



 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Prince George's County Planning Department

ADEQUATE PUBLIC FACILITIES & POLICE RESPONSE TIMES

2021 Prince George's County Council Retreat
January 7, 2021



GOAL of an ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)



APFO ensures the adequacy and concurrency of public facilities.

APFO Identifies ways a development application can contribute to achieving adequacy.

Concurrency means that adequate public facilities are in place when the impact of a development occurs.

Usually, the standards that define adequacy are expressed in measures that are appropriate to the facilities.



CURRENT APFO REGULATIONS (STATE)



Maryland LAND USE Code Ann. § 23-106 states:

- (a) In general—In addition to any other authority granted by this division, the County Council of Montgomery County and the County Council of Prince George's County, by local law, may impose in their respective counties standards and requirements for the purpose of avoiding scattered or premature subdivision or development of land because of the inadequacy of transportation, water, sewerage, drainage, school, or other public facilities.
- (b)
 - (1) This subsection does not apply to any property located in an infrastructure finance district approved before January 1, 2000.
 - (2) Notwithstanding subsection (a) of this section, the County Council of Prince George's County shall impose adequate public facilities standards and requirements under subsection (a) of this section with respect to schools.



CURRENT POLICE APFO REGULATIONS (COUNTY)



Prince George's County Code Section 24-122.01(e)(1)(D) states:

"A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service."

