

Residents angry over council tax proposal

■ Say development district amendment shifts burden to taxpayers

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Proposed changes to the county's development district law are designed to favor developers rather than homeowners, some residents of Clarksburg charge.

Lawyer David Brown wrote in an April 10 letter to the County Council that the revised bill contradicts the intentions of the development district law.

His letter says it uses "development districts to pay developers for infrastructure they were required to provide in exchange for development approval by the Planning Board."

Brown, of Knopf and Brown of Rockville, represents some 200 Clarksburg residents plus the Clarksburg Town Center Advisory Committee, the residents' committee that uncovered hundreds of site plan violations in the community in 2005.

Development districts are partnerships between developers and the county to fund specific projects in new communities above and beyond what a developer normally builds. Only property owners within a development district pay the tax.

The County Council Management and Fiscal

CONT.

LAW

Policy Committee voted unanimously April 8 to approve three amendments to the county's development district law and send the amendments to the full council for consideration.

"I'm optimistic they will pass," Councilwoman Duchy Trachtenberg (D-At large) of North Bethesda, who sponsored the amendments, said in a phone interview Monday. "The development district amendments were written to apply to new development districts as they are utilized."

They may apply to Clarksburg, but they are also relevant for proposed development in other parts of the county, such as White Flint, she said.

"I want to make sure the law is crystal clear and efficient," Trachtenberg said.

Brown objects to one of the amendments, which would permit developers to use development district funding to pay for Planning Board-required amenities such as roads and parks.

The amendment states that a development district tax may be imposed if an improvement would increase the transportation capacity or enhance public services even if the improvement only serves

residents of one development. For this to apply, the Planning Board or county executive must recommend the project be financed by development district tax and the County Council must find that "the public interest justifies the district financing that improvement."

This amendment is a gift to developers at taxpayers' expense because it makes taxpayers pay for work that the Planning Board requires as a condition for project approval, Brown said.

"Trachtenberg has clarified the law by turning it inside out," he said.

Planning Board Chairman Royce Hanson had proposed more restrictive wording for the amendment.

"Our proposal was just tighter than this and made the presumption against funding these things if they're part of the subdivision process," he said Tuesday.

The Planning Board proposal was to allow development district funding for any improvement that did not primarily serve residents of one development or subdivision or was not required as a condition for plan approval, he said.

"However, these can be financed if it is recommended for construction by the master plan and either the board or the executive recommends they be financed by a development district," Han-

son said.

Developers are granted permission to develop at greater than the base densities of the land only because they agreed to build certain amenities, Amy Presley, co-founder of the Clarksburg Town Center Advisory Committee, testified at a January County Council hearing on the amendments.

"In general, I was gravely disappointed by the committee's acceptance of the bill," Presley said Monday. "They ignored the legislative history, specifically relative to the definition of infrastructure improvement ... It shows a lack of understanding of what our zoning pays for."

The County Council, not the Planning Board, should decide who pays for what, Trachtenberg said Monday. The amendments were written to address the needs expressed by the community and developers, she said.

"I'm very comfortable with what came out of committee," Trachtenberg said.

Development districts are intended to help pay for the infrastructure for a new community so that the development does not become a burden to the entire county.

Development district funding is intended to allow developers to provide infrastructure faster than if they had to vie with other county projects for county funding. The county sells development district bonds to fund specific projects and money collected from the development district tax repays the bondholders.

The other two amendments approved by the committee concern notifying residents if they are located within a potential development district.

During the January hearing, many Clarksburg homeowners told the County Council they were unaware that their developments had applied for development district status.

The County Council had not scheduled a vote on the amendments by press time Tuesday.