



ADEQUATE PUBLIC FACILITIES ORDINANCES (APFO)

Issue: A number of towns and county's in our region are starting to look at APFO's as a means to control growth. Is an Adequate Public Facilities Ordinance (APFO) an effective and fair method to address needs created by growth? APFO's usually assess the availability of public infrastructure such as schools, fire and rescue, law enforcement, transportation, water and sewer, and storm water services.

Background: Growth management programs sometimes link new development and the provision of public facilities in different ways, such as timing, phasing, or quota controls. One approach used by some jurisdictions has been to prohibit new development that is not served by adequate public facilities. For instance, some jurisdictions will approve a new subdivision only if certain facilities, such as roads, schools, sewer and water lines, wastewater treatment plants, or drainage facilities are deemed adequate to serve the needs of the community.

Concurrency is essentially the same as an APFO. Several state and local growth management policies require what are called infrastructure concurrency requirements, which mandate that the infrastructure to support new development be available as needed to meet the demands of growth. While seemingly sound policy, the concurrency requirement has proven unworkable in many localities. Some local governments have been unable to surmount political opposition to the providing of funds for infrastructure investment. Further, not only have several state legislatures and governors failed to raise badly needed revenues for state roads, they have been unwilling to authorize new or extend existing funding sources for local governments.

North Carolina and South Carolina's future growth prospects hinge on government funding of roads and other infrastructure projects. The only alternative is moratorium in areas where the available infrastructure cannot support the demands of additional development

What are the drawbacks with APFO or Concurrency programs? APFOs were designed to help local governments plan for their future needs. The basic problem with APFOs is that these laws have been enacted after infrastructure is already lagging. When an APFO is used after we are behind in our infrastructure needs, instead of a planning tool to plan for future needs, it becomes a growth control issue. Since a number of jurisdictions in our region are behind in school construction, the consequence of this type of ordinance could be more harmful than productive.

The Charlotte region has an aggressive economic development agenda. Does the region want to send a signal to prospective tax-generating businesses that we want their employees to work here but live somewhere else? Many prospects will just look elsewhere. A moratorium will likely have a negative effect on commercial and industrial growth in the region, which is actually the long-term solution to the tax problem. To impose a moratorium is inconsistent with the desire of the region to promote economic growth.

Position: Currently, without an APFO, counties and municipalities can manage growth through other mechanisms such as land use plans and creative zoning techniques such as cluster development. In addition, local governments need to plan and implement responsible capital improvement plans to facilitate and accommodate future growth.

An APFO loses sight of the fact that in North Carolina and South Carolina, infrastructure funding, particularly for schools, has long been considered the responsibility of the local and state governments. An APFO will do nothing to address past infrastructure funding deficits.