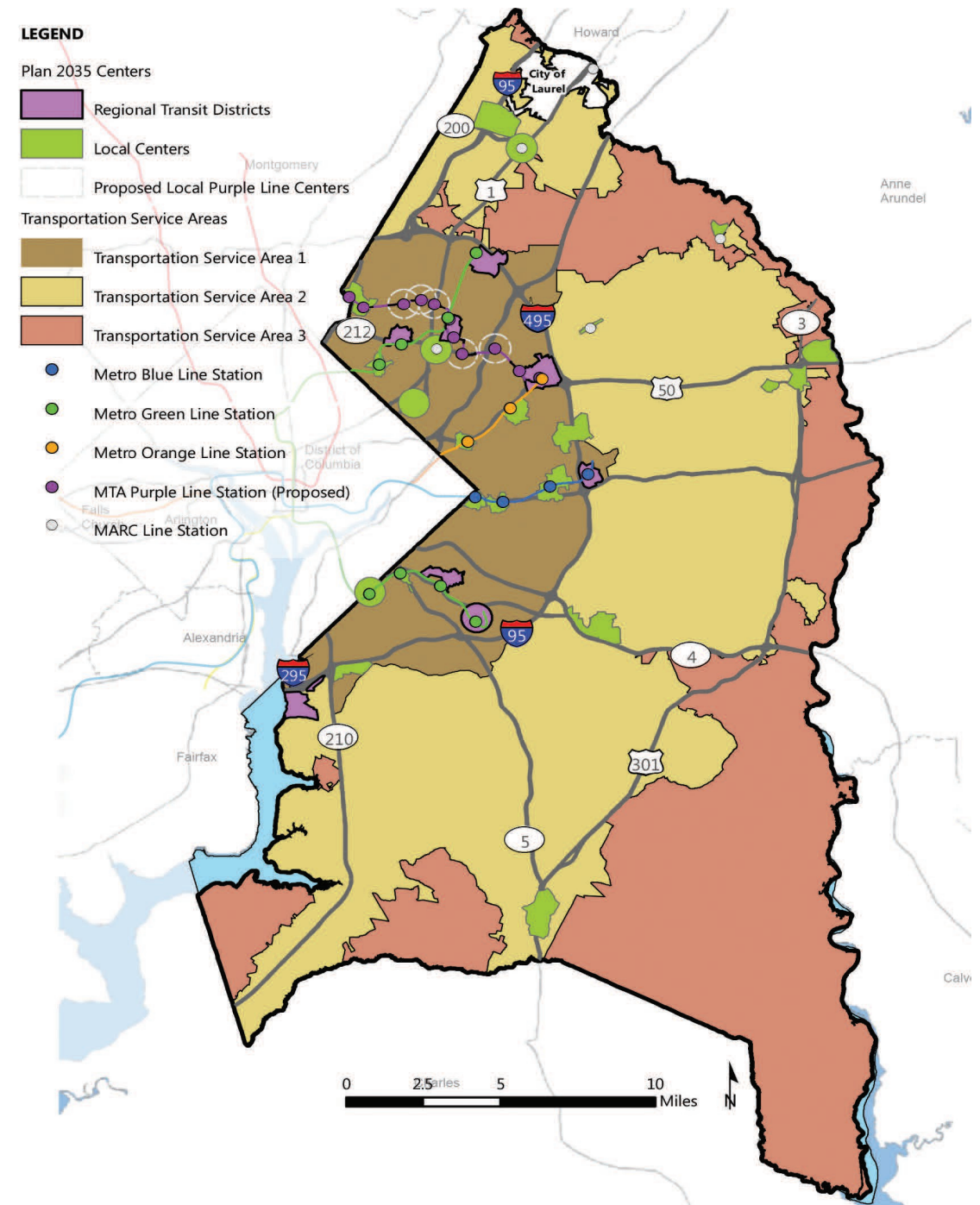


POLICE APFO TEST and SURCHARGE FEES



CB-89-2004 — This bill amended the adequate public facilities test at the time of preliminary plat of subdivision and established a new adequate public safety facilities benchmark with new times for police response times.

CB-55-2005 — This bill established the amount of the Public Safety Surcharge to be collected at the time a building permit is issued. The current amount is \$2,638 per dwelling unit in Transportation Service Area 1 (TSA1) and \$7,909 for all other areas.





POLICE APFO GUIDELINES CR-078-2005

If the proposed subdivision exceeds the service capacity, then the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005) state that:

- “If an application for a preliminary plan fails in any of the police service districts and the actual response times for both emergency calls and non-emergency calls do not exceed 20% above the respective required response times, the applicant may offer to mitigate as provided below.”
- “If an application for a preliminary plan fails in any of the police districts and the actual response times for emergency calls and/or non-emergency calls are greater than 20% above the required emergency response time, the applicant may not mitigate.”



SURCHARGE VERSUS MITIGATION FEE

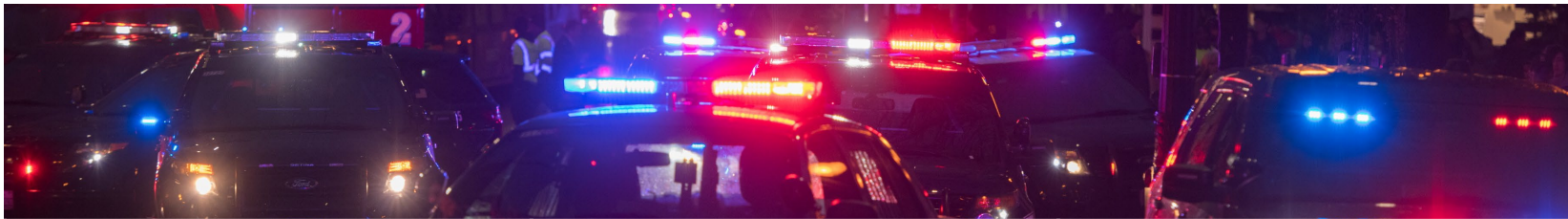


- PUBLIC SAFETY SURCHARGE — Is an impact fee that is paid by every approved residential subdivision at the time of permit approval.
- MITIGATION FEE — Is a fee paid per dwelling unit by an applicant(s) as a means of mitigating the impact on public safety facilities in an area of the County that has police and/or fire response times in excess of those required under CB-55-2005. A Police mitigation fee is paid when the response times are greater than 100% and less than 120%. The current mitigation fee is \$4,983.
- PUBLIC SAFETY SURCHARGE is not to be reduced by the payment of any Public Safety Mitigation Fee.



SUMMARY OF APPLICABILITY

POLICE



APFO Response Time	Public Safety Surcharge	Mitigation Fee
Meets 10/25 minutes	Required	Not Required
Exceeds 100% but less than or equal to 120%	Required	Required
Exceeds 120%	Not Required-PPS denied	Not Required-PPS denied



SUMMARY of 2020 POLICE APFO SURVEY



- **Howard County** – An adequacy review is not part of subdivision review. The Capital Improvement Programs include any items needed to meet the General Plan growth allocations.
- **Anne Arundel County** – An adequacy review is not part of subdivision review.
- **Montgomery County** – Montgomery County Police Department performs studies for resource allocation and station distribution and reviews draft community master/sector plans for operational impact, but they do not comment on preliminary plans of subdivision.
- **Baltimore County** – An adequacy review is not part of subdivision review.



