

**MEMORANDUM**

July 21, 2011

TO: Planning, Housing and Economic Development Committee  
Education Committee

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

SUBJECT: Discussion: School Site Selection Process

The following persons are expected to attend the discussion:

**Montgomery County Public Schools (MCPS)**

- President Christopher S. Barclay, Montgomery County Board of Education
- Vice President Shirley Brandman, Montgomery County Board of Education
- James Song, Director, Department of Facilities Management
- Bruce Crispell, Director of Long-Range Planning, Department of Facilities Management
- Janice Turpin, Team Leader, Real Estate Management, Department of Facilities Management

**Maryland-National Capital Park and Planning Commission (M-NCPPC)**

- Francoise Carrier, Chair, Montgomery County Planning Board
- Mary Bradford, Director, Montgomery County Parks
- Mike Riley, Deputy Director, Montgomery County Parks

**Others**

- Craig Brown, Bethesda-Chevy Chase Cluster Co-Coordinator
- Shannon Hamm, Rock Creek Hills Community

**Current Site Selection Process**

Prior to the design and construction of a new school, MCPS engages in a site selection process.<sup>1</sup> As part of this process, MCPS looks at land owned by MCPS (such as closed schools

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<sup>1</sup> The site selection process is set forth in Board of Education Policy FAA-RA "Long-Range Educational Facilities Planning." Please see ©14-16 for the portions of the policy referring to the site selection process. This regulation was last revised on June 8, 2008.

and/or sites previously acquired by MCPS), land owned by other public agencies (such as the Maryland-National Park and Planning Commission), and privately-owned land.

MCPS has prepared a presentation (see ©3-13) which provides some background on the current site selection process. As noted in the presentation, since 2008 three site selection processes have been completed and two other processes are ongoing. During 2011 alone, there have been three site selection processes, including: The Bethesda-Chevy Chase Middle School #2, Northwest Cluster Elementary School (ongoing), and the Upcounty Elementary School Holding Facility (ongoing). **Interestingly, the MCPS presentation notes that MCPS expects to do only one more site selection process (an elementary school in the Clarksburg area) over the next six years (see ©11).**

**It is important to note that the Council does not have a formal role in the school site selection process itself. However, the Council is involved with regard to approving requests from the Board of Education for appropriations for site acquisition subsequent to a site selection. The Council also decides whether to ultimately approve the funding for the resulting capital project.**

**The Council has an interest in the school site selection process in that issues such as potential loss of park space and other potentially conflicting policy goals can be involved.**

In summary, the steps of the school site selection process include:

- The Board of Education authorizes a site-selection process for a new school. A site selection process is initiated when MCPS' projections indicate a new facility is required in the six-year Capital Improvements Program timeframe.
- MCPS forms a site selection advisory committee (SSAC) consisting of MCPS staff, PTA representatives, and municipal and County government agency representatives.
- The SSAC identifies the universe of sites to be considered (which can include both public and privately owned land), considers and compares the attributes of each candidate site, and makes a recommendation for the preferred site (or sites) to the Superintendent.
- The Superintendent transmits a recommendation to the Board of Education.
- The Board of Education considers the recommendation of the Superintendent and the work of the SSAC and approves a site and authorizes the appropriate action needed to move forward with acquisition (if necessary) and/or facility design.

### **The Site Selection Process and Parks**

As the County has become more developed, MCPS' options for locating new schools have become more challenging. At the same time, MCPS has seen major increases in enrollment countywide that have resulted in the need for MCPS to open a number of new schools over the past decade. The recent site selection process for the new Bethesda-Chevy Chase Middle School #2 provides an excellent example of these challenges.

The Bethesda-Chevy Chase Cluster faces substantial utilization issues, especially at the middle school level. In response, the Council this past spring approved a placeholder project in the MCPS CIP to avoid having the cluster go into moratorium. However, the long-term solution will be a second middle school in the cluster.

The Site Selection Advisory Committee (SSAC) for the new middle school identified 10 candidate sites. Six of these sites are local parks. This fact raised concerns with Montgomery County Parks staff and Planning Board staff given the scarcity of park space in the Downcounty (see ©20-23).

The site recommended by the SSAC (Rosemary Hills-Lyttonsville Local Park) was not supported by the Montgomery County Planning Board. The Board of Education ultimately chose the SSAC's second choice site (Rock Creek Hills Local Park), which had also been the location of the former Kensington Junior High School.

As noted in a July 20, 2011 letter (see ©1-2) from the Board of Education President to Council President Ervin, the Board of Education and the Planning Board recently agreed to form a task force to "formulate recommendations regarding site selection processes and to investigate models for joint facility ownership and programming, as well as to discuss other issues of mutual concern."

