD RT 216 and west of US RT 29. Furthermore, the subject property, an outparcel of the Metropolitan District, is located within the Planned Service Area of the PlanHoward 2030: PSA/PFA expansion by property ownership. A 16 inch water main exists along MD RT 216/Scaggsville Road, adjacent to the property. An 8 inch sewer main exists along MD RT 216/Scaggsville Road, adjacent to the property. Inclusion of the subject property into the Metropolitan District will not violate the intent of the General Plan.

Based on the above and the report of the Department of Public Works, this Department recommends approval of the proposed legislation.

If you have any questions concerning this recommendation, please call David Dell at extension 4322.

cc: File: Metro District 2015
Carl Katenkamp; Department of Public Works
Phyllis Watson, Department of Public Works ✓

T:\Shared\Research\MetroDistrict2015\11621 Scaggsville Road.doc

**Citizens Working to Fix Howard County
and
Fulton MD Residents**

March 21, 2016

Alan Kittleman,
Howard County Executive
3430 Court House Drive
Ellicott City, Maryland 21043

AND

Jonathan S. Weinstein
Jennifer R. Terrasa
Mary Kay Sigaty
Gregory Fox
Calvin B. Ball
Members, Howard County Council
3430 Court House Drive
Ellicott City, Maryland 21043

Re: Council Bill 19-2016. Inclusion of Maple Lawn South (MLS) property into the Metropolitan District

Dear Mr. Kittleman and Members of the County Council:

A copy of this letter and a DVD with source documents are being hand delivered to each of you to put each of you on notice that you cannot legally approve CB 19-2016 putting the Maple Lawn South property into the Metropolitan District because:

--the original inclusion of the property into the Planned Service Area (PSA) in the 2012 General Plan was done through fraud; and

--the inclusion of this property into Tier I via CB 37-2012, similarly was done by fraud.

More specifically:

1. The 2012 General Plan "Bait and Switch"

The MLS property, as well as Hoddinott and other properties, were illegally put into the 2012 General Plan through the approval on the night of the final vote on the Plan, of "Amendment 1 of Amendment 14", introduced by Courtney Watson the night of the vote at the request of then County Executive, Kenneth Ulman. That amendment switched the maps showing the PSA boundary shown to the public at both the Planning Board and County Council hearings on the 2012 General Plan. The maps shown to the public (and on which the Planning Board's recommended

approval of the draft General Plan was based) did not have the Maple Lawn South and numerous other properties in the Planned Service Area. The maps in the Enrolled 2012 General Plan have these properties in the PSA.

The document which illegally made these changes was Ken Ulman's "Amendment 1 of Amendment 14", fallaciously described in its title as "...technical corrections to distinguish between the PSA for water and sewer service and the water service only area." Under television caption of this same fallacious title and verbal recitation of this same fallacious title by Ms. Terresa, the Council called and unanimously approved this amendment 57 minutes, 18 seconds into the Council's July 26, 2012 "Special Session" approving the 2012 General Plan.

Source Materials for Above:

The first "source" document in the DVD for the above paragraphs is a copy of testimony from a Fulton resident describing the 2012 Planning Board hearing on the draft General Plan and including a copy of maps presented at that hearing.¹ Exhibit 6 of this testimony presents a copy of maps 4-1 and 5-1. The legend on both maps clearly delineates the existing "Priority Funding Area/PSA." (The circled areas were not on original maps and are for reference only). As can be seen on the maps (in the circled areas), neither the MLS property nor the Hoddinott properties are in the PSA on the maps used for the 2012 General Plan Planning Board review and public hearing process.

The second "source" document in the DVD for the above assertion is a copy of the "Introduced" 2012 General Plan sent by the Planning Board after review to the Council. This document is the document upon which the Council's June 18, 2012 legislative hearing on the 2012 General Plan was held. Maps 4-1, 5-1 and 8-1—the maps showing the existing Planned Service Area (pages 29, 55, 114 of the document, respectively) do not have either the Maple Lawn South or the Hoddinott properties in the PSA.

