



APFO Workgroup Interim Report

January 28, 2013

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

From: Frank Hertsch, Chair, APFO Leadership Workgroup

Subject: Report on MSGC APFO Workgroup Review of 2012 APFO Reports

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

The APFO Leadership Workgroup has completed its review of the 2012 APFO Reports and has completed the first draft of its report to the Maryland Sustainable Growth Commission. Upon review of the draft report by the workgroup, the final assessments and recommendations will be presented.

In general, there have been few APFO restrictions reported over the calendar year 2010-2011 cycle. A summary of reported restrictions are attached.

APFO Reports for CY 2010/2011 by Jurisdiction

APFO Report

During the 2009 session of the Maryland General Assembly, a number of bills were passed related to information to be reported by local jurisdictions. Senate Bill 273/House Bill 294 requires that local jurisdictions submit a report to the Maryland Department of Planning (MDP) every two years if an Adequate Public Facility Ordinance (APFO) results in a restriction in a Priority Funding Area (PFA). The first such report was required to be submitted by July 1, 2010 and every two years thereafter. MDP, subsequently, is required to report by January 1st every two years on the statewide impacts of APFOs.

Local jurisdiction reports on PFAs and APFOs must include information about the location of the restriction; infrastructure affected by the restriction; the proposed resolution of the restriction, if available; estimated date for resolving the restriction, if available; date a restriction was lifted, as applicable; and terms of the resolution that removed the restriction. MDP's report on the statewide impact of APFOs is to identify: (1) geographic areas and facilities within PFAs that do not meet local adequate public facility standards; and (2) scheduled or proposed improvements to facilities in local capital improvement programs. The information provided below satisfies this reporting requirement.

There are 13 Counties and 26 Municipalities that have Adequate Public Facilities Ordinances. Of these, MDP received reports from ten (10) Counties and nineteen (19) Municipalities on impacts of APFOs on PFAs for calendar year 2011. In 2011, MDP received reports from nine (9) Counties and (5) jurisdictions. During the reporting period for calendar years 2010 and 2011, there are few restrictions identified. This is possibly attributed to the limited amount of new building activity experience during this timeframe. A summary of the reported restrictions are provided in the comments below:

| County | Type | Comment |
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| Anne Arundel | Schools | 2010: There was one unit on the waiting list due to lack of school capacity in the PFA. No other impacts were reported. 2011: There were no APFO restrictions reported. |

APFO Reports for CY 2010/2011 by Jurisdiction

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| <p>Baltimore</p> | <p>Schools Water Roads Sewer</p> | <p>2010: There were seven (7) intersections operating at Level of Service (LOS) F (failing) within the County’s Urban-Rural Demarcation Line (URDL); to address this, the County is embarking on capacity improvements; There were two areas of deficiency for water found in 2009 - these were to be resolved in 2010.</p> <p>2011: At the end of CY 2011 there were 15 overcrowded school districts. The FTE enrollments of these 15 elementary schools (no middle or high schools) were at or over 115% of the 2011-2012 State rated capacity. Resolutions include additions, expansions, and construction of schools as well as age restricted housing. Three of the 15 overcrowded districts are being address: an addition to Hampton ES is under construction, an addition and renovation of Stoneleigh ES is being designed and a new ES with funding in places is planned at Mays Chapel.</p> <p>The deficient transportation zones are identified by signalized intersections having an F Level of Service (LOS). New development is limited in the traffic sheds where these intersections are located until the conditions are improved. There were a total of seven F LOS intersections in Baltimore County.</p> <p>The F Level intersections in 2011 were: Harford Road (MD 147) and Putty Hill Ave Frederick Rd (MD 144) and Bloomsbury Ave/Ingleside Avenue Falls Rd (MD 25) and Greenspring Valley Rd (MD130) Loch Raven Blvd (MD 542) and Joppa Rd York Rd (MD 45) and Burke Ave Falls Rd (MD 25) and Seminary Ave Falls Rd (MD 25) and Joppa Rd</p> <p>In 2011, only one sewer deficient area, Richlyn Manor, was identified. This small sewerage treatment facility is currently being converted to a pumping station, scheduled to be completed in approximately 5-10 years. There are several areas of concern, all of which are in the process of being resolved.</p> |
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APFO Reports for CY 2010/2011 by Jurisdiction

