



Fiscal Year 2022 Local Open Space and Fee-in-Lieu Report

**Prepared by the Baltimore County Department of Recreation
and Parks, the Department of Permits, Approvals and
Inspections, and the Office of Budget and Finance**

INTRODUCTION

The “Fiscal Year 2022 Local Open Space and Fee-in-Lieu Report” has been prepared in accordance with Baltimore County Bill 73-16, which requires that an annual report be provided to the Baltimore County Council, to include:

- Open space provided;
- Fees in lieu of open space, either assessed or collected; and
- Projects funded with fees-in-lieu

Baltimore County development regulation, which incorporate the mandates of the Baltimore County Code (BCC), Baltimore County Zoning Regulations (BCZR), and the Baltimore County Local Open Space Manual (LOS Manual), require that open space be provided within most forms of residential development taking place within the County.

The terms “local open space” and “open space” are used interchangeably within this report, as is the case with the previously referenced guiding documents and regulations. Those terms are intended to reference lands that are required to be dedicated for general open space purposes, via the County’s development process, rather than general open/green space (a term often used to describe any lands that serve as open/green space, whether acquired through the development process, purchase, or other means). For the sake of simplicity, the acronym “LOS” shall be used within the body of this report from this point forward.

The regulations associated with LOS are extensive and complex. Regulations allow for payment of a “fee-in-lieu” of providing LOS (also known as a “LOS waiver fee”) in some circumstances, or for all or part of a LOS obligation to be fulfilled through the provision of certain amenities such as playgrounds, dog parks, community gardens, and various recreational facilities. Fees-in-lieu of open space are allocated to the County’s Parks, Preservation and Greenways capital budget, and are utilized by the Baltimore County Department of Recreation and Parks for park acquisition, development and enhancements. Additionally, NeighborSpace of Baltimore County (a nonprofit that preserves and improves land within the “urban” portion of the County’s Urban Rural Demarcation Line) receives 20% of open space fees in lieu collected.

LOCAL OPEN SPACE PROVIDED AND LOS FEES-IN-LIEU

CONVEYANCES: There was just one open space/greenway conveyance to Baltimore County in Fiscal Year 2022, consisting of 5.69 acres of greenway.

Development/Project	Location	Council District	Units Proposed	Residential Unit Type(s)	Open Space Acres Provided	Date of Conveyance	Comments
Maple Woods	Rear of Lucky Leaf Circle and Maple Forest Road, 21228	1	81	Multi-family Attached	5.69	11/30/2021	Recreational greenway reservation, situated within the Red Run Greenway and Trail. Old non-residential development, with greenway dedication having been long delayed.
Total Open Space and Greenway acres deeded to Baltimore County in FY'22:					5.69		

LOS WAIVER FEES-IN-LIEU: In certain circumstances, a LOS waiver fee-in-lieu may be assessed if all or part of a local open space obligation is not being fulfilled through the dedication of LOS and/or suitable amenities within a residential development project. The developer's representatives may request permission to pay-a-fee in lieu by petitioning the Department of Recreation and Parks through their assigned representative at the Department of Permits, Approvals and Inspections. The fee that is assessed is based upon the location and zoning of the land being developed, the number and type of residential units proposed, and a fee structure approved by the Baltimore County Council. Fees-in-lieu are commonly modified within Planned Unit Development (PUD) agreements, in which many aspects of development plan approval are more flexible and negotiable. The table on the following pages provide information on fees-in-lieu that were approved in FY'22.

LOCAL OPEN SPACE FEES-IN-LIEU APPROVED IN FY'22: A total of five fees-in-lieu (a.k.a. LOS waivers), amounting to \$252,593.70, were approved in FY'22. It is important to note that the LOS fees-in-lieu, though approved, may or may not ever be paid. In some circumstances proposed developments are abandoned. Less frequently, a development proposal may be changed, with any residential component removed (thereby negating the need for a fee in lieu of open space). Additionally, some waiver requests may be denied if it is deemed that the proposed waiver does not comply with local open space regulations. Such fees must, however, be approved prior to the development of any lot/unit associated with the fee.

