

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF *
QUANTUM MARYLAND, LLC, *

and *
JOAN AQUILINO, *

FOR JUDICIAL REVIEW OF THE *
DECISION OF THE FREDERICK COUNTY *
BOARD OF ELECTIONS, *

Case No. C-10-CV-26-000309

and *
BARBARA WAGNER *

IN THE MATTER OF THE PETITION OF *
THE FREDERICK COUNTY DATA *
CENTER REFERENDUM COMMITTEE *
FOR REFERENDUM OF FREDERICK *
COUNTY COUNCIL ORDINANCE 26-01- *
001 *

QUANTUM MARYLAND, LLC, et al. *

Petitioners, *

v. *
Case No. C-10-CV-26-000309

FREDERICK COUNTY BOARD OF *
ELECTIONS, et al. *

Respondents. *

**RESPONDENT FREDERICK COUNTY DATA CENTER REFERENDUM
COMMITTEE’S OPPOSITION TO PETITIONERS’ MOTION TO STAY**

Respondent, Frederick County Data Center Referendum Committee (“Referendum
Committee”), hereby opposes the Motion to Stay (“Motion”) filed by Petitioners Quantum
Maryland, LLC and Joan Aquilino (“Petitioners”).

I. INTRODUCTION

Petitioners seek the extraordinary remedy of a stay of the Frederick County Board of Elections' ("Board of Elections") April 3, 2026, decision that the Referendum Petition of Ordinance 26-01-001 was sufficient for purposes of Election Law § 6-206, which allows this measure to be placed on the Frederick County voter ballots for the upcoming November elections. Because Petitioners have not met their burden to demonstrate that a stay is necessary, and because granting such relief would disrupt the orderly administration of elections and prejudice the voters of Frederick County, Maryland, Petitioners' Motion should be denied.

II. FACTUAL AND PROCEDURAL BACKGROUND

On September 2, 2025, the Frederick County Council passed Bill 25-09, which created the Critical Digital Infrastructure Overlay Zone ("CDI Overlay Zone"). *See* Bill No.25-09 (Md. 2025). Bill 25-09 became effective on November 1, 2025, and it limits the area where data centers can be built in Frederick County to the area in the CDI Overlay Zone. *Id.* However, notably, Bill 25-09 did not contain a map of where the CDI Overlay Zone would apply or otherwise identify which parcels fell within the CDI Overlay Zone. *Id.*

On December 16 and 17, 2025, the Frederick County Council held two public hearings regarding Frederick County's Critical Data Infrastructure Plan and the creation of a map outlining where the CDI Overlay Zone would be applied through Ordinance 26-01-001. The public hearings discussed the Frederick County Planning Commission's recommended CDI Overlay Zone to be applied through a "zoning text amendment," which would amend the zoning map to add the boundaries of the CDI Overlay Zone. *See Exhibit 1*, excerpts of materials presented at the December 16, 2025, Frederick County Council Public Hearing. Subsequently, on December 19, 2025, the agenda for the December 23, 2025, council meeting was published which included

proposed amendments to the CDI Overlay Zone that would include a 1000-acre expansion of the current Eastalco data center complex in Frederick County. *See Exhibit 2*, excerpts of materials presented at the December 23, 2025, Frederick County Council Public Hearing. This was the first time these proposed amendments were made public. Just a few days later on December 23, 2025, the Frederick County Council approved the amendments to the CDI Overlay Zone, to be enacted through Ordinance 26-01-001 with no further public input.¹ *Id.*

On January 15, 2026, Frederick County residents who are deeply concerned by the negative environmental, financial, and public health impacts that this data center expansion would have on the community, created the Referendum Committee with the sole purpose of obtaining a Referendum on Ordinance 26-01-001. *See Exhibit 3*, Affidavit of Steve Black at ¶¶ 4-5. On January 20, 2026, Ordinance 26-01-001 was published. On January 21, 2026, the Referendum Committee submitted its Referendum Petition to the Board of Elections, for an advance determination of adequacy. *See Ex. 3* at ¶ 6. The Board of Elections determined that the format of the Referendum Petition was acceptable. *See Ex. 3* at ¶ 7; *see also Exhibit 4*, January 23, 2026, Board Elections Letter. Following this Advance Determination, the Referendum Committee began gathering the requisite signatures. *See Ex. 3* at ¶ 8.

With over 200 volunteers and within 54 days, the Referendum Committee obtained over 24,000 signatures from Frederick County voters, demonstrating that Frederick County voters want their voices heard when it comes to the future of data center developments in the community. *See Ex. 3* at ¶ 13. On March 19, 2026, the Referendum Committee submitted its Referendum Petition.

¹ Frederick County Planning & Permitting, Frederick County, MD-Official Website, Critical Digital Infrastructure Overlay Zone, <https://www.frederickcountymd.gov/9128/Critical-Digital-Infrastructure-Overlay->.

See *Exhibit 5*, April 3, 2026, Board of Elections Letter. On April 3, 2026, the Board of Elections determined that the Referendum Committee provided 21,029 valid signatures, which was well above the minimum threshold of seven percent of all registered Frederick County voters required for a referendum petition. *Id.* On April 10, 2026, Petitioners filed their Petition/Complaint in this matter.²

III. ARGUMENT

A. Standard

Maryland Rule 7-205 provides, “Upon motion and after hearing, the court may grant a stay, unless prohibited by law, upon the conditions as to bond or otherwise that the court considers proper.” Although the Maryland Rules do not specify the precise standards the Court must use to evaluate whether a stay is warranted, Maryland courts have found the four-factor test typically applied when reviewing motions for preliminary injunctions to be “somewhat helpful.” See *Reichart v. State*, 2008 WL 8053624 *1 (Md. Cir. Ct. 2008)(citing *Sampson v. Murray*, 415 U.S. 61 (1974)). These factors include:

- (1) [W]hether the stay applicant has made strong showing that he is likely to succeed on the merits;
- (2) [W]hether the applicant will be irreparably injured absent stay;
- (3) [W]hether issuance of the stay will substantially injure the other parties interested in the proceeding;
- (4) [W]here the public interest lies.

See *Nken v. Holder*, 556 U.S. 418, 434 (2009)(quoting *Hilton v. Braunskill*, 418 U.S. 770, 776 (1987)).

² Nearly identical Petitions/Complaints were filed in four other matters. On May 13, 2026, the Court in this matter issued an Order consolidating the five cases into Case No. C-10-CV-26-000309.

As the moving party, Petitioners bear the burden of showing a stay is necessary. *See Schade v. Md. State Board of Elections*, 401 Md. 1, 36 (2007); *see also Department of Transportation v. Armacost*, 299 Md. 392, 404-05 (1984). However, Petitioners failed to make the requisite showing in support of their request for a stay. In particular, Petitioners are not likely to succeed; have not demonstrated an irreparable harm; and have failed to address the irreparable harm that the Referendum Committee will suffer. Finally, the public interest weighs in favor of denying the stay. We address each of these factors below.

B. Petitioners Are Not Likely To Succeed On The Merits.

1. Ordinances are laws subject to referendum.

The central issue presented to the Court is whether the Board of Elections, through its administrative agency duties, properly certified the Referendum Petition proffered by the Referendum Committee.

The scope of judicial review of an administrative decision “is narrow; it is limited to determining if there is substantial evidence in the record as a whole to support the agency’s findings and conclusions, and to determin[ing] if the administrative decision is premised upon an erroneous conclusion of law.” *Aviation. Admin. v. Noland*, 386 Md. 556, 571 (2005)(internal quotation marks and citations omitted). If a reviewing court could reasonably have reached the agency’s conclusion, it should not overturn that decision unless reversal is predicated solely on an error of law. *State Election Bd. v. Billhimer*, 314 Md. 46, 59 (1988).

In the instant case, the issues presented to the Court are solely of statutory interpretation, and therefore questions of law. *See Montgomery County Volunteer Fire-Rescue Ass’n v. Montgomery County Bd. of Elections*, 418 Md. 463, 469 (2011). Ordinarily,

[A] court’s task on review is *not* to substitute its judgment for the expertise of those persons who constitute the administrative agency. Even with regard to some

legal issues, a degree of deference should often be accorded to the position of the administrative agency. Thus, an administrative agency's interpretation and application of the statute which the agency administers should ordinarily be given considerable weight by reviewing courts.

Aviation Admin, 386 Md. at 571-72 (internal quotation marks and citations omitted, emphasis in original). Maryland courts give "weight to an agency's experience in interpretation of a statute that it administers," *Schwartz v. Md. Department of Natural Resources*, 385 Md. 534, 554 (2005), especially when that statute is ambiguous or unclear. *Div. of Labor & Indus. v. Triangle Gen. Contrs., Inc.*, 366 Md. 407, 417 (2001). "The interpretation of a statute by those officials charged with administering the statute is, of course, entitled to weight." *McCullough v. Wittner*, 314 Md. 602, 612 (1989). Moreover, the "expertise of the agency in its own field should be respected." *Board of Physician Quality Assur. v. Banks*, 354 Md. 59, 68-69 (1999).

Title 6 of the Election Law Article requires the Board of Elections to determine if the Ordinance is referable to a referendum. The Board of Elections is tasked with deciding if a petition for the subject matter is authorized by "law" pursuant to the Frederick County Charter. Election Law § 6-206(c)(5)(i). Section 308(a) of the Frederick County Charter provides:

Except for the following, a law, or part of a law, enacted pursuant to this Charter, may be referred to the voters for approval upon the filing of a petition signed by seven percent of the registered voters of the County:

- (1) A law imposing a tax
- (2) A law appropriating funds for current expenses to maintain the Government
- (3) A law prescribing Council Districts; and
- (4) A law adopting a Compensation Review Commission.

Petitioners argue that Ordinance 26-01-001 is not a "law" and therefore cannot be subject to referendum pursuant to Section 308(a) of the Frederick County Charter. *See* Mot. at ¶ 19. While the term "law" is not defined in either Title 6 of the Maryland Election Law Article or in Section 308(a) of the Frederick County Charter, the plain language of the Charter demonstrates that "a law" is subject to referendum and Ordinance 26-01-001 is a law. Petitioners also argue

that Ordinance 26-01-001 was not enacted “pursuant to [the] Charter” therefore it cannot be subject to referendum. *See* Mot. at ¶ 21. Petitioners’ interpretation of the Charter and Election Law § 6-206 would create a loophole through which actions of the Council could impermissibly bypass referendum power.

The Charter carefully lists in plain language four specific exceptions to the referendum power. Petitioners in effect seek to insert into the Charter a fifth exception that is not specifically enumerated – that an ordinance is not a law. Canons of statutory interpretation require that the reading of these four exceptions should be interpreted as exclusive “so that a court will draw the negative inference that no other items may be added.” *Fielding v. State*, 238 Md. App. 262, 279 (2018)(citing *Potomac Abatement, Inc. v. Sanchez*, 424 Md. 701, 712 (2012)). Yet, the Petitioners’ argument relies on adding an exceedingly narrow definition of “law” where none exists, and adding a loophole not supported by the text. Based on a reading of the plain language of the Charter, it is reasonable for the Court to conclude that because none of the exceptions in Section 308 of the Charter apply, an ordinance is subject to referendum.

Petitioners also argue that the Frederick County Charter treats “law” and “ordinance” as distinct instruments. *See* Mot. at ¶ 19. Not so. The terms “law” and “ordinance” are not defined but are used interchangeably in the Frederick County Charter. For example, Section 214(d) of the Frederick County Charter indicates that an “ordinance establishing Council Districts shall be exempt from referendum.” Yet, Section 308(a)(3) provides that “a law prescribing Council Districts” is exempt from referendum. Additionally, Section 207 of the Charter sets forth that a “Compensation Review Commission” is to be adopted by ordinance, but Section 308(a)(4) uses the word “law” to describe the act of adopting a “Compensation Review Commission.” The word “law” as used in Section 308 must include ordinances, because otherwise it would make no sense

for Section 308(a)(4) to explicitly exclude “a law adopting a ‘Compensation Review Commission,’” an action accomplished by ordinance, as explicitly stated in Section 207. In sum, it is entirely appropriate then for this Court to conclude that the Board of Elections decision was not based on a “clear error of law.” *Aviation Admin*, 386 Md. at 571 (2005).

2. The Board of Elections Decision is entitled to deference.

Even if the Court were to find that Election Law § 6-206 and Section 308(a) of the Frederick County Charter when read together are ambiguous, the Board of Elections’ decision, nonetheless, is entitled to deference. *McCullough*, 314 Md. at 612. After reviewing the Referendum Petition, the Board of Elections found the Referendum Committee had gathered the requisite number of signatures, that the Referendum Petition was sufficient, and there were no deficiencies pursuant to Election Law § 6-206. *See* Ex. 5. The Board of Elections determined the question is qualified to be placed on the November 2026 General Election Ballot and notified the Frederick County attorney as such. *See Exhibit 6*, April 3, 2026, Board of Elections Letter to Frederick County Attorney. The substantial evidence before the Board of Elections supported its findings and conclusions. The Board of Elections, as the administrative agency, interpreted the statute and portion of the Frederick County Charter it is charged with administering. This Court, therefore, should defer to the Board of Election’s expertise. *McCullough*, 314 Md. at 612.

3. The Referendum Petition is not defective.

Petitioners also claim that the Referendum Petition is otherwise defective. *See* Mot. at ¶ 21. Petitioners state that there is no presumption of sufficiency; however, Election Law § 6-206 clearly states “Unless a determination of deficiency is made... the chief election official shall (1) make a determination that the petition, as to matters other than the validity of signatures is sufficient.” (emphasis added). Here, the Election Director determined “there is no deficiency”

under the relevant Election Laws and found the Referendum Petition had the valid signatures and was sufficient. *See* Ex. 5.

Petitioners misinterpret the language in the Board of Elections' April 3, 2026, letter and argue that because the Elections Director stated that she is "unable to make the determination that the petition is not authorized by law" the entire determination is void. *See* Mot. at ¶ 23. However, the Elections Director fulfilled her obligations by reviewing and analyzing the Referendum Petition and correctly rendering a decision as to the sufficiency of the Referendum Petition. Election Law § 6-206.

Petitioners also argue that the Board of Elections' decision is deficient because the Board of Election did not acknowledge or address Petitioner Quantum Maryland's March 25, 2026, letter. However, Petitioners cite to no authority that requires the Board of Elections to address or acknowledge such letters in making its final decision and whether that has any bearing on the sufficiency of the Board of Elections' decision.

Finally, Petitioners argue that the circulators communicated a misleading scope of Ordinance 26-01-001 and that flyers distributed contained false statements about the environmental damage stemming from Ordinance 26-01-001. However, Petitioners provide no evidentiary support for their arguments other than citations to an affidavit signed by Petitioners' attorney. This argument is a red herring. The Board of Elections properly carried out its administrative duties by reviewing the Referendum Petition, making a determination regarding the valid signatures, and assessing whether the Referendum Petition was otherwise deficient pursuant to Election Law § 6-206(c).

In contrast to Petitioners' narrative, circulators were trained to accurately represent Ordinance 26-01-001, the flyers did not contain misleading statements, and the Referendum

Petition itself was clear and legible, and accurately described Ordinance 26-01-001 and the CDI Overlay Zone. *See* Ex. 3 at ¶¶ 9-10. The flyers were created by Referendum Committee members who attended County Council meetings and listened to hours of public comments detailing the negative health, financial, and environmental impacts that data center development will have on the Frederick County community. *See* Ex. 3 at ¶ 10. Additionally, the Board of Elections made an Advanced Determination that the format of the Referendum Petition was sufficient. *See* Ex. 4. Therefore, this Court is likely to find that the Referendum Petition and its materials were substantially compliant with statutory requirements and Petitioners are not likely to succeed on the merits. *See generally Doe v. Montgomery County Board of Elections*, No. 293857, 2008 WL 3049902 (Jul. 24, 2008).

The foregoing analysis, therefore, weighs in favor of denying Petitioners' Motion to Stay.

C. Petitioners Will Not Suffer Irreparable Harm Without A Stay.

Petitioners' Motion fails to substantiate that either Ms. Aquilino as a registered voter, or Quantum Maryland, as a business, will suffer irreparable harm if a stay is not granted by this Court.

The Board of Elections decision suspends the implementation of Ordinance 26-01-001. Petitioners, therefore, argue that the suspension of Ordinance 26-01-001 clouds the zoning status of the planned data center campus and requests a stay of the Board of Elections. *See* Mot. at ¶ 31. However, Petitioners fail to provide any support for their assertion, including any correspondence or notice from the Frederick County Zoning Board. Petitioners' argument is pure speculation and thus cannot properly support the relief Petitioners seek *see also Eastside Vend Distributors, Inc. v. Pepsi Bottling Group, Inc.*, 396 Md. 219, 235-236 (2006)(holding, "this Court can not speculate that the harm would be substantial or irreparable, there are simply too many variables not addressed."). Consequently, Petitioners' argument of irreparable harm on this point fails.

Petitioners set forth the argument that the Board of Elections decision must be stayed because the Referendum Petition “could” be placed on a special election ballot. *See* Mot. at ¶ 32. This argument is pure conjecture. Other than a statement from one Frederick County Council member, Petitioners offer no support for their argument that there will be a special election held regarding Ordinance 26-01-001. Petitioners’ argument on this point tries to force this Court into guessing whether the Board of Elections will put together a special election in the next six months, while offering the Court no support for their position is impermissible. *See also Eastside Vend Distributors, Inc.*, 396 Md. at 235-236. Petitioners’ request for an extraordinary remedy based on unsupported fears must be denied.

Petitioners also argue that the suspension of Ordinance 26-01-001 “potentially places development financing in jeopardy.” Once again, Petitioners fail to offer support for this argument. Petitioners cannot shift their burden to this Court by making the Court speculate as to the potential financial harm that Petitioners might suffer without a stay. *See* Mot. at ¶ 31; *see also Eastside Vend Distributors, Inc.*, 396 Md. at 235-236. Additionally, the Frederick County Zoning Board has issued zoning verification letters to parcel owners within the potential CDI Overlay Zone stating that these parcels have no existing violations, which further undercuts Petitioners’ fear of financial jeopardy. *See Exhibit 7*, April 24, 2026 Frederick County Zoning Board Verification Letter.³ Because Petitioners do not set forth any legitimate, non-speculative arguments of

³ Respondent does not agree with the position taken by the Frederick County Planning and Permitting Committee reflected in the April 24, 2026, and is submitting Exhibit 7 for the sole purpose of rebutting Petitioners’ argument regarding irreparable harm due to potential non-conforming zoning status.

irreparable harm they will suffer without a stay, this factor too weighs heavily in favor of denying Petitioners' Motion.

D. The Referendum Committee Will Suffer Substantial Harm If The Stay Is Granted.

Petitioners' Motion to Stay does not even address whether the Referendum Committee will suffer a substantial harm if the stay is entered. *See* Mot. at ¶ 33. With respect to this factor, there is little doubt that the Referendum Committee will suffer substantial harm if this Court grants a stay. What Petitioners seek with their motion for a stay is to ensure the Referendum Petition does not appear on the November 2026 ballot, utterly eviscerating the will of thousands of Frederick County voters who signed the referendum petition. *See* Ex. 3 at ¶¶ 14-15. The Referendum Committee was created for the sole purpose of placing Ordinance 26-01-001 on the November 2026 General Election Ballot so that Frederick County residents can have a voice in the future of data center development in the community. *Id.* A stay will nullify the work of the Referendum Committee and endure substantial harm as a result. This factor thus weighs in favor of denying Petitioners' Motion to Stay.

E. Public Interest Does Not Weigh In Favor Of A Stay.

Over 24,000 registered voters of Frederick County have made their voices heard by signing the Referendum Petition. *See* Ex. 4. This represents nearly 12% of all registered voters in Frederick County at the time the referendum was submitted to the Board of Elections.⁴ It is therefore clearly in the public interest for the voters of Frederick County to determine the future of data center development in the community by casting their ballots in the November election.

⁴ *See* Frederick County Board of Elections Monthly Statistical Report (Jan. 2026), available at <https://www.frederickcountymd.gov/DocumentCenter/View/348015/January-2026-Monthly-Statistical-Report>.

