



Fiscal Year 2023 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 2023 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 were three open space/greenway conveyances to Baltimore County in Fiscal Year 2023, as displayed in the following table.

Development/Project	Location	Council District	Units Proposed	Residential Unit Type(s)	Open Space Acres Provided	Date of Conveyance	Comments
Fable Hill (f.k.a. Winterset Woods)	SE of 9600 Watts Road, 21117	4	34	Multi-family Attached	1.79	11/21/2022	Recreational greenway reservation.
Raven Ridge	Rear of 9130 Liberty Road, 21133	4	17	Single-family Semi-Detached	0.05	10/4/2022	Most of LOS obligation fulfilled through LOS waiver fee-in-lieu.
Serenity Ridge Natural Burial Cemetery	2406 Ridge Road, 21244	4	N/A	N/A	62.00	6/22/2023	Recreational greenway reservation. Non-residential development.
Total Open Space and Greenway acres deeded to Baltimore County in FY'23:					63.84		

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'23.

LOCAL OPEN SPACE FEES-IN-LIEU APPROVED IN FY'23: A total of seven fees-in-lieu (a.k.a. LOS waivers), amounting to \$538,700, were approved in FY'23. 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'23

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
The Shops at Perry Hall	9801 Belair Road, 21128	5	45	Housing for the Elderly	9/16/2022	\$10,000.00	20%	\$2,000.00	
Owings Mills Town Center - Mill Station - Mill Run Cir	Mill Run Circle, 21117	4	400	Multi Family Apartments	10/28/2022	\$80,000.00	20%	\$16,000.00	
WRH Property Holdings, LLC	502 - 506 Baltimore Avenue, 21204	5	143	Multi Family Apartments	1/12/2023	\$286,000.00	20%	\$57,200.00	
The Heights at Hunt Valley PUD	180 Sparks Valley Road, 21152	3	222	Housing for the Elderly	3/2/2023	\$5,000.00	20%	\$1,000.00	
Avalon Hunt Valley Towne Centre II	150 Shawan Road, 21030	3	322	Multi Family Apartments	3/14/2023	\$60,000.00	20%	\$12,000.00	
Bedford Property	West Seminary Avenue, 21093	3	6	Single Family Detached	5/4/2023	\$2,700.00	20%	\$540.00	
White Marsh Mall	8200 Perry Hall Boulevard, 21236	5	516	Multi Family Apartments	6/8/2023	\$95,000.00	20%	\$19,000.00	
					Total	\$538,700.00	Total	\$107,740.00	

LOCAL OPEN SPACE FEES-IN-LIEU PAID IN FY'22: The \$203,439 in LOS waiver fees-in-lieu collected in FY'23 (see table on following page) was about 25% of the amount paid in FY'22, and the lowest amount since FY'2020. The FY'22 and FY'23 payment amounts reflect the unpredictable nature of the fee-in-lieu payments. 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
2023	\$203,439
Total:	\$3,863,547
8-year average:	\$482,943

The table on the following page displays details on fees-in-lieu collected in FY'23. Of the fees paid in FY'23, a total of \$40,688 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'23 fee in lieu payments originated from developments within the DT District.