LOCAL OPEN SPACE FEES-IN-LIEU APPROVED IN FY'22

Development/Project	Location	Council District	Units Proposed	Residential Unit Type(s)	LOS Waiver Approval Date	LOS Waiver Fee-in-Lieu Amount	Neighbor Space % Based on Date Approved	Amount Dedicated to Neighbor Space by Law (once paid)	Comments
Shelter Harbor II	8100 Stansbury Road, Dundalk 21222	7	89	Single Family Attached	8/18/2021	\$83,306.34	20%	\$16,661.27	
Eichberg Property	503 Middle River Road, Middle River 21220	6	10	Single Family Semi-Detached	10/19/2021	\$35,100.00	20%	\$7,020.00	
Preserve at Perry Hall	4410 Forge Road, Perry Hall 21128	5	46	Single Family Detached	1/20/2022	\$74,187.36	20%	\$14,837.47	*Refer to Hearing Officers Order dated 2/8/22 Case # 11-1182 for details/direction on allocation of Perry Hall Monument Park funding.
Merritt Station II	1440 Merritt Boulevard, Dundalk 21222	7	84	Housing for the Elderly	3/23/2022	\$20,000.00	20%	\$4,000.00	
Ellicott Mills	27 Frederick Road, Oella 21043	1	190	Apartments	5/16/2022	\$40,000.00	20%	\$8,000.00	
TOTAL:						\$252,593.70	Total:	\$50,518.74	

LOCAL OPEN SPACE FEES-IN-LIEU PAID IN FY'22: The \$809,689 in LOS waiver fees-in-lieu collected in FY'22 (see table on following page) continued a recent upwards trend in amounts collected, and was the largest amount collected since FY'16. The following table displays the LOS fees-in-lieu collected by fiscal year.

Fiscal Year	Fees-In-Lieu Collected (rounded to nearest dollar)
2016	\$1,197,770
2017	\$232,468
2018	\$578,637
2019	\$405,643
2020	\$93,876
2021	\$342,025
2022	\$809,689
Total:	\$3,660,108
7-year average:	\$522,873

The table on the following page displays details on fees-in-lieu collected in FY'22. Of the fees paid in FY'22, a total of \$143,469 is directed/allocated to NeighborSpace of Baltimore County, as per Code requirements that dedicate 20% of most LOS fees in lieu collected. Baltimore County sends an annual check to NeighborSpace as payment of the applicable amount of fees in lieu that are due, while NeighborSpace submits an annual report to the Baltimore County Council.

The majority of LOS fees-in-lieu collected must be reserved for use within the County Council district in which the development is situated. There are special rules associated with fees collected for development within the Downtown Towson (DT) District, requiring fees collected to be expended within one mile of that district. None of the FY'22 fee in lieu payments originated from developments within the DT District.

LOCAL OPEN SPACE WAIVER FEES-IN-LIEU PAID IN FY'22

Development/ Project	Location	Council District	Units Proposed	Residential Unit Type(s)	LOS Waiver Approval Date	LOS Waiver Fee-in-Lieu Amount	Last LOS Waiver Fee-in-Lieu Payment Date	FY'22 LOS Waiver Fee-in-Lieu Payments	Neighbor Space % Based on Date Approved	Amount Dedicated to Neighbor Space by Law	Comments
Carriage Hills Townhouses - Phase 1 & 2	Liberty Road, W of Pikeswood Drive, Randallstown 21133	4	153	Single Family Attached	11/12/2003	\$200,000.00	7/7/2021	\$ 200,000.00	20%	\$40,000.00	
8620 Ellen Court	8620 Ellen Court, Parkville 21224	6	1	Single Family Detached	1/7/2021	\$3,510.00	7/27/2021	\$3,510.00	20%	\$702.00	
Radcliff Reserve - fka Wilder Property Total 13 lots (Lots #40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, & 52)	Radcliff Reserve - fka Wilder Property Total 13 lots - (11127, 29, 31, 33, 35, 37, 39, 41 Reistertown Road & 2, 4, 6, 8, 10 Taube Court), Pikesville 21208	2	57	Single Family Attached	1/5/2016	\$248,520.00	7/23/2021	\$56,680.00	20%	\$11,336.00	
Osprey Pointe - fka Cape May Cove	1630 Turkey Point Road, Essex 21221	6	16	Single Family Detached	10/14/2014	\$55,040.00	8/10/2021	\$55,040.00	20%	\$11,008.00	
Loch Raven Commons PUD	1300 East Joppa Road, Towson 21286	5	208	Multi-Family	6/4/2015	\$206,400.00	9/1/2021	\$154,800.00	20%	\$30,960.00	Per Res. 90-15 - "... shall be paid in equal installments over eight years." (Paid Payments 3, 4, 5, 6, 7, & 8)
Radcliff Reserve - fka Wilder Property Total 5 lots (Lots #53, 54, 55, 56, & 57)	Radcliff Reserve - fka Wilder Property Total 5 lots - (11121, 23, 25, 27, 29 Wilder Way), Pikesville 21208	2	57	Single Family Attached	1/5/2016	\$248,520.00	8/13/2021	\$21,800.00	20%	\$4,360.00	
Vincent Estate	Directly behind - 10326 Vincent Road, White Marsh 21162	6	19	Single Family Detached	11/13/2018	\$66,690.00	10/21/2021	\$66,690.00	20%	\$13,338.00	
Radcliff Reserve aka Wilder Property	Radcliff Reserve - fka Wilder Property Total 8 lots - (15, 13, 11, 9, 7, 5, 3, 1 Taube Court), Pikesville 21208	2	57	Single Family Attached	1/5/2016	\$248,520.00	10/18/2021	\$34,880.00	20%	\$6,976.00	
Curran Property - Lot #1 & 9 (2 Lots)	30 & 35 Ivy Reach Court, Cockeysville 21030	2	9	Single Family Detached	11/30/2009	\$27,340.20	6/29/2022	\$6,075.60	10%	\$607.56	Per Bill No. 45-07 - Take effect on 8-4-2007 - 10%
Waters Landing PUD *	Hopkins Landing Drive, Essex 21221	6	189	Single Family Attached	11/2/2018	\$352,210.95	2/2/2022	\$3.75	20%	\$0.75	Fee to be reduced by installed amenity costs per Bill 73-16. * Per BCMCOA 32-6-108 Open Space, the fee shall be reduced by 60 percent of verified cost of any outdoor private amenity provided on-site or off site.
Stemmers Corner aka Stemmers Run & aka Salvo Property	N & S SS Ann Avenue @ NW Cor. Stemmers Run Road, Essex 21221	7	26	Single Family Attached	7-23-2008/Revised 8-13-2008	\$178,620.00	5/27/2022	\$178,620.00	10%	\$17,862.00	Per Bill No. 45-07 - Take effect on 8-4-2007 - 10%
McDough Overlook - 16 Saint Thomas Lane	16 Saint Thomas Lane, Owings Mills 21117	2	9	Single Family Detached	12/17/2019	\$31,590.00	6/15/2022	\$31,590.00	20%	\$6,318.00	
TOTALS:								\$809,689.35		\$143,468.31	

