

From the Baltimore Sun

Md. open-space program lags behind development

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Another patch of the Baltimore area's shrinking countryside is up for grabs, and a tug of war is on between developers and preservationists.

This time, it's nearly 50 acres of woods and gurgling brooks off Providence Road in Baltimore County, just a few miles north of the Baltimore Beltway. The family that has owned the land for generations wants to sell it. A developer has proposed building 25 homes there.

Residents who cherish the area's arboreal splendor are pressing local and state officials to keep the bulldozers away from the Barrans property, as it is known, and buy it for a park.

Supporters of that approach see the situation as tailor-made for Maryland's Program Open Space, a pioneering effort enacted more than 30 years ago that requires money be set aside from each real estate transaction to finance the purchase of land for public use: ball fields, playgrounds and parks. But there is no guarantee that the Barrans property will become a park.

Because of a variety of factors -- from the rising price of land to repeated diversions of money to balance the state budget -- Maryland's pioneering open-space program has failed in recent years to keep pace with development.

The law stipulates that Maryland's counties should use their local share of transfer tax revenues to set aside 30 acres of land for parks and recreation for every 1,000 people.

But in the Baltimore area, only Carroll and Howard counties have met that standard, at least on paper.

Baltimore County, for instance, is more than 30 percent short of the nearly 24,000 acres of parkland and recreation areas it should have under the law for its 791,000 residents. Anne Arundel County is 40 percent short of its goal of having more than 15,000 acres for its 512,000 residents.

"It's frustrating," said state Sen. James Brochin, a Democrat who represents the area of Baltimore County containing the Barrans property. "Once you tear the trees down and pour on the concrete, you can't get it back."

In 1969, inspired by a national commission encouraging outdoor recreation, Maryland began imposing a tax of one-half percent on all sales of real estate. The funds collected were earmarked for land conservation and park development.

"Maryland was one of those early states to jump on board" in recognizing the need to preserve open space for the public to enjoy, said Tom Ross, executive director of the Maryland Recreation and Parks Association.

Over the past 37 years, some 265,000 acres of parkland have been acquired, and more than 4,000 local and state parks created, land conservation advocates say.

Ample though that might seem, it is not enough to meet the law's obligations.

Local officials say the state's recreational acreage goal is simplistic and doesn't properly credit state and federal parks that may also be available to residents. Nor does the state count privately owned ball fields or golf courses -- a significant chunk of acreage in Howard County, for instance, where the private Columbia Association maintains recreational complexes for the planned community of nearly 100,000 people.

But officials also say they have been hampered in providing local public recreation opportunities in recent years by cuts in state funds for land acquisition. In three of the past four years, Gov. Robert L. Ehrlich Jr. and the General Assembly diverted \$480 million in real estate transfer taxes from Program Open Space to help ease the state's budget crisis.

This year, with the state's economy booming and the budget crunch eased, the governor restored 100 percent funding for the open-space effort. With real estate prices soaring, at least until recently, the amount collected via the transfer tax hit an all-time high this year.

But the costs of acquiring parkland also have gone up. In data compiled this year by a Maryland Association of Counties group, local officials statewide project needing a combined \$966 million for land acquisition and park development from 2005 through 2010, while they expect to get only \$506 million in state open-space funds.

"Unfortunately, we suffer and try to catch up," said Robert J. Barrett, Baltimore County's director of recreation and parks. This year, with state funding fully restored, the county received a record \$17 million, he noted, but "it never address all of our needs because there are so many back years."

Another handicap has been the soaring real estate market. The greatest need for parks and ballfields is generally in the most developed areas, officials say, where land prices tend to be the highest. And with developers often interested in the same sites, Barrett said,

"competing with them is very very difficult."

"We've never had enough money to actually meet all the park and recreation demands," said Chip Price, who administers Program Open Space in the state Department of Natural Resources.

There is no real penalty for not meeting the state's land goal.

For Carroll County, the need is not so much for land as for finished recreational facilities.

Unlike other area jurisdictions, the county has met or exceeded the state standard of 30 acres per 1,000 residents. But that includes large tracts of rural land acquired at Gillis Falls and Union Mills -- where the county has yet to gain approval to build reservoirs.

The county's rapid residential growth in recent years has outpaced construction of new parks and ballfields, said recreation and parks Director Jeff R. Degitz.

Carroll County Commissioner Dean L. Minnich said that "there are more kids now and not that many more fields -- and more sports."

A state-local partnership may be how the Barrans tract in Baltimore County will be preserved -- if it is.

County officials say they have committed their share of open-space funds for this year to other parkland projects but pledge to maintain the property if the state will buy it.

Price, of DNR, said that state officials are willing to consider buying all or part of the tract and turning it over to the county, depending on its natural value and the price.

The property juts like a piece in a jigsaw puzzle into the back of Cromwell Valley Park, a 367-acre tract of former farms and forest acquired by the state in 1993 and managed by the county.

"I would love to see the Barrans property stay woods," said Leroy Haile III, who lives nearby. "As a kid, I saw brook trout down there."

Jim Kelly, vice president of the Friends of Cromwell Valley Park, noted that the wooded tract drains into Gunpowder Falls, a [Chesapeake Bay](#) tributary.

"We feel it's environmentally sensitive," he said.

The Trust for Public Land, a nonprofit conservation group that often works with government to acquire parks and natural areas, made a tentative offer of \$5 million for the tract about six months ago, said Richard Ross, the group's senior project manager for Maryland. But negotiations with the owners did not go forward at that time because state and county officials weren't all that interested then.

Now, after a developer has proposed building 25 homes there, residents are agitating for action, and officials have responded. They say that even if they can't acquire all the land, perhaps a deal can be struck to allow fewer homes and preserve the rest of the tract.

While no one foresees any Maryland locality completely catching up with the outdoor recreation and park needs of its residents, preservation advocates say they see a chance to do more now. State funding is at an all-time high, and with the real estate market cooling, the competition with developers may be easing, at least temporarily.

"Although prices are higher than they were five years ago, they're not as high as they were five months ago," said Ross, with the Trust for Public Lands. "There could be some real opportunity now."

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Sun reporter Laura McCandlish contributed to this article.

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