MEASURING POLICE RESPONSE TIMES

- Usually, the standards that define adequacy are expressed in measures that are appropriate to the facilities. Response times are geographically measurable standards.
- When evaluating the current APFO police response time standard, it does not seem to meet this measurable standard because the police are not dispatched from a central geographical location, but rather from a mobile unit operating within a large geographical district. This results in providing a variable location for the initiation of service calls.
- The ability to meet a police response time standard in the current APFO is not dependent on available facilities, but instead on the number of officers and vehicles available and where they are deployed.



POLICY ISSUES FOR COUNTY COUNCIL CONSIDERATION

- The County Council decides how the APFO should or could be imposed.
- Currently the existing test does not appear, based upon historical data, to be the most accurate way to measure adequacy.
- If the Council decides to do away with the APF test and its consequences (mitigation or application denial) and only utilize the surcharge, then development may occur at any time or anywhere.
- The Council and the County Executive have the authority at the time of CIP and budget to address inadequacies.



Recommendation

- Staff recommend a study group to examine alternatives for refining the police APFO.



POSSIBLE ALTERNATIVES

If the Council decides to amend the current Police APFO, the Council could consider the following alternatives to address the APFO and how police response times are reviewed:

1*	2	3
AMEND test to be similar to School APF test – Test with no consequences for failure; Amend CR-078-2005 to eliminate the mitigation plan for police; Increase the public safety surcharge outside of TSA1.	AMEND the test so it is similar to the School APF test – Test with no consequences for failure. Amend CR-078-2005 to eliminate the mitigation plan for police.	AMEND the geography tested from Districts (8) to a smaller geography – Beats (70) or subdivision location (i.e., 1 mile radius).



ALTERNATIVE 1



AMEND the test so it is similar to the School APF test – Test with no consequences for failure. Amend CR-078-2005 to eliminate the mitigation plan for police. Also increase the public safety surcharge outside of TSA1.

This change is similar to Alternative 2; however, the Council may want to consider an increase to the public safety surcharge in this area to spread the fiscal impact of the decrease of funds related to the loss of mitigation fees.



ALTERNATIVE 2



AMEND the test so it is similar to the School APF test –
Test with no consequences for failure. Amend CR-078-2005
to eliminate the mitigation plan for police.

- This option would change the current public safety APFO structure to a test that would have no consequence for exceeding the police response time standards. The test would still be performed and reported through the regulatory review process. The Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005) would be amended to remove the mitigation plan. This option would be consistent with the action the Council took with the schools APFO.
- If the Council decides to select this option, the Council might want to consider the same action for fire/EMS since the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure cover both police and fire/EMS.



ALTERNATIVE 3

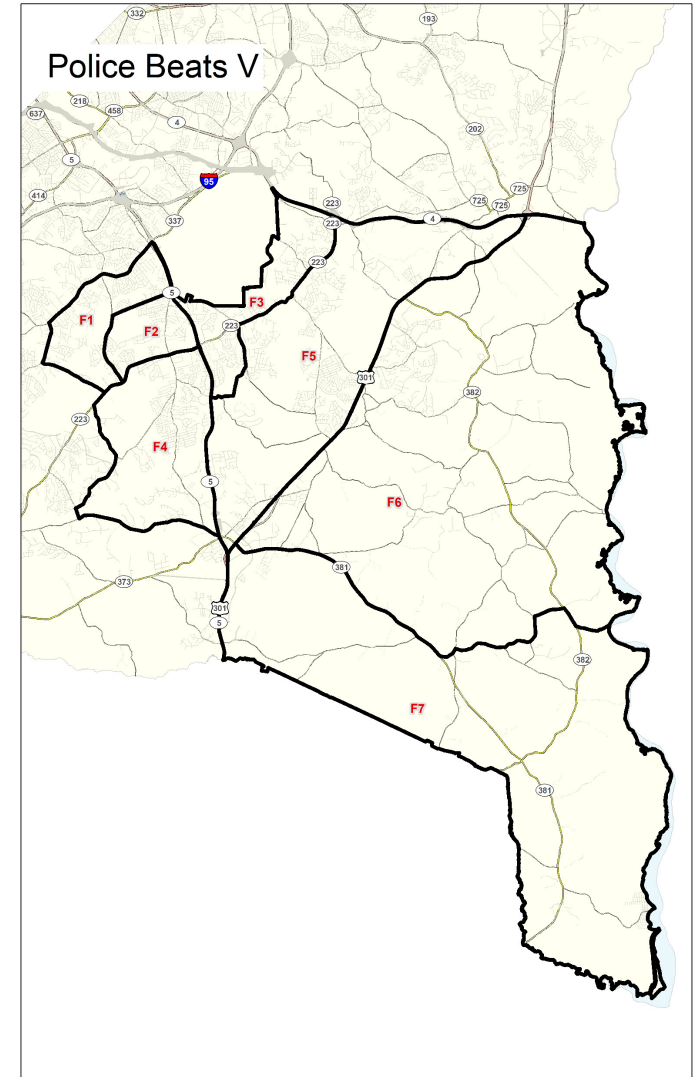


AMEND the geography tested from Districts (8) to a smaller geography – Beats (70) or subdivision location (i.e., 1 mile radius).

