



To: Susan Summers, Chair, Maryland Sustainable Growth Commission  
Maryland Sustainable Growth Commissioners

From: Frank Hertsch, Chair, APFO Workgroup

Subject: Preliminary Summary of 2016 Local Jurisdiction APFO Reports for CY 2014-2015

**Workgroup Participants:** Frank Hertsch, Chair, Greg Bowen, Kevin Small, Eric Soter, David Dahlstrom.

The APFO Workgroup is charged with reviewing the reports of local jurisdictions on adequate public facilities development restrictions required by 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. There are 14 Counties and 25 municipalities that have adopted an APFO and are therefore required to submit a report every two years, if the APFO has resulted in restrictions within the Priority Funding Area. As of September 7, 2016, eight Counties and two Municipalities have reported restrictions within their PFA. Anne Arundel and Calvert County have yet to submit their APFO Reports for Calendar Year (CY) 2015 but have indicated that their APFO reports for CY 2015 will be submitted in September. This report will be updated to include these restrictions, once the data is received.

### **Baltimore County**

Baltimore County has an APFO for Schools, Roads, Sewer, Water and Stormwater. For CY 2014, Baltimore County reported overcrowding, over 115% of the State Rated Capacity, at 30 of its 105 elementary schools. No middle or high schools were reported as being over 115% of State Rated Capacity. In 2016, the Baltimore County Board of Education released September 30, 2015 enrollment and state rated capacity for the 2015-2016 school year in March 2016, because of the Board's re-evaluation of the Public School System's enrollment methodology no data was submitted for CY 2015. The County indicates that a summary of the CY 2015 APFO School Report will be included in County's the *2016 Annual Report on Growth*.

The County maintains a Basic Services map series to depict the locations of identified deficiencies for Sewer, Water and Roads that are included in the APFO report, and where the County may withhold permits. For CY 2014 the County monitored and closed Sanitary Sewer Overflows (SSO) #14 (Moorehead Road), #120 (Charles Street Avenue), and #115 (Essex Avenue). For CY 2015, the County has monitored and closed Sanitary Sewer Overflows (SSO) #47 (DuBois Avenue), #104 (Sussex Road Bridge), and #105 (Sussex Road Alley). The areas of concern upstream of these SSOs #104 and #105 have been removed from the Basic Services Map, and are no longer identified as deficient. The area of concern upstream of SSO #47 has not been removed from the Basic Service Map as this area is still upstream of SSO #130 (Bagley Avenue). No areas of concern for water services were identified.

For Transportation, the following changes to the Transportation Map for 2015, based on the studies of all signalized intersections (LOS: Level of Service):

Additions: York Road (MD 45)/Fairmount Avenue, LOS-D

Deletions: Eastern Avenue (MD 150)/Stemmers Run Road, LOS-C (D on 2014 Map)

Other changes:

- Pulaski Highway(US 40)/Ebenezer Road, LOS D to E
- Falls Road (MD 25)/Greenspring Valley Road, LOS D to F
- Perring Parkway (MD41)/Joppa Road, LOS E to D

The 2015 Basic Services Transportation Map identifies the E and F level intersections throughout the county, which also reflects the above addition, deletion, and changes:

	<b>CY 2015</b>	<b>CY 2014</b>
Loch Raven Blvd (MD 542)/E. Joppa Rd	LOS = F	LOS = F
Falls Rd (MD 25) /W. Seminary Ave (MD 131)	LOS = F	LOS = F
Falls Rd (MD25)/W. Joppa Rd	LOS = F	LOS = F
Falls Rd (MD25)/Greenspring Valley Rd	LOS = F	
Frederick Rd (MD 144) and Bloomsbury Ave-Ingleside Ave	LOS = F	LOS = F
Baltimore National Pike (US 40)/N. Rolling Rd	LOS = F	LOS = F
York Rd (MD 45)/Burke Ave	LOS = F	LOS = F
Perring Pkwy (MD 41)/Putty Hill Ave	LOS = F	LOS = F
Pulaski Hwy (US 40)/66 <sup>th</sup> Street	LOS = F	LOS = F
Pulaski Hwy (US 40)/Ebenezer Rd	LOS = F	LOS = E

Numerous attempts were made by the Maryland State Highway Administration to retime the traffic signals at the intersections noted above. Following these timing changes, field observations were conducted but these intersections remained at the D, E, or F levels (Level of Service). Baltimore County will continue to work with the Maryland State Highway Administration on the timings and system coordination and hope that some improvements can be realized in the future, especially at York Road (MD 45)/Fairmount Avenue.

