



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

From: Frank Hertsch, Chair, APFO Workgroup

Subject: APFO Report CY 2017

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 fourteen (14) Counties and twenty-six (26) municipalities that have adopted an APFO and are therefore required to submit a report if restrictions in the Priority Funding Area. APFO reports were due July 1, 2018. Twelve (12) Counties and seven (7) municipalities have submitted APFO reports. A summary of the information received is provided in this final report and will be incorporated into the 2018 MDP Local Government Annual Report.

COUNTIES

Anne Arundel County

Anne Arundel County reports restrictions for schools. As of April 24, 2017, four high schools are closed to additional development for the 2018 school year. These include: Annapolis, Arundel, North County, and South River High Schools. Arundel and Crofton Middle Schools are closed for the 2018 school year. Twenty-six (26) elementary schools are currently closed, six (6) of which are in the Meade Feeder district, four in the Old Mill feeder district, three in the South River and North County feeder districts, two in Annapolis, Arundel, Broadneck, Glen Burnie, and Northeast feeder district, and one in the Southern feeder district. For the restricted schools, projects remain on a waiting list until capacity is available or six (6) years has lapsed, whichever comes first. In addition, there are upcoming CIP projects to relieve capacity constraints.

Baltimore County

Baltimore County reports restrictions at one (1) high school, one (1) middle school and thirty (30) elementary schools, operating over the 115% state rated capacity standard. The County reports seven (7) failing roadway intersections (Level of Service, F), and two (2) intersections at LOS E.

Calvert County

Calvert County reports restrictions for the Northern High School, the Northern Middle School, and for the Beach Elementary School districts. These restrictions are anticipated to be resolved. The construction to replace Northern High School began in 2017. The new building is planned to be open in the fall of 2018 and is expected to provide some additional capacity for Northern Middle School as well. A feasibility study to replace Northern Middle School is scheduled for 2021. The restriction for the Beach Elementary School district is anticipated to be resolved when the school is renovated/expanded or replaced. Acquisition and design is anticipated to begin in FY 2018-2019, with construction in 2020-2021 (to be included in 2018 Annual Report). The restrictions will be lifted only when the capacity is reduced to below 100% of capacity, or when the proposed residential development has been restricted from recording final subdivision plats or obtaining final site plan approval for a period of seven years.

Carroll County

No restrictions reported.

Charles County

No restrictions reported.

Frederick County

Frederick County reports thirteen (13) elementary, four (4) middle schools and one (1) high school are over 100% of the State Rated Capacity. Seven (7) elementary school renovations are included in the 2017 Educational Facilities Master Plan, with an estimated increase of over 3,817 new seats. One (1) middle school modernization and one (1) addition project would add 300 seats. Two (2) high school projects for modernization and one (1) addition project would add 400 seats.

Programmed School Projects – Frederick County CIP FY 2018-2023

- Frederick High – new replacement school opened fall 2017
- Sugarloaf Elementary – new 725 seat school to open fall 2018
- Butterfly Ridge Elementary – new 725 seat school to open fall 2018
- Urbana Elementary – replacement/addition to open fall 2020
- Waverly Elementary – 200 seat addition to open fall 2021
- East County Area Elementary – new school to open in 2023
- Middletown Middle – renovation after 2023
- Liberty Elementary – modernization after 2023

Harford County

Harford County and MDE reached agreement with The Maryland-American Water Company to supply an additional 40,000 gallons per day (GPD) to the service area. The County may approve up to 114 new equivalent dwelling units (EDUs) within the service area. This increase provides time to construct the ultimate solution of an impoundment to provide a safe and reliable water supply, sufficient for the entire approved service area. This improvement is expected to be complete by 2019.

The County continues to report that five (5) pumping stations 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), Dembytown/Hanson Road Petition S.P.S. (3), Forest Greens S.P.S., and Harford Square S.P.S. Sanitary sewer improvements have been completed in the Bynum Run Collector service area and new permits in this area may now be approved.

The County reports their standard for schools is 110% of capacity. Currently, two (2) out of thirty-one (31) elementary school districts meet adequacy standards. No new major subdivisions will be approved in the Emmorton or Magnolia Elementary School attendance districts until capacity is available. No timetable or list of scheduled improvements were identified. All middle and high schools meet adequacy standards.

The County reports that six (6) roadway intersections are operating at LOS F and two (2) intersections are operating at LOS E. New development impacting those intersections will be required to mitigate their impacts at these intersections.

