

Draft Suggested Principles and Recommendations Related to Revision of the Open Waiver Fee System

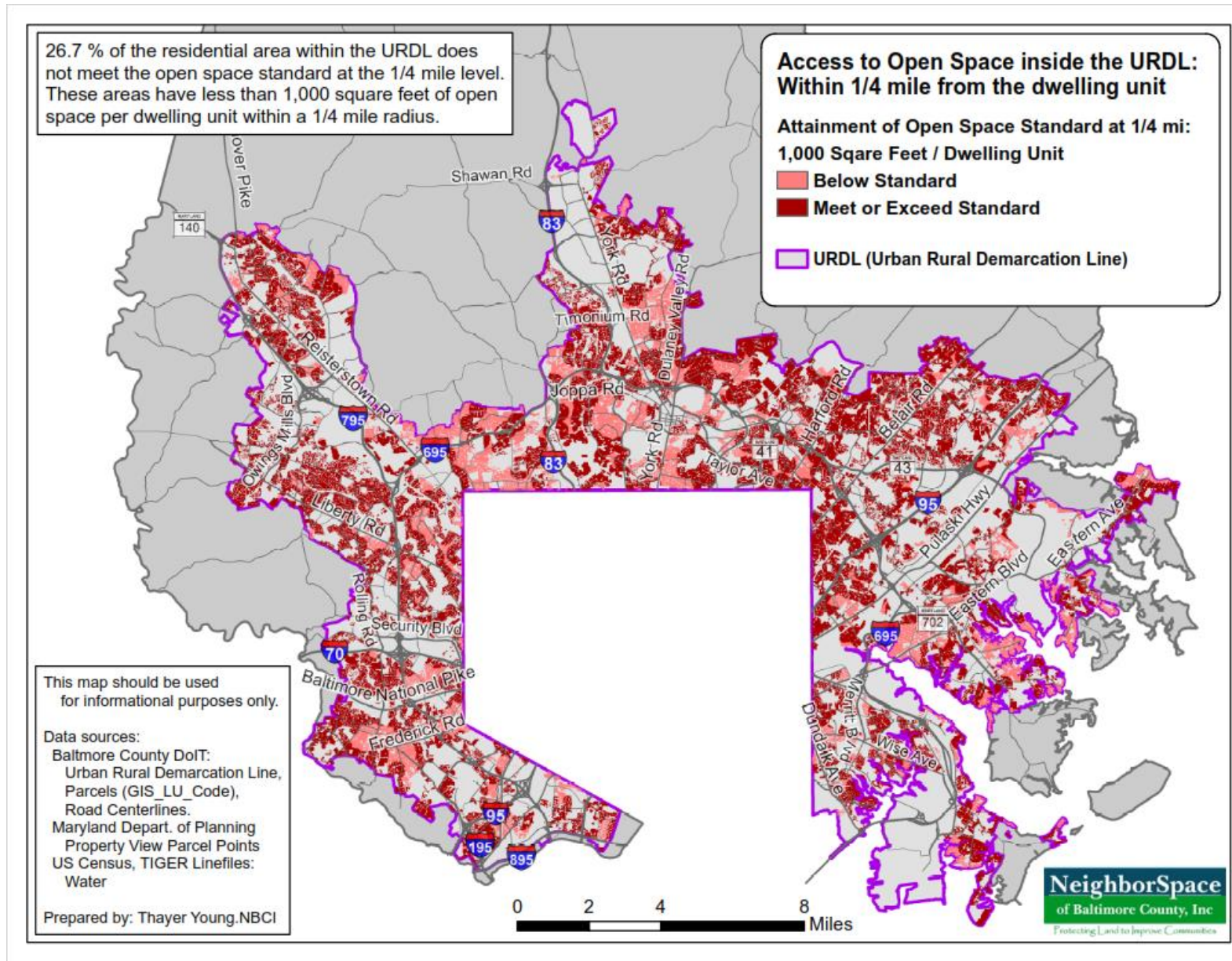
1. **OVERVIEW:** In the course of lowering the waiver fees in 2013, the County Council passed a resolution asking the Planning Board “to study the current open space waiver fee system, including relevant provisions of the Open Space Manual and to recommend of the County Council a comprehensive, transparent formula for the manner of establishing local Open Space waiver fees.” The County Planning Department issued a report in March 2015 that we feel was unresponsive to the Council’s request. In April, the Planning Board forwarded the report to the County Council without adopting it. Our own conservative estimate about open space deficiencies inside the URDL shows that 27% of households have no open space within a 5-minute walk. (See figure 1). We, therefore, are seeking to:
 - A. Replace an overly complex, zoning-based fee schedule with a simpler schedule related to the relative need for open space and the cost of providing it;
 - B. Ensure that all types of residential development projects bear a responsibility for providing open space or paying a fee in lieu thereof;
 - C. Establish a process for assessing, collecting and expending open space waiver fees that is transparent and predictable;
 - D. Incentivize the payment of waiver fees over providing open space on site so as to encourage a network of open spaces with public benefits versus isolated and fragmented private green spaces; and
 - E. Ensure a complete overhaul of the Local Open Space Manual to meet contemporary needs for open space in diverse, but increasingly dense, neighborhoods.

