

Meeting Minutes
Advisory Commission on Environmental Quality (CEQ)
October 21, 2015, 7:00 PM
Dept. of Environmental Protection & Sustainability, Room 319: County Office Building,
111 W. Chesapeake Ave, Towson, MD 21204

CEQ meeting dates, membership information, and reports are always available online here:
www.baltimorecountymd.gov/Agencies/ceq/index.html

Attendance: German Mora, Glenn Elseroad, James Deriu, Lois Jacobs, Brian Fath, Valerie Andoutsopoulos, Linda Davis, Russell Donnelly, Steve Morsberger

Baltimore County Staff: Don Outen, Kui Zhao

Absent: Bill Breakey, Mary Gruver-Byers, Rex Wright, Andy Miller, Carol Newill

Welcome, Introductions and Announcements

- Carol Newill was appointed last month as the new District 5 Representative. Carol is out of the country this month, but will join us at next month's meeting
- Bill recently emailed a roster for each member to provide contact information updates
- CEQ still has a vacancy for the District 4 Representative

I. Old and New Business – Group Discussion

- Unanimous vote approving the June meeting minutes
- Legislative Updates – Stormwater Management Fee

Stormwater Management Fee

A bill (85-15) was introduced on October 19, 2016, sponsored by all seven council members to phase out the stormwater management fee. Kevin Kamenetz (County Executive) is opposed to the bill. Removal of the fee will likely create budget problems for the County that could pose difficult financial decisions moving forward. For example, raising of property taxes or cutting other projects which could include school, road or park projects. We should get some feedback about how this might affect DEPS and projects that are already on the county's list.

There is no mandate for the Stormwater remediation fee, however, there is a requirement to provide the State (MDE) with a financial assurance plan which outlines how the County will pay for achieving the TMDL reduction goals referenced in their MS4 permit.

- Discussion referenced The Baltimore Sun article, *Baltimore County's Rain Tax Folly*, October 20, 2015 (<http://www.baltimoresun.com/news/opinion/editorial/bs-ed-rain-tax-20151020-story.html>)
- Baltimore County's goal by MDE: 60% progress in pollutant reduction by 2017.
- 50% of impervious surfaces are associated with public right of ways that everyone uses.

II. Presentation on NeighborSpace of Baltimore County Inc. - Barbara Hopkins (Executive Director)

- Background from NeighborSpace website: The current County law requires developers to provide 1,000 square feet of open space per dwelling unit or pay a “fee in lieu” thereof. In 2013, following approval of a reduced schedule of fees, the County Council issued a resolution requiring the Administration to review the County’s open space needs and recommend changes to the policies surrounding the fees, the fees themselves, and the Local Open Space Manual, which governs the provision of open space on development sites.
- As in most jurisdictions, developers in Baltimore County must include green space — 1,000 square feet per home — in their development projects. If they can't meet the standard, they can request a waiver and pay a fee instead.
- 20% of all open space waiver fees collected go to NeighborSpace.
- Adequate Public Facilities Ordinance adopted in 1988; Baltimore County Local Open Space Manual adopted in 2000.
- Four principles of NeighborSpace:
 1. 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;
 2. Ensure that all types of residential development projects bear a responsibility for providing open space or paying a fee in lieu thereof;
 3. Establish a process for assessing, collecting and expending open space waiver fees that is transparent and predictable;
 4. 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.
- A resolution passed on October 19, 2015 by the County Council (introduced by Councilmen Quirk and Marks) to piecemeal the four principles.
- The open space waiver fee is based on the underlying zoning (a zoning based fee schedule).
- There is no transparency about what is collected from whom or what the money is used for. Developers for a Planned Unit Developments (PUD) are not required to adhere to the open space waiver fee if the PUD area was originally zoned commercial or industrial, but now includes residential units. Developers in the town-center district of Towson CT (Commercial, Town Center Core District) are also exempted and so are student housing, elderly housing and others.
- In Towson, the county seat that is booming with urban-style developments, where exceptions in the law often result in developers paying little or nothing in open-space fees. For Towson Row, the developer paid \$55,000 toward the open space waiver fee.
- The crucial issue is the cost to satisfy the needs of open space. Thus far, the cost of raw land is used in setting the fee.

- NeighborSpace is suggesting a complete overhaul of the Baltimore County Local Open Space Manual (adopted 15 years ago).
- NeighborSpace disagreed with the County's 2015 report, proposing a flat fee. The organization plans to propose a new fee schedule that's simpler with fewer exemptions by meeting with the Maryland Building Industries Associations to try to come up with a proposal.
- Pending legislation: How to assess, collect, and spend the open space waiver fees (Bill 78-15). The County Council work session takes place on Oct. 27, 2015 at 2 PM (James Deriu and Lois Jacobs planned to attend the work session).

Credited References

The meeting notes were verified for the accuracy with reference to the following published articles:

- The Baltimore Sun, May 29, 2015: *Baltimore County Council to Consider New Developer Fees for Open Space*
- The Baltimore Sun, October 20, 2015: *Baltimore County's 'Rain Tax' Folly*
- Community Architect Daily: June 1, 2015: *Striving for Development Excellence in Baltimore County*
- The Baltimore Sun, June 1, 2015: *Baltimore County Residents Urge Greater Open Space Fees for Developers*

III. Adjourn

Next Meetings: 7:00 p.m., regular meetings

- November 18, 2015 (Presentation from Larissa Johnson - Coordinator for MDE Climate Change Outreach and Communication and MD Climate Coalition)
- December 16, 2015
- January 27, 2016
- February 24, 2016
- March 23, 2016
- April 27, 2016
- May 25, 2016