The Board of Education's decision regarding the Rock Creek Hills park site has elicited a substantial amount of opposition from residents of the Rock Creek Hills community who have criticized both the site selection process itself and the particular site chosen by the Board of Education. A recent letter from the President of the Rock Creek Hills Citizens Association summarizing the community's concerns is attached on ©17-19. A representative of the Rock Creek Hills community has also been invited to discuss site selection issues at this joint committee session.

### **Other Concerns**

Council Staff has included some other questions and comments below that Councilmembers may wish to discuss with the meeting participants.

- 1. Is an SSAC the best way to ensure the most optimal site (or sites) are reviewed, ranked, and recommended to the Superintendent and ultimately to the Board of Education?**

The SSAC provides a means for MCPS to get input from other County departments and agencies on issues such as development and transportation plans for an area, the availability of particular land parcels, site conditions, and other concerns. The SSAC also gives PTA and cluster representatives an opportunity to provide input as well.

- 2. Assuming an SSAC is an appropriate mechanism, who should serve on an SSAC?**

Typically, County Executive Staff (from OMB, DOT, and other offices), Council Staff (both personal staff and Central Staff), and Montgomery Parks staff serve on SSACs. PTA and cluster representatives also serve. MCPS staff from the Department of Facilities Management chair and staff the meetings.

- 3. What role, if any, in the site selection process should representatives from potentially affected neighborhoods have? What weight should community input have in the process?**

The immediate community around a site under consideration is likely to have a major interest in potential impacts (such as traffic, noise, aesthetics, impact on park/open space, etc.) of building a school. However, how and when is this input best collected and utilized? MCPS involves the community in the facility design process once a site is selected. However, what input should a community have in the site selection itself and at what point in the process?

Another complication is that new schools typically draw students from multiple communities. In some cases, schools may not even serve the immediate community. If gauging community support and concerns is important, what is the best way to ensure the community input that is collected is comprehensive?

**4. At what point should the SSAC (and the site selection process in general) be confidential versus open to the public?**

The current process is confidential up until the Superintendent transmits a recommendation to the Board of Education. There are valid reasons for confidentiality. For instance, if private sites are being considered for purchase, public disclosure could complicate future negotiations to purchase a property (the availability and/or purchase price could be affected).

However, if the SSAC reaches a point where all of the remaining sites under consideration are public sites, could the process be opened to the public at an earlier stage than at the point of the Superintendent's recommendation?

**5. How does the SSAC ensure that all possible sites (including private sites) as well as possible joint use opportunities are being considered?**

Information on publicly-owned sites is generally easy to obtain and, because of the ease of acquisition in some cases and the avoidance of a purchase cost, these are the first sites that MCPS staff consider when developing an initial list of sites for review by the SSAC. Developed public sites are also sometimes considered, but in this case, relocating the existing services at that site becomes an issue. It is not clear what the best process is for considering potential joint use opportunities.

Considering privately owned sites is not as straightforward. MCPS typically looks at unimproved parcels above a certain acreage which are within the target area. MCPS may also look at developed parcels where there is redevelopment potential. However, in both cases, acquisition costs are a concern, especially if other County-owned sites are available in the target area. Also, the willingness of a property owner to sell has to be considered, since a condemnation process can add time to the acquisition process.

**6. Are the current criteria (see ©7) the right criteria to consider? Are there other criteria that should be added?**

Council Staff believes the criteria used by MCPS are comprehensive. However, given that MCPS can likely engineer a solution to most site constraints, at what point do site challenges warrant the SSAC dropping a site from consideration? This makes grading a particular site problematic. For instance, BOE policy includes preferred acreages for elementary, middle, and high school sites. However, MCPS has often built schools on smaller sites. Additional building

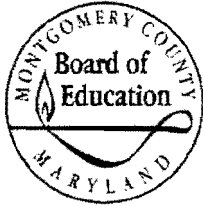
stories, retaining walls, shared ballfield areas, etc., are all ways to accommodate a school on less than desirable acreage.

- 7. Given that one can weigh the relative value of each criterion differently, how does the current process ensure that the specific site review and ranking process is as quantitative as possible?**

Comparing sites can also be a difficult exercise, since properties may have different strengths and weaknesses under the criteria. For instance, how does one rank a property that has an excellent geographic location but some environmental constraints versus a property that scores well in most categories but has a significant acquisition cost?

#### Attachments

KML:f:\levchenko\mcps\miscellaneous\ed phed school site selection discussion.doc



## MONTGOMERY COUNTY BOARD OF EDUCATION

850 Hungerford Drive ♦ Rockville, Maryland 20850

July 20, 2011

The Honorable Valerie Ervin, President  
Montgomery County Council  
Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Ms. Ervin:

I understand that, at your suggestion, a July 25, 2011, joint meeting of the County Council's Planning, Housing, and Economic Development Committee and Education Committee will be devoted to a discussion of the school site selection process. I want to take this opportunity to share with you several key actions that are already under way regarding this issue.