Howard County

Howard County reports that nine (9) elementary school districts are closed, including Talbott Springs, Centennial Lane, Hollifield Station, Manor Woods, Northfield, St. Johns Lane, Waverly, Forest Ridge, and Fulton elementary school. There are also six (6) closed middle school districts, including Harpers Choice, Ellicott Mills, Thomas Viaduct, Burleigh Manor, Dunloggin, and Murray Hill middle schools. This resulted in a total of 804 housing units in 30 subdivision plans on hold due to closed school districts.

A new elementary school, named Hanover Hills, is under construction in ElkrIDGE near the Oxford Square development. It is scheduled to open in the fall of 2018 and is anticipated to help to increase elementary school capacity. Planned additions to Dunloggin and Ellicott Mills middle schools will add additional middle school capacity. A new high school is planned to open in 2023. The school capital budget includes other new schools and school additions in the outer years.

The County has also reported that a 26-member APFO task force was created and developed a series of recommendations that the County Council adopted in 2018. The major changes include: 1) exempting moderate income housing units from the allocations requirement, 2) exempting certain low income housing tax credit projects from the schools test on a case by case basis by County Council resolution, 4) eliminating the shared Growth and Revitalization and Established Communities allocation area, 5) decreasing the Growth and Revitalization area from 1,200 allocations per year to 1,000 per year and increasing the Established Communities area allocations to 600 per year from 400 per year, 6) limiting the wait time for projects that are on hold due to the allocations test and schools test to a combined 7 years, 8) lowering the capacity utilization percentage when elementary districts and regions are closed to development from 115% to 105%, and lowering middle school districts from 115% to 110%, and 9) adding a high school district test at a 115% threshold. The last two items (8 and 9) are not effective until 2019 and will likely have a major impact on development. Unless the Howard County Public School System undergoes a comprehensive redistricting to utilize available systemwide capacity in the near term, it is estimated by the county that as much as 90% of all new residential development will be delayed for up to 4 years due to closed schools.

Montgomery County

Montgomery County reports six (6) elementary school districts to be in moratorium in the Spring of 2017 and seven (7) elementary school districts to be in moratorium in the Fall of 2017, over 120% of the State Rated Capacity. In 2017, the school adequacy standard was changed to project a cluster-wide enrollment of elementary and middle schools. If the cluster-wide enrollment exceeded 120%, then the entire school cluster was placed in moratorium. For individual elementary schools, the 120% threshold applies. For individual middle schools, the threshold is 180 students over state rated capacity. Any school construction funds included in the six-year CIP can be counted towards available capacity.

The County reports that the test to determine adequate transportation capacity was revised to only include the Local Area Transportation Review (LATR). The Transportation Area Review (TAPR) test was dropped. The threshold needed to conduct a Transportation Study was also revised. Projects that exceed the new threshold will be required to mitigate an any increase in transportation demand.

Prince George's County

No restrictions reported.

Queen Anne's County

No restrictions reported.

Saint Mary's County

No restrictions reported.

MUNICIPALITIES**City of Annapolis**

No restrictions reported.

Town of Bel Air

No restrictions reported.

City of Gaithersburg

No restrictions reported.

City of Frederick

No restrictions reported.

Town of La Plata

No restrictions reported.

City of Laurel

No restrictions reported.

City of Rockville

The City of Rockville reports one (1) school restriction for the Rosemont Elementary School and indicates that a replacement school is scheduled to come online in August 2018. The City also reports four (4) sewer restriction areas with one programmed improvement in FY 2020, one by FY 2023, and two beyond 2023.

EVALUATION

The APFO Workgroup reviewed all APFO Reports submitted. The APFO Workgroup convened a conference call on October 11, 2018 to discuss the APFO Reports.

It was the consensus of the committee that several of the APFO Reports were incomplete, or vague, in their response for reporting a facility in the PFA with a restriction. While many jurisdictions provide sufficient detail, other jurisdictions are much less detailed and generally do not provide sufficient information, such as, the identification of the specific school reporting the restrictions, and the specific improvements, or timetable needed to resolve the restriction.

The APFO Workgroup has directed staff to contact the jurisdictions in question about the level of detail provided in the APFO Report. The APFO Workgroup is also concerned with the level of coordination between School Board Facilities Planners and County Planning Staff with utilization of building permit data in student projection rates. The APFO Workgroup plans follow-up conference calls with Michael Bayer, Manager, Infrastructure and Development (MDP) and the State Education and Facilities Committee. Further, staff will also consider revising the local jurisdictional Annual Report template to provide additional guidance for preparing adequate level of detail for future APFO Reporting.