### **Calvert County**

Calvert County has an APFO for Schools and Road. For CY 2014, Calvert County reported restrictions in three school districts, including Beach Elementary, Windy Hill Elementary and Northern High School. The restriction for Northern High's school district is anticipated to be resolved by 2019. The construction to replace Northern High School should commence in 2016. The new building is planned to be open in the fall of 2018. The restriction for the Beach Elementary school district is anticipated to be resolved when the school is renovated/expanded or replaced. This date is most likely to occur by 2022. Calvert County Public Schools will conduct a feasibility study in FY 2017. Planning funds for the renovation/ expansion or replacement are scheduled for FY 2018 with construction to follow. These restrictions will be resolved when County staff verifies there is adequate capacity within a previously closed school district or after a seven year wait on the final recording of subdivisions or residential site development plans.

The APFO Report for CY 2015 has not been received. Planning anticipates receiving the APFO Report later this month.

### **Caroline County**

Caroline County has an APFO for Schools, Roads, Stormwater, Fire and Solid Waste. No restrictions were reported for CY 2014 - 2015.

### **Carroll County**

Carroll County has an APFO for Schools, Roads, Water, Sewer, Fire and Police. No restrictions were reported for CY 2014 - 2015.

### **Charles County**

Charles County has an APFO for Schools, Roads, Water, Sewer and Fire. One sewer pump station was identified in 2012 as a limited factor for growth in the Waldorf area. The sewer pump station continues to be identified as the only restriction. A CIP improvement was approved in 2013 to replace the pump station but a timetable for completion was not provided.

### **Frederick County**

Frederick County has an APFO for Schools, Roads, Water and Sewer. Schools are the only APFO reported with restrictions within the PFA. Frederick County reported in 2014 that fifteen elementary schools and three middle schools at or over 100% of the State Rated Capacity. In 2015, there were thirteen elementary schools (including one charter school), two middle schools and one high school at or over 100% of state rated capacity. If capacity is between 100% and 120%, then projects in these districts may choose the optional School Construction Fee Option in addition to the normal school impact fee. Three elementary school districts are over 120% of the State Rated Capacity.

In 2014, five of the affected elementary schools and two middle charter schools were in the City of Frederick. Seven elementary school renovations were included in the 2014 Educational Facilities Master Plan, with an estimated increase of over 3,200 seats. Two middle school renovations and a high school replacement were also planned. Six elementary school, one middle school, and one high school additions were programmed in the 2015-2020 CIP.

In 2015, four of the affected elementary schools were within the City of Frederick. Four schools are located in the Urbana, New Market, and Liganore communities. One school is located in the Ballenger Creek community. One school, Yellow Springs, has a district mostly outside the PFA. Four schools, Centreville (148%), Hillcrest (140%), Urbana (135%) and Waverly (137%) are over 120% of capacity and would not allow for a county development to use the School Construction Fee Option. One middle school in Oakdale, and one middle school in Frederick, are over 100% capacity. One high school, Urbana, was over capacity. There are seven elementary school renovation projects included in the 2015 Educational Facilities Master Plan, with an estimated increase of 3,498 new seats. One middle school improvement will not add capacity and two high school projects to replace Frederick High will add 223 seats.

Programmed improvements for Capital Improvement Plan (CIP) Fiscal Years 2016-2021 include:

- Urbana Middle fit out of 300 seats opened fall 2015
- Frederick High new replacement school opens fall 2017
- Sugarloaf Elementary new school with 725 seats opens fall 2017

- Butterfly Ridge Elementary new school with 725 seats opens fall 2019
- Urban Elementary replacement opens fall 2020
- Waverly Elementary addition of 200 seats opens fall 2021
- East Area Elementary new school to open after 2021

### **Harford County**

Harford County has an APFO for Schools, Roads, Water and Sewer. Harford County reports for CY 2014 and CY 2015 that due to a deficit of supply from Winters Run, the Maryland Department of the Environment and the Harford County Health Department has stopped approving building permits within Maryland American Water Company's (MAWC's) service area. Harford County may provide an additional 40,000 gallons per day (GPD) to MAWC through the existing West MacPhail Road metering station, which could allow for up to 114 equivalent dwelling units (EDUs) to be developed within MAWC's service area. This amendment is in effect until 2018. It is only meant to provide MAWC time to construct the ultimate solution of an impoundment to provide a safe and reliable water supply, sufficient for the entire approved service area.

Harford County also reported in CY 2014 and CY 2015 that four sewage pumping stations that do not have any additional reserve capacity and that may impact future development in the vicinity of these pumping stations. These pumping stations include, Brentwood Park Sewage Pumping Station (S.P.S.), Dembytowne/Hanson Road Petition S.P.S. (2), Forest Greens S.P.S., and Harford Square S.P.S. The County indicates that additional capacity is possible if future development activities if a development request is approved.

### **Howard County**

Howard County has an APFO for Schools, Road, Water and Sewer. No APFO data was submitted for CY 2014. Staff is working with Howard County to supply the requested data and timing of planned improvements.

