



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 2012 Local Jurisdiction APFO Reports

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

The APFO Workgroup was charged with reviewing the reports of local jurisdictions on adequate public facilities development restrictions required by Article 66B, § 10.01 of the Code (now Land Use Article § 7-104), and assessing whether and to what extent adequate public facilities ordinances affect the achievement of the goals of the State economic growth, resource protection, and planning policy.

As requested by the Maryland Sustainable Growth Commission (MSGC), the APFO Workgroup has completed its review of the 2012 local APFO Reports and the APFO Workgroup has looked more generally at local jurisdiction APFO practices. The APFO Workgroup submits the attached *Adequate Public Facilities Ordinances in Maryland, July 2013* Report to the Maryland Sustainable Growth Commission for endorsement.

In general, while there have been few APFO restrictions reported over the calendar year 2010-2011 cycle, there have been a number of shortcomings that have been identified in the existing APFO practices. Unaddressed, these shortcomings could lead to further frustrations with APFOs, reduced economic development, resource protection and quality of life in PFAs, and counter efforts to provide necessary and timely public facilities where growth is locally desired. The APFO Workgroup has identified a number of recommendations that should be pursued to improve the overall effectiveness of APFOs and Maryland's Smart Growth policy by pursuing actions to: improve the quality of data included in local jurisdiction APFO Reports; inform local governments of APFO best practices using model guidelines and level of services standards; and improve agency coordination to maintain and identify the levels of facility capacity and needs to reduce the need or length of moratorium and to maintain and improve economic development opportunities and the quality of life in PFAs.

The APFO Workgroup expects to continue its review role of the upcoming FY 2014 local jurisdiction APFO Reports. The APFO Workgroup requests that the MSGC endorse the July 2013 Report and the following action steps:

1. The APFO Workgroup will review the FY 2014 local jurisdiction APFO Reports and submit a report to the MSGC by Winter 2014.

2. Expand membership of the APFO Workgroup, by Fall 2013, to address the recommendations included in the APFO Workgroup Report. (Recommendations 1-12).
3. The MDP and APFO Workgroup should prepare a draft APFO report on technical assistance and outreach guidance by Spring 2014. (Recommendation 8).
4. The MDP and APFO Workgroup should prepare draft model guidelines for APFOs within PFAs by Summer 2014. (Recommendations 1-6, 9).
5. The MDP and APFO Workgroup should convene a meeting of other public facility providers, by Fall 2013, to identify opportunities to adapt the State's existing facility database so that public facility capacity and utilization rates can be accessed/shared. (Recommendations 7).