



To: Jon Laria, Chair, Maryland Sustainable Growth Commission
Maryland Sustainable Growth Commissioners

From: Frank Hertsch, Chair, APFO Workgroup

Subject: Report on MSGC APFO Workgroup Review of 2013 APFO Reports

Workgroup Participants: Frank Hertsch, Chair, Greg Bowen, and David Dahlstrom

The APFO Workgroup submitted a final APFO Report to the Maryland Sustainable Growth Commission at its July 22, 2013 meeting. The APFO Workgroup will work to expand its membership and technical expertise as it continues with its mission to review adequate public facility development restrictions. The APFO Workgroup has outreached to MACo and MML to assist with identifying additional expertise and workgroup participants.

APFO Reports are due every two years. The first APFO Reports were due July 1, 2010. The second APFO Reports were due July 1, 2012. APFO reports were not due in 2013 for calendar year 2012, but four jurisdictions included limited APFO data in their local jurisdiction annual reports. Currently, there are thirty-nine (39) jurisdictions with adopted APFOs, fourteen (14) counties and twenty-five (25) municipalities. All jurisdictions with APFOs are required to submit an APFO Report by July 1, 2014 for calendar years 2012 and 2013. The APFO Workgroup will prepare technical assistance guidance and model guidelines to assist with limiting variations in the reporting techniques between local governments and public facilities.

Summary of Reported Restrictions for Calendar Year 2012:

- Charles County reported restrictions in twelve (12) elementary schools, three (3) middle schools, and three (3) high schools.

In 2008 the County amended the APFO for schools to phase-in a capacity rating at each school from Local "Core" Capacity, which included relocatable classrooms, to State-rated Capacity which only includes permanent building capacity. The phase-in was to occur over six years but in 2011/2012 the County reduced this schedule. Additionally, the allocation formula was modified to require capacity at all three levels of schools. If development is restricted, developers may proffer mitigation and pay into a fund for school construction. The County has appointed a Funding Review Committee and recommendations are anticipated by the end of 2013.

One sewer restriction was reported at the Zekiah Sewer Pump Station with capital improvements scheduled in the 2013 CIP to resolve the restriction. This includes over \$2.6 million for design and construction through FY 2018. The Zekiah Sewer Pump Station will be fully replaced and the capacity increased from 3.0 MGD to 10.5 MGD. There is no information provided to indicate how many projects in the Priority Funding Area were impacted.

In 2012, the Zekiah Sewer Pump Station reached its maximum functional capacity and serves development within the north-eastern quadrant of Waldorf between MD 5 (Mattawoman–Beantown Road) to the east, US 301 (Crain Highway) to the west, Acton Lane to the north, and MD 5 Business (Leonardtown Road) to the south. The Zekiah Sewer Pump Station was determined to be the most limiting factor with the Redevelopment Corridor of the Waldorf Urban Design Study (WUDS) area. It was also noted that this sewer infrastructure capacity restriction would prohibit even small scale projects from moving forward.

- Frederick City and Frederick County reported restrictions in seven (7) elementary school districts, two (2) middle school districts and one (1) high school district. All seven elementary schools and one of the middle schools were located in Frederick City. The Yellow Springs elementary school boundary is identified as being mostly outside of the PFA. The County does not indicate the number of projects, within the PFA, affected by these restrictions. The County does identify that an additional 4,475 new seats are scheduled in the 2012-2018 Educational Facilities Master Plan. In 2012 a renovation was completed at Lincoln Elementary School and a 240 seat addition completed at Oakdale Elementary School.
- Harford County reported a restriction in one (1) elementary school district. Although major subdivisions will not be approved until these restrictions are resolved, the County did not indicate the number of major subdivisions, within the PFA, affected by this restriction.

The County identifies twelve (12) sewer pump stations that do not have capacity. The County did not indicate the number of projects, within the PFA, affected by these capacity issues.

- Howard County reported restrictions in five (5) elementary school districts, and two (2) middle school districts. The County reports that four (4) plans and twelve (12) units are affected within the “Established Communities Allocation Area” and five (5) projects with 133 units are affected by the closed schools. The County did not provide a timetable for resolving these capacity issues.
- Montgomery County reported eight (8) elementary school districts, six (6) middle school districts, and eight (8) high school districts with restrictions and one (1) elementary and one (1) middle school districts with moratorium. School Fee Payments are required for the twenty-two (22) schools that exceed 105% of capacity. The County did not indicate the number of projects that were required to provide School Fee Payments, nor did the County identify the number of projects, within the PFA, that were affected by the moratorium. The City of Rockville reports the continuation of one (1) elementary and one (1) middle school moratorium for Twinbrook Elementary School and the Julius West Middle School. This moratorium has affected the 240-unit Avalon Bay Apartments, at the Twinboork TOD site, since 2009. The adopted Montgomery County Public Schools Capital Improvements Program (CIP) includes recommended capital funds beginning in FY2014 for construction of the middle school addition, as well as recommended funds in FY2015 for construction of the new elementary school. The schools would be available for occupancy in FY2016 and FY2017 respectively, which potentially could allow a conditional approval to be granted by the City of Rockville.

Montgomery County also reported inadequacies in two (2) roadway policy districts and sixteen (16) transit policy districts. Projects can be mitigated through fees.

- Queen Anne’s County reported one restriction at a roadway intersection at Route 18/Route 552 but did not indicate the number of projects affected by this restriction or a timetable for remedy.