Moreover, courts have been reluctant to grant stays so close to an election. *See Schade*, 401 Md. at 40 (2004) (finding injunctive relief may be inappropriate in an election case if the election is too close for the State, realistically to be able to implement changes) (citing *Liddy v. Lamone*, 398 Md. 233 (2007)).

On May 12, 2026, Governor Moore signed SB0029 into law, which requires all statewide and county specific ballot questions to be certified by July 1 immediately preceding the general election, less than two months away. *See SB0029* (Md. 2026). Granting a stay would render meeting this July 1st deadline an impossibility and deny Frederick County voters their opportunity to vote on the referendum issue.

Additionally, if the Court grants the stay requested by Petitioners, development on data centers could begin in the CDI Overlay Zone. The Board of Elections' decision effectively halts the implementation of Ordinance 26-01-001 pending the results of the November 2026 election. If Petitioners' stay is granted now, developers could start the process of developing data centers before the election. As stated above, Frederick County voters decided that they want to be able to vote on this issue. Granting Petitioners' stay at this stage would bypass the public interest.

Thus, this factor, like the other three discussed above, weighs in favor of denying Petitioners' Motion.

IV. CONCLUSION

Failing to satisfy any one of the four factors enumerated above precludes granting a motion to stay. *See Schade*, 401 Md. at 36(citing *Ehrlich v. Perez*, 394 Md. 691, 707 (2006)). As demonstrated above, Petitioners' arguments fail as to each of the four factors. We, therefore, request this Court deny the Petitioners' Motion to Stay.

Date: May 18, 2026

Respectfully, submitted,

/s/ David B. Fischer

David B. Fischer

Counsel of Record

CPF# 9112170217

Victoria D. Tinker

CPF# 2304040021

Galen D. Rende

CPF# 2012180202

Keller and Heckman LLP

1001 G Street, NW, Suite 500 West

Washington, DC 20001

Phone: (202) 434-4100

fischer@khlaw.com

Attorneys for Respondent, Frederick

County Data Center Referendum

Committee

CERTIFICATE REGARDING RESTRICTED INFORMATION

I, David Fischer, HEREBY CERTIFY that this submission does not contain any restricted information.

May 18, 2026 _____
Date

/s/ David B. Fischer _____
David B. Fischer

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2026, the foregoing Opposition was served electronically via the Maryland Electronic Courts (MDEC) system in the above-captioned matter upon the following:

LONGMAN & VAN GRACK, LLC

Adam L. Van Grack, Esq. (CPF No. 0212190262)

Theodore B. Kiviat, Esq. (CPF No. 0101110004)

10411 Motor City Drive, Suite 750

Bethesda, Maryland 20817

Telephone: (301) 291-5027

Fax: (301) 291-5028

avangrack@lvglawfirm.com

tkiviat@lvglawfirm.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Keith H. Forst (Motion for Special Admission Pending)

Asher Griffin (Motion for Special Admission Pending)

José R. Pereyó (Motion for Special Admission Pending)

Paul D. Henderson (Motion for Special Admission Pending)

555 13th Street NW, Suite 600

Washington, District of Columbia 20004

Telephone: (202) 538 8000

Fax: (202) 538 8100

keithforst@quinnemanuel.com

josepereyo@quinnemanuel.com

paulhenderson@quinnemanuel.com

Counsel for Petitioners Quantum Maryland, LLC and Joan Aquilino

OFFIT KURMAN P.A

William E. Erskine, Esq. (CPF No. 9306230100)

Noel Manalo, Esq.,

7021 Columbia Gateway Drive, Suite 200

Columbia, Maryland 21046

Tel: (301) 575-0363

werskine@offitkurman.com

noel.manalo@offitkurman.com

*Counsel for Petitioners Windridge Properties L.C.,
and Theodore H. Butz*

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.

Charles R. Schaller (CPF No. 9106200250)

Christopher C. Dahl (CPF No. 1012140177)

Michael A. Brown (CPF No. 1812110045)

100 Light Street, 19th Floor

Baltimore, MD 21202

Tel: (410) 862-1135

cschaller@bakerdonelson.com

cdahl@bakerdonelson.com

mbrown@bakerdonelson.com

Counsel for Petitioners Rowan Frederick LLC, Rowan Frederick II LLC, and Rowan Frederick III LLC

SELZER, GURVITCH, RABIN, WERTHEIMER & POLOTT, PC

Jesse D Stein, Esq. (CPF No. 0306180246)

C. Robert Dalrymple, Esq. (CPF No. 850101036)

Elizabeth J. Mcinturff, Esq. (CPF No. 111214023)

4416 East West Highway, Suite 400

Bethesda, MD 20814

Tel: (301) 986-9600

bdalrymple@sgrwlaw.com

jstein@sgrwlaw.com

emcinturff@sgrwlaw.com

Counsel for Petitioners Frederick Data Owner, LLC, and Justin Cassity

MCNEES WALLACE & NURICK LLC

Paul D. Rose, Jr. (CPF No. 0112120254)

Derek P. Roussillon (CPF No. 0312170198)

Matthew K. Graham AIS(CPF No. 2305250027)

8490 Progress Drive Suite 225

Frederick, Maryland 21701

Tel: (301) 241-2011

prose@mcneeslaw.com

droussillon@mcneeslaw.com

mgraham@mcneeslaw.com

Attorneys for Petitioners NDR Properties, LLC and David Pleasants

May 18, 2026

Date

/s/ David B. Fischer

David B. Fischer

Exhibit 1



Frederick County, Maryland County Council Meeting Legislative Day

Tuesday, December 16, 2025 – 5:30 p.m.

AGENDA

- I. **Call to Order**
- II. **Moment of Silence and Pledge of Allegiance**
- III. **Quorum Call**
- IV. **Action on the Agenda**
- V. **Public Comments (5:30 p.m. – 5:45 p.m.) - Members of the public will be given three (3) minutes to provide comments.**
Public comments will be accepted on the Council's public portal at FrederickCountyMD.gov/CouncilMeetings, or by calling toll-free 855- 925-2801, entering meeting code 8365, and leaving a voicemail message or to enter into a queue for live public comment during the meeting. Written comments will be included in the Council record and minutes.
- VI. **Approval of Minutes: [12/02/2025](#).**
- VII. **Budget Adjustments – Kelly Weaver, Director, Budget Office**
The Council will not discuss individual Budget Adjustment items and will vote on all the Budget Adjustments in the form of one motion. Council Members wishing to discuss one or more of the Budget Adjustments shall make a request to the President at least 24 hours in advance of the meeting, stating the issue(s) to be addressed and requesting administration staff be present for discussion of that budget adjustment. Provided a majority of the Council support the request, the item will be subject to discussion by the Council.
(Council Decision)
 - J-26-171 – Division of Water and Sewer Utilities
 - J-26-179 – Division of Planning and Permitting
 - J-26-181 – Department of Stormwater, Division of Energy and Environment
 - J-26-184 – Parks and Recreation Division
 - J-26-185 – Parks and Recreation Division
 - J-26-186 – Division of Fire and Rescue Services
- VIII. **Summary Results and Required Communications for the June 30, 2025, Audited Financials** - Ronni Bowman, Accounting Director, Finance Division; Christopher Lehman from SB and Company, LLC
(Council Information)

[PowerPoint Presentation](#)

IX. [Public Hearing on Critical Digital Infrastructure Overlay Zone and Proposed Zoning Map Amendments](#) – Council President Brad Young
(Council Information)

[Draft Comprehensive Plan Amendment / Zoning Map Amendment](#)

[Planning Commission Recommended Comprehensive Plan Amendment / Zoning Map Amendment](#)

[Planning Commission Resolution 2025-1](#)

[Property Owner Initiated Rezoning Requests to the Overlay Zone](#)

Members of the public will be given six (6) minutes to provide comments.

X. **Public Comments - Members of the public will be given three (3) minutes to provide comments.**
*Public comments will be accepted via email on the Council’s public portal, FrederickCountyMD.gov/CouncilMeetings, or by calling toll-free 855- 925-2801, entering meeting code 8365, pressing *2 to leave a voicemail message or pressing *3 to enter a muted queue for live public comment during the meeting. Written comments will be included in the Council record and minutes.*

XI. **Council Member Comments**

XII. **Upcoming Meetings**

- Tuesday, December 23, 2025
- ~~Tuesday, December 30, 2025~~ CANCELLED
- Tuesday, January 6, 2025

XIII. **Adjourn**

The County Council’s meeting will be broadcast live on FCG TV cable channels 19/1072, and webcast at FrederickCountyMD.gov/CouncilMeetings. Previous meetings can be viewed on demand at FrederickCountyMD.gov/FCGTV.

The Frederick County Council has adopted a Code of Civility to its Rules of Procedure to promote civil discourse in the conduct of County meetings and other County business. This Code of Civility is intended to encourage citizens - led through example by elected and appointed County officials - to abide by and exhibit behavior guided by the following: Be respectful; speak and act politely, calmly, and reasonably. Do not resort to personal attacks, name-calling, or harassment. Be responsible: Demonstrate fairness by ensuring that all who speak have an opportunity to present their respective positions. Treat all speakers equally.

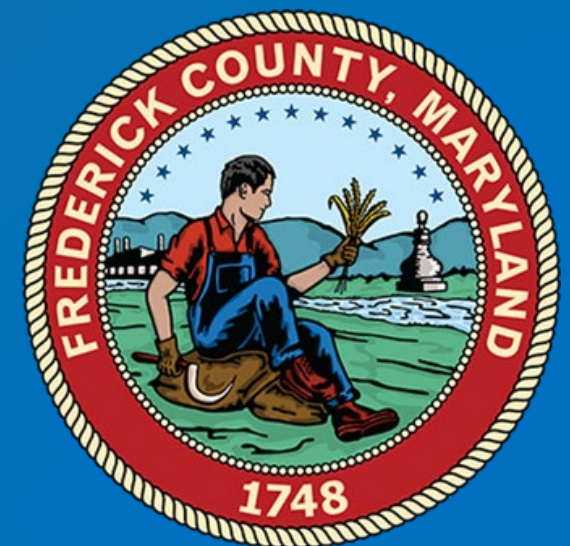
Frederick County Government does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, disability, familial status, gender identity, sexual orientation, or source of income.

Please send requests for interpreting services to sklimko@frederickcountymd.gov at least 3 business days prior to the meeting.

The County's Ethics Ordinance (Section 1.7-1.8 of the Code) requires the registration of individuals and entities that qualify as lobbyists. If you will be testifying before the County Council, the Ordinance may require that you register as a lobbyist. If you have a question as to the applicability of this Ordinance, please contact the County Attorney's Office at (301) 600-1030.

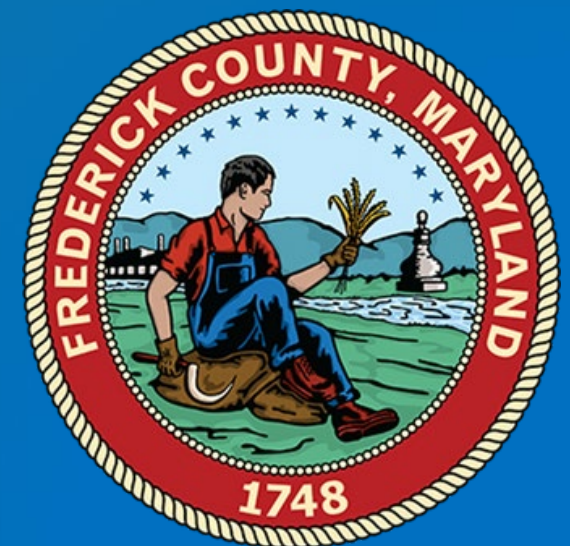
Critical Digital Infrastructure Overlay Zoning Amendment and Comprehensive Plan Amendment

County Council Workshop
December 2, 2025



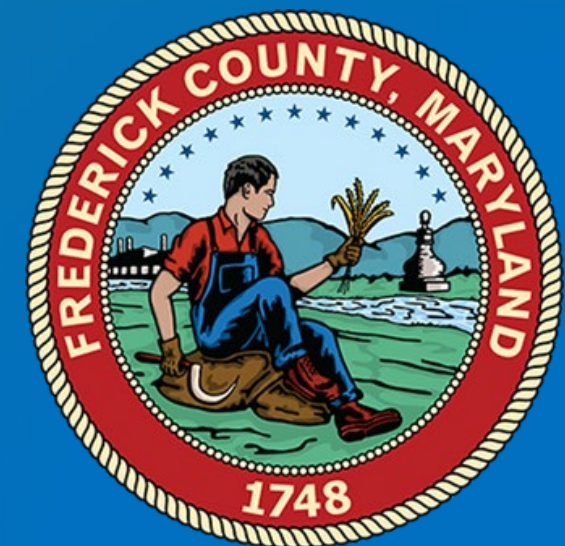
Purpose of the CDI Overlay

- Concentrates data center development to prevent sprawl
- Limits this development to less than 1% of our land
- Provides transparency and public input opportunities
- Maintains control over land use decisions with the Council



Process

- ✓ Create the overlay in code through “zoning text amendment” (CB 25- 09)
- ✓ Comprehensive Plan Amendment and Zoning Amendment
 - ✓ Drafted by DPP
 - ✓ Reviewed by Planning Commission
 - ✓ Reviewed by the State (60-day review)
 - ✓ Planning Commission workshop, hearing, and recommendation
 - Review and approval by County Council
- Zoning map amendment to add the overlay area
- Zoning changes considered by individual application



Public Notice and Outreach

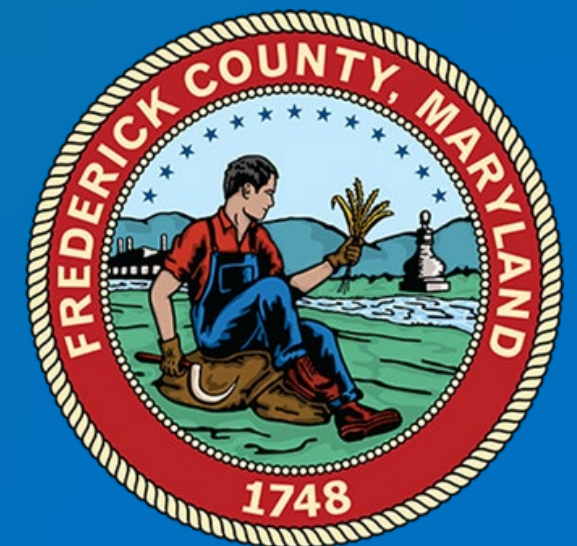
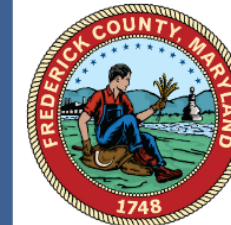
- Rezoning Signs posted on properties
- Legal Advertising (in the Frederick News-Post)
 - Requested publication on November 29 and December 6
- Individual notice to affected property owners
- Press release outlining next steps and encouraging public participation

Frederick County Council Public Hearing

**Critical Digital Infrastructure
Comprehensive Plan Amendment and
Comprehensive Rezoning**

**Tuesday, December 16
5:30 pm**

**Winchester Hall
First Floor Hearing Room**



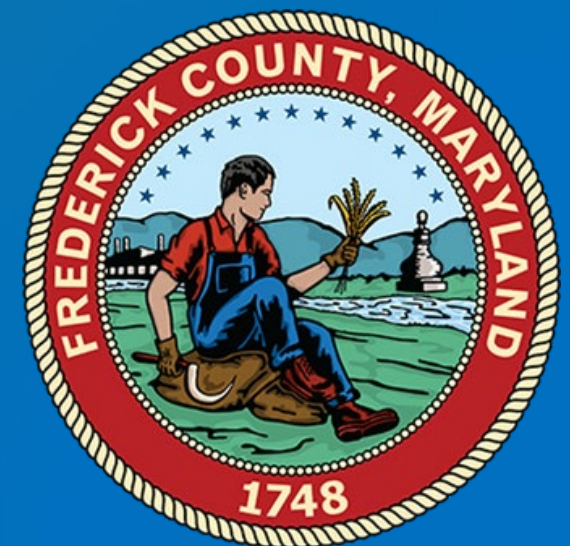
Individual Notices

- Owners of parcels within the PC Rec. Map and Staff Rec. Map
- Adjoiners of parcels within the PC Rec. Map and Staff Rec. Map
- Owners of parcels requesting inclusion in the CDI-OZ and/or a zoning designation change
- Owners of parcels adjoining parcels that have requested inclusion and/or a zoning designation change
- Owners of parcels recommended for addition to the CGA, but not inclusion in the CDI-OZ.



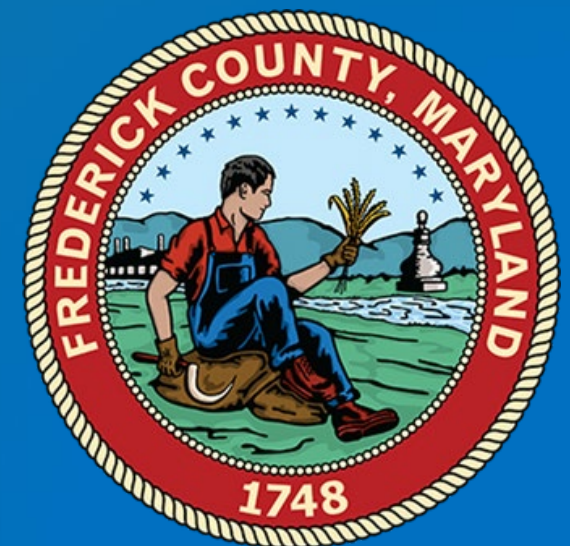
Public Notice Language

- In-person and virtual public hearing on Tuesday, Dec. 16 @ 5:30 PM
- Speakers will be given up to a total of 6 minutes to comment on the comprehensive plan amendment and the CDI Overlay Zone
- "Consider an amendment to the LFMP and an associated zoning map amendment for the CDI-OZ"



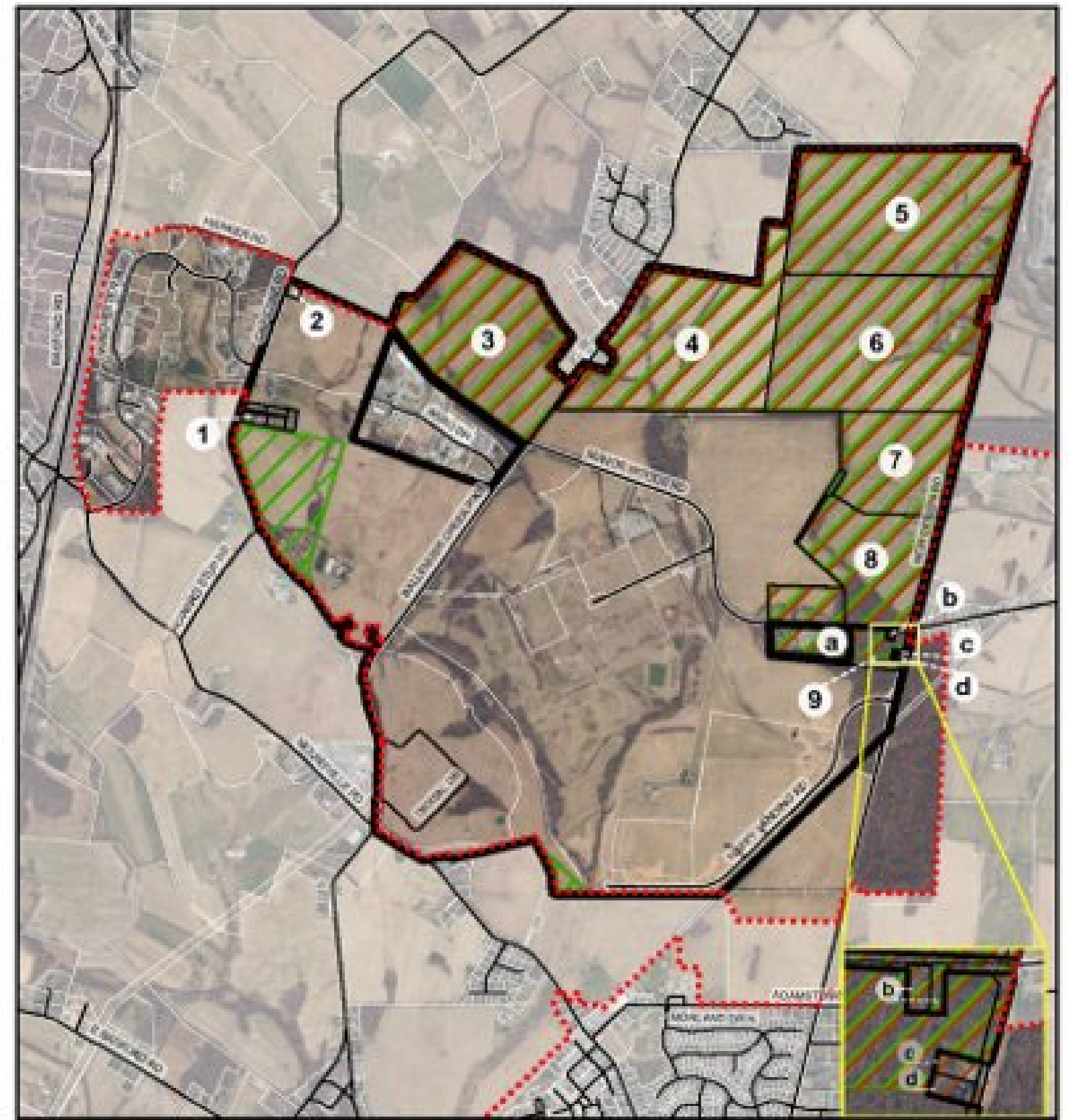
Public Notice Language (cont.)

