



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

From: Frank Hertsch, Chair, APFO Workgroup

Subject: APFO Workgroup Report

Workgroup Participants: Frank Hertsch, Chair, Greg Bowen, Kevin Small, Eric Soter, David Dahlstrom and Michael Bayer

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.

Workgroup Activity:

The APFO Workgroup held a conference call on December 11, 2018 to discuss:

1. Duration of Moratoriums;
2. State-Rated Capacity changes;
3. Coordination with the State Public School Construction Program's Educational Development Specifications Workgroup; and
4. Revising the APFO Report Template.

Mr. Michael Bayer provided a detailed overview of the State Public School Construction Program's Educational Development Specifications Workgroup. The APFO Workgroup members identified areas of mutual interest and expressed a desire to continue working closely with the Educational Development Specifications Workgroup.

Discussion:

The APFO Workgroup discussed the lack of specificity received in Local Jurisdictional Annual Reports related to APFOs. The Workgroup recommended the Department of Planning consider pursuing follow-up investigations with jurisdictions that do not clearly provide the level of documentation needed to evaluate the scope of APFO restrictions. Additionally, it is not clear under current law if a report is required when there are no APFO restrictions. Therefore, it is difficult to determine noncompliance if a jurisdiction that has adopted an APFO but has not filed a report - is it because there were no restrictions to report or the jurisdiction simply failed to comply the filing requirement.