



FRIENDS of FREDERICK COUNTY

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PRESS RELEASE: embargoed until November 15, 2011 2 PM

Nov 15, 2011 Frederick, MD Friends of Frederick County, Audubon Society of Central Maryland, Chesapeake Bay Foundation, and 29 individual Frederick County residents filed a lawsuit in the Frederick County Circuit Court challenging the validity of the County's rezoning efforts to grant selected properties the right to greater development. The complaint charges such zoning action is unlawful. It will harm the environment, waste taxpayer funds and if implemented, will result in higher taxes to pay the cost of new schools, roads, and other facilities needed for the additional development.

Friends of Frederick County, Audubon Society of Central Maryland, Chesapeake Bay Foundation, and 29 individual Frederick County residents filed today, November 15, 2011, a complaint in Frederick County Circuit Court asking the Court to declare unlawful the Board of County Commissioners' efforts, now in progress, to amend the County's 2010 Comprehensive Zoning Plan and Zoning Map, and to enjoin implementation of any amendments.

The prior Board of Commissioners, in 2010, adopted a Comprehensive Plan and Zoning Map after:

- the consideration of thousands of properties comprising the land in the County;
- the consideration of extensive studies on the impact of greater development on the environment, roads, schools and other public facilities;
- determining what would best promote the public interest and general welfare of all the residents of the County.

The Complaint filed today charges:

1. The purpose of the Commissioners' amending the 2010 Plan is to grant the right of greater development to a few selected properties (approximately 190 out of the tens of thousands of properties in the County).
2. This purpose has been made clear by numerous statements of the majority of Commissioners. For example, the complaint quotes Blaine Young, the President of the Board of County Commissioners as saying:
 - "[E]ven though the process allowed anyone to apply, anyone to make a request, the intent was always to allow those that were affected through a down classification or zoning by the prior Board to have an opportunity to come before [the] new Board and, you know, make their case

and then we would act accordingly based on the information that we have.”
County/Municipalities Meeting, FCG TV, October 13, 2011.

- “[T]he only thing that the Board of County Commissioners are doing are giving those that were robbed, by the stroke of a pen, of their property rights.” - Sound Off, WFMD, Sept. 11, 2011.

3. The County Attorney, in his Memorandum of April 8, 2011, advised that the Commissioners’ proposal to rezone for the purpose of conferring greater development rights on selected properties is not lawful. The County Attorney advised the Board of County Commissioners of the proper procedures. The Complaint asserts that the Board of County Commissioners has failed to follow such procedures.
4. The efforts by the Board of County Commissioners to amend the 2010 Comprehensive Plan and Zoning Map are unlawful for three reasons:

First, the County has no authority to rezone for the purpose of increasing the value of selected properties.

Second, the zoning of individual properties requires an adjudicatory hearing with right of cross-examination to establish that there has been a mistake in the original zoning, or a change in the character of the neighborhood. These requirements are not met.

Third, although labeled “Comprehensive” zoning, the legal requirements for comprehensive zoning are not met, including studies as to the impact of greater development on the environment and public facilities.

Janice Wiles, Executive Director of Friends of Frederick County stated that “if the Board of County Commissioners amends the 2010 Plan as proposed to ‘restore’ greater development rights for selected properties, this will permit construction of approximately 17,000 new homes. No consideration is being given to adverse effects of such increased development on the environment or on public facilities. It will result in the residents having to pay higher taxes to cover the costs of new schools, roads and other facilities necessary to serve such development.”

Janice Wiles also stated that “proceeding with the unlawful process is a waste of taxpayers’ money.”

Friends of Frederick County will raise these issues at a hearing before the Planning Commission scheduled tomorrow (11/16/11) and request that no further action be taken to amend the 2010 Comprehensive Plan and Zoning Map until the Court has ruled.

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For further information please contact: Janice Wiles, Executive Director 240 626 5209

Press Conference: November 15, 2011, 1:00-2:00 pm Trust Conference Room, C Burr Artz Public Library, 110 East Patrick Street, Frederick, MD

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