- Council consideration of LFMP amendment may include changes to:
 - The Eastalco Community Growth Area Boundary
 - Land use designation
 - Water/Sewer classifications
 - Priority Preservation Area and Rural Legacy Area Maps
 - Zoning map, including delineation of the CDI-OZ and/or changes to zoning designation of individual properties



Staff Recommendation Property Key

- 1 – 9: Properties proposed for inclusion in the Eastalco Community Growth Area and the CDI-OZ.
- A – d: Properties proposed for addition to the Eastalco Community Growth Area, but not proposed for inclusion in the CDI-OZ.



Proposed Critical Data Infrastructure (CDI) Overlay Zone

- Priority Preservation Areas in Proposed CGA (eligible, not preserved)
- Rural Legacy Areas in Proposed CGA (eligible, not preserved)

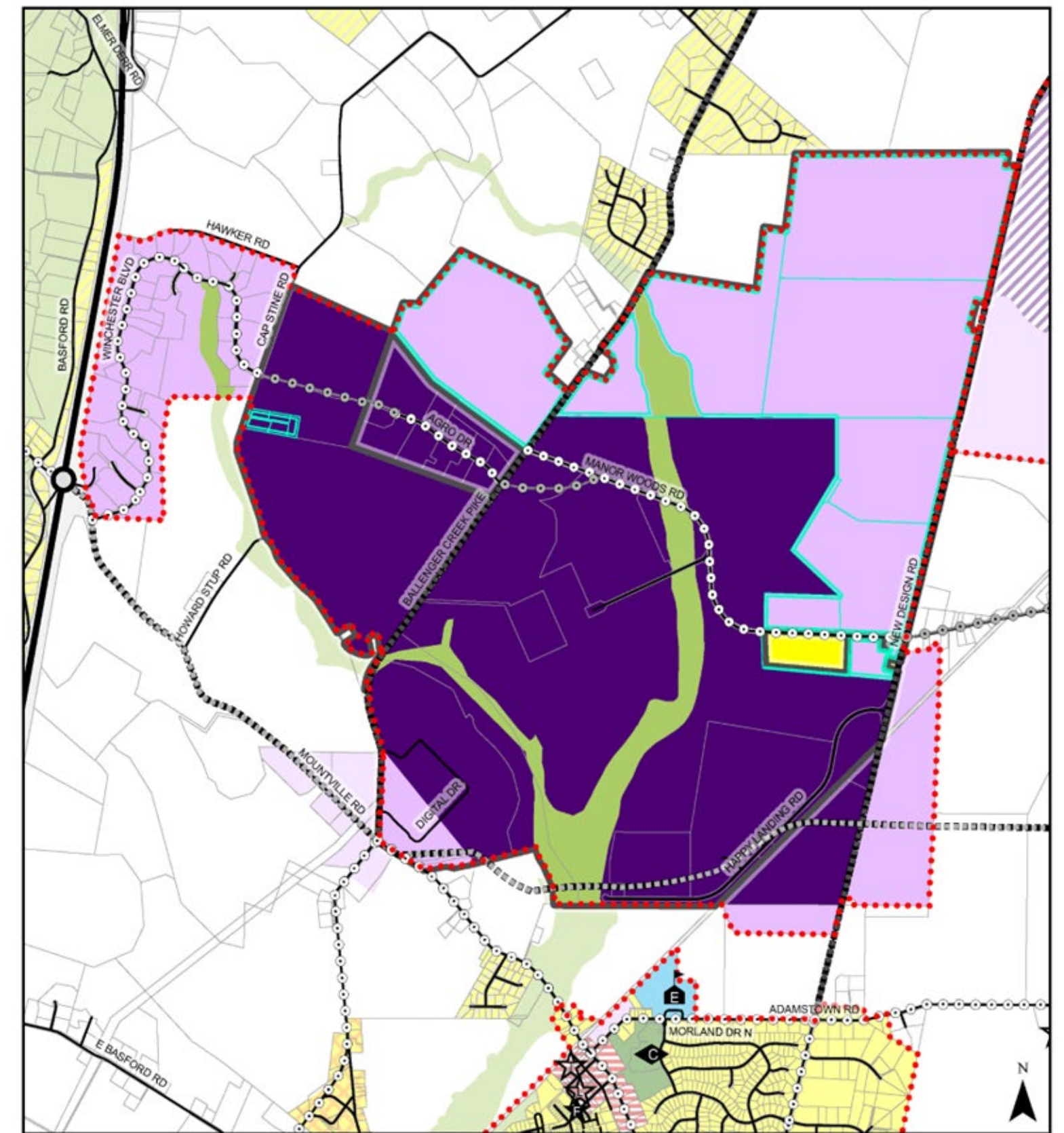
Proposed CDI Overlay Zone

CDI Acres	% of County
2,566.4	0.60
PPA Acres	RLA Acres
933.6	1,012.1

Frederick County, Maryland
Division of Planning and Permitting

Staff Rec. Community Growth Area

- Red dotted line – Proposed CGA
- Add properties “a” through “d” and “1” through “9” to the Eastalco Community Growth Area



Frederick County, Maryland
Division of Planning and Permitting

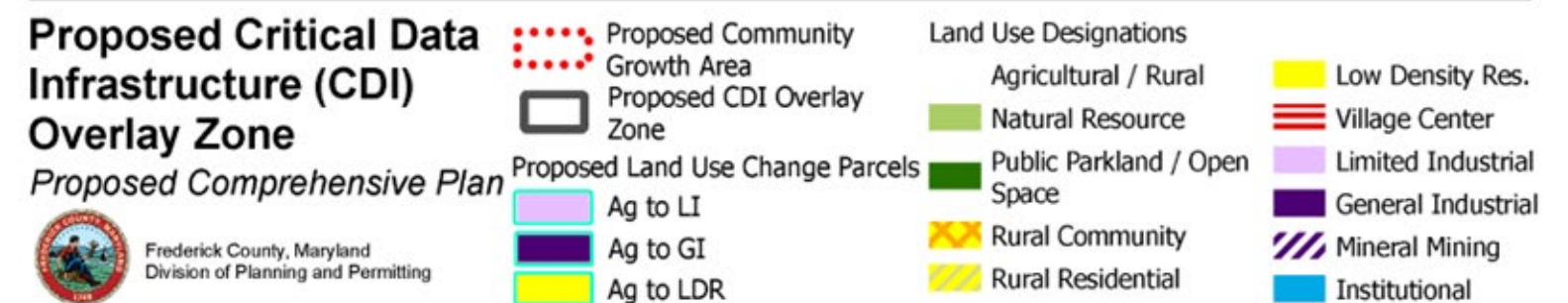
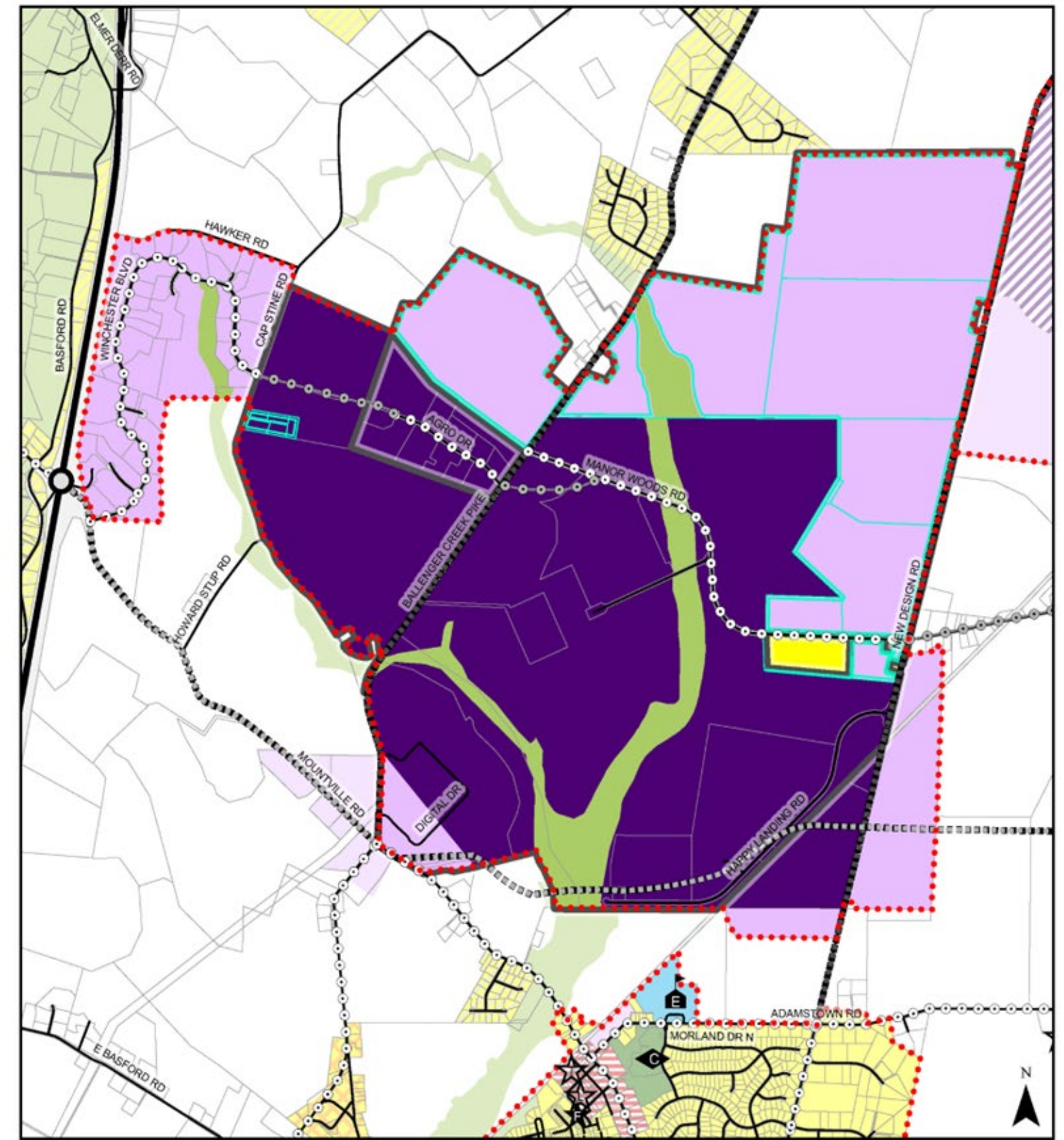
Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 7/2/2025

0 0.2 0.4 0.8 Miles

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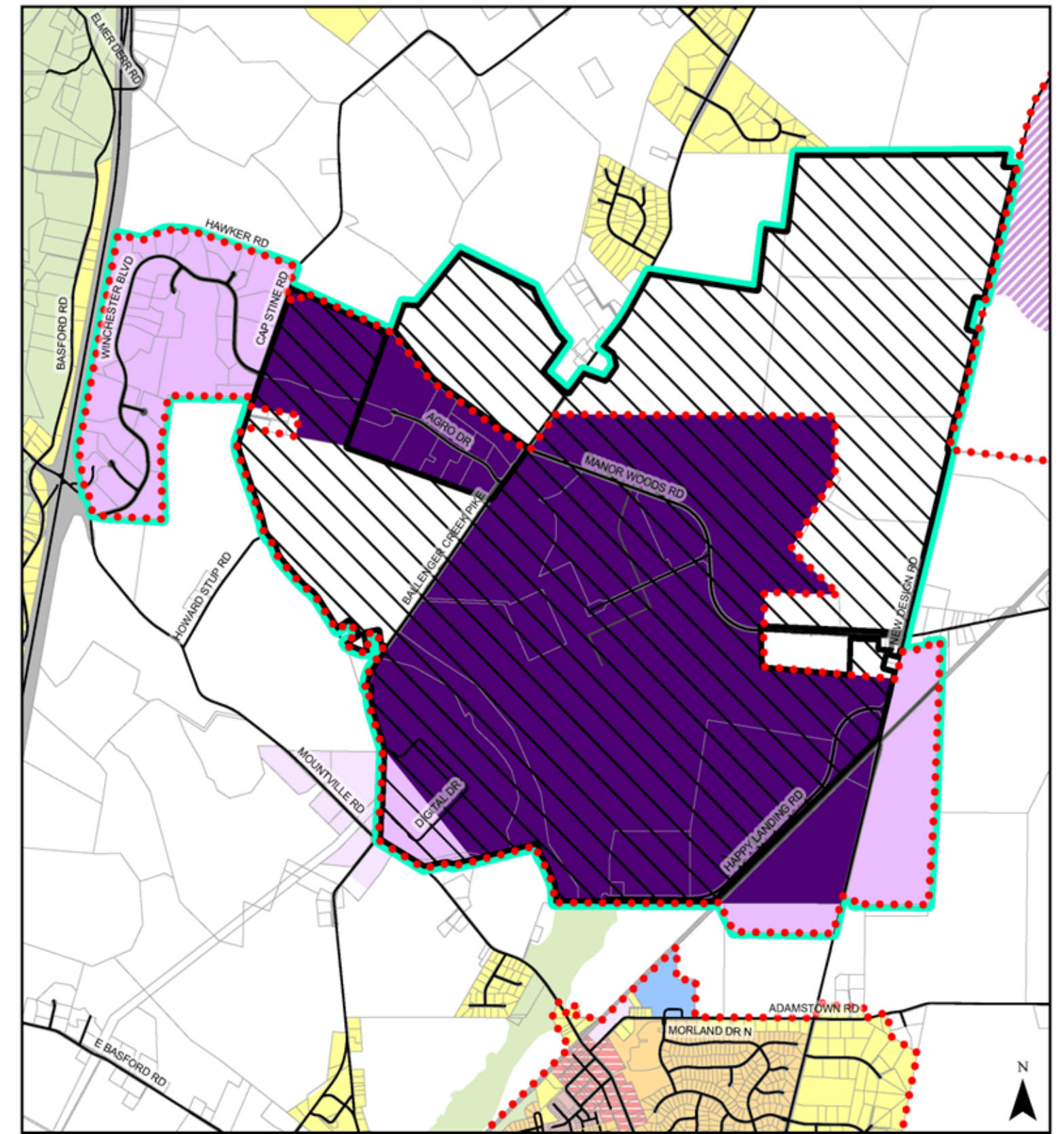
Staff Rec. Land Use

- Change properties “a” through “d” from Agricultural to Low Density Residential
- Change property “1” from Agricultural to General Industrial
- Change properties “3” through “9” from Agricultural to Limited Industrial

















Staff Rec. Zoning

- Amend the zoning map to add the boundaries of the Critical Digital Infrastructure Overlay Zone

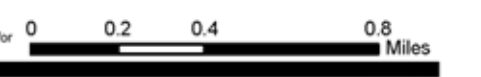


Proposed Critical Data Infrastructure (CDI) Overlay Zone
Zoning with Proposed CGA

	Community Growth Area		Proposed Community Growth Areas		Proposed CDI Overlay Zone
Zoning Districts					
	A – Agricultural		LI – Limited Industrial		Ie – Institutional
	R1 – Low Density Residential		MM – Mineral Mining		Right of Way
	R3 – Low Density Residential		VC – Village Center		
	PUD – Planned Unit Development				

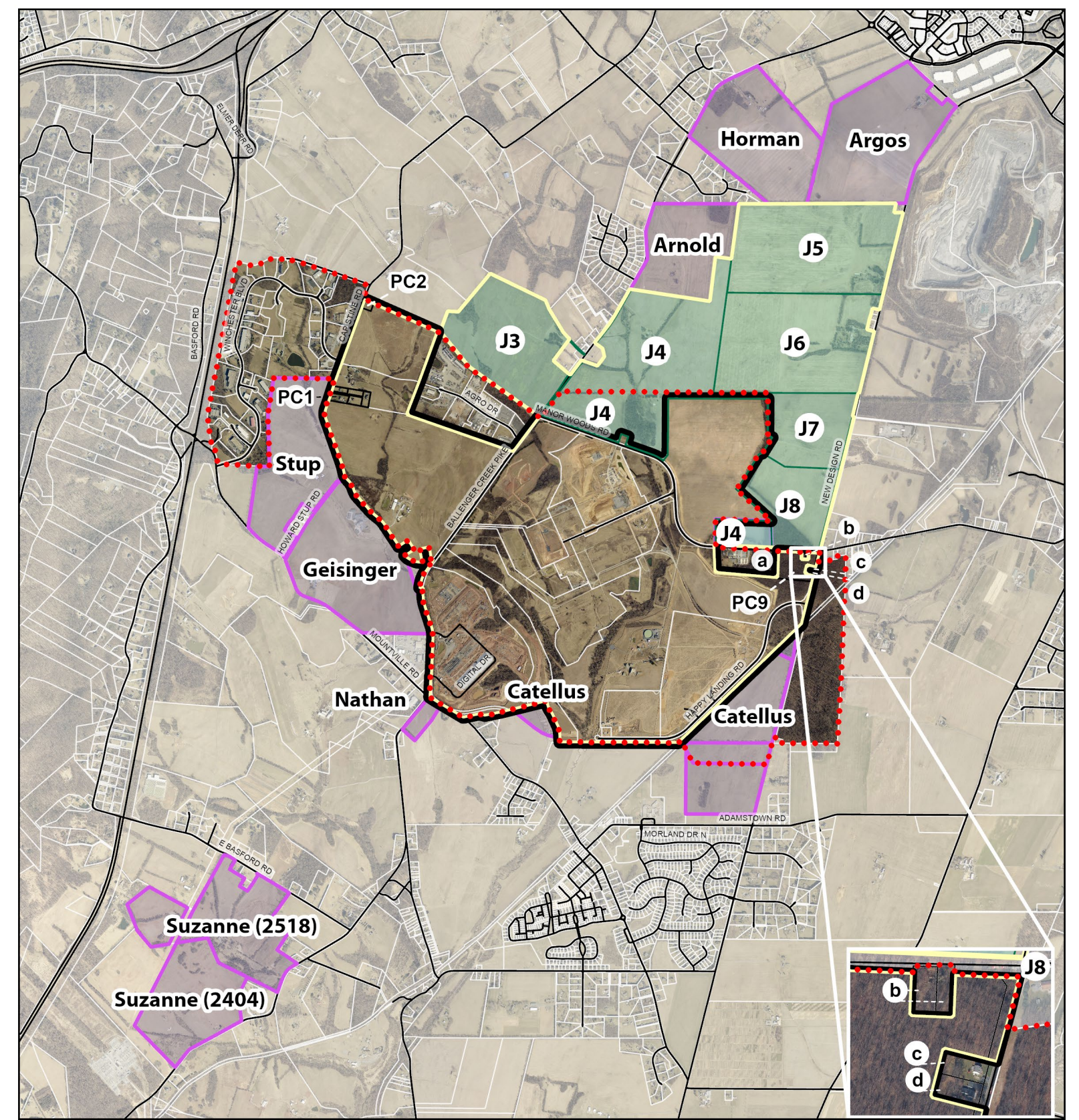
 Frederick County, Maryland
Division of Planning and Permitting