On July 7, 2011, the Board of Education (BOE) held a public work session on its FY 2012 work plan and discussed the need to review, and possibly revise, the current facility site selection process. In particular, there was acknowledgement and reiteration of public statements made by Board members that confidentiality concerns pertinent to the possible acquisition of privately-owned property may not be relevant when the properties under consideration are publicly-owned. Montgomery County Public Schools (MCPS) staff has already begun a review of the site selection process, the results of which will be brought to a fall 2011 meeting of the Board of Education's Policy Committee. Recommended changes will be brought to the full Board of Education for consideration and action as part of the Capital Improvements Program process, which as you know, provides significant opportunities for public comment.

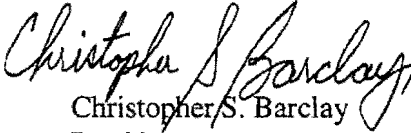
On June 30, 2011, a public joint meeting with the Montgomery County Planning Board was held. Board of Education and Planning Board members engaged in a robust conversation about their shared mission to serve the public and the major challenges associated with increasingly limited open space and site availability. There was agreement on the need for a new paradigm to address these and other areas of mutual concern, including the possibilities associated with jointly-planned and -owned facilities. To that end, the members agreed to convene a joint task force of the Maryland-National Capital Park and Planning Commission and the BOE, to formulate recommendations regarding site selection processes and to investigate models for joint facility ownership and programming, as well as to discuss other issues of mutual concern.

MCPS staff has prepared for you a detailed description of the current site selection process (enclosed). As you know, the BOE is responsible for planning school facilities and fulfills this responsibility through a stringent planning process. We are committed to continuous improvement of this process and have already taken the steps outlined above to address emerging concerns arising from the challenges of our ongoing need for new schools and the increasingly limited public space

remaining in the county. I am confident that the information provided to you will facilitate your understanding of the complex issues and competing demands that the superintendent and Board of Education must balance when making recommendations and decisions regarding the location of school facilities.

I look forward to continued collaboration on issues that will ensure the success of all students.

Sincerely,

  
Christopher S. Barclay  
President

CSB:kmy

Enclosure

Copy to:

Members of the County Council  
Members of the Board of Education  
Dr. Starr  
Mr. Bowers  
Dr. Lacey  
Mr. Ikheloa  
Mr. Edwards

*Joint Meeting of Montgomery County Council  
Planning, Housing and Economic  
Development Committee (PHED)  
and  
Education Committee (ED)*

School Site Selection Process

July 25, 2011

2:00 p.m.



# Initiation of Site Selection Process

- Superintendent recommends and Board of Education authorizes a site selection process when enrollment increases require a new school be opened.
- The recommendation for a site selection process is included in the fall of the year in the CIP. In reviewing and adopting CIP, the BOE authorizes the site selection process to begin.

## Guidance for Site Selection Process

### MCPS Regulation FAA-RA

- The MCPS Regulation, *Long-range Educational Facilities Planning, (FAA-RA)* describes how the site selection process should be carried out (Section VI. B. 1), including the following:

- Formation of the Site Selection Advisory Committee (SSAC):

- MCPS Real Estate Management staff in the Dept. of Facilities Management forms the SSAC through coordination with MCCPTA, appropriate municipal and county government agency officials, and other MCPS staff.

# Guidance for Site Selection Process

MCPS Regulation FAA-RA, Continued

- Preferred school site sizes are:
  - 12 usable acres for elementary schools
  - 20 usable acres for middle schools
  - 30 usable acres for high schools
- Due to land limitations sites selected are frequently smaller than the “preferred” size.
- Candidate sites are identified by MCPS staff at the outset of the process, through analysis of BOE inventory and other properties as necessary.
- SSAC members may request additional sites be considered during deliberations.