2. **RECOMMENDED CHANGES TO SECTION 32-6-108 "RECREATIONAL OPEN SPACE," COUNTY CODE, ADEQUATE PUBLIC FACILITIES CHAPTER, INCLUDE:**
 - Removing the distinction between active and passive open space;
 - Maintaining the requirement of 1,000 square feet per dwelling unit provided the space has an average grade of at least 15 percent and including, if they are useable and part of an overall open space design, environmentally constrained areas, forest conservation areas improved by trails or other amenities, residential transition areas, and non-fenced environmental site design devices, water, sewer, and storm drain utility easements at the discretion of the County.
 - Giving the Board of Directors of NeighborSpace of Baltimore County discretion to spend waiver fee proceeds it currently receives pursuant to Section 32-6-108 as it sees fit and requiring it to account publicly on an annual basis for the expenditure of same.
 - Changing the bases for establishing the fees from the County's cost to acquire recreational land to (1) the need for open space, (2) the cost of creating open space, and (3) the impact caused by development.
 - Creating a fee structure with 4 tiers that align with the aforementioned bases for establishing the fees:
 - Tier 1: Projects outside the URDL
 - Tier 2: Single family / townhouse projects inside the URDL
 - Tier 3: Commercial, Town center Core (CT) projects, residential, apartment, elevator (RAE) projects, and transit-oriented development (TOD) projects inside the URDL
 - Tier 4: Multi-family projects inside the URDL
 - Providing that a fee shall be assessed against a planned unit development based on the tier into which its residential component falls.
 - Providing that student dormitories and affordable housing pay a fee that is 1/2 of the amount established for multi-family projects inside the URDL.
 - Changing when fees are payable from recordation of the record plat to issuance of a building permit.

- Giving the County Council the authority to set the fees and requiring that all types of residential development are subject to the requirements of the open space ordinance.
- Requiring the County Administrator to provide a full public accounting annually of open space provided, fees assessed and/or collected, and projects funded with fee revenues.
- Crediting as meeting the open space requirement land protected and improved within 1 mile of the development site.
- Requiring the Planning Board to conduct a comprehensive review of the LOS Manual and to make revisions by June 30, 2016 that will ensure its continued relevance as a tool for guiding the creation and management of local open space in the County, including open space design standards for urban spaces in CT areas. Requesting that in so doing, the Planning Board consult with experts and involve key stakeholders, including representatives from community associations, the building industry, nonprofit organizations, and others that stand to be impacted by any proposed revisions.

For additional information, please contact Barbara Hopkins, JD, ASLA, Executive Director, at 443-377-3760 or at barbara@neighborspacebaltimorecounty.org.

Figure 1. Access to Open Space within a ¼ Mile (a 5 minute walk) from Home¹



¹This is a conservative estimate given that the GIS land use code for open space includes cemeteries, private golf courses and private unimproved lands.