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





Potential CDI-OZ

- Red dotted line – FCPC recommended CGA
- Black outline – FCPC recommended overlay
- Yellow outline – staff recommended overlay
- Green shade – staff recommended overlay areas
- Purple – Property owner request for inclusion in overlay

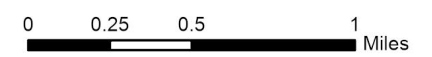


Map A- Potential Critical Data Infrastructure (CDI) Overlay Zone
Council Consideration

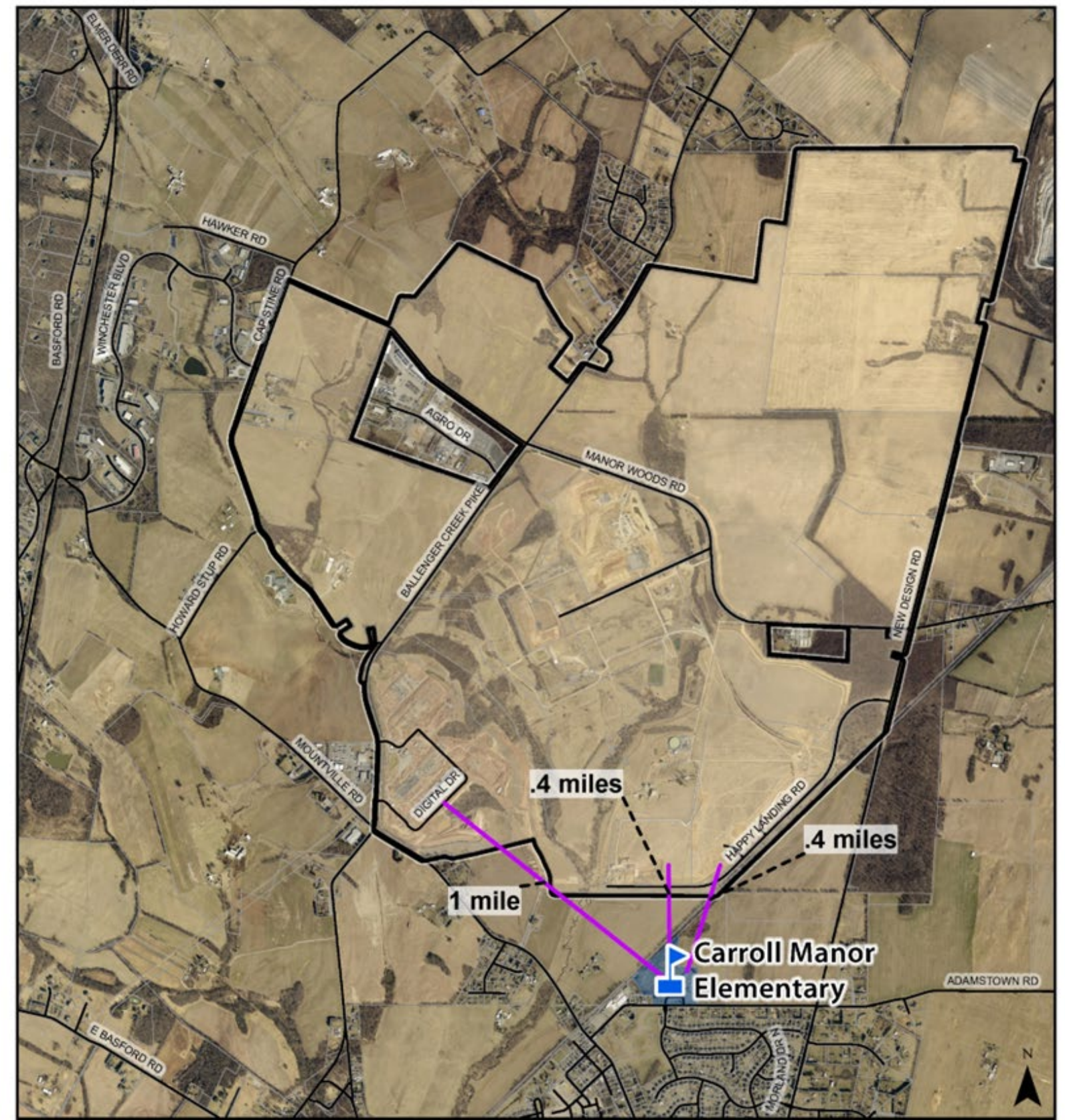
	Frederick County Planning Commission (FCPC) July Draft Areas		July Draft CDI Overlay Zone
	Property Owner Request Areas for Inclusion in the Overlay Zone		FCPC Recommended CDI Overlay Zone
	FCPC Recommended Community Growth Area		

FCPC CDI Acres	FCPC CDI % of County
1,585.8	0.37

Projection: NAD 1983 State Plane Maryland FIPS 1900 Feet While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 11/17/2025



Potential CDI-OZ Distance from Carroll Manor ES

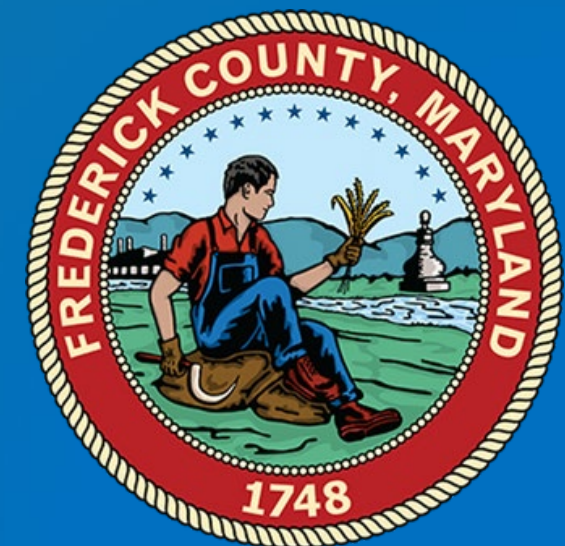


Proposed Critical Digital Infrastructure (CDI) Overlay Zone



Next Steps

- Public Hearing – 12/16/2025
- Council Action – 12/23/2025
 - Amend the Comprehensive Plan text and map
 - Community Growth Area
 - Land Use Designations
 - Water and Sewer Service Designations
 - Priority Preservation Area and Rural Legacy Area Maps
 - Amend the Zoning Map
 - Delineation of the CDI-OZ and/or changes to zoning designation of individual properties



CRITICAL DIGITAL INFRASTRUCTURE OVERLAY ZONE

An Amendment of the Livable Frederick Comprehensive Plan

Frederick County, Maryland July 2025



Current Conditions - Eastalco Community Growth Area

The Eastalco Community Growth Area is 2,219 acres in size. It is located north of the Adamstown Community Growth Area and west of the South Frederick Corridors Community Growth Area. It includes the former Eastalco holdings, the Agro Drive industrial park, and Stanford Industrial Park. It also includes the property known as “Noffsinger,” which is between the aforementioned industrial parks, and the property known as “Windridge,” which adjoins the Agro Drive industrial park and the Noffsinger property to the south.

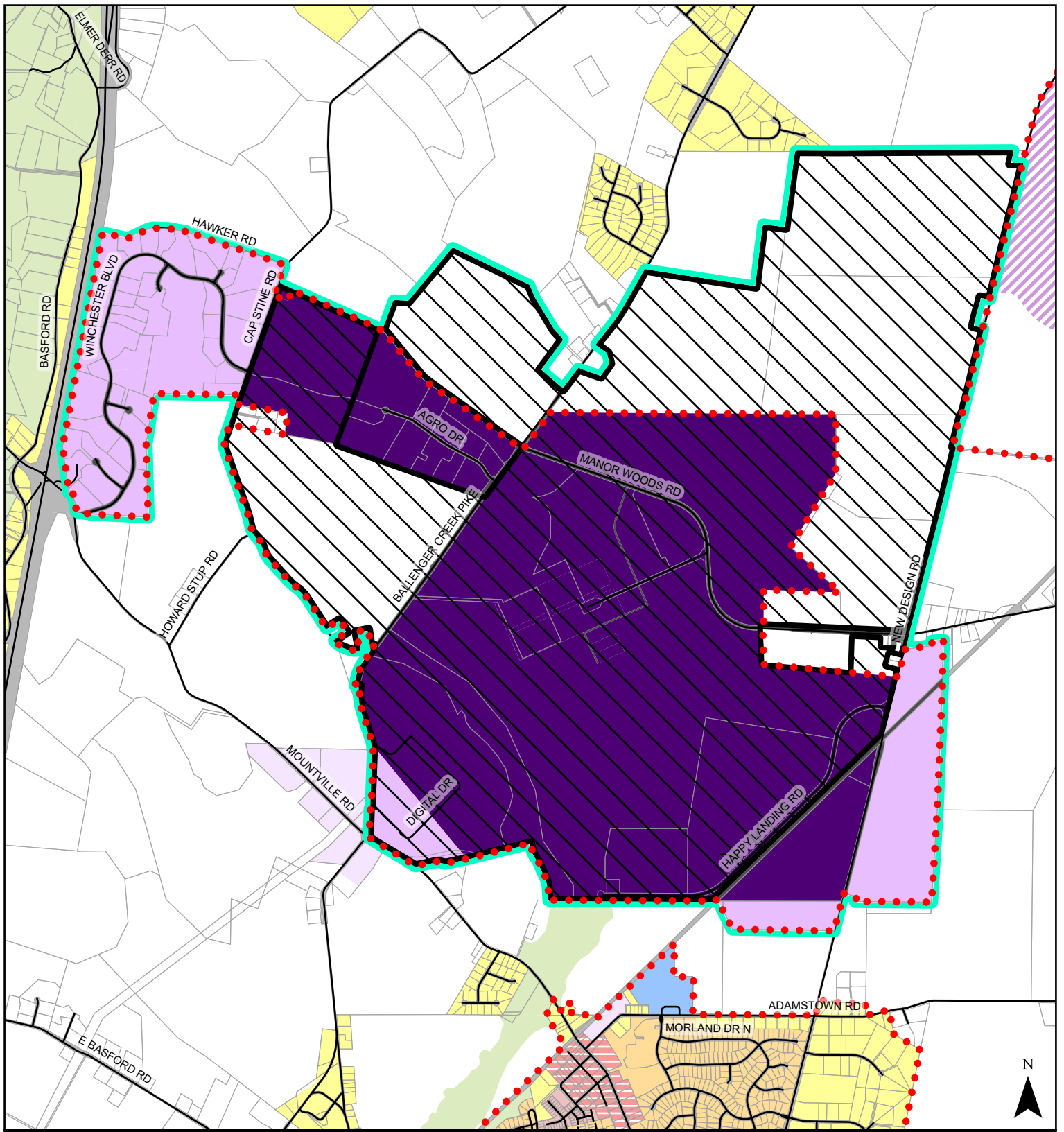
Land use and zoning designations, and their associated acreage, in the Eastalco Community Growth Area are as follows:

Land Use		Zoning	
General Industrial	1,592	General Industrial	1,523
Limited Industrial	400	Limited Industrial	415
Natural Resources	167	Agricultural	222
Right-of-Way	60	Right-of-Way	60

The Agricultural zoning is limited to the Windridge property, which has a Limited Industrial land use designation and was the subject of a zoning map amendment request for General Industrial zoning (R-22-03). The County Council denied this request in May of 2023. A factor in the denial was the lack of actual physical change in the neighborhood. The Council Resolution denying the request characterized the change that had occurred at that time as “paper change,” citing change in ownership of the Eastalco property, changes to the County zoning regulations, and changes to the water and sewer classification of the property.

The westernmost 74 acres of the Windridge property are included in the Rural Legacy Area. Prior to 2012, this area was not included in the Eastalco Community Growth Area. There is also a small area of Rural Legacy on the existing data center campus property, near where the terminus of Happy Landing Road is shown.

All properties in the Eastalco Community Growth Area are in the water and sewer service area, with designations ranging from Planned Service to W-3/S-3.



Map 1 - Proposed Critical Digital Infrastructure (CDI) Overlay Zone

0 0.2 0.4 0.8 Miles



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- | | | | | |
|-----------------------|---------------------------------|---------------------------|--------------------------------|-------------------------|
| Community Growth Area | Proposed Community Growth Areas | Proposed CDI Overlay Zone | Zoning Districts | VC – Village Center |
| | | | A – Agricultural | GI – General Industrial |
| | | | RC – Resource Conservation | LI – Limited Industrial |
| | | | R1 – Low Density Residential | MM – Mineral Mining |
| | | | R3 – Low Density Residential | Ie – Institutional |
| | | | PUD – Planned Unit Development | Right of Way |

Proposed Comprehensive Plan Amendment and Zoning Map Amendment

Development of the CDI-OZ and the associated Livable Frederick Comprehensive Plan amendment included consideration of:

- The proximity of existing industrial areas, such as quarries and industrial parks.
- The proximity of the Eastalco Community Growth Area boundary.
- The proximity of necessary infrastructure, including existing or planned public water and data conveyance infrastructure.
- Minimizing impacts to the Adamstown community.

Proposed Additions to the Eastalco Growth Area, but not the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

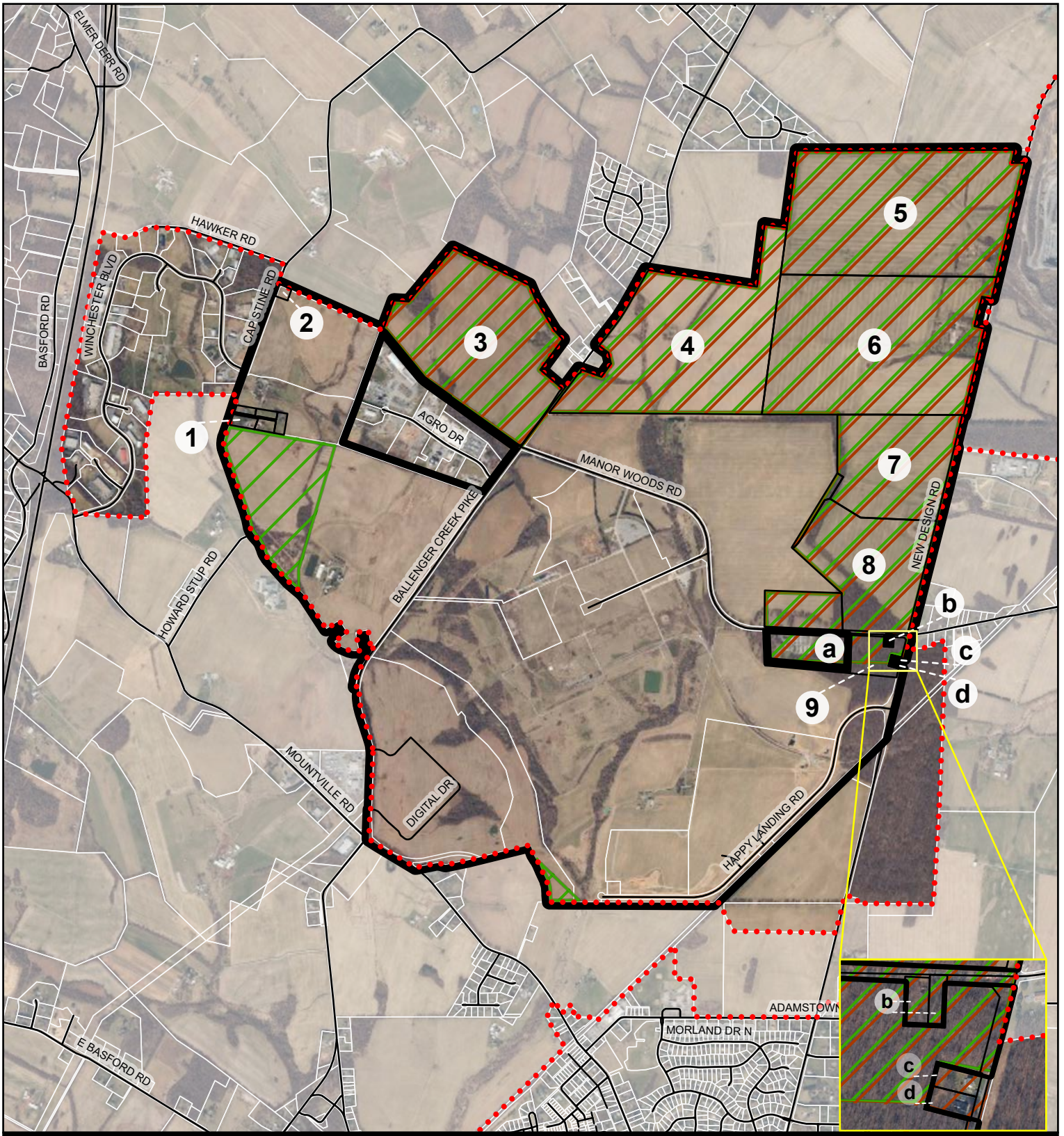
Expansion of the Eastalco Community Growth Area by 1,730 acres is proposed; however, not all properties proposed for addition to the growth area are proposed for inclusion in the CDI-OZ. Properties to be added to the Eastalco Growth Area that are not proposed for inclusion in the CDI-OZ are listed in Table 1 and identified with lower case letters on Map 2.

Inclusion of these properties in the Eastalco Community Growth Area, combined with application of a land use designation other than Agricultural, would allow for connection to public water and sewer if there is available capacity and the property owners are so interested. Accordingly, a change from No Planned Service to Planned Service is proposed in the water and sewer classifications. Planned Service means that service is expected to occur in the next 20 years.


The parcel labeled “a” is improved with a house of worship. There is no land use designation specific to this use. The “Institutional” land use designation is applied to public facilities like public schools, libraries, and fire stations. In rural areas, houses of worship generally have an Agricultural land use designation. A review of houses of worship in growth areas shows facilities with General Commercial, Village Center, Low Density Residential, and Medium Density Residential land use designations. A land use designation of Low Density Residential is proposed for this property.


Likewise, Low Density Residential is proposed for the property identified as “b”, which is two lots under the same ownership (0.46 acres and 0.34 acres). This property is improved with a single-family residence that was built in 1953. Low Density Residential is also proposed for the properties identified as “c” and “d”, each of which is improved with a single-family residence with the residence on “c” built in 1955 and the residence on “d” built in 1953. These three residences pre-date the industrial zoning of the Eastalco property, which was applied in the 1960s. They are located on the eastern edge of the expanded growth area in an area that is largely wooded.


No changes to current zoning designations, which is Agricultural for all four properties, are proposed.



Map 2 - Proposed CDI Overlay Zone, Properties

 Priority Preservation Areas in Proposed CGA (eligible, not preserved)

 Rural Legacy Areas in Proposed CGA (eligible, not preserved)

 Proposed CDI Overlay Zone

0 0.2 0.4 0.8 Miles

CDI Acres	% of County
2,566.4	0.60
PPA Acres	RLA Acres
933.6	1,012.1

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Despite their size and use, these properties are currently in the Rural Legacy Area and the Priority Preservation Area. Removal from those areas is proposed for these properties, as well as the Windridge Property and the corner of the data center campus where the terminus of Happy Landing Road is shown. As discussed previously, Priority Preservation and Rural Legacy areas have different goals than community growth areas. In addition, most of the properties are not used for agriculture and do not align with the criteria guidelines for either program.

Table 1 - Additions to Eastalco CGA, Not Included in CDI-OZ

Properties proposed for addition to the Eastalco Community Growth Area, but not proposed for inclusion in the CDI-OZ.

Map Label	Acres	Land Use Change Acres	Current Land Use Designation	Proposed Land Use Designation	Current Water & Sewer Classification	Proposed Water & Sewer Classification
a	21.86	21.86	Agricultural / Rural	Low Density Residential	No Planned Service	Planned Service
b	0.80	0.80	Agricultural / Rural	Low Density Residential	No Planned Service	Planned Service
c	0.44	0.44	Agricultural / Rural	Low Density Residential	No Planned Service	Planned Service
d	0.45	0.45	Agricultural / Rural	Low Density Residential	No Planned Service	Planned Service
Total Acres						
23.55						

Properties Proposed to be Added to the Eastalco Community Growth Area AND the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

Properties to be added to the Eastalco Community Growth Area that are proposed for inclusion in the CDI-OZ are listed in Table 2 and identified with numbers on Map 2. The acreage of the CDI-OZ is 2,566 acres, which is 0.60% of the County’s total land mass.