# Guidance for Site Selection Process

MCPS Regulation FAA-RA, Continued

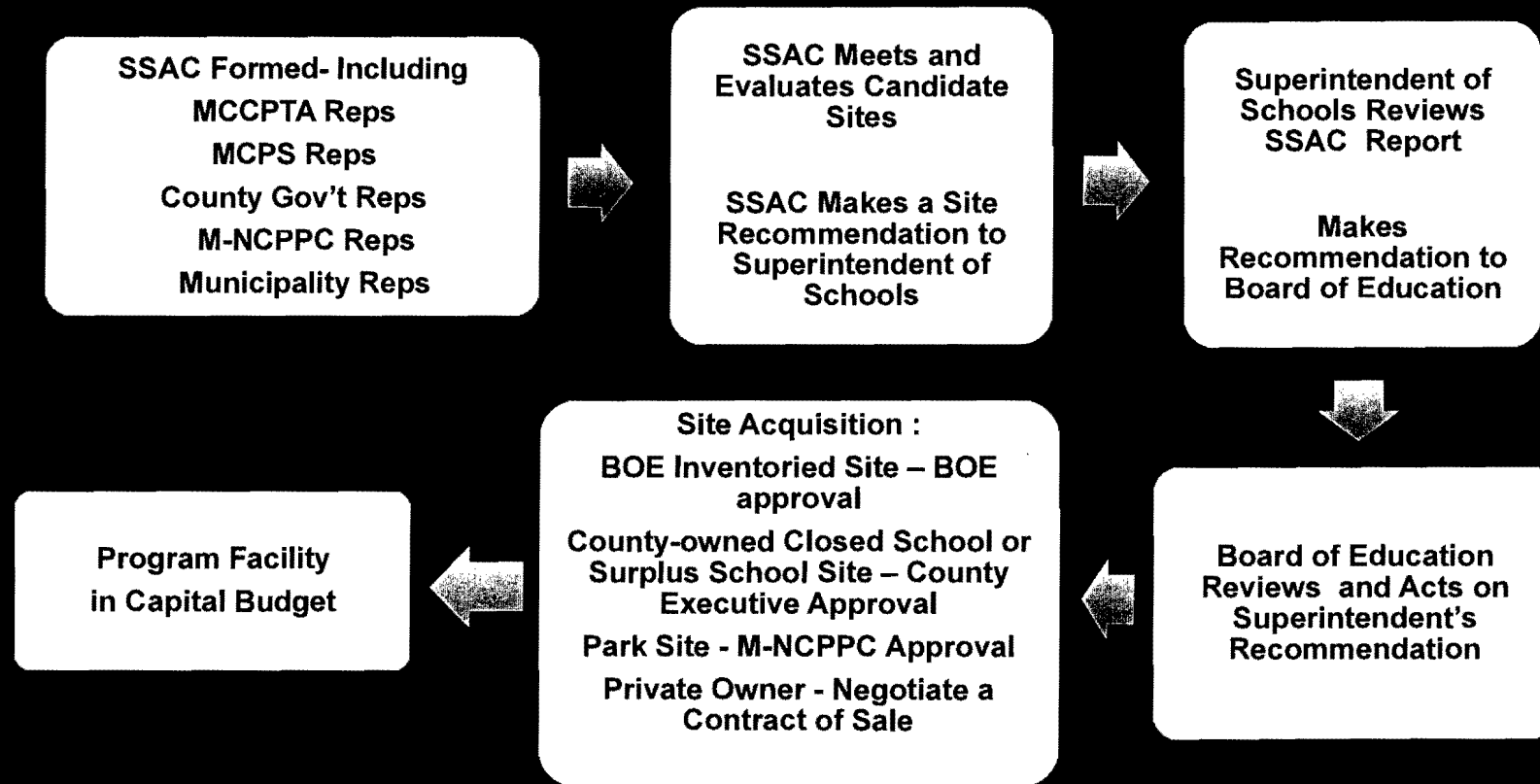
- The SSAC considers and compares the attributes of each candidate site, including but not limited to:
  - The geographic location relative to existing and future student populations.
  - Environmental constraints.
  - Availability of utilities.
  - Vehicular and pedestrian access.
  - Cost of acquire.
  - Cost to develop.
  - Ability to meet educational program requirements.
  - Compatibility with an educational environment.

# Guidance for Site Selection Process

MCPS Regulation FAA-RA, Continued

- The SSAC makes a recommendation to the superintendent on site(s) for consideration.
- The superintendent evaluates the recommendation and then makes a recommendation on site(s) to the BOE
- The BOE considers the SSAC and superintendent's recommendations before formally taking action to select a site.

# Site Selection Process



## Site Selections: Recent Past

- Since 2008, MCPS has completed three site selection processes:
  - Clarksburg Cluster ES 2008
  - Clarksburg/Damascus MS 2008
  - Bethesda-Chevy Chase MS #2 2011

## Site Selections: Future

- Currently, two ongoing
  - Northwest Cluster ES
  - Upcounty ES Holding Facility
- Anticipated number within the next six years:
  - One additional – Clarksburg area elementary



## Review of Site Selection Process

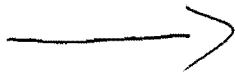
- Joint Board of Education and Montgomery County Planning Board meeting on June 30, 2011
  - Discussed site planning issues
  - Recommended formation of task force to review site planning issues and improve site selection process

# Questions & Answers

superintendent of schools and staff; and/or testimony in written or oral form before the Board of Education.