LOCAL OPEN SPACE WAIVER FEES-IN-LIEU PAID IN FY'23

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'23 LOS Waiver Fee-in-Lieu Payments	Neighbor Space % Based on Date Approved	Amount Dedicated to Neighbor Space by Law	Comments
Whalen Healy Property Fka Foxhall Farm	6020 Foxhall Manor Drive, 21228	1	4	Single Family Detached	3/8/2021	\$14,040.00	7/12/2022	\$14,040.00	20%	\$2,808.00	
The Shops at Perry Hall	9801 Belair Road, 21128	5	45	Housing for the Elderly	9/16/2022	\$10,000.00	9/19/2022	\$10,000.00	20%	\$2,000.00	
Garrison Property	9911-9915 Reisterstown Road, 21117	2	68	2 Over 2 Attached	5/19/2022	\$15,000.00	9/22/2022	\$15,000.00	20%	\$3,000.00	
Rye Property	4258 Chapel Road, 21128	5	6	Single Family Detached	10/25/2018	\$21,060.00	12/6/2022	\$21,060.00	20%	\$4,212.00	
Merritt Station II	1500 Merritt Boulevard, 21222	7	90	Housing for the Elderly	3/23/2022	\$20,000.00	2/8/2023	\$20,000.00	20%	\$4,000.00	
RadCliff Reserve aka Wilder Property	11122 Wilder Way Lots (11-16), 21117	2	57	Single Family Attached	1/5/2016	\$248,520.00 *(\$178,879.00)	3/6/2023	\$21,919.00	20%	\$4,383.80	*A portion of the fee will be paid through the provisions of a tot lot and associated recreational amenities, valued at \$178,879.
2609 Caves Rd	2609 Caves Rd, 21117	2	4	Single Family Detached	10/7/2015	\$4,400.00	3/21/2023	\$4,400.00	20%	\$880.00	
Avalon Hunt Valley Towne Centre II	150 Shawan Road, 21030	3	322	Multi Family Apartments	3/14/2023	\$60,000.00	3/28/2023	\$60,000.00	20%	\$12,000.00	
Residential Tower - 9690 Deerco Rd & 375 W. Padonia Rd.	9690 Deerco Rd & 375 W. Padonia Rd., 21093	3	230	Multi Family Apartments	10/19/2020	\$30,000.00	5/19/2023	\$30,000.00	20%	\$6,000.00	
Rider Mill II Rider Property	2A Stone Garden Court, 21117	4	2	Single Family Detached	8/17/2023	\$7,020.00	6/12/2023	\$7,020.00	20%	\$1,404.00	
							Total:	\$203,439.00	Total:	\$40,687.80	

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. Not counting the annual allocation to NeighborSpace of Baltimore County, just over \$300,000 in LOS fee-in-lieu revenues were allocated to four projects in FY'23, as described below. The table following the project descriptions summarizes all fee-in-lieu revenues that have been allocated. It is important to note that the fee-in-lieu revenues utilized in FY'23 would have derived from prior years' collected fees.

Banneker Community Center - Destination Playground and Walking Path: This project will replace and expand upon the existing playground, creating a new, themed playground. Additionally, a paved loop path will be constructed at the site. This project is presently in the design phase.

County Home Park - Synthetic Turf Field: This now completed project involved the construction of a synthetic turf field at the park's lighted athletic fields. A single field with lines for multiple sports was constructed, as well as an expanded area for practice and warm-ups.

Hamiltowne Park Renovations and Enhancements: This now completed project consisted of various renovations and enhancements to the park, including a replacement playground, rerouted and expanded paved access paths, a new drinking fountain, and new picnic grill.



Sparks Park Renovations and Enhancements: This project, presently in the planning stage, would renovate a number of existing facilities at Sparks Park, including the "Old Sparks Elementary School Recreation Center" property. The work would likely include court renovations to provide pickleball courts, construction of a playground and seating areas, and renovation/reconfiguration of site parking.

CAPITAL PROJECTS FUNDED WITH LOCAL OPEN SPACE WAIVER REVENUES IN FISCAL YEAR 2023

Capital Project and Location	Council District	General LOS Waiver Fee Funding	Additional Project Funding	Source of Additional Funding	Total Budgeted
NeighborSpace of Baltimore County allocation (based upon legislatively mandated share of FY'22 LOS fee-in-lieu payments)	All/ Any	\$143,469	\$0	N/A	\$143,469
Banneker Community Center, 27 Main Avenue, 21228 - Destination Playground	1	\$53,000	\$700,000	MD Local Parks and Playgrounds Infrastructure	\$753,000
County Home Park, 9827 Greenside Drive, 21030 - Construction of synthetic turf fields	3	\$5,705	\$3,461,100	Program Open Space, MD Local Parks and Playgrounds Infrastructure, County General Funds and Bonds, Donation	\$3,466,805
Hamiltowne Park, 2226 Hamiltowne Circle, 21237 - Replacement playground, relocated sidewalk, new drinking fountain, and other renovations and enhancements	6	\$52,000	\$422,000	State Capital Grant, County General Funds and Debt Premium	\$474,000
Sparks Park, 1000 Sparks Road, 21152 - Park renovations and enhancements	3	\$50,000	\$700,000	County General Funds	\$750,000
TOTALS:		\$304,174	\$5,283,100		\$5,587,274

NOTE: Significant capital projects are typically multi-year in terms of work and funding. Some projects on this list are complete, while others are substantially designed, with construction phase to take place in or after FY2024.