Property “1” is a 5-lot minor subdivision. Four of the five lots are improved with single-family residences that were built between 1997 and 2014. Ownership of these lots transferred to the owner of the larger Noffsinger property in 2024. Property “2” was once a separate parcel that has since been consolidated with the Noffsinger property. It has General Industrial land use and zoning, but is not currently included in the Eastalco Community Growth Area.

Properties “3”, “4”, “5”, and “6” are to the north of the current growth area boundary, with all but property “5” adjoining the existing data center campus. Property “3” also adjoins the Agro Drive industrial park. Properties “5” and “6” are immediately west of the Argos quarry property that is zoned Mineral Mining. Properties “7”, “8”, and “9” adjoin the growth area to the east, along New Design Road. Properties “4” and “9” are parts of larger tracts that already have an industrial land use designation and industrial zoning.

Regarding land use designations, no change to existing Natural Resource land is proposed. A change from Agricultural to General Industrial is proposed for property “1” and no change is proposed for property “2” which currently has a General Industrial land use designation. The Limited Industrial designation is proposed for properties “3” through “9.”

No changes to current zoning designations are proposed. With the exception of property “2” which is General Industrial, all other enumerated properties have an Agricultural zoning designation.

Properties “1” through “9” are currently classified as No Planned Service for water and sewer service. The Planned Service classification is proposed for all except property “2” which is proposed for W-5/Dev, S-5/Dev.

Properties “3” through “9” are in the Rural Legacy Area and the Priority Preservation Area. Map revisions to remove of these properties from the preservation areas are proposed.

Zoning Summary in Acres, Properties 1-9

General Industrial	0.92
Agricultural	914.02
<i>Total Acres Added to CDI-OZ (excluding Rights of Way)</i>	<i>914.94</i>

Table 2 – Proposed Inclusions to Eastalco CGA and CDI-OZ

Properties proposed for inclusion in the Eastalco Community Growth Area and the CDI-OZ.

Map Label	Total Acres	Land Use Change Acres	Current Land Use Designation	Proposed Land Use Designation	Current Water & Sewer Classification	Proposed Water & Sewer Classification
1	7.86	7.86	Agricultural	General Industrial	No Planned Service	Planned Service
2	1.11	1.11	General Industrial	-	No Planned Service	W-5/Dev, S-5/Dev
3	141.62	141.62	Agricultural	Limited Industrial	No Planned Service	Planned Service
4	423.92	163.21	Agricultural, Natural Resource	Limited Industrial, Natural Resource	No Planned Service	Planned Service
5	195.34	195.34	Agricultural	Limited Industrial	No Planned Service	Planned Service
6	201.60	201.60	Agricultural	Limited Industrial	No Planned Service	Planned Service
7	80.87	80.87	Agricultural	Limited Industrial	No Planned Service	Planned Service
8	82.91	82.91	Agricultural	Limited Industrial	No Planned Service	Planned Service
9	571.38	13.15	Agricultural	Limited Industrial	No Planned Service	Planned Service
Total Acres						
	1,706.61	887.67				

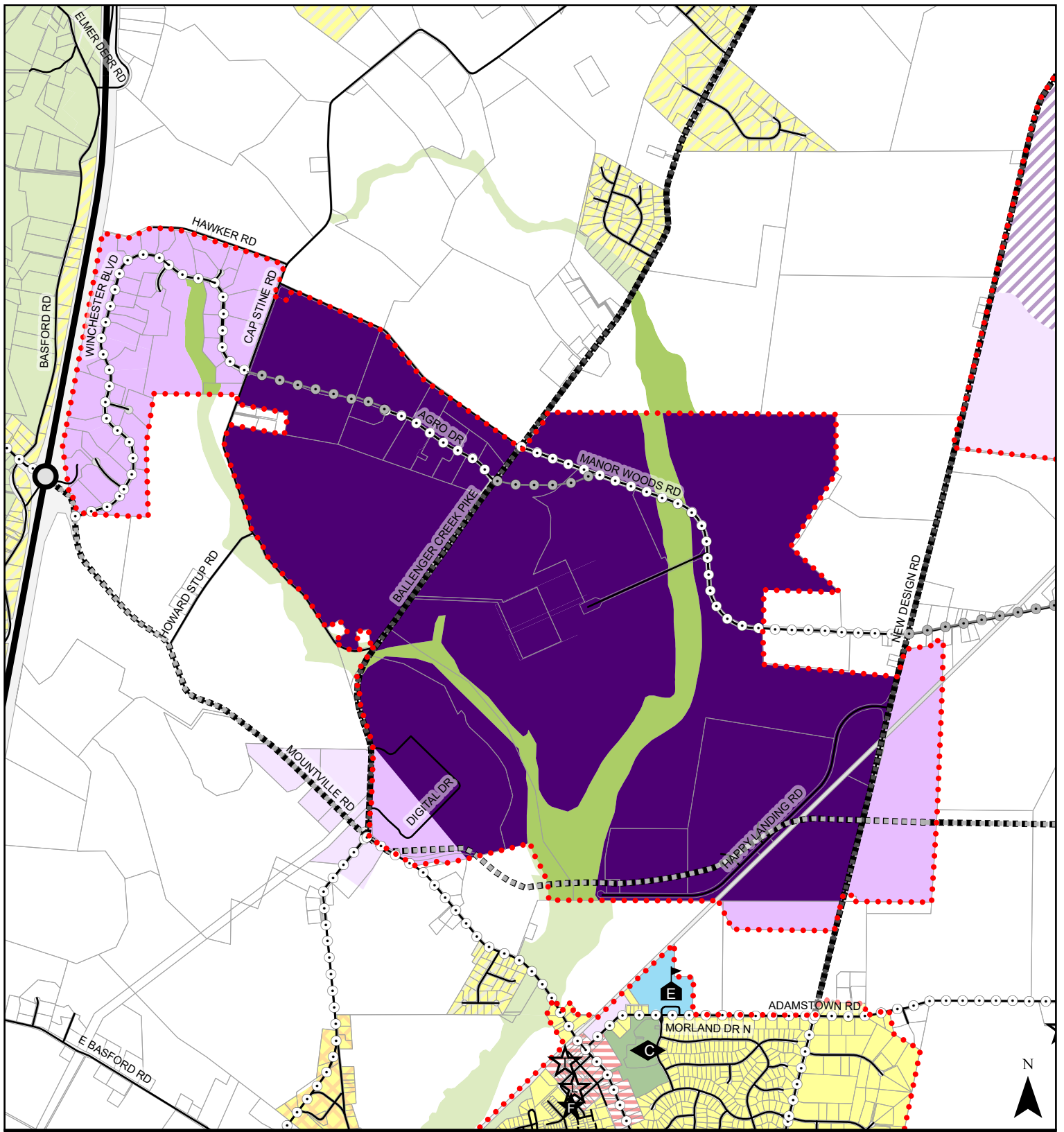
Properties Already Within the Eastalco Community Growth Area AND Proposed to be Added to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

Properties already within the Eastalco Community Growth Area to be included in the CDI-OZ include: the previously approved data center campus and the previously discussed Windridge property and the bulk of the Noffsinger property.


Within the current Eastalco Community Growth Area, 553.73 acres are proposed to be excluded from the CDI-OZ. These properties are the aforementioned Agro Drive industrial park (94.04 acres) and Stanford Industrial Park (258.30 acres). These industrial parks are largely developed and provide much needed space for a variety of businesses, including those that require outdoor storage. Also not included in the CDI-OZ are five properties totaling 201.39 acres zoned GI or LI between New Design Road and the railroad.

Summary of Recommendations

1. Amend the comprehensive plan map to add properties “a” through “d” and “1” through “9” to the Eastalco Community Growth Area.
2. Amend the comprehensive plan map to change the land use designations of properties “a” through “d” from Agricultural to Low Density Residential.
3. Amend the comprehensive plan map to change the Agricultural land use designation of property “1” to General Industrial.
4. Amend the comprehensive plan map to change the Agricultural land use designation of properties “3” through “9” to Limited Industrial.
5. Change the water and sewer classifications of properties “a” through “d”, property “1”, and properties “3” through “9” from No Planned Service to Planned Service.
6. Change the water and sewer classification for property “2” from No Planned Service to W-5/Dev, S-5/Dev.
7. Amend the zoning map to add the boundaries of the Critical Digital Infrastructure Overlay Zone.
8. Remove from the Rural Legacy Area and the Priority Preservation Area all properties or parts thereof that are currently in the Eastalco Community Growth Area and have been added to the Eastalco Community Growth Area with this amendment.




Map 3 - Current Comprehensive Plan Map

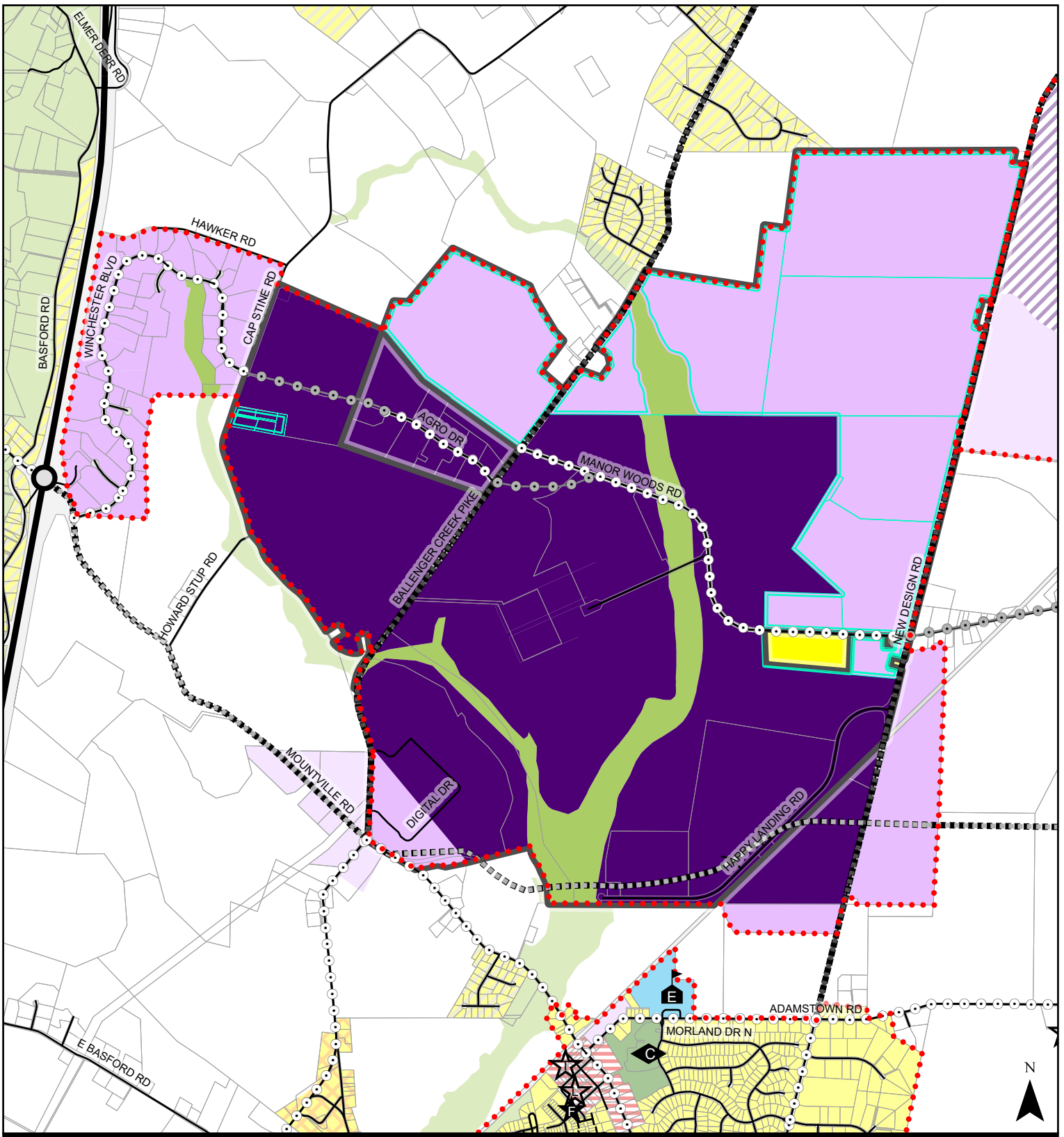
 Community Growth Areas

Land Use Designations

- | | |
|---|--|
|  Agricultural / Rural |  Low Density Res. |
|  Natural Resource |  Village Center |
|  Public Parkland / Open Space |  Limited Industrial |
|  Rural Community |  General Industrial |
|  Rural Residential |  Mineral Mining |
| |  Institutional |

0 0.2 0.4 0.8 Miles

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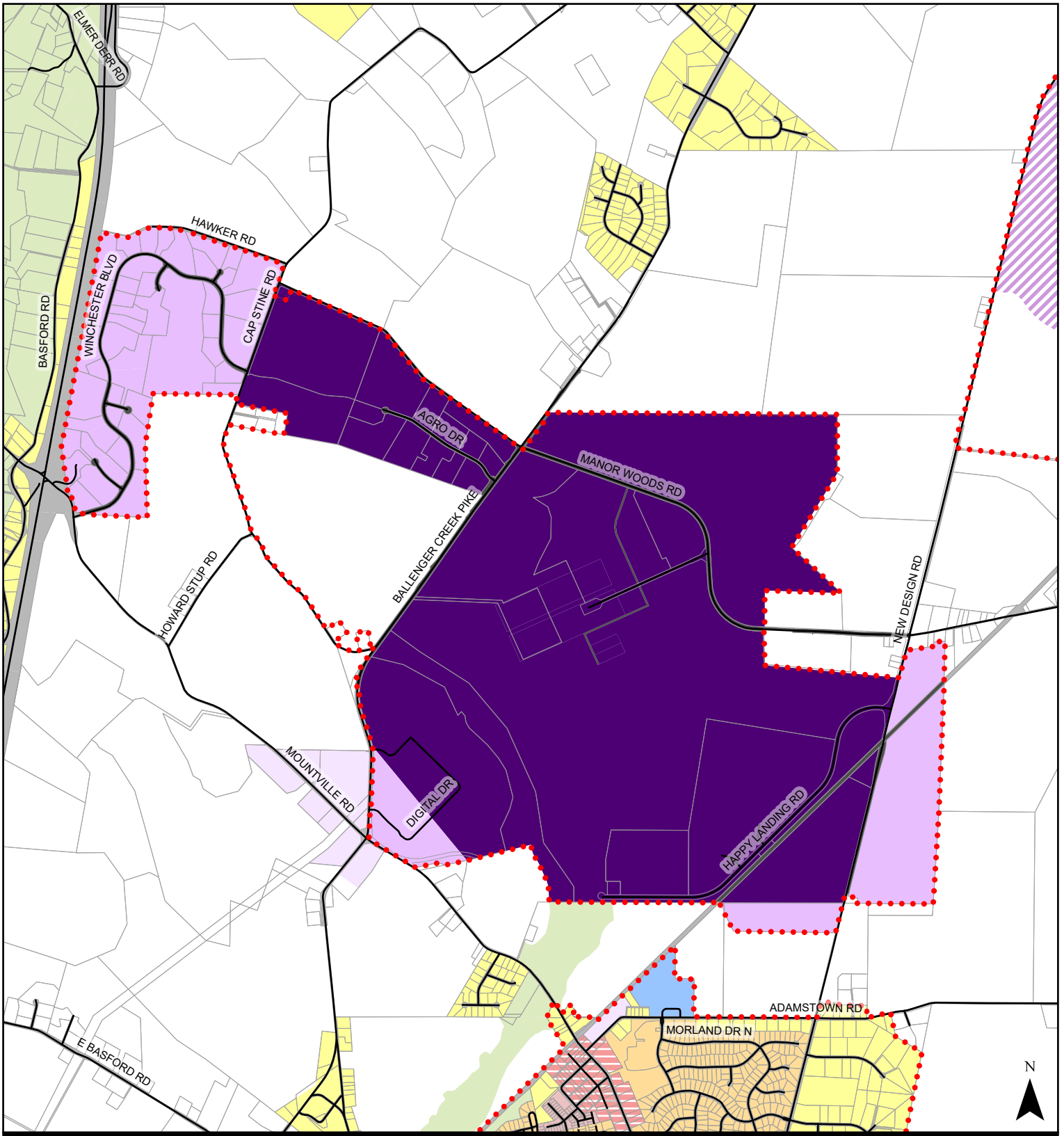
Map 4 - Proposed Comprehensive Plan Map

0 0.2 0.4 0.8 Miles



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- | | |
|--|---|
| <ul style="list-style-type: none"> ⋯⋯⋯ Proposed Community Growth Area Proposed CDI Overlay Zone Proposed Land Use Change Parcels <ul style="list-style-type: none"> Ag to LI Ag to GI Ag to LDR | <p>Land Use Designations</p> <ul style="list-style-type: none"> Agricultural / Rural Natural Resource Public Parkland / Open Space Rural Community Rural Residential Low Density Res. Village Center Limited Industrial Space General Industrial Mineral Mining Institutional |
|--|---|



Map 5 - Current Zoning

Community Growth Areas

Zoning Districts

VC – Village Center

A – Agricultural

GI – General Industrial

RC – Resource Conservation

LI – Limited Industrial

R1 – Low Density Residential

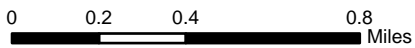
MM – Mineral Mining

R3 – Low Density Residential

Ie – Institutional

PUD – Planned Unit Development

Right of Way



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Exhibit 2



**Frederick County, Maryland
County Council Meeting
Legislative Day**

Tuesday, December 23, 2025 – 5:30 p.m.

AGENDA

- I. **Call to Order**
- II. **Moment of Silence and Pledge of Allegiance**
- III. **Quorum Call**
- IV. **Action on the Agenda**
- V. **Public Comments (5:30 p.m. – 5:45 p.m.) - Members of the public will be given three (3) minutes to provide comments.**

Public comments will be accepted on the Council’s public portal at FrederickCountyMD.gov/CouncilMeetings, or by calling toll-free 855- 925-2801, entering meeting code 8365, and leaving a voicemail message or to enter into a queue for live public comment during the meeting. Written comments will be included in the Council record and minutes.

- VI. **CDI Overlay Zone - Comprehensive Plan Amendment** – Council President Brad Young
(Council Decision)

[Amendments to the CDI Overlay Zone - Comprehensive Plan Amendment](#)

- VII. **Zoning Map Amendments for the CDI-OZ and Requested Rezoning** – Council President Brad Young
(Council Decision)

[Property Owner Requested Rezoning](#)

- VIII. **Public Comments - Members of the public will be given three (3) minutes to provide comments.**

*Public comments will be accepted via email on the Council’s public portal, FrederickCountyMD.gov/CouncilMeetings, or by calling toll-free 855- 925-2801, entering meeting code 8365, pressing *2 to leave a voicemail message or pressing *3 to enter a muted queue for live public comment during the meeting. Written comments will be included in the Council record and minutes.*

- IX. **Council Member Comments**

- X. **Upcoming Meetings**

- Tuesday, January 6, 2026
- Tuesday, January 13, 2026

XI. **Adjourn**

The County Council's meeting will be broadcast live on FCG TV cable channels 19/1072, and webcast at FrederickCountyMD.gov/CouncilMeetings. Previous meetings can be viewed on demand at FrederickCountyMD.gov/FCGTV.

The Frederick County Council has adopted a Code of Civility to its Rules of Procedure to promote civil discourse in the conduct of County meetings and other County business. This Code of Civility is intended to encourage citizens - led through example by elected and appointed County officials - to abide by and exhibit behavior guided by the following: Be respectful; speak and act politely, calmly, and reasonably. Do not resort to personal attacks, name-calling, or harassment. Be responsible: Demonstrate fairness by ensuring that all who speak have an opportunity to present their respective positions. Treat all speakers equally.

Frederick County Government does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, disability, familial status, gender identity, sexual orientation, or source of income.

Please send requests for interpreting services to sklimko@frederickcountymd.gov at least 3 business days prior to the meeting.