2. MCCPTA, local PTAs, or other parent or student representatives along with appropriate MCPS staff should be involved in the following planning processes:
    - a) Site selection
    - b) School boundary or geographic student choice assignment plans
    - c) Issue roundtables
    - d) School closings and consolidations
    - e) Facility planning (educational specifications, architect selection, and architectural design) for new schools, additions, and modernizations
  3. Additionally, MCPS employees, municipalities, local government agencies, civic and homeowner associations, and countywide organizations contribute to the planning process. A civic or homeowner association must be registered with the Maryland-National Capital Park and Planning Commission. Countywide organizations are those with members throughout the county.
  4. The Board will conduct public hearings for potentially affected school communities prior to actions affecting attendance and/or choice areas and the closure or consolidation of schools.
    - a) Public hearings will be conducted following publication of the superintendent's recommended Capital Budget and six-year CIP.
    - b) Public hearings also may be held in March for any boundary/choice assignment recommendations deferred in November or in cases where boundary/choice assignment and non-capital decisions must be made in March.
    - c) Written comments from the community will be accepted at any point but, in order to be considered, comments must reach the Board 48 hours before the time scheduled for action by the Board.
- B. The following sections describe the community involvement process in site selection, facility design, boundary changes, geographic student choice assignment plans, and

school closures and consolidations. These sections refer to the formation and operation of advisory groups. In addition to these activities, all community members have opportunities to advise the superintendent of schools and Board annually through cluster comments, written correspondence, and public testimony.



1. Site Selection

- a) MCPS staff will work with the Montgomery County Planning Board during the development of county land use master plans to identify future school site requirements based on existing and proposed residential development. General locations of sites are identified on master plan maps. As subdivision occurs, site dedications may be requested. If not identified for a specific school construction project, sites acquired through dedication or purchase are placed in the Board's sites inventory for future selection.
- b) Site selection for a specific school construction project begins when MCPS projections indicate a new facility is required in the six year CIP.
- c) MCPS staff works with MCCPTA area vice presidents, cluster coordinators, or PTA presidents to form a Site Selection Advisory Committee (SSAC) composed of MCPS staff; PTA representatives; appropriate municipal and county government agency officials. For a secondary school site, representatives of more than one cluster may be involved in the committee.
  - (1) MCPS staff work with the SSAC identifying and reviewing alternative site candidates from the Board's sites inventory and, in some cases, from private ownership for potential site purchase.
  - (2) The SSAC considers and compares the attributes of each candidate site, including but not limited to:
    - (a) The geographic location relative to existing and future student populations
    - (b) Environmental constraints
    - (c) Availability of utilities
    - (d) Vehicular and pedestrian access

- (e) Cost to acquire
  - (f) Cost to develop
  - (g) Ability to meet educational program requirements
  - (h) Compatibility with an educational environment
- (3) The SSAC reaches consensus and makes a recommendation to the superintendent of schools.
- (a) The superintendent of schools evaluates the recommendation and then makes his/her recommendation to the Board.
  - (b) The Board considers the committee and superintendent's recommendations before formally taking action to select a site for the specified school construction project.

2. Facility Design

- a) Parent representatives will serve with MCPS staff on facility advisory committees to modify, modernize/replace, or construct new facilities.
  - (1) Parent representatives will be identified by MCCPTA area vice presidents, cluster coordinators, or PTA presidents in collaboration with school principals.
  - (2) Student representatives at the high school level will be identified by the principal or chair of the committee to serve on the committee.
  - (3) Adjacent property owners are invited to serve on the advisory committee. Representatives of the neighborhood homeowner and/or civic association registered with the Maryland-National Capital Park and Planning Commission also may be invited to serve on the advisory committee.
- b) Educational specifications developed by MCPS staff will be reviewed in consultation with school-based administrators, staff, and PTA representatives, as needed.

Rock Creek Hills Citizens Association  
9616 Old Spring Road  
Kensington, MD 20895  
Local - 301-949-5452  
Office - 202-502-6808  
Cell - 240-997-4447

[jmarkrobinson@verizon.net](mailto:jmarkrobinson@verizon.net)

July 18, 2011

The Honorable Valerie Ervin, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Ms. Ervin:

Your staff has requested a summary of the major points contained in the appeal by the Rock Creek Hills Citizens Association (RCHCA) of the Montgomery County Board of Education's (School Board) decision to select the Rock Creek Hills Local Park as the site of a new middle school for the BCC Cluster. These are grouped around three topics.