In addition to Maps 4-1, 5-1 and 8-1 above showing the existing Planned Service Area, the Introduced bill contained Maps 6-2 and 6-3, (pages 70 and 72 of the Introduced Bill, respectively). Map 6-2 identified Place Types. Map 6-3 established "Growth Tiers." Both maps, identify the "Proposed priority funding area/PSA" boundary.

The third "source" document is a copy of "Amendment 1 of Amendment 14". Maps 4-1, 5-1, and 8-1 in this amendment now have the Maple Lawn South and Hoddinott properties in the PSA. Moreover, the legend for Maps 6-2 and 6-3 has been changed to delete the word "Proposed" in the sentence "Proposed Priority Funding Area/PSA." By deletion of the word "Proposed," the PSA boundary on Maps 6-2 and

¹. This testimony is in the legislative history for the 2013 Comprehensive Zoning Plan—CB 32-2013.

6-3 was changed to make the proposed PSA boundary which included the MLS and Hoddinott properties, the actual PSA boundary.

The fourth "source" document is a copy of Enrolled Bill 26-2012. As can be seen on pages 231 and 233, respectively and consistent with the passage of "Amendment 1 of Amendment 14", maps 4-1, 5-1 and 8-1 now have the MLS and Hoddinott properties in the PSA. Also in accordance with "Amendment 1 of Amendment 14", the word "Proposed" in the Legend for the Primary Funding Area and PSA Boundary in Maps 6-2 and 6-3 has been deleted. This deletion makes the proposed boundary containing the MLS and Hoddinott properties in the PSA, the actual boundary.

The fifth source information on the DVD is a "still frame" of the July 26, 2012 session where the Council approved "Amendment 1 of Amendment 14."

And the sixth "source" document is a video extraction of that same section of the "Special Session" video where the Council approved "Amendment 1 of Amendment 14." This same night, the Council approved the Bill 26-2012.

2. The 2012 "Tier 1" Inclusion "Bait and Switch"

After "Amendment 1 of Amendment 14" was approved by the Council on July 26, 2012, the Council deleted Map 6-3, the "Growth Tier," from the General Plan it was adopting. As noted above, "Amendment 1 of Amendment 14" changed the "Proposed" boundary for the PSA (boundary containing the MLS and Hoddinott properties) for Maps 6-2 and 6-3 to the actual PSA boundary by deleting the word "Proposed."

In the fall of 2013, CB 37-2013 was introduced by the Council. This bill was to establish "growth tiers" by adding Growth Tiers Map 6-3 back into the 2012 General Plan. Maps 6-2 and 6-3 in the technical staff report shown to the Planning Board were from the "Introduced" 2012 General Plan bill. They showed the MLS and Hoddinott properties within the "Proposed" PSA boundary—but not in the actual PSA as "Amendment 1 of Amendment 14" had approved.

Mysteriously, when the Planning Board recommendation got to the County Council, recommending approval of maps showing MLS and Hoddinott properties in the "Proposed" or future PSA boundary, a map switch happened again. Instead of approving the maps the Planning Board had recommended approving, as with the adoption of the 2012 General Plan, the Council, deleted the word "Proposed" in the Legend on Maps 6-2 and 6-3, thus making the "Proposed" PSA boundary the actual Boundary having the MLS and Hoddinott properties in it. In so doing, the Council placed these properties in the PSA and in fact in the Tier 1 growth tier contrary to state law, without any public notice or opportunity to testify against this action at a public hearing, and contrary to the recommendation of the Planning Board as to the Maps and policy decisions it thought it was approving.

As you have seen, the Maple Lawn South and Hoddinott properties being entered-along with many other properties-under this "Bait & Switch" tactic by the former County Executive, the DPZ and the County Council, is against the Howard County Charter- AND illegal.

AND, it is illegal to place Maple Lawn South, Hoddinott and the other properties into the "Metropolitan District" because of the facts presented in this letter and with the attendant documentation on the DVD.

Please reconsider your proposed actions to go forward in this matter with these properties.

Thank you,

A handwritten signature in black ink, appearing to read "Carol Jane Gray". The signature is fluid and cursive, with a long, sweeping underline that extends across the text below.

Carol Jane Gray
Citizens Working to Fix Howard County
AND

A Fulton landowner and resident for 46 years-next to
lager Parcel 113-the proposed Maple Lawn South.