CAPITAL PROJECTS FUNDED WITH LOS WAIVER REVENUES

LOS fee-in-lieu revenues are allocated to the Parks, Preservation and Greenways capital improvement program, which is administered by the Department of Recreation and Parks. The revenues are utilized to fully or partially fund a wide range of parks and recreation capital projects.

In addition to the annual allocation to NeighborSpace of Baltimore County, LOS fee-in-lieu revenues were allocated to the projects described below in FY'22. The table following the project descriptions summarizes the use of fee-in-lieu revenues utilized in FY'22. It should be noted that three projects that utilized LOS fee-in-lieu revenues in FY'22 were inadvertently reported in the FY'21 LOS Report, and have been excluded from this report so as to avoid duplication. See note on the table on the following page.

Merritt Point Park Waterfront Facility Enhancements: This project is the first of a series of slated improvements to Merritt Point Park, a waterfront park in the Dundalk Community. The project includes the replacement of the existing boat ramp with an enhanced, wider ramp. Additionally, a new canoe and kayak "soft launch" is being constructed at the end of the park's peninsula. LOS waiver revenues supplemented extensive state and federal waterways and boating revenue sources. The ribbon cutting for this project is expected to take place in 2023.

North Point Old Methodist Meeting House Property: LOS waiver fees were invested in the acquisition of this approximately 1-acre property, which has historical significance associated with the 1814 Battle of North Point.



New 2-lane boat ramp at Merritt Point Park

CAPITAL PROJECTS FUNDED WITH LOCAL OPEN SPACE WAIVER REVENUES IN FISCAL YEAR 2022

Capital Project and Location	Council District	General LOS Waiver Fee Funding Allotted to Date	Additional Project Funding	Source of Additional Funding	Total Budgeted
NeighborSpace of Baltimore County allocation (based upon legislatively mandated share of FY'21 LOS fees in lieu)	All/ Any	\$68,406	\$31,594	County General Funds	\$100,000
Merritt Point Park, 7800 Dunmanway Extended, 21222 - Design and construction of Replacement Boat Ramp (project underway)	7	\$50,000	\$950,905	State and Federal Aid, County Bonds	\$1,000,905
North Point Old Methodist Meeting House Property, 2400 block North Point Road, 21222 - Property acquisition	7	\$55,884	\$61,616	County Bonds	\$117,500
TOTALS:		\$174,290	\$1,044,115		\$1,218,405
<p>NOTE: The above does not include three projects (Oregon Ridge Nature Center Path, Radebaugh Park Development, and Unger's Field Park Playground Replacement) that were inadvertently reported in the Fiscal Year 2021 Local Open Space and Fee In Lieu Report. Those projects utilized \$86,336 in LOS waiver funding. Thus, the actual FY'22 investment of LOS waiver revenues was \$260,626.</p>					