1. The Site Selection Process Was Inadequate and Arbitrary.

The School Board did not include any community representatives from the upper part of the BCC cluster on the Site Selection Advisory Committee (SSAC). When it became clear that the only sites that would be recommended were in the upper portions of the cluster, Rock Creek Hills and Rosemary Hills were not afforded an opportunity to participate in the site selection process. Moreover, the School Board staff prepared a Site Selection Report dated March 8, 2011 (the Site Selection Advisory Committee Recommendation for Bethesda-Chevy Chase Middle School #2), which contained a review of the environmental, transportation, and educational merits of the various sites, was superficial. Ms. Carrier, Montgomery County Planning Board Chair, made clear in her April 27, 2011 letter to School Board President Barclay that the School Board had overlooked the recreational and important social imperatives regarding both parks, and the Rosemary Hills-Lyttonsville Local Park in particular. Chair Carrier also stated that in the site selection process her staff "did not have an opportunity to present cost and other data that would have made for a fairer comparison among all the sites under consideration. . . ." (April 27, 2011 Letter at 2). This observation is consistent with our view that the School Board's analysis was cursory despite the fact that the decision would necessarily involve a new school site in an existing community, and therefore had the

potential for conflicts within and among communities, and with the Planning Board.

Our May 26, 2011 complaint also argues that the School Board's lack of analysis was imprudent given: (1) the social needs involved in site selection among the different local parks involved, particularly Rosemary Hills-Lyttonsville Local Park; (2) the School Board's lack of concern of whether the Planning Board would actually make the Rosemary Hills-Lyttonsville Local Park available; (3) the failure to even discuss pedestrian and vehicular safety issues related to the Rock Creek Hills Local Park site; (4) the lack of any consultation with the Kensington Park Retirement Community about possible impact on its elderly residents; and, (5) the School Board's ignorance of possible legal restrictions on the ability to transfer the Rock Creek Hills Local Park. The latter including the possible requirement to repay legacy open space funds used to develop the Rock Creek Hills Local Park. The failure to adequately address these issues arose in no small part because the School Board focused on the Rosemary Hills-Lyttonsville Local Park without any preliminary evaluation of whether it could obtain that site.

## 2. The School Board Failed to Consult with the Planning Board As Required by Law

RCHCA amended its May 26, 2011 complaint on June 20, 2011 to assert that the School Board failed to consult with the Planning Board as required by law. In summary, §4-116(a) of the State Education Article provides:

(1) If there is a commission or agency with legal responsibility for county planning for land use, the county board shall: (i) Consult with the commission or agency; and (ii) Ask its advice in choosing land for a school site.

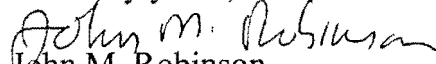
The Maryland attorney general has made clear that the mandatory review provisions of the Local District Act are applicable to this consultation. (84 Opinions Attorney General 85). It is our opinion that this consultation must take place before the site selection is made and is in addition to the mandatory referral to the Planning Board of a specific site plan once it is developed. Despite the fact that nine of the ten possible sites involved park land, the School Board did not advise the Planning Board of its decision to select the Rosemary Hills-Lyttonsville Local Park as the first option, or the Rock Creek Hills Local Park as its second option, until one week before the School Board meeting on April 28, 2011. Clearly, the School Board did not comply with §4-116(a) of the State Education Article nor, in our view, has it done so to date. This lack of consultation with the Planning Board before making a School Board staff site recommendation caused the administrative confusion on April 28, 2011 as the Rosemary Hills-Lyttonsville Local Park remained the sole option on the April 28 agenda until the early afternoon. Many of the current conflicts might have been avoided if the School Board had complied with the statute and had consulted the Planning Board before making a site selection.

### 3. The School Board Failed to Provide an Adequate Opportunity for Comment

The RCHCA complaint asserts that the School Board failed to provide an adequate opportunity to comment. When the School Board posted its April 28th agenda, the draft resolution only mentioned the Rosemary Hills-Lyttonsville Local Park as the site for the new middle school. It was only at about 2:00 p.m. on April 28, 2011 that the Superintendent's recommendation changed to include the Rock Creek Hills Local Park as an alternative if the Rosemary Hills-Lyttonsville Local Park was unavailable. Given the lack of any notice of this possible change in plans, the County Executive wisely urged in his April 28, 2011 letter to School Board President Barclay that a decision be delayed until Rock Creek Hills had a chance to present its views. However the School Board chose to proceed with the decision to select the Rock Creek Hills Local Park, even though there was more than passing recognition by several of its members that notice had been at least practically, if not legally, inadequate. Both points are matters that RCHCA is pursuing in its appeal. It is also worth repeating the Rock Creek Hills community did not know of or attend the meeting with the School Board staff in April 21, 2011 with residents of the Rosemary Hills/ Lyttonsville Local Park given that the Rosemary Hills/ Lyttonsville Local Park is not part of our community and is geographically quite removed from ours. Any representations to the contrary by the School Board are incorrect.

