

**MEMORANDUM**

TO: County Council

FROM:  Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Expedited Bill 59-10, Transportation Impact Tax – Amendments – White Flint Impact Tax District

Expedited Bill 59-10, Transportation Impact Tax – Amendments – White Flint Impact Tax District, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on December 14, 2010. A public hearing is tentatively scheduled for January 18, 2011 at 1:30 p.m.

Bill 59-10 would:

- create a White Flint impact tax district;
- define the boundaries of the district, coterminous with the White Flint special taxing district created by Bill 50-10;
- set the rate of impact taxes for the district at \$0, as the Council tentatively decided when it reviewed the White Flint financing plan; and
- apply the \$0 tax rate for any development for which an application for a building permit is filed on or after December 1, 2010.

This packet contains:

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Expedited Bill No. 59-10  
Concerning: Transportation Impact Tax  
- Amendments - White Flint Impact  
Tax District  
Revised: 12-9-10 Draft No. 1  
Introduced: December 14, 2010  
Expires: June 14, 2012  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: December 1, 2010  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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**AN EXPEDITED ACT to:**

- (1) create a White Flint impact tax district;
- (2) define the boundaries of the White Flint impact tax district;
- (3) set the rates of the transportation impact tax for the district; and
- (4) generally amending the law governing the transportation impact tax.

By amending

Montgomery County Code  
Chapter 52, Taxation  
Sections 52-49 and 52-57

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*



High-rise residential (per dwelling unit)	\$0
Multifamily-senior residential (per dwelling unit)	\$0
Office (per sq.ft. GFA)	\$0
Industrial (per sq.ft. GFA)	\$0
Bioscience facility (per sq.ft. GFA)	\$0
Retail (per sq.ft. GFA)	\$0
Place of worship (per sq.ft. GFA)	\$0
Private elementary and secondary school (per sq.ft. GFA)	\$0
Hospital (per sq.ft. GFA)	\$0
Other nonresidential (per sq.ft. GFA)	\$0

- 26        [(b)](c)        \*        \*        \*
- 27        [(c)](d)        \*        \*        \*
- 28        [(d)](e)        \*        \*        \*
- 29        [(e)](f)        \*        \*        \*
- 30        [(f)](g)        \*        \*        \*

**Sec. 2.        Expedited Effective Date.**

The Council declares that this Act is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law, and applies to any development for which an application for building permit is filed on or after December 1, 2010.

*Approved:*

\_\_\_\_\_  
Valerie Ervin, President, County Council

\_\_\_\_\_  
Date

*Approved:*

\_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

## LEGISLATIVE REQUEST REPORT

Expedited Bill 59-10

*Transportation Impact Tax – Amendments - White Flint Impact Tax District*

**DESCRIPTION:** The requested legislation establishes a new White Flint Impact Tax District, defines the boundaries of the District, and sets the tax rate in the District.

**PROBLEM:** Implementation of the White Flint Sector Plan.

**GOALS AND OBJECTIVES:** Implementation of the White Flint Sector Plan through (1) this legislation, (2) Bill 50-10, White Flint Special Taxing District, (3) Resolution 16-1570, White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List, and (4) \$385,000 Special Appropriation to the FY11 Capital Budget and Amendment to the FY11-16 Capital Improvements Program (CIP) for White Flint District West: Transportation Project.

**COORDINATION:** Department of Finance; Office of Management and Budget

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** N/A

**EXPERIENCE ELSEWHERE:** N/A

**SOURCE OF INFORMATION:** Jennifer Barrett, Director, Department of Finance  
Joseph Beach, Director, Office of Management and Budget  
Kathleen Boucher, Assistant Chief Administrative Officer  
Diane S. Jones, Assistant Chief Administrative Officer

**APPLICATION WITHIN MUNICIPALITIES:** N/A

**PENALTIES:** N/A



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

December 9, 2010

2010 DEC 10 AM 9:49

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

TO: Valerie Ervin, President, County Council

FROM: Isiah Leggett, County Executive

SUBJECT: White Flint Impact Tax District

I am transmitting for Council introduction a bill to create a White Flint Impact Tax District. This is a follow-up to the Council's action, on November 30, 2010, on Bill 50-10, White Flint Special Tax District and Resolution 16-1570, White Flint Sector Plan Implementation Strategy and Infrastructure Improvement List.

Bill 50-10 created a special tax district for the White Flint area that is intended to replace certain development transportation charges, including transportation impact taxes. Resolution 16-1570 outlined an implementation strategy for the White Flint Special Tax District which includes creation of a White Flint Impact Tax District, with tax rates of \$0, to replace the existing transportation impact tax in White Flint.

The attached legislation creates the White Flint Impact Tax District envisioned in Resolution 16-1570. The boundaries of this district are the same as the boundaries for the White Flint Special Tax District. Within this area, the transportation impact tax rate is to be set at \$0.

Executive staff are available to assist the Council in any way as it considers the attached legislation. Thank you for your consideration and assistance in moving the White Flint Sector Plan forward towards realization.

cc: Jennifer Barrett, Director, Department of Finance  
Art Holmes, Director, Department of Transportation  
Carla Reid, Director, Department of Permitting Services  
Diane Schwartz Jones, Assistant Chief Administrative Officer