The County's Ethics Ordinance (Section 1.7-1.8 of the Code) requires the registration of individuals and entities that qualify as lobbyists. If you will be testifying before the County Council, the Ordinance may require that you register as a lobbyist. If you have a question as to the applicability of this Ordinance, please contact the County Attorney's Office at (301) 600-1030.

1 **AMENDMENT 1 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Steve McKay and Council Member Jerry
4 Donald

5 **Introduction Date:** December 23, 2025

6 **Adopted/Rejected/Withdrawn:**

7

8 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

9

10 Maps 1, 2, 4, 6, 8, 10, and 12, including any associated text references, are amended as follows:

11 Remove the Windridge property from the Proposed CDI-OZ. Make necessary corrections to the
12 total area of the CDI-OZ in the above-referenced maps, including any associated text references.

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 2 to the Critical Digital Infrastructure Overlay Zone**

2
3 **Introduced By:** Council Member Steve McKay and Council Member Jerry
4 Donald

5 **Introduction Date:** December 23, 2025

6 **Adopted/Rejected/Withdrawn:**
7

8 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

9 Maps 1, 2, 4, 6, 8, 10, and 12, and Tables 2 (page 9) and 3 (page 11), including any associated
10 text references, are amended as follows:

- 11 • Proposed CDI Overlay Zone (Maps 1, 2, 4, 6, 8, 10, and 12)
 - 12 ○ Remove the Noffsinger property (94.64 acres) and parcels designated as PC1
 - 13 (7.86 acres) and PC2 (1.11 acres)
 - 14
- 15 • Table 2: Properties Recommended for Addition to Eastalco CGA, Not Recommended for
16 Inclusion in the CDI-OZ
 - 17 ○ Add parcels PC1 and PC2 to Table 2 as shown:
 - 18

Map Label	Total Acres	Land Use Change Acres	Current Land Use Designation	Proposed Land Use Designation	Current Water & Sewer Classification	Proposed Water & Sewer Classification
PC1	7.86	7.86	Agricultural	General Industrial	No Planned Service	Planned Service
PC2	1.11	1.11	General Industrial	-	No Planned Service	W-5/Dev, S-5/Dev

- 23 • Table 3: Properties Recommended for Inclusion in the Eastalco CGA and CDI-OZ
 - 24 ○ Delete parcels PC1 and PC2 from Table 3
 - 25
- 26 • Make necessary corrections to the total area of the CDI-OZ in the above-referenced
27 maps, including any associated text references.

28

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 3 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Steve McKay

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6

7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

8 Map 6: Proposed Zoning, including any associated text references, is amended as follows:

9 Correct the boundary of the Proposed Community Growth Area to include properties a, b, c, d,
10 PC1, PC2, and PC9.

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 4 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Steve McKay

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6

7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

8 The cover page, Table of Contents, and all Maps and Table titles will be updated to reflect actual

9 Council action: changing from “recommended/recommendation” to “approved/approved by the

10 Council”. Staff is directed to make necessary corrections to the document, including any

11 associated text references.

12

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 5 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Steve McKay

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6

7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

8

9 Page 6: Summary of Recommendations

10 [~~The Planning Commission recommendations—including changes to land use designations and~~
11 ~~water and sewer classifications—are described in greater detail in the following sections.]~~

12 On page 6, add language reflecting the County Council’s action (including dates of workshops,
13 public hearings, consideration, and final action) and a summary of the final recommendations of
14 the County Council, including any associated renumbering of pages and updates to the Table of
15 Contents.

16

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 6 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Steve McKay

4 **Introduction Date:** December 23, 2025

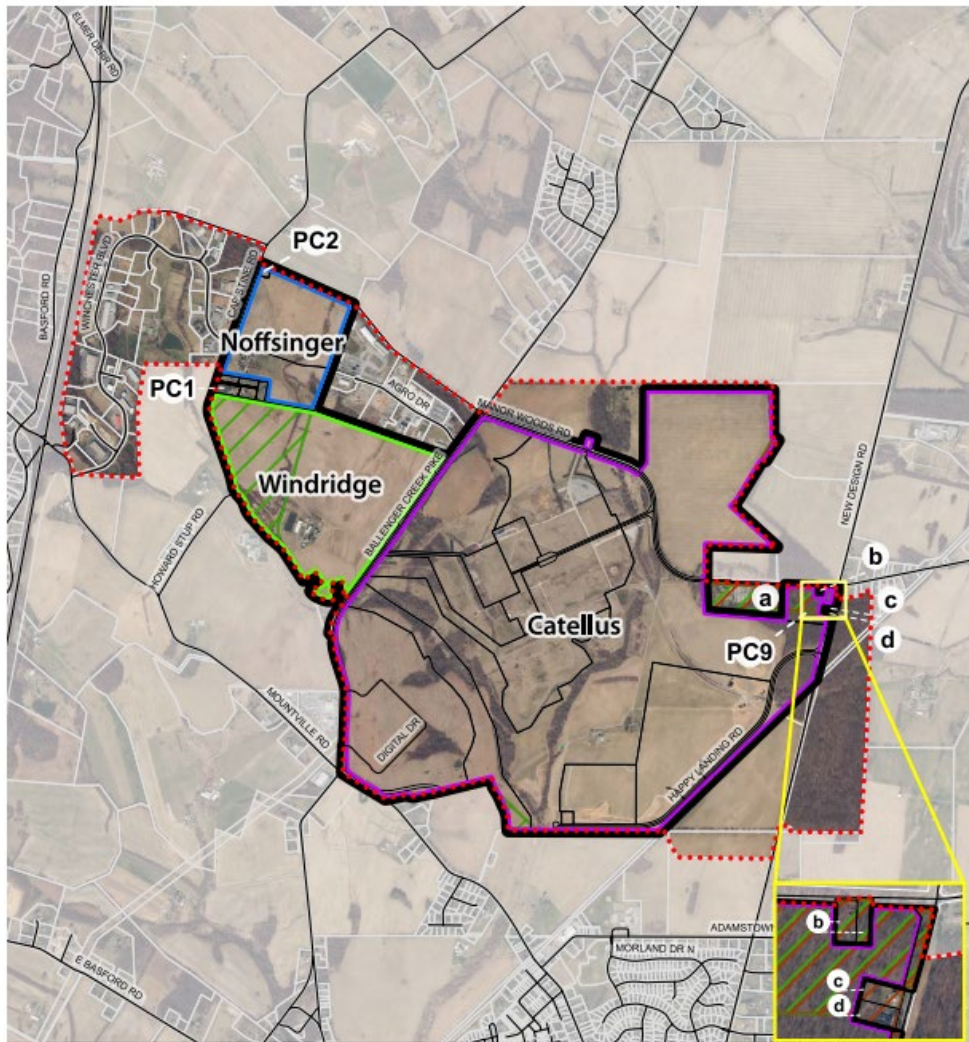
5 **Adopted/Rejected/Withdrawn:**

6 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

7 The appendix, including any associated text references, is amended as follows:

8 Add Map 14: November 2025 – Planning Commission Recommended Critical Digital
9 Infrastructure (CDI) Overlay Zone

10



Map 14: November 2025 - Planning Commission Recommended Critical Digital Infrastructure (CDI) Overlay Zone



Frederick County, Maryland
Division of Planning and Permitting



	Priority Preservation Areas in Proposed CDI &/or CGA		Windridge
	Rural Legacy Areas in Proposed CDI &/or CGA		Proposed CDI Overlay Zone
	Catellus		
	Noffsinger		

CDI Acres	% of County
1,585.8	0.37
PPA Acres	RLA Acres
35.4	113

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 7 to the Critical Digital Infrastructure Overlay Zone**

2
3 **Introduced By:** Council Member Steve McKay and Council Member Jerry
4 Donald

5 **Introduction Date:** December 23, 2025

6 **Adopted/Rejected/Withdrawn:**

7

8 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

9 Page 2 is amended as follows:

10 The Livable Frederick Master Plan (the Plan) was adopted in September 2019. On Page 43, the
11 Plan describes the Eastalco Growth Area, including but not limited to the area of the
12 decommissioned Eastalco site. Alcoa manufactured aluminum on the site from 1969 until 2005.
13 Closure of the facility in 2010 was followed by demolition of the structures on the property. The
14 Plan states, “This area is currently the largest concentration of undeveloped land in the county
15 zoned for general and/or light industrial development and presents a unique opportunity for
16 future development.”

17 The Plan further states that “for the Eastalco Growth Area, overarching development issues and
18 opportunities would require a detailed assessment of the following elements as part of a future
19 community planning effort, including:

- 20 • A community outreach component that will include a citizens advisory group or similar
21 entity to ensure broad community engagement;
- 22 • A preservation component to include a review of historic sites and archaeological
23 resources, viewsheds and cultural characteristics (identification, documentation, and
24 preservation when appropriate), including special consideration of structures and sites
25 associated with Charles Carroll of Carrollton Manor;
- 26 • An infrastructure component that identifies the timing and funding of public facilities
27 (including roads and schools) necessary to support the efficient development of the
28 designated growth area;
- 29 • A comprehensive study to address MARC system access and expandability with input
30 from Maryland Transit Authority, County Transit, and CSX;
- 31 • A green infrastructure component that includes a detailed review of environmental
32 systems and resources (hydrology, forests, habitat assessment), and that integrates the
33 built environment to the natural edges, through the placement and programming of open
34 space and additional preservation areas;
- 35 • An agricultural preservation component that examines options to encourage preservation
36 of the valuable farmland at the site, as well as in the surrounding Priority Preservation
37 Area;
- 38 • A thorough, transparent and open study of industrial site contamination and subsequent
39 post-industrial remediation and monitoring efforts, in consultation with Maryland
40 Department of the Environment and the Environmental Protection Agency;

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

- 1 • An assessment of the potential land use mix, which could include business, retail,
2 residential, industrial, agricultural, open space, recreational, and institutional uses, for the
3 growth area, including physical design, neighborhood impacts, public facility adequacy,
4 comparative analysis of alternate land use scenarios, unique opportunities to address
5 countywide planning challenges, and development feasibility;
- 6 • And finally, a thorough examination of how this existing growth area fits into the larger
7 planning context for Frederick County, addressing countywide growth projections,
8 current and future transportation challenges, and community efforts to plan effectively,
9 consistently, and in a coordinated manner, for the Frederick County of tomorrow.

10

11 [~~This is no longer accurate.~~] In 2021, the 2,122-acre Eastalco property was purchased by
12 Quantum Maryland, LLC. Since then, a 1,312-acre area of the property has received preliminary
13 subdivision plan approval and numerous site plans have been approved for the development of a
14 data center campus. Development of data centers in accordance with these site plans is
15 underway. The Eastalco property is now referred to as the Catellus campus.

16

17 Arguably, the development of the Catellus campus within a portion of the Eastalco Growth Area,
18 on land with existing zoning suitable for this use, was not anticipated to be applicable to the
19 requirements specified on Page 43 of the Plan. However, these requirements remain applicable
20 for any comprehensive planning or zoning actions undertaken within the remainder of the
21 Eastalco Growth Area, as well as, and particularly for any expansion of the Eastalco Growth
22 Area.

23 Seeking to prevent data center sprawl, best utilize existing and planned infrastructure, and ensure
24 that industrial land elsewhere in the County is available for target industries such as life sciences,
25 County Executive Fitzwater and the County Council announced in May of 2025 that data centers
26 will be limited to the Eastalco area. This will be accomplished via the creation of a Critical
27 Digital Infrastructure Overlay Zone (CDI-OZ). No changes to underlying zoning are proposed
28 with this amendment. Thus, development will be phased as requests for industrial zoning in the
29 CDI-OZ where it does not currently exist are considered by the County Council

30

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 8 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member M.C. Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

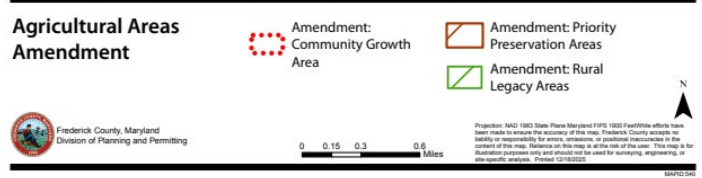
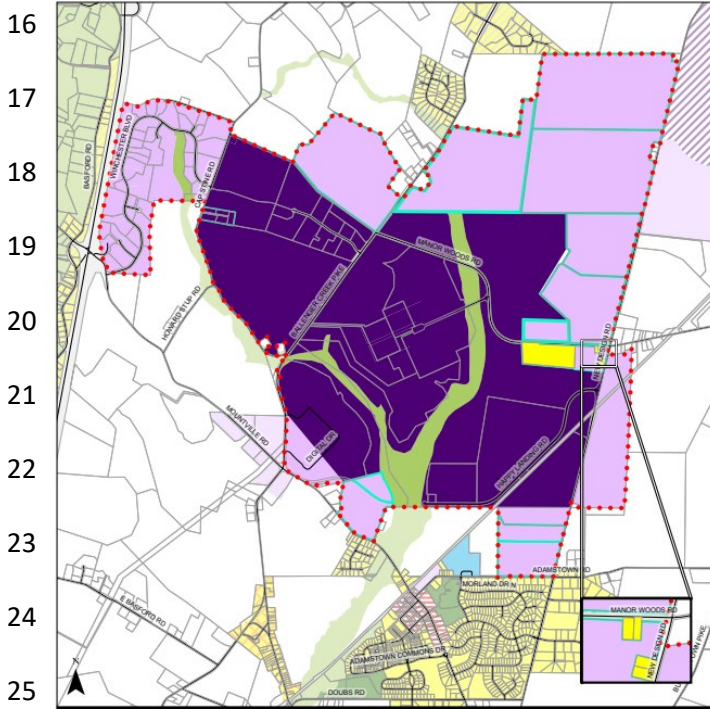
7 Page 13, Map 4: Amend the Proposed Comprehensive Plan Map is amended as follows:

8 Extend the Community Growth Area to the parcels identified on the map below and to change
9 the land use designation on the parcels or portions thereof, as identified on the map below to
10 Limited Industrial.

11 Page 21, Map 12: Amend the Agricultural Preservation Areas Map is amended as follows:

12 Remove those same parcels, or portions thereof, as identified on the map below from the
13 Proposed Rural Legacy Areas and from the Proposed Priority Preservation Areas.

14 Any and all supporting tables, text, and other maps, and illustrations within the Plan are to be
15 revised to be consistent with this amendment.



EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 9 to the Critical Digital Infrastructure Overlay Zone Comprehensive Plan**

2

3 **Introduced By:** Council Member M.C. Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

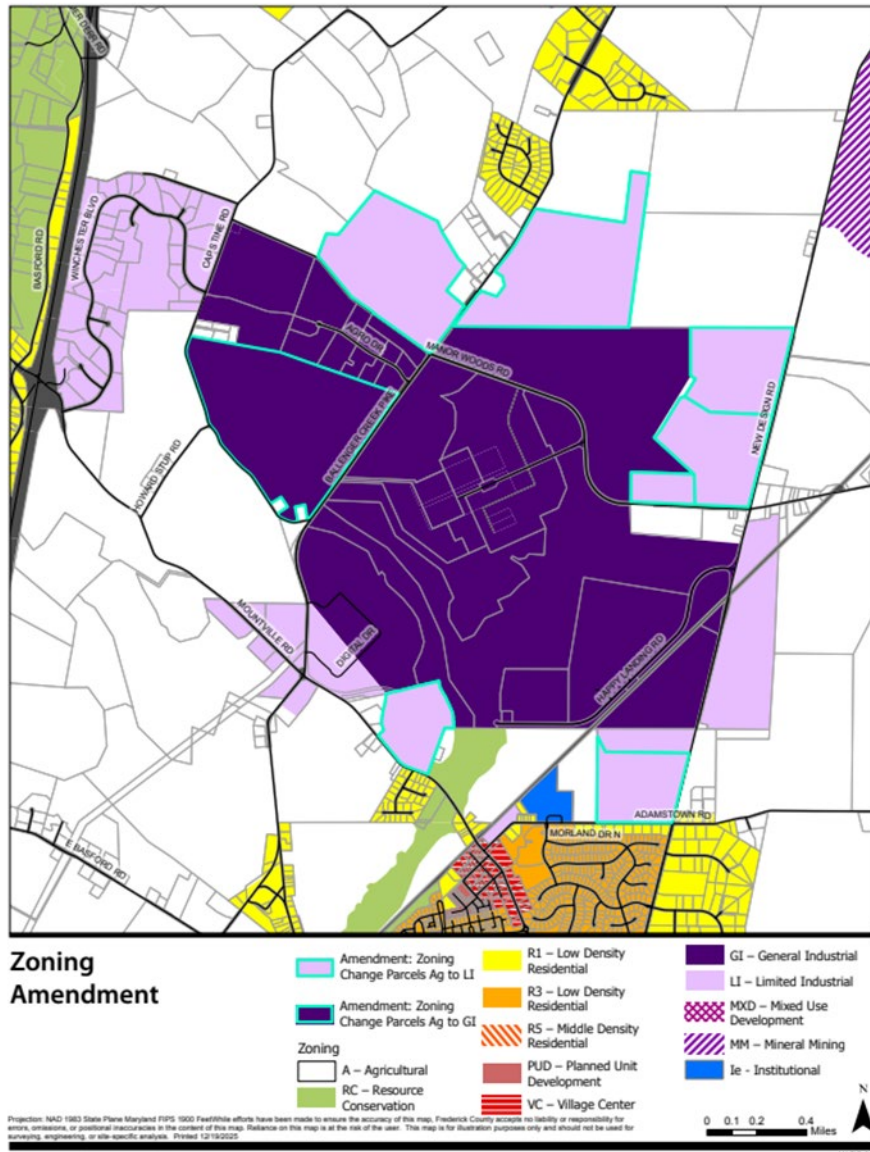
7 Page 15, Map 6: Proposed Zoning Map is amended as follows:

8 Change the zoning on the parcels, or portions thereof, to LI – Limited Industrial or GI - General
9 Industrial, as identified on the map below.

10 Any and all supporting tables, text, and other maps, and illustrations within the Plan are to be
11 revised to be consistent with this amendment.

12

13



EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 11 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6

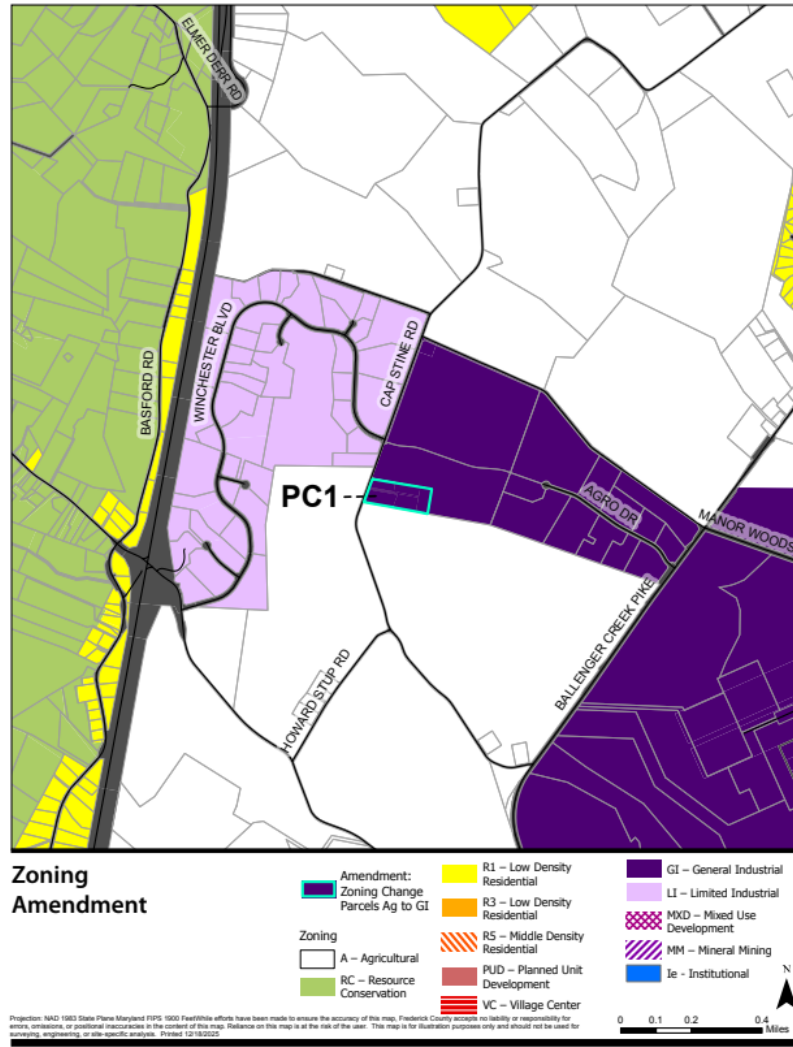
7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

8 Page 15, Map 6: Proposed Zoning Map is amended as follows:

9 Amend the zoning on the five parcels (PC1) totaling approximately 7.68 acres and as identified
10 on the map below to General Industrial – GI.