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| Charles | None | 2010: There were no reported APFO issues in the Annual Report. 2011: There were no APFO restrictions reported. |
| Carroll | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Frederick | Schools Roads | 2010: At the end of CY 2010 there were 12 elementary, three middle, and three high schools whose enrollments were at or over 100 % of the state rated capacity. Many of these school districts include areas in both the county and a municipality and not all of the municipalities have their own APFO's. Recent amendments to the roads portion of the County's APFO have generally tightened the thresholds for road adequacy. The one part of the County that is particularly affected is the MD 85 corridor from I-270 south to English Muffin Way. The Maryland State Highway Administration has an active project to widen MD 85 between Guilford Dr. and English Muffin Way. 2011: There were no APFO restrictions reported. |
| Harford | Schools Roads | 2010: Impacts being addressed by a study group looking at capacity and redistricting solutions. There are some road intersections within the development envelope that are operating at LOS E or worse; there are some state and county funded capital projects that will help resolve these issues. 2011: There were no APFO restrictions reported. |
| Howard | Schools | 2010: There were 17 residential subdivisions including 200 housing units delayed due to allocation limitations in the Elkridge Planning area in 2009; it is expected all of these projects will move forward by the end of the following year. 2011: There were 18 residential subdivisions (211 housing units) delayed due to allocation limitations in the Elkridge Planning Area. Howard County Public School System acquired two school sites in 2012 (one for a middle school and one for an elementary school), both in the Elkridge area. As a result, 15 of the 18 projects totaling 174 housing units were allowed to proceed. |

APFO Reports for CY 2010/2011 by Jurisdiction

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| Montgomery | Schools Roads | SCHOOLS: If projected school enrollment exceeds 105% of projected school capacity then residential development within the affected school cluster will be required to make a School Facility Payment (SFP) in order to move forward; in 2009/2010 there were 9 restricted school districts that required a fee. These districts were primarily within PFAs but some were outside of PFAs. There were 16 areas in the County that coincide closely with local PFAs that require additional transportation mitigation measures provided by the developer to move forward. 2011: Residential development projects in 14 PFA restricted school districts require fees for the purpose of expanding school capacity under the FY2010 Schools Test. This process kicks in when projected school enrollment exceeds 105% of projected school capacity. Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) estimate impacts of development on transportation and determine where additional transportation mitigation measures should be provided by the developer. There are 19 policy areas (closely matched to PFAs) that require additional mitigation. |
| Prince George's | Roads | 2010: In 2009, there were 29 properties in the PFA that were affected by APFO transportation restrictions. These restrictions were mitigated by developers providing transportation improvements required as a condition of approval. 2011: There were no APFO restrictions reported. |
| Queen Anne's | Schools | 2010: There were no APFO restrictions reported. 2011: The plan for Walters Properties, LLC to construct residential lots in Grasonville was put on hold because the school districts would be over capacity. After a code update on January 28, 2012 that changed the school capacity threshold from 100% to 120%, the capacity was thought to be adequate; however, a citizen ballot initiative reversed this change in November 2012 to the 100% level. |
| St. Mary's | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |

APFO Reports for CY 2010/2011 by Jurisdiction

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| Washington | Schools | 2010: One level (ES, MS, HS) of school in every school district in the County, except for Hancock, is over capacity. The County has established mitigation measures requiring developers to phase the timing of future development as well as make a financial contribution over and above the local excise tax. This mitigation relief has been approved in the past by the BOCC in most cases. 2010: There were no APFO restrictions reported in 2011. |
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APFO Reports for CY 2010/2011 by Jurisdiction

| Municipalities | | |
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| Municipality | Type | Comment |
| Aberdeen | Schools | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Annapolis | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Bel Air | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Boonsboro | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Brunswick | Schools | 2010: There was one development project in 2010 that the Planning Commission determined would fail the test for school capacity. 2011: There were no APFO restrictions reported in 2011. |
| Frederick | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Funkstown | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |

APFO Reports for CY 2010/2011 by Jurisdiction

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| Hagerstown | Schools | 2010: In their Medium Range Growth Area, all ES and HS are over capacity; new schools and redistricting are used to address capacity issues as well as remediation plan by developer to be approved by County; one project of 105 units was held up in 2009 due to limited school capacity – to date, there has been no action on the part of the developer to start the remediation process for this project. Their APFO only applies to schools. 2011: A new “West City” ES was in planning stages in 2011 to replace two existing elementary schools, opening by 2016. A replacement for Bester ES was being planned in 2011 as well, opening in August 2014. The redistricting plan will create additional capacity but will not put every school below the local-rated capacity. Because of the lack of adequacy, major new development plans cannot be approved unless the County Commissioners approve a remediation plan. |
| Hampstead | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Indian Head | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Keedysville | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| La Plata | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Laurel | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Manchester | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Mount Airy | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |

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| Poolesville | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Ridgely | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Rockville | Schools | 2010: There were no APFO restrictions reported. 2011: There was a site plan application for the Avalon Twinbrook Station, a 240 unit apartment complex that was put forth in 2009. The application was not able to be approved because Twinbrook ES and Julius West MS would be at or above 113% capacity utilization, exceeding the 110% APFO cap. There was not appeal for a “conditional” approval and the project is currently on hold. |
| Smithsburg | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Sykesville | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Taneytown | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Thurmont | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Union Bridge | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Walkersville | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |

APFO Reports for CY 2010/2011 by Jurisdiction

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| Westminster | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |
| Williamsport | None | 2010: There were no APFO restrictions reported. 2011: There were no APFO restrictions reported. |