This option would maintain the current APFO structure with the exception that the geographic area would be changed from the police district to the beat area which is a smaller reporting geography unit than the District, or within a defined distance of the proposed subdivision.

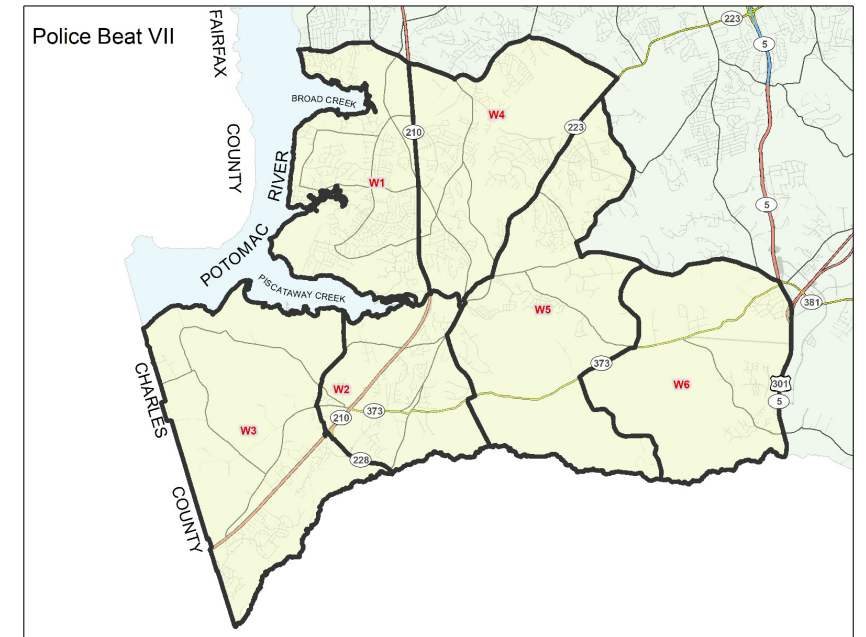
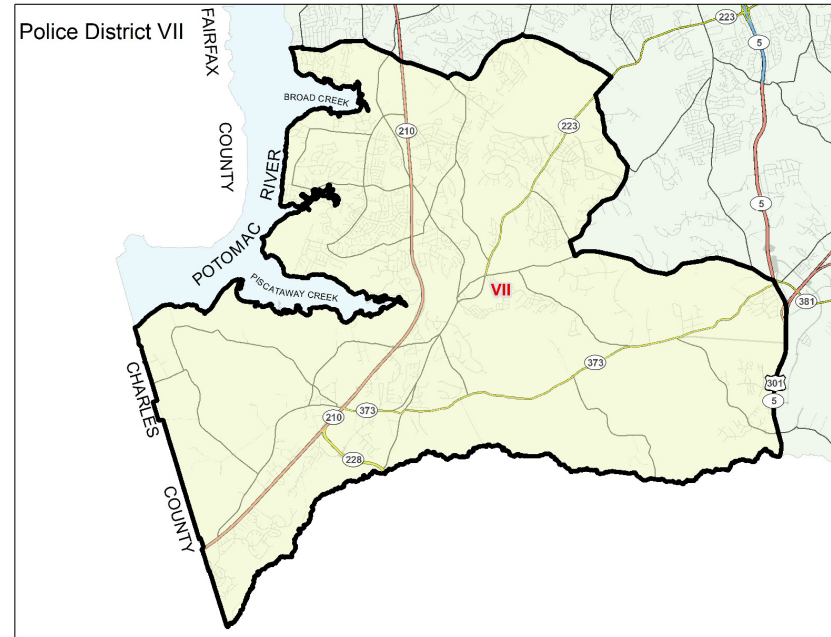


POLICE BEATS DISTRICT V





POLICE BEATS DISTRICT VII





Questions?