

COUNTY ORDINANCE NO. 06-104

A BILL ENTITLED

AN ACT CONCERNING Deletion of the Provisions Regarding Mandatory Dedication of Parkland and Fees in Lieu of Dedication;

FOR THE PURPOSE of deleting the current provisions of Sections 18:1-176 and 18:1-177 of the Code of Public Local Laws of Queen Anne's County relating to mandatory dedication of parkland (§ 18:1-176) and fees in lieu of dedication (§ 18:1-177) in light of the proposed adoption of Park and Recreational development impact fees;

BY deleting Sections 18:1-176 and 18:1-177 of the Code of Public Local Laws of Queen Anne's County, Maryland.

WHEREAS, the County Commissioners of Queen Anne's County fully support and encourage the dedication of parkland in connection with development under Title 18 of the Code of Public Local Laws.

AND WHEREAS, the adoption of Parks and Recreational Development Impact Fees will provide a better and more effective means of encouraging the development of and funding for parks and recreational improvements, which impact fees are provided for in County Ordinance 06-35 presently pending before the County Commissioners;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Sections 18:1-176 and 18:1-177 of the Code of Public Local Laws of Queen Anne's County be and are hereby stricken and deleted and said Sections be and hereby are RESERVED.

SECTION II

BE IT FURTHER ENACTED that this Bill shall take effect on the forty-sixth day following its enactment or upon the adoption of County Ordinance 06-35 whichever shall be later.

Introduced By: Commissioner Eric Wargotz

Co-sponsored By: Commissioner Billups, Fordonski, Gunther, and
Ransom

Date: December 19, 2006

Public Hearing Held: March 20, 2007 @7:30 p.m.

Vote: 5 Yea 0 Nay

Date: May 8, 2007

FISCAL IMPACT NOTE

Legislation No: 0-06-104 **Hearing Date:** 03-20-07
Date Introduced: 12-19-06 **Note Date:** 01-12-07

Legislation Title: Elimination of Mandatory Dedication of Parkland and Fees in Lieu of Dedication

Description:

The purpose of this legislation is to delete the code sections that require the mandatory dedication of parkland and fees in lieu of dedication, based upon the premise that the impending adoption of Parks and Recreation development impact fees will provide a better and more effective means of encouraging the development of and funding for parks and recreational improvements .

Analysis of Fiscal Impact:

If ordinance 06-108 is adopted, then the Parks and Recreation impact fee would replace the mandatory dedication of parkland referenced in code section 18:1-176, resulting in the receipt of restricted impact fee revenue, rather than dedicated parkland or fee in lieu of dedicated parkland, for the County. Fiscal impact would have to be calculated on a case-by-case basis, based on the number of dwelling units per developed subdivision and the market value of the parkland that the County would have received compared to the impact fee revenue received. This may present the opportunity for the County to earn interest income on impact fees received but not yet spent, whereas the receipt of land would not present the opportunity to put cash in the bank where it could earn interest.

It should be noted that if this legislation is adopted, and ordinance 06-108 is *not* adopted, then the County would likely have no resources from development with which to fund the purchase of parkland and facilities.