For CY 2015 the County reported 5 closed elementary school districts (Cardlerock, Veterans, Centennial Lane, St. Johns Lane, and Fulton) and 4 closed middle school districts (Harpers Choice, Ellicott Mills, Dunloggin, and Patapsco). This results in a total of 186 units in 7 subdivision plans on hold due to closed elementary school districts and an additional 110 units in 14 subdivision plans on hold due to closed middle school districts. To help remedy these closures, a new elementary school is under construction in Elkridge and is scheduled to open in the fall of 2017. Planned additions to Dunloggin and Ellicott Mills middle schools will add additional middle school capacity, but no timeframe was indicated.

### **Montgomery County**

Montgomery has an APFO for Schools, Road, Water, Sewer, Health Care, Fire and Police. In CY 2014, Montgomery County did not report any school districts to be in moratorium, over 120% of the State Rated Capacity. However, nineteen schools are reported to be within the 105% - 120% School Facility Payment range restriction. The County reported that six of its thirty Transportation Policy Area Review districts are inadequate to meet the road test. Eighteen Transportation Policy Area Review districts for transit are inadequate.

For CY 2015, Montgomery County reported that no school districts were in moratorium; however, twenty-four schools are within the 105% - 120% School Facility Payment restriction. No changes in transportation restrictions were reported, as new transportation data becomes available in CY 2016.

### **Prince George's County**

No restrictions reported.

### **Queen Anne's County**

Queen Anne's County has an APFO for Schools, Roads, Water and Sewer.

No APFO data was submitted for CY 2014. For CY 2015 the County reports that a school restriction, over 100% of capacity, at Grasonville Elementary School, has impacted three residential developments, totaling 457 units. A per student impact fee has been determined that will go toward an addition to the school to bring the capacity under 100%. The per student mitigation fee must offset the impacts of the proposed development on school capacity and cannot be used for portable classrooms and the mitigation must be approved by the Board of Education.

### **St. Mary's County**

St. Mary's County has an APFO for Schools, Roads, Water, Sewer, Stormwater and Fire. No restrictions were reported for CY 2014 – 2015,

### **Washington County**

Washington County has an APFO for Schools, Roads, Water, Sewer and Fire. No restrictions were reported for CY 2014 - 2015,

## **MUNICIPALITIES**

### **City of Rockville**

The City of Rockville has an APFO for Schools, Roads, Water, Sewer and Fire. The City of Rockville reported in CY 2014 that a school restriction for the Avalon Twinbrook Station has been in place since 2009. A new high school is planned to be constructed in 2018-2019 but may not resolve the capacity issues in that cluster. The City also report thirteen sewer restrictions due to inadequate sewer capacity.

In CY 2015, the City reported that a change in School level of service methodology to a five-year average has resolved existing restrictions on residential development. Elementary School No. 5, on West Edmonston Drive, is scheduled to open for the 2018-19 school year. The school will open with a program capacity of 602 students. As a consequence, the other elementary school boundaries within the City will have to be adjusted. Under the County's projections, the overall 2020 utilization rate for elementary schools in the Richard Montgomery cluster will be 94.5%.

The initial utilization rate for high schools as shown on the adopted 2015-2020 CIP indicated that the utilization rate for Walter Johnson High School was over 119% and would have gone into moratorium if pending project applications were approved. On July 28, 2015 the Council amended

the CIP to add an eight-room addition to Walter Johnson, which brings the 2020 utilization rate down to 111.3%.

For CY 2015 there were two deficiencies in the water system associated with two projects previously approved but not yet built. One deficiency is on Dawson Avenue and the second is on Chapman Avenue. Construction is ongoing to address both deficiencies; construction completion is anticipated during fiscal year 2017.

For CY 2015 there were eight deficient areas with eleven identified sewer segments that have flow restrictions. These restrictions are a result of inadequate transmission capacity of the existing sewer pipes to convey wastewater flow.

Rockville's FY2016 Capital Improvement Program, which was adopted by the Mayor and Council in May, 2015, includes construction funding in FY2016 to resolve five deficient areas with seven sewer segment restrictions: North Horners Lane; Monroe Street; Cabin John Parkway; East Rockville (three segments); and Lorraine Drive. Development approvals through December 31, 2015 require mitigating two sewer restrictions: Monroe Street and Cabin John Parkway. The schedule of the sewer upgrade is determined by the development; however, the capacity upgrade must be completed before the development can be occupied. There are three deficient areas with four sewer segments with restrictions which are not programmed to be improved: Atlantic Avenue; Lakewood (two segments); and Glenora.

### **City of Gaithersburg**

The City has an APFO for Schools, Roads, Water, Sewer, Fire and Emergency Response. In CY 2014 the City reported a restriction on one residential development. However, in CY 2015 the City Reported that 67% of the land area in Gaithersburg was subject to school restrictions. A modification of the School APFO standards in 2015, to 150% of capacity, resolved all restrictions. Approximately 87% of the land area is subject to the City Schools Facilities Impact Fee because the schools exceed 105% of capacity.