

Table of Contents

Executive Summary	i
Chapter 1. Introduction	1
A. Assignment	
B. CTCAC report	
C. Scope	
D. Methodology	
E. Organization of Report	
F. Abbreviations and Key Terms	
G. Acknowledgments	
Chapter 2. Origins and Policy Goals of Development Districts	13
A. Exactions	
B. Road Clubs	
C. The County's Fiscal Situation	
D. Development District Legislation – County	
E. Development District Legislation – State	
Chapter 3. Legal Framework for Development Districts	23
A. State Law – Special Obligation Debt	
B. County Law – Development District Act	
C. County Law – Growth Policy - Development Districts	
Chapter 4. Clarksburg Town Center Development District (CTCDD)	32
A. Clarksburg Master Plan	
B. Description	
C. Chronology	
D. Creation of the CTCDD	
E. Current Status	
F. Infrastructure Analysis – Subdivision and Site Plan Approvals	
G. Infrastructure Analysis – Eligible Infrastructure Improvements	
H. Infrastructure Analysis – Cost Shares	
Chapter 5. Clarksburg Skylark and Clarksburg Village Development Districts (CSDD and CVDD)	54
A. Description	
B. Chronology	
C. Creation of the CSDD and CVDD	
D. Current Status	

Chapter 6. West Germantown Development District (WGDD) 58

- A. Description
- B. Chronology
- C. Infrastructure funded by the WGDD
- D. Current Status
- E. Infrastructure Analysis – Subdivision and Site Plan Approvals
- F. Infrastructure Analysis – Eligible Infrastructure Improvements

Chapter 7. Kingsview Village Center Development District (KVCDD) 65

- A. Description
- B. Chronology
- C. Infrastructure funded by the KVCDD
- D. Current Status
- E. Infrastructure Analysis – Subdivision and Site Plan Approvals
- F. Infrastructure Analysis – Eligible Infrastructure Improvements

Chapter 8. Legal Issues Raised by CTCAC 72

- A. Did the Clarksburg Master Plan require the CTCDD to be created before the Planning Board approved the Clarksburg Town Center’s subdivision plan?
- B. Did the Development District Act require the CTCDD to be created before the Planning Board approved the Clarksburg Town Center’s subdivision plan?
- C. Is using the CTCDD to finance infrastructure items that the Planning Board required as a condition of subdivision or site plan approval consistent with the Regional District Act, the County subdivision law, and the County zoning law?
- D. Will the CTCDD finance any infrastructure item that is not an eligible “infrastructure improvement” under the Development District Act?
- E. Was the Executive authorized to recommend that the CTCDD finance additional infrastructure items beyond those the Planning Board listed as necessary to comply with adequate public facilities and Growth Policy requirements?
- F. Is the Council resolution creating the CTCDD invalid because all residents of Clarksburg Town Center were not properly notified of the Council hearing on that resolution?
- G. Did the property owner approval process for the CTCDD comply with State law governing development districts?

Chapter 9. Issues for Future Consideration

88

- A. CTCDD Cost Share Analysis
- B. Development District's Relationship to Other Funding Sources
- C. Eligible Infrastructure Improvements
- D. Executive's Authority
- E. Public Hearing Notice Requirements
- F. Authority to Amend the Second Resolution
- G. Notice in Sales Contracts
- H. Fully Developed Property
- I. Authority to Amend a Petition to Create a Development District
- J. Other Potential Amendments to County laws
- K. Growth Policy

Cover Memo to OLO Fact Finding Appendices 1-4

1

Appendices

Appendix 1.	Fact Finding Report for the CTCDD	1A-1
Appendix 2.	Fact Finding Report for the WGDD	2A-1
Appendix 3.	Fact Finding Report for the KVCDD	3A-1
Appendix 4.	A Brief Review of Exactions and Development Taxes in Montgomery County	4A-1
Appendix 5.	Chapter 14 of the Montgomery County Code (Development Districts)	5-1
Appendix 6.	Chapter 20A of the Montgomery County Code (Special Obligation Debt)	6-1
Appendix 7.	2003-5 Annual Growth Policy (Resolution 15-375)	7-1
Appendix 8.	FY 96 Annual Growth Policy (Resolution 13-216)	8-1
Appendix 9.	Clarksburg Master Plan – Analysis Areas (Figure 18)	9-1
Appendix 10.	Clarksburg Master Plan – Hierarchy of Roads and Streets (Figure 11)	10-1

Appendix 11.	Clarksburg Master Plan – Generalized Highway and Transit Plan (Figure 40)	11-1
Appendix 12.	Map of the CTCDD	12-1
Appendix 13.	Map of Infrastructure Improvements Funded by the CTCDD (not showing surrounding development)	13-1
Appendix 14.	Map of Infrastructure Improvements Funded by the CTCDD (showing surrounding development)	14-1
Appendix 15.	Map of the CSDD and CVDD (as proposed in original petitions)	15-1
Appendix 16.	Map of the CSDD and CVDD (as proposed in amended petitions)	16-1
Appendix 17.	Map of the WGDD	17-1
Appendix 18.	Map of the KVCDD	18-1
Appendix 19.	March 27, 2007 letter from Inspector General Thomas Dagley to Council President Marilyn Praisner	19-1
Appendix 20.	May 18, 2007 letter from Planning Board Chair Royce Hanson to Council President Marilyn Praisner	20-1
Appendix 21.	July 26, 2007 letter from County Attorney Leon Rodriguez to County Executive Isiah Leggett and Council President Marilyn Praisner	21-1
Appendix 22.	July 26, 2007 letter from County Executive Isiah Leggett to Council President Marilyn Praisner	22-1

Implementation of the Development District Act

An Analysis of Issues Raised by the Clarksburg Town Center Advisory Committee

Document Supplement

Table of Contents

Document		Page
1	“Clarksburg Development Districts – The Illegitimate Transfer of Private Financial Obligations to the Public,” prepared by the Clarksburg Town Center Advisory Committee (CTCAC), March 20, 2007.	1-1
2	“Clarksburg Development Districts: An Advisory Report,” prepared by the Clarksburg Development District Advisory Committee (CDDAC), March 21, 2007.	2-1
3	March 16, 2007 letter from David Brown to Chief Administrative Officer Timothy Firestine.	3-1
4	May 24, 2007 letter from Steve Kaufman and John Orrick, Jr. to County Attorney Leon Rodriguez et.al., attaching a Response Memorandum and 15 Appendices.	4-1
5	May 24, 2007 letter from Kurt Fischer to County Attorney Leon Rodriguez et. al.	5-1
6	June 5, 2007 letter from David Brown to County Attorney Leon Rodriguez. et. al.	6-1
7	August 3, 2007 letter from David Brown to Council President Marilyn Praisner.	7-1