



Last updated: Mar 11, 2019

# Open Space Waiver Fee Accountability in Baltimore County: A History

## Open Space Waiver Fee Accountability in Baltimore County: A History

### May 23, 2013

- [Resolution 43-13](#): Council drastically reduces the fees, noting that the 2006 fees represented inflated real estate values in the height of a recession. NeighborSpace analyzed the results in [this memo](#). The bone thrown to NeighborSpace is that the Council simultaneously removed the County's discretion to give us up to 10% of the fees collected and, instead, mandated that we get 20%.
- [Resolution 44-13](#): The Council requires the Planning Board to review open space needs, fee policies and fees, asking the board "to recommend to the County Council a comprehensive, transparent formula for the manner of establishing Local Open Space waiver fees."

### April 27, 2015

- The Planning Board issues its report to the Council Resolution 44-13, accepting a [staff recommendation](#) to retain the existing fee structure and exemptions.

### October 2015

- [Resolution 89-15](#): The Council asks the Planning Board to review open space needs and to recommend to the County Council the manner in which open space waiver fees, or fees in lieu, may be utilized to meet the County's local open space needs as those needs are identified in Master Plan 2020 and the County's Land Preservation, Parks and Recreation Plan. The board was also asked to set up an advisory committee comprised of reps from NeighborSpace, inter alia, to assist with the review and to complete it by April 30, 2016.

### February 4, 2016

- The planning board punts on Resolution 89-15 request, sending the Council's request to the County Administrator for resolution. Of course, that is where it died.

### November 2016

- [Bill 73-16](#) passes. Complete overhaul of section 32-6-108 of the County Code, much of it based on legislation drafted by NeighborSpace in the summer of 2015.
  - Unfortunately, it reduces the fee by 100% for the cost of public amenities provided on site or off site and it allows for a reduction of the fee for 60% of the verified costs of



all private amenities provided on site and off site - this in a code provision designed to create more public open space. See [NeighborSpace testimony](#). There were 3 instances in [the County's 2018 report filed on fees assessed](#) where this exception kicked in. There is no good reason to give developers a break on amenities that will be more than paid for by market rents.

- It does away with the a zoning-based fee structure and introduces a new tiered fee structure, based on the need for open space and the cost of providing it. The County Administrative Officer is required to submit a new fee schedule in line with the structure. (See Section 32-6-108(i). **That has not happened.**

#### **January 2018**

- NeighborSpace receives a check from the county for \$189,000 for fees owed but not paid since the law changed in 2013 (effective in 2014). When asked how the fees were calculated, the county responds that it "interpolated based on the old structure."

#### **July 2018**

- The County submits its [first accounting](#) of fees assessed, collected and spent, reporting that it collected \$578,637 in fees in FY 2018 and that it owed NeighborSpace \$66,225.

#### **Nov 2018**

- In response to [a request from NeighborSpace](#), the Council removed the 30% cap on what percentage of the fees allocated to it can be spent on operating expenditures.