



M U D D C O N S U L T I N G L L C

Land Use - Zoning - Planning Entitlements - Project Management

October 20, 2020

Reuben B. Collins, II, Esq. President
Charles County Commissioners
200 Baltimore Street
La Plata, Maryland 20646

Re: Written Testimony for School Policy Legislation Amendment to 297-258 and Amendments to the Adequate Public Facilities Manual

Dear President Collins,

The purpose of this letter is to serve as formal written testimony in direct support of the proposed School Policy Legislation Amendments, set for consideration at the October 20, 2020 County Commissioner Public Hearing.

As a life-long resident of Charles County I have enjoyed a 42-year career as a professional Planner of which 23 years were spent as a Charles County Government Planner. From 2011 through 2018, during my last tenure with Planning and Growth Management, I served as the primary Administrator of the Charles County School Allocation Program. The eight years directly administering the School Allocation Program provides me with unique insight and detailed knowledge regarding the effectiveness of and limitations associated with the current Program and the underlying Adequate Public Facility Policies and Procedures.

Based upon a detailed review of the draft Amendments as well as attendance at the virtual County Commissioner and Planning Commission briefings, Public Hearing and work sessions, I find that the Amendment package provides well designed and thoughtful modifications to the Program that have paid careful attention to the collective direction from the Planning Commission and County Commissioners on the desire to amend the APF School Allocation Policies and Program.

The Amendments, as proposed, represent a very modest to minimal level of change. The Amendments will create the ability to better support the development of affordable housing and mixed-use development projects, primarily intended within the Development District and to provide predictability and a greater level of fairness in the allocation of school seats.

The proposed Amendment to set-aside 800 annual allocations for PFA eligible projects provides the County with the direct ability to allocate, existing, available school allocations to these defined priority projects. The set-aside of the proposed 800 allocations, in my opinion represent a “drop-in-the-bucket” based on total yearly available allocations, as outlined below.

A unique and unwritten policy and practice inherent with the current School Allocation Program is the historical decision to only allow and utilize 20% of the total available allocations per year. During this past 2020 School Allocation Cycle, the official County documents (Attachment B) list the total, available allocations at 24,307. Based on the unwritten policy, only 4,862 allocations (20% of total) are set-aside as potentially available for allocation. That process then leaves a total of 19,445 allocations (80% of total) as not-in-play or eligible for use. It is critical to understand that the total available allocations are not based upon some future consideration, but represent actual open seats today, based upon available capacity.

Of the 4,862 available allocations for 2020, the “Program” determined that only five (5) projects met the stringent eligibility requirements which equated to a total of 117 allocations being formally offered. Of the offered allocations, only 65 allocations were accepted.

Based upon the factual numbers outlined above, it is readily apparent and proven that the County maintains a huge and abundant number of un-used, available allocations on an annual basis. The proposed Amendments with the planned set-aside of 800 allocations as well as the future effect of the sunset provision for Waiting List Projects will represent a continued minimal use of available allocations and will not create a perceptible impact to the school system.

Included with these written comments is a copy of the School Enrollment History Chart (Attachment E), previously prepared by the Board of Education and Planning and Growth Management Staff. This document, along with others was provided to the Planning Commission at a prior work session. This important historical data shows that for the twelve-year period, County Schools have experienced a relatively “flat” level of growth. In fact, for the years 2012 through 2015 show a net decrease in total student population for that four-year period. These yearly totals do not represent uncontrolled growth or a “massive influx of development”. Reliance on factual data and the truth are the key factors when considering important decisions.

Having the opportunity to actively participate during the Planning Commission Public Hearing process it became apparent that the current proposal to allow the PFA provision to be applicable to ALL mapped PFA’s in the County has created a fair degree of concern by the Board of Education. It is recommended that the Amendment be slightly modified to only allow the PFA provision be applicable to the Development District/PFA. The truth and reality are that PFA’s outside of the Development District do not possess the necessary base zoning to allow Mixed-Use Development projects or Multi-Family Workforce/Affordable Housing projects. The application of the Amendments to these outlying PFA’s would serve no purpose.

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I urge the County Commissioners to approve and adopt the proposed Amendment package with the suggested modification indicated above. I appreciate the opportunity to provide my comments on this important issue.

Sincerely,

John F. Mudd

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Enclosure: School Enrollment History Chart, Attachment E