11 Any and all supporting tables, text, and other maps, and illustrations within the Plan are to be
12 revised to be consistent with this amendment.

13



EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strike through~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 12 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

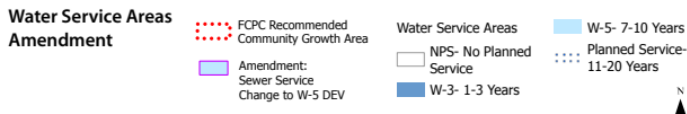
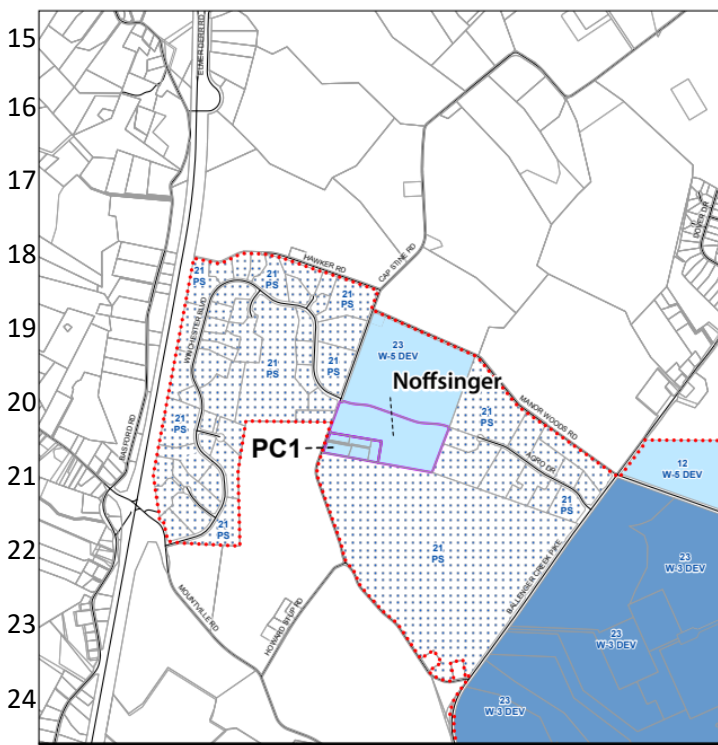
6

7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

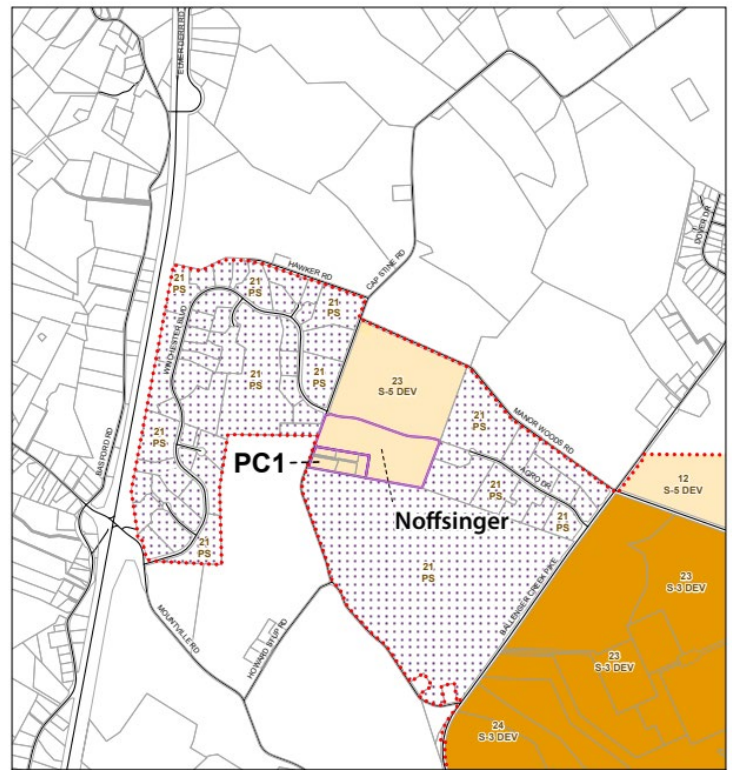
8 Page 17, Map 8 and Page 19, Map 10: Proposed Water and Sewer Service Area is amended as
9 follows:

10 Consistent with the Water and Sewerage Plan Classification, amend the designation of the
11 parcels shown below (PC1 and a portion of Noffsinger) from Planned Service to W-5 DEV/S-5
12 DEV.

13 Any and all supporting tables, text, and other maps, and illustrations within the Plan are to be
14 revised to be consistent with this amendment.



Projection: NAD 1983 State Plane Maryland FIPS 1082 Feet/ft. Efforts have been made to ensure the accuracy of this map. Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reference on this map is at the risk of the user. This map is for illustrative purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 12/18/2025. MAP10-540



Projection: NAD 1983 State Plane Maryland FIPS 1082 Feet/ft. Efforts have been made to ensure the accuracy of this map. Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reference on this map is at the risk of the user. This map is for illustrative purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 12/18/2025. MAP10-540

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 13 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6

7 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

8 Map 1: Recommended Critical Digital Infrastructure (CDI) Overlay Zone is amended as follows:

9 The CDI Overlay shall be updated as shown in the following map.

10

11

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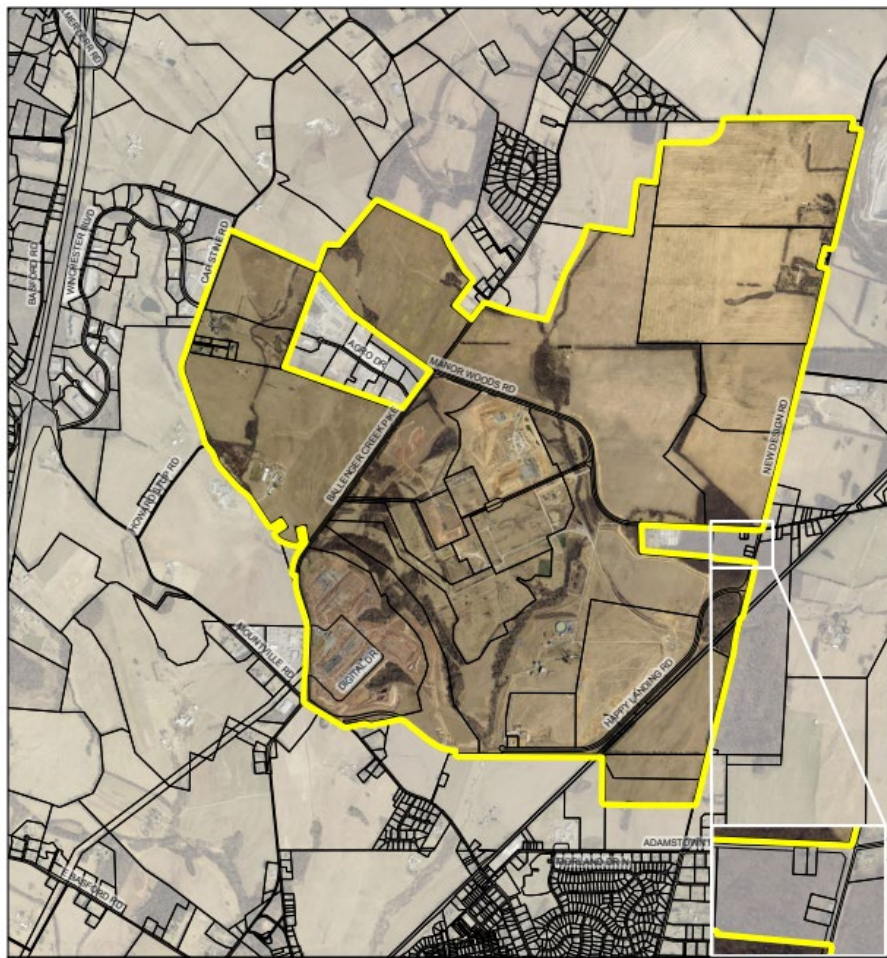
19

20

21

22

23



**Potential
Critical Data
Infrastructure (CDI)
Overlay Zone
Amendment**

 Amendment: CDI Overlay Zone

CDI Acres	CDI % of County
2615.5	0.62

Projection: NAD 1983 State Plane Maryland FIPS 1000 Feet/While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed: 12/16/2025



MAP10-240

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

1 **AMENDMENT 14 to the Critical Digital Infrastructure Overlay Zone**

2

3 **Introduced By:** Council Member Keegan-Ayer

4 **Introduction Date:** December 23, 2025

5 **Adopted/Rejected/Withdrawn:**

6 An Amendment to the Critical Digital Infrastructure Overlay Zone (CDI-OZ)

7

8 The Parcel identified below shall be:

- 9 • Removed from the Community Growth Area on the Comprehensive Plan
- 10 • Designated Natural Resource on the Comprehensive Plan Map

11 Any and all supporting tables, text, and other maps, and illustrations within the Plan are to be
12 revised to be consistent with this amendment.

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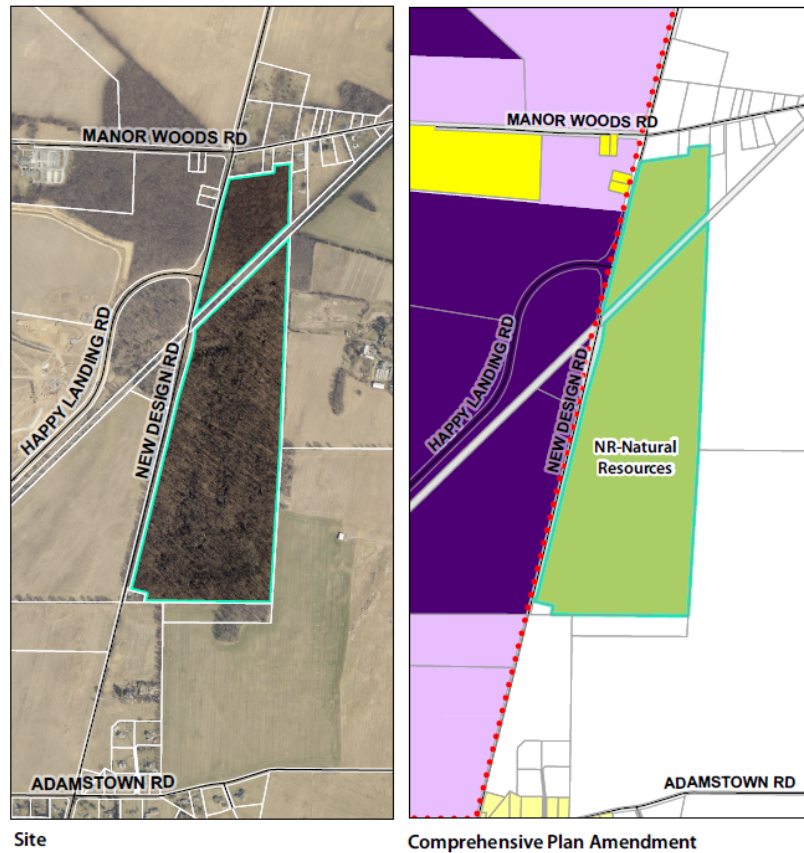
21

22


23

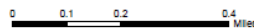
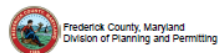
24

25



**Tax Map: 103, Parcel: 28
Amendment**

 Tax Map 103, Parcel 28,
110 acres



Projection: NAD 1983 State Plane Maryland FIPS 1000 Feet/While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the user's own risk. This map is for illustration purposes only and should not be used for surveying, engineering, or other professional applications. Printed 12/15/2025



MAP103-28

EXPLANATION:

Underling text indicates matter added to the Critical Digital Infrastructure Overlay Zone.

[Brackets and ~~strikethrough~~] indicate matter deleted from the Critical Digital Infrastructure Overlay Zone.

Exhibit 3

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

PETITION OF
QUANTUM MARYLAND, LLC,

*

and

*

JOAN AQUILINO,

*

FOR JUDICIAL REVIEW OF THE
DECISION OF THE FREDERICK COUNTY
BOARD OF ELECTIONS,

*

Case No. C-10-CV-26-000309

and

*

BARBARA WAGNER

*

IN THE MATTER OF THE PETITION OF
THE FREDERICK COUNTY DATA
CENTER REFERENDUM COMMITTEE
FOR REFERENDUM OF FREDERICK
COUNTY COUNCIL ORDINANCE 26-01-
001

*

*

*

*

QUANTUM MARYLAND, LLC, et al.

*

Plaintiffs,

*

v.

Case No. C-10-CV-26-000309

*

FREDERICK COUNTY BOARD OF
ELECTIONS, et al.

*

Defendants.

*

AFFIDAVIT OF STEVE BLACK

I, Stephen S. Black, am over the age of 18 and competent to make this Affidavit, and declare under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am the Chairperson of the Frederick County Data Center Referendum Committee (“Referendum Committee”).

2. I have reviewed the Petitioners’ Motion to Stay and understand how to analyze the irreparable harm that the Referendum Committee will suffer if the Motion to Stay is granted.

3. On January 15, 2026, I filed a Statement of Organization for the Referendum Committee with the Maryland State Board of Elections to create a Ballot Issue Committee. A true and correct copy of the Referendum Committee’s Statement of Organization is attached hereto as *Exhibit A*.

4. The Referendum Committee was established by Frederick County residents who are deeply concerned about the negative environmental and financial impacts that this data center expansion would have on Frederick County.

5. The Referendum Committee was created specifically to petition the Frederick County Board of Elections to place the Ordinance 26-01-001 Referendum on the November 2026 General Election Ballot so that Frederick County residents have a voice in the future of data center development in the community.

6. On January 21, 2026, I submitted the Referendum Petition for an advance determination of adequacy to the Board of Elections. A true and correct copy of this transmittal correspondence is attached hereto as *Exhibit B*.

7. On January 23, 2026, the Board of Elections issued a Memorandum of Advance Determination advising that the format of the Referendum Petition was acceptable. A true and correct copy of the Board of Elections Memorandum is attached to Respondent’s Opposition to Petitioners’ Motion to Stay as *Exhibit 4*.

8. After the Referendum Committee received the Board of Elections' Advance Determination, the Referendum Committee began gathering the requisite signatures.

9. Circulators were trained to accurately represent Ordinance 26-01-001.

10. The flyers did not contain misleading statements. A true and correct copy of an exemplar flyer is attached hereto as *Exhibit C*.

11. The flyers were created by Referendum Committee members who attended County Council meetings and listened to hours of public comment detailing the negative health, financial, and environmental impacts that data center development will have on the Frederick County community.

12. The Referendum Petition itself was clear and legible, and accurately described Ordinance 26-01-001 and the CDI Overlay Zone and the Board of Elections determined the format was acceptable. A true and correct copy of the Referendum Petition is attached hereto as *Exhibit D*.

13. With over 200 volunteers and within 54 days, the Referendum Committee obtained over 24,000 signatures from Frederick County voters, demonstrating that Frederick County voters want their voices heard when it comes to the future of data center developments in the community.

14. The Referendum Committee will suffer irreparable harm because this stay will prevent the Referendum Petition from appearing on the November 2026 ballot, effectively erasing the hard work and dedication exhibited by the Referendum Committee and its volunteers.

15. If the Motion to Stay is granted, the work of the Referendum Committee will be moot.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 17 day of May 2026.

A handwritten signature in dark ink, appearing to read "Stephen Black", written over a horizontal line.

Stephen Black

Exhibit 3-A



Filer
 Frederick County Data Center
 Referendum Committee (16018285)
Approved Date
 01/15/2026

STATEMENT OF ORGANIZATION

Ballot Issue Committee Information			
Authority Name	Frederick County Data Center Referendum Committee		
Election	Gubernatorial - 11/08/2026		
Location of Ballot Issue	County	Ballot Issue	CDI Zoning Ordinance
Petition Sponsor	Yes	Position on Issue	Oppose

Appointment of a Chairman			
Name	Black, Stephen S.	Date of Birth	08/19/1967
Residential Address		County of Residence	Frederick
Confidentiality Reason			
Public Address	2313 New Design Rd, Adamstown, MD 21710		
Public Phone	(240) 416-0714	Email	steveblack2313@gmail.com

I accept the appointment of Chairman until the final campaign finance report required by § 13-311 of the Election Law Article is filed or until a successor is duly chosen and qualifies. I understand that I am required to follow the provisions of Title 13 of the Election Law Article, Annotated Code of Maryland with regard to the manner in which this committee receives, spends, and reports money or valuable things to support/oppose State and local candidates or ballot issues. I am required to keep my contact information current with the State Board in order to receive any notices. I will notify the State Board no later than 21 days before the next campaign finance report of a change in my residential address. I understand that if I wish to resign, I must do so in writing, on the proper form, and file the resignation with the State Board of Elections. I understand that the information I provide on this Statement of Organization may be used to change my voter registration address.

Chairman E-Signature: *Black, Stephen S.*

Date: 01/15/2026 1:02 PM

Appointment of a Treasurer			
Name	Black, Anne M.	Date of Birth	08/31/1966
Residential Address		County of Residence	Frederick
Confidentiality Reason			
Public Address	2313 New Design Rd, Adamstown, MD 21710		
Public Phone	(240) 751-3345	Email	anneblack515@yahoo.com

Compliance materials will be provided to the Chairperson and Treasurer upon receipt and acceptance of this document.

Compliance information is available on the State Board of Elections website www.elections.maryland.gov



MARYLAND STATE
BOARD OF ELECTIONS
Verified. Open. Trusted. Empowering.

BALLOT ISSUE COMMITTEE

Filer

Frederick County Data Center
Referendum Committee (16018285)

Approved Date

01/15/2026



I accept the appointment of Treasurer until the final campaign finance report required by § 13-311 of the Election Law Article is filed or until a successor is duly chosen and qualifies. I understand that I am required to follow the provisions of Title 13 of the Election Law Article, Annotated Code of Maryland with regard to the manner in which this committee receives, spends, and reports money or valuable things to support/oppose State and local candidates or ballot issues. I am required to keep my contact information current with the State Board to receive any notices. I will notify the State Board no later than 21 days before the next campaign finance report of a change in my residential address. I

Treasurer E-Signature: *Black, Anne M.*

Date: 01/15/2026 1:43 PM

Compliance materials will be provided to the Chairperson and Treasurer upon receipt and acceptance of this document.

Compliance information is available on the State Board of Elections website www.elections.maryland.gov

151 West Street, Suite 200, PO Box 6486 Annapolis, MD 21401-0486

Phone: (410) 269-2880



Important Legal Notices:

Conducting campaign finance activity prior to the filing of the Statement of Organization is prohibited. Once you have completed this form in its entirety, including all required signatures and filed it with the State Board of Elections, the entity named herein can open a bank account and begin raising and spending money.

To serve as a Chairperson or Treasurer, an individual must be:

- A registered voter of the State of Maryland and
- In good standing with the Candidacy and Campaign Finance Division.

It is permissible for an officer to serve on more than one committee. A Candidate may not serve as a Treasurer for a committee. The Treasurer is responsible for all receipts and expenditures of the Political Committee. All assets received by or on behalf of the campaign finance entity must pass through the hands of the Treasurer. Additionally, only the Treasurer can disburse campaign funds.

Maryland law requires that the Treasurer keep a detailed and accurate account book on behalf of the campaign finance entity regarding all contributions received, disbursements made, and outstanding obligations incurred. Every expenditure made must be supported with a receipt of the transaction. Account books and records must be kept for 10 years or 2 years after the committee files a final report. Failure to retain all the committee's records and account books may result in civil penalties.

A Treasurer may not serve "in name only" and may not delegate any statutory responsibility to another person, including the Candidate.

The responsible officers are jointly and severally responsible for filing all campaign finance reports. Late fees assessed against the committee must be paid with campaign funds. If the committee has insufficient funds to late fees or civil penalties, then personal funds may be used.

All Committees are continuing accounts and must file their reports electronically with State Board of Elections. Even if no transactions have occurred during the reporting period, the committee is required to file a campaign finance report. The State Board will send the responsible officers of the committee a pre-report notice indicating the next required report. The report must be filed timely to avoid the assessment of late fees. Until the last campaign finance report is marked final, the campaign finance entity is presumed active.

Vacancies in either the chair or treasurer must be promptly appointed. The committee must cease all financial activity when a vacancy occurs.

Compliance materials will be provided to the Chairperson and Treasurer upon receipt and acceptance of this document.

Compliance information is available on the State Board of Elections website www.elections.maryland.gov

151 West Street, Suite 200, PO Box 6486 Annapolis, MD 21401-0486

Phone: (410) 269-2880

Exhibit 3/B



Steve Black <steveblack2313@gmail.com>

Advanced determination for a referendum petition re data centers zoning

Wagner, Barbara <BWagner@frederickcountymd.gov>
To: Steve Black <steveblack2313@gmail.com>
Cc: "info.sbe@maryland.gov" <info.sbe@maryland.gov>

Wed, Jan 21, 2026 at 1:24 PM

Thank you. The electronic version will suffice.

Best,
Barbara Wagner
Election Director

From: Steve Black <steveblack2313@gmail.com>
Sent: Wednesday, January 21, 2026 1:19 PM
To: Wagner, Barbara <BWagner@FrederickCountyMD.gov>
Cc: info.sbe@maryland.gov <info.sbe@maryland.gov>
Subject: Re: Advanced determination for a referendum petition re data centers zoning

[EXTERNAL EMAIL]

Ms Wagner,

Please find attached a corrected cover letter.

Please let me know if you would like a hard copy of the corrected letter.

Thank you again,

Steve Black
Frederick County Data Center Referendum Committee

On Wed, Jan 21, 2026 at 12:30 PM Wagner, Barbara <BWagner@frederickcountymd.gov> wrote:

Dear Mr. Black,

Thank you for the information and for hand-delivering the documents. However, I noticed a small discrepancy with the cover letter. You've mentioned that the documents were hand-delivered on January 20, 2026, but that is not accurate. Please note that the correct date of receipt is January 21, 2026.

Could you kindly update the cover letter to reflect the correct date? Your prompt attention to this matter is greatly appreciated.

Best regards,
Barbara Wagner

From: Steve Black <steveblack2313@gmail.com>
Sent: Wednesday, January 21, 2026 11:18 AM
To: Wagner, Barbara <BWagner@FrederickCountyMD.gov>
Cc: info.sbe@maryland.gov
Subject: Advanced determination for a referendum petition re data centers zoning

[EXTERNAL EMAIL]

Ms Wagner,

Please see the attached request for an Advanced Determination on a referendum petition.

We have also attached the draft petition as a double sided PDF file.

I will be hand delivering hard copies of these two files to the BoE offices on Progress Dr.

Thank you for your urgent attention to this request.

Steve Black

Chair, Frederick County Data Center Referendum Committee

January 21, 2026

Hand Delivered on January 21, 2026, to:

Barbara Wagner, Election Director
8490 Progress Drive, Suite 300
Frederick, MD 21701

Re: Petition for Pre-Approval of a Petition for Referendum to be filed by the Frederick County Data Center Referendum Committee

Dear Ms. Wagner:

Attached to this cover letter, please find the above noted Petition for Referendum for advance determination of its sufficiency. The terms provided by section 6-202, permit us to seek advanced determination. For your convenience, please find the statute I am referring to: Maryland Election Law §6-202.

(a) (1) The format of the petition prepared by a sponsor may be submitted to the chief election official of the appropriate election authority, in advance of filing the petition, for a determination of its sufficiency.

(2) In making the determination under this subsection, the chief election official may seek the advice of the legal authority.

(b) (1) When determining the sufficiency under subsection (a) of this section of a petition that seeks to place a question regarding a local law or charter amendment on a ballot, the election director of the local board shall determine the sufficiency of any summary of the local law or charter amendment that is contained in the petition.

(2) If the election director determines that the summary of the local law or charter amendment is insufficient, the election director shall provide the sponsor with a clear, concise, and understandable explanation of the reasons for the determination.

(3) In making the determination under this subsection, the election director may seek the advice of:

- (i) the counsel to the local board; or
- (ii) the Attorney General.

Time is of the essence, and we appreciate your expeditious review. As of January 20, 2026, we have 59 days to obtain the necessary signatures and submit the completed petition.

Sincerely,



Steve Black,

Chair of Ballot Committee and co-chair of FC-DC Referendum Committee

Cc: State Board of Elections, Info email at info.sbe@maryland.gov, with attachments

Exhibit 3/C



Frederick County Data Center
Referendum Committee

DATA CENTERS ARE DRIVING ECONOMIC, TECHNOLOGICAL, AND ENVIRONMENTAL TRANSFORMATION ACROSS OUR COUNTRY

BACKGROUND—On December 23, 2025, the Frederick County Council decided to expand the current Eastalco data center complex by nearly 1,000 acres. The Council made this decision despite vehement opposition from nearly every environmental, land preservation, and smart growth group in the County, the Farm Bureau, and both Maryland Legislative delegations. Public opposition to the expanded data center zone was massive.

TAKE ACTION—We need more than 15,000 signatures to get a referendum on the ballot allowing voters the power to decide on data center growth in Frederick County.



Frederick County Data Center
Referendum Committee

If you are not a registered voter,
you can register online 



To learn more about upcoming petition signing events, to sign up for volunteer training, or to get more information about the proposed referendum simply go online:



<https://fcdcreferendum.org>



FC.DC.Referendum@gmail.com



<https://www.facebook.com/groups/2414453065623673>

Frederick County Data Center Referendum Committee





If you are not a registered voter,
you can register online 



To learn more about upcoming petition signing events, to sign up for volunteer training, or to get more information about the proposed referendum simply go online:



<https://fcdcreferendum.org>



FC.DC.Referendum@gmail.com



<https://www.facebook.com/groups/2414453065623673>

Frederick County Data Center Referendum Committee



Frederick County Data Center
Referendum Committee

DATA CENTERS ARE DRIVING ECONOMIC, TECHNOLOGICAL, AND ENVIRONMENTAL TRANSFORMATION ACROSS OUR COUNTRY

BACKGROUND—On December 23, 2025, the Frederick County Council decided to expand the current Eastalco data center complex by nearly 1,000 acres. The Council made this decision despite vehement opposition from nearly every environmental, land preservation, and smart growth group in the County, the Farm Bureau, and both Maryland Legislative delegations. Public opposition to the expanded data center zone was massive.

TAKE ACTION—We need more than 15,000 signatures to get a referendum on the ballot allowing voters the power to decide on data center growth in Frederick County.

Exhibit 3/D

State of Maryland - Local Referendum Petition

We, the undersigned voters of Frederick
County, hereby petition to refer Ordinance 26-01-001

Comprehensive Zoning for the Critical Digital Infrastructure Overlay Zone
-An Element of the Livable Frederick Comprehensive Plan

(Bill or Ordinance number and title) to a vote of the registered voters of the County for approval or rejection at the next general election.

If the full text of the bill/ordinance or part of the bill/ordinance referred (the "proposal") does not appear on the back of the signature page, a fair and accurate summary of the substantive provisions of the proposal must appear on the back, and the full text of the proposal must be immediately available from the petition circulator.

NOTICE TO SIGNERS: Sign and print your name (1) as it appears on the voter registration list, OR (2) your surname of registration AND at least one full given name AND the initial of any other names. Please print or type all information other than your signature. Post Office Box addresses are not generally accepted as valid. By signing this petition, you agree that the aforementioned proposal should be placed on the ballot as a referendum question at the next general election and that, to the best of your knowledge, you are registered to vote in Maryland and are eligible to have your signature counted for this petition.

SBE 6-201-8C (Rev 6-2012)

Please Note: The information you provide on this petition is public information and may be used to change your voter registration address.

1	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
2	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
3	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
4	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		
5	Print Name:	First Name	Middle Name	Last Name	Birth Date:	Month	Date	Year
	Signature:				Date of Signature:	Month	Date	Year
	Maryland Residence Address:	Street Number	Street Name	Apt. No.	City or Town	Zip		

Individual Circulator's printed or typed name _____
 Residence Address _____
 City _____ State _____ Zip _____
 Telephone (including area code) _____

Circulator's Affidavit Under penalties of perjury, I swear (or affirm) that: (a) I was at least 18 years old when each signature was obtained; (b) the information given to the left identifying me is true and correct; (c) I personally observed each signer as he or she signed this page; and (d) to the best of my knowledge and belief: (i) all signatures on this page are genuine; and (ii) all signers are registered voters of Maryland. (Sign and Date when signature collection is completed)

Circulator's Signature _____ Date (mm/dd/yy) _____

FREDERICK COUNTY ORDINANCE NO. 26-01-001

Comprehensive Zoning for the Critical Digital Infrastructure Overlay Zone -An Element of the Livable Frederick Comprehensive Plan. Effective date of this Ordinance is January 20, 2026.

THE EFFECTIVE DATE OF THIS ORDINANCE IS JANUARY 20, 2026

ORDINANCE NO. 26-01-001

ORDINANCE OF THE COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

RE: **Comprehensive Zoning for the Critical Digital Infrastructure Overlay Zone – An Element of the Livable Frederick Comprehensive Plan**

PREAMBLE

WHEREAS, in conjunction with the Frederick County Planning Commission's development of the Critical Digital Infrastructure Overlay Zone – An Element of the Livable Frederick Comprehensive Plan (Plan), the Planning Commission also engaged in a comprehensive review of the zoning and land use designations of the properties within the Critical Digital Infrastructure Overlay Zone Planning Area (Planning Area); and

WHEREAS, Planning Department Staff and County property owners requested changes to zoning and land use designations of numerous properties within the Planning Area; and

WHEREAS, The Frederick County Planning Commission also recommended certain zoning and land use designation changes when it certified the Critical Digital Infrastructure Overlay Zone – An Element of the Livable Frederick Comprehensive Plan on November 4, 2025; and

WHEREAS, after providing the required public notice, the County Council conducted a public hearing on December 16 and 17, 2025, on the proposed Plan; and

WHEREAS, after providing the required public notice, the County Council conducted a public hearing on December 16 and 17, 2025, concerning the proposed land use and rezoning designation changes, and overlay application for various properties within the Planning Area; and

WHEREAS, The County Council considered all of the recommendations of the Frederick County Planning Commission, the Planning Staff, public comments received as part of the public hearings of the Planning Commission and the County Council, written correspondence submitted concerning the Plan and the zoning and land use designation from adjoining planning jurisdictions, municipalities, affected State and local agencies and interested persons; and

WHEREAS, the County Council conducted its review in sessions open to the public; and

WHEREAS, after the various public hearings, and consideration of all comments and correspondence received on this matter, the County Council approved changes to the Planning Commission's recommended Critical Digital Infrastructure Overlay Zone – An Element of the Livable Frederick Comprehensive Plan and to the recommended land use and zoning designations; and

WHEREAS, the County Council has determined that the zoning and land use designation changes set forth in the attached Exhibit A are consistent with the Plan and are designed to create predictability for the community and the data center industry, and support other industries with industrial land needs, to best promote health, safety order, convenience, prosperity, and general welfare.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND that the zoning and land use designation, as set forth in Exhibit A, which is attached hereto and incorporated by reference, shall hereinafter be as designated in the exhibit.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on January 20th, 2026.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 20th day of January, 2026.

ATTEST:

FREDERICK COUNTY COUNCIL

Ragen Cherney
Ragen Cherney
Council Chief of Staff

By: *Brad W. Young*
Brad W. Young
President

The motion to adopt the zoning changes outlined in Exhibit A was approved by a vote of 5-2.



Council Adopted
Critical Data
Infrastructure (CDI)
Overlay Zone

□ Council Adopted CDI Overlay Zone

CDI Acres	CDI % of County
2,614.9	0.61

Projection: NAD 1983 State Plane Maryland FIPS 1000 Feet/This effort has been made to ensure the accuracy of this map. Frederick County accepts no liability or responsibility for errors, omissions, or graphical inaccuracies in the content of this map. Reliance on this map is at the user's risk. This map is for illustrative purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 5/2024



Council Adopted Zoning

- A – Agricultural
- RC – Resource Conservation
- R1 – Low Density Residential
- R3 – Low Density Residential
- PUD – Planned Unit Development
- VC – Village Center
- GI – General Industrial
- LI – Limited Industrial
- MM – Mineral Mining
- Ie – Institutional

Projection: NAD 1983 State Plane Maryland FIPS 1000 Feet/This effort has been made to ensure the accuracy of this map. Frederick County accepts no liability or responsibility for errors, omissions, or graphical inaccuracies in the content of this map. Reliance on this map is at the user's risk. This map is for illustrative purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 5/2024

Exhibit 4



Frederick County Board of Elections

8490 Progress Drive, Ste 300, Frederick, Maryland 21701

FrederickCountyMD.gov/elections

301-600-VOTE (8683)

ElectionBoard@FrederickCountyMD.gov



MEMORANDUM

To: Mr. Steve Black, Chair of Ballot Committee

and co-chair of the FC-DC Referendum Committee

From: ^{BPW} Barbara Wagner, Election Director, Frederick County Board of Elections

Date: January 23, 2026

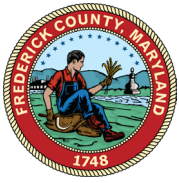
Subject: Advance Determination of Petition

On January 21, 2026, you submitted a Petition for Referendum (“Petition”) for advance determination pursuant to Maryland Election Law, § 6-202 for a determination of its sufficiency.

As Election Director for the Frederick County Board of Elections (“Board”), I reviewed the Petition pursuant to Maryland Election Law §6-202 in consultation with counsel for the Board, and the Petition is sufficient as to format only. An advance determination relates to format only, and approval of the format of a referendum petition does not constitute a binding determination that “the use of [the] petition for the subject matter of the petition is . . . authorized by law.” *See* Maryland Election Law § 6-206(c)(5)(i). Under the pertinent provisions of the Maryland Election Law Article, I am not permitted to decide the legal sufficiency of the petition’s subject matter until after the filing of the petition with signatures. *See* Maryland Election Law § 6-206(a). Please note, however, the County Attorney has advised the Frederick County Council and the County Executive that the subject matter of your petition—Ordinance 26-01-001—is not a “law” subject to referendum under the County Charter.

Furthermore, neither the election director nor the Board have the authority to determine whether an ordinance is a local law at this time.

Exhibit 5



Frederick County Board of Elections

8490 Progress Drive, Ste 300, Frederick, Maryland 21701

FrederickCountyMD.gov/elections

301-600-VOTE (8683)

ElectionBoard@FrederickCountyMD.gov



April 3, 2026

VIA EMAIL

Frederick County Data Center Referendum Committee

Mr. Steve Black

2313 New Design Road

Adamstown, MD. 21710

Dear Mr. Black,

The Frederick County Board of Elections has verified all signatures on your petition submission from March 19, 2026. In relation to the Petition for Referendum of Frederick County Council Ordinance 26-01-00, the verification process at the Frederick County Board of Elections confirmed the following:

Number of signatures processed: 24,053

Number of valid signatures: 21,029

Number of invalid signatures: 3,024

It has been determined that you have gathered enough valid signatures to exceed the threshold for signatures (signed by 7 percent of the County's qualified voters). That number calculated to be 15,611 as set forth in the Frederick County Charter section 308.

There is a presumption that a petition is sufficient unless there is a finding or determination of a deficiency. Under EL 6-206 (b) --- Unless a determination of deficiency is made under subsection (c) ... the chief election official shall (1) make a determination that the petition, as to matters other than the validity of signatures, is sufficient.

I have reviewed each number under EL 6-206 subsection (c) and there is no deficiency under 1, 2, 3, 4 and 6. However, as the chief election official, based on the advice of legal authority (Board Counsel) I am unable to make a determination that the petition is not authorized by law under EL 6-206 (c) (5) (i). In short, since there is a presumption of sufficiency, unless a determination of a deficiency is made, and I am unable to make a determination of a deficiency, the petition is sufficient for purposes of EL 6-206. The Frederick County Board of Elections will inform the Frederick County Council and the Frederick County Office of Law of the final disposition of the petition.

Sincerely,

Barbara Wagner

Barbara Wagner

Election Director, CERA

CC: Frederick County Board of Elections
Frederick County Office of Law
Frederick County Council

Exhibit 6



Frederick County Board of Elections

8490 Progress Drive, Ste 300, Frederick, Maryland 21701
FrederickCountyMD.gov/elections

301-600-VOTE (8683)
ElectionBoard@FrederickCountyMD.gov



April 3, 2026

VIA EMAIL

Bryon C. Black, County Attorney
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

Dear Mr. Black,

On Friday, April 3, 2026, I notified the sponsor of the Petition for Referendum on Ordinance 26-01-001 that in accordance with E.L. 2-208(a), I certified that their petition contained a sufficient number of valid signatures and that I did not find any deficiency with regard to other requirements established by law for that petition.

Therefore, in accordance with E.L. 2-208(c)(1), I am hereby notifying you that the petition process has been completed and that the question has qualified to be placed on the November 2026 General election ballot.

Sincerely,

Barbara Wagner

Barbara Wagner, CERA
Election Director

cc Jessica Fitzwater, County Executive
John Peterson, Chief Administrative Officer
Ragen Cherney, Chief of Staff
County Council Members
Frederick County Board of Election Members

Exhibit 7



FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater

County Executive

DIVISION OF PLANNING and PERMITTING

Department of Development Review and Planning

Deborah A. Carpenter, AICP, Division Director

Michael Wilkins, Department Head

April 24, 2026

Tess MacMorris
1800 Wazee Street
Suite 300
Denver, DE 80202

Re: 5601 Manor Rd
Frederick MD 21703
Tax Map 94, Parcel 0070, Lot 100
Zoning (GI), Tax ID #01608263, Size 75.49 Acres, V278693

To Whom It May Concern,

This letter is in response to your zoning verification application submitted on March 26, 2026. In your application, you requested zoning confirmation for the above referenced property and that "Critical Digital Infrastructure Facility" is an allowed use under the subject properties zoning. Per Preliminary Plan PP273774, Lot 100 is zoned General Industrial (GI).

§ 1-19-5.250. INDUSTRIAL ZONING DISTRICTS.

(A) The purpose of the industrial districts is to provide for the development of varied industrial uses that would supply needed employment opportunities for the county. Industrial development has inherent characteristics that require special attention and protection. Due regard must be given to industrial needs for adequate site locations with concentration on terrain, availability of water and sewer systems, transportation, and compatibility with surrounding development.

(C) The General Industrial District (GI) is intended to provide areas for industries involving manufacturing or processing and for those industrial uses which cannot meet the performance criteria of the Limited Industrial District.

CRITICAL DIGITAL INFRASTRUCTURE FACILITY. A facility consisting of one or more buildings used primarily for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The facility may also include customary accessory uses such as an office use, air handlers, power generators and storage, water cooling and storage facilities, and associated utility infrastructure needed to support sustained operations of the digital infrastructure.

In accordance with B-25-09, a "Critical Digital Infrastructure Facility" is an allowed use within the Critical Digital Infrastructure Overlay Zone on properties with Limited Industrial (LI) and General Industrial (GI) zoning designations, and in accordance with Section 1-19-10.1100 of the Zoning Code.

A Critical Digital Infrastructure Overlay Zone may be created by County Council with the boundaries established by ordinance and identified on the Zoning Map. This use is also subject to site plan approval as well as approval of all State of Maryland and Frederick County permits.

The Critical Digital Infrastructure Overlay Zone is created for the purpose of directing Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations to industrial lands in proximity to data conveyance infrastructure and other industrial uses, while minimizing impacts to non-compatible uses and allowing for development of industrial lands not included in the Critical Digital Infrastructure Overlay Zone for other industrial uses.

A review of the records in this office does not reflect any existing zoning violations at this Property at this time. If you have any questions or need further assistance, please contact me on (301) 600-1351 or mpaone@frederickcountymd.gov.

Sincerely,

