

www.baltimoresun.com/news/local/annearundel/bal-ar.schools23mar23,0,5516830.story

**baltimoresun.com**

## Councilman may revise bill to ease homebuilding

**Dillon says he does not want provisions to threaten his effort to revamp law**

By Phillip McGowan and Ruma Kumar

Sun reporters

March 23, 2008



An Anne Arundel County councilman who is sponsoring a bill designed to overhaul the county's adequate facilities law for public schools said he may kill provisions that would allow home building within feeder systems overcrowded by as much as 10 percent.

Councilman Ronald C. Dillon Jr., a Republican, said he does not want those controversial sections to jeopardize his efforts to revamp what he describes as a convoluted, outdated formula that determines where most homebuilding can occur, based on enrollment projections.

The bill, introduced Monday by Dillon and Councilman Jamie Benoit, a Crownsville Democrat, would shorten the wait time for homebuilders seeking to begin projects in crowded feeder systems from six years to three years. Feeder systems consist of one or more schools that serve students from designated communities.

It would also allow developers to have their building plans reviewed while they sit on the waiting list - a common practice in other counties - and begin their projects several years earlier. And it would stop the practice of counting transfer students twice - at the school they attend and the one they left.

The two councilmen and developers argue that the way county and state officials count students to determine which areas are open - or closed - to homebuilding is inaccurate because some schools that exceed the enrollment threshold on paper do have room for new students.

The system, the councilman said, is resulting in fewer state dollars - by the tens of millions - provided to build new schools and renovate existing ones, and is pushing builders toward age-restricted housing projects that can be built regardless of school enrollment. Instituting reforms would reverse both trends, they said, and could trigger countywide redistricting, a politically sensitive subject in Anne Arundel.

Finding funding sources is critical as the county school system faces a maintenance backlog that exceeds \$1.5 billion.

"I've heard the call from parents," Benoit said. "They want more money in our school system, and more people want to live here. Our bill takes small steps to remedy both problems."

The most contentious provisions of the adequate facilities bill would allow homebuilding in areas where elementary schools are at 105 percent of capacity and middle and high schools are at 110 percent of capacity.

The sponsors say the bill would not - as critics argue - flood crowded schools with scores of new children. Home projects permitted to be built under new rules would not come online for at least four years, lawmakers and developers say.

Dillon, however, said he is considering killing the controversial provisions and may offer amendments to the bill at the public hearing on April 21.

Meanwhile, Benoit is considering offering amendments to a separate, impact-fee bill that is also before the council. Benoit said he would allow developers to build homes if the neighborhood school exceeds 100 percent capacity by paying a premium on the required impact fees - potentially doubling the established fees.

Some of the state's most populated counties allow schools to reach up to 120 percent of their state-rated capacity before cutting off most homebuilding. Anne Arundel, meanwhile, imposes some of the most stringent restrictions on homebuilding in crowded areas of the large suburban counties in Maryland: Once a school is determined to be at 100 percent capacity, based on enrollment estimates three years into the future, most building is denied.

The system has been in place since early in the decade. Anne Arundel was operating under a de facto homebuilding moratorium for several years before that.

School system officials said they are reviewing the adequate facilities bill, and Dillon said he would go before the school board next month to answer questions.

Since 2001, the state's formula allows school districts to consider middle and high schools completely full if they're at 85 percent capacity. Elementary schools, on the other hand, have to reach 100 percent capacity to be considered full. Council members say the 15 percent cushion built into middle and high school capacity allows for thousands of empty seats and unnecessarily limits housing development in the neighborhoods around those schools.

The cushion is necessary, said Alex Szachnowicz, chief facilities officer for Anne Arundel schools, because unlike elementary school students, those in middle and high schools change classes. Those class changes cause some classrooms to be empty during periods that students spend in gym or art or vocational education. Filling secondary schools to 100 percent would mean filling every classroom with a student.

The district has about 8,000 empty seats, but they're concentrated in parts of the county, such as [Glen Burnie](#), [Linthicum](#) and [Brooklyn Park](#), where population of school-age children has dwindled, Szachnowicz said. Meanwhile, schools in West County - such as Gambrills and [Crofton](#) - are crowded and have hundreds of students in portable classrooms.

phill.mcgowan@baltsun.com ruma.kumar@baltsun.com

Copyright © 2008, [The Baltimore Sun](#)