RCHCA appreciates Council's willingness to consider these types of issues at the July 25, 2011 joint meeting of the Education Committee and Planning Housing and Economic Development Committee. I am submitting in this e-mail electronic copies of the text of the May 26, 2011 complaint and June 20, 2011 amendment. The exhibits to the May 26, 2011 complaint are already in your files and are extensive. However I will submit an additional full copy of the RCHCA's complaint and the amendment thereto under separate cover to your staff today by priority mail. As the full June 20, 2011 amendment was not previously submitted to the Council in hard copy, I am also submitting a hard copy of this letter with a full copy of the June 20, 2011 amendment and its exhibits attached hereto to the Council President.

Sincerely yours,

  
John M. Robinson

President, Rock Creek  
Hills Citizens Association

Attachment: June 20, 2011 Amendment of RCHCA Complaint





**MONTGOMERY COUNTY DEPARTMENT OF PARKS**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 27, 2011

Mr. Christopher S. Barclay  
President, Board of Education  
Montgomery County Public Schools  
Carver Educational Services Center  
850 Hungerford Drive, Room 123  
Rockville, Maryland 20850

REF: BCC Middle School Number 2 Site Selection

Dear Mr. Barclay:

It has come to our attention that on April 28, the Board of Education will be considering the selection of a site for development of a new middle school to serve the Bethesda-Chevy Chase area, and that Rosemary Hills-Lyttonsville Local Park and Rock Creek Hills Local Park are the first and second choices identified by the site selection committee. We are also aware that other parks within The Maryland-National Capital Park and Planning Commission (M-NCPPC) Montgomery County park system are being considered as locations for other schools, including a new elementary school site in Germantown that could affect South Germantown Recreational Park.

The Montgomery County Planning Board has unanimously agreed that these are not suitable uses of existing parkland, and recently voted specifically to object to the selection of Rosemary Hills-Lyttonsville Local Park for conversion to a school site. We also have serious concerns about the overall MCPS site selection process as it relates to identifying parkland for school sites.

Background

The "Policy for Parks," as adopted in 1988 by The Maryland-National Capital Park and Planning Commission, states: *"Lands and facilities under the control of The Maryland-National Capital Park and Planning Commission are held as a public trust for the enjoyment and education of present and future generations. The Commission is pledged to protect these holdings from encroachment that would threaten their use as parkland. The Commission recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest."*

M-NCPPC has a fiduciary duty to the public to protect and preserve parkland. We recognize there may be, on rare occasions, a higher public interest to which we must defer. However, we are not inclined to accept a routine school site location as such an exception. Moreover, even in the rare instance where a higher public interest justifies converting parkland to a non-park use, there is an expectation that equivalent land will be provided for park use in exchange, along with funds to recreate amenities that are lost with the loss of parkland.

### Site Selection Process

It appears that park sites are being considered as possible candidate sites by the MCPS site selection committees as if they are vacant spaces. In fact, the very opposite is true – most have highly popular public amenities built upon them and serve as community gathering places, valuable open spaces, or carbon-offsetting open fields and wooded areas. There seems to be some misunderstanding by MCPS staff of what a “developed” area is – in our terminology, that does not mean land must have a building constructed upon it to be considered “developed.” Ballfields, pathways, parking areas, community use structures, and other amenities are all designed, developed, and built with an expenditure of tax dollars, investments that would be lost if those amenities are removed and replaced. Moreover, these are popular places with heavy use that serve all our residents, including families and youth, and provide healthy places for out-of-school activities, an important public goal.

In some cases (as with both the first and second choices for the new BCC school), State or Federal money was used to purchase all or some of the property or to make the park improvements, and that money has use restrictions associated with it. This often amounts to hundreds of thousands of dollars, as in this instance.

There are some exceptions to the rule of no conversion of parks-- although much of our County's parkland is not available for non-park use, there are some parks currently in our system that can be recalled by the Board of Education for the development of new schools, identified by a “recall right” included in the deed for these properties. Even with a recall right provision, however, there are still legal and financial considerations that must be addressed before any transfer could take place. The assumption that these are “free” lands that were transferred to us without cost is mistaken.

It is my understanding that the staff representative from M-NCPPC Montgomery Parks, on a rather large site selection committee regarding the BCC sites, received only one vote, even when the locations being discussed were park sites without recall rights. Six out of the ten sites under consideration, in fact, were public parks. Our representative has stated that he did not have the opportunity to present the cost and other data that would have made for a fairer comparison among all the sites under consideration, and that his objections to conversion of parkland were ignored. This does not seem appropriate. It is also likely to lengthen or confuse your process, because absent a very unusual public need, we do not consider the use of unencumbered park sites for anything other than park purposes to be consistent with the public interest, or with our responsibilities as stewards of Montgomery County's public parkland.

As the public property owner of sites being considered for a school, our representative should be given the opportunity to note what park properties are available with recall rights, and have the ability to take others off the table if they are not suitable for the several reasons noted above. This is a different challenge from the one used for property in private ownership. When dealing with public property, we suggest more transparency is required than when dealing with private landowners, where open deliberation might influence the price. Where public property is at issue, secrecy does not serve the community well. Finally, we believe there should be more “due

diligence" in researching the real costs of all sites before a site selection committee takes a vote, and before MCPS undertakes an expensive feasibility study.

Such changes could save the BOE, MCPS, and the site selection committee from potential disappointment and wasted energy.

#### Rosemary Hills-Lyttonsville Local Park

Rosemary Hills-Lyttonsville Local Park is an exceedingly popular community open space, and is well-located to serve local families and other park users. Last week, the Montgomery County Planning Board voted to object to its selection for a school. It is a fully developed park, serving this close-in neighborhood with ballfields, basketball courts, a community center managed by the Department of Recreation, and associated parking and support facilities.

At the recent public "town hall" meeting, the community clearly demonstrated its commitment to preserving its neighborhood park, even those who supported a new middle school for the area. There is also a recognized shortage of rectangular athletic fields, particularly in this part of the County; the loss of those located in Rosemary Hills-Lyttonsville Local Park would place additional stress on the remaining overused fields in this County and further complicate the already difficult process of allocating field use among the various County leagues and teams. In addition, portions of the Rosemary Hills-Lyttonsville Local Park were purchased with restricted funds, such as Program Open Space, which limits the conversion of use from parkland. To include this park as a strong candidate for a school -- let alone as the number one choice -- when there is little likelihood of acquiring it seems at best unproductive, and at worst unfair or misleading to the members of the site selection committee.

#### Rock Creek Hills Local Park

This site was the former Kensington Junior High School site. It is also a highly popular and well-used community park, and will no doubt experience a similar public reaction if taken back for a school. Nonetheless, it was surplus to Montgomery County by the Board of Education in 1988 and subsequently transferred to M-NCPPC in 1990 with a reservation of the County's right to recall the property if needed for school purposes. Federal Land and Water Conservation Fund (LWCF) money appears to have been used for this park, and we are researching any limitations associated with those funds. The associated transfer costs, plus financial reimbursement for additional park development costs, would be indicated under the current deed before any recall could take place. There may also be additional legal considerations to be addressed which are, at this time, unknown.

#### In Conclusion

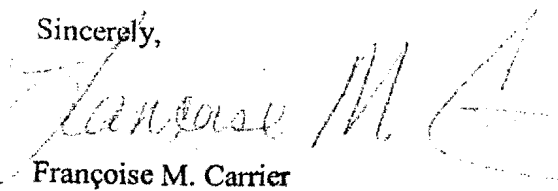
As Montgomery County becomes more urbanized and residents' backyards shrink or disappear, our parks are becoming more important to residents. More than 91% of county residents visit our parks each year, and our satisfaction ratings are consistently high. While we are cognizant of the need for additional school sites to serve the public, our mission is to protect and preserve this county's award-winning park system (which also serves the public). It is extremely troubling to see multiple recommendations recently made for the use of parkland as school sites. As our policy clearly states, we "...are pledged to protect these holdings..." and parks should not be available at all for non-park purposes except in the most extraordinary circumstances.

Mr. Christopher S. Barclay  
April 27, 2011  
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The public park system and the public school system are two of the primary reasons residents and businesses choose Montgomery County, and both are highly valued by our residents. You and your colleagues are to be commended on the amazing work you do, and we recognize the importance of your services to the residents of this county. We have worked cooperatively with you in the past on the installation of geothermal wells and playgrounds and real estate exchanges to better align demands for services. However, we cannot sanction the conversion of parkland we are pledged to protect and preserve. There are certainly other candidate sites the Board of Education could consider that do not place the County's valued park system at risk.

At your convenience, I look forward to meeting with you to discuss how the site selection process works, where there may exist opportunity for cooperation on parks with recall rights, and how best to address alternatives to the possible selection of parkland for school sites.

Sincerely,



Françoise M. Carrier  
Chair, Montgomery County Planning Board  
Vice Chair, Maryland-National Park and Planning Commission

cc: Valerie Ervin  
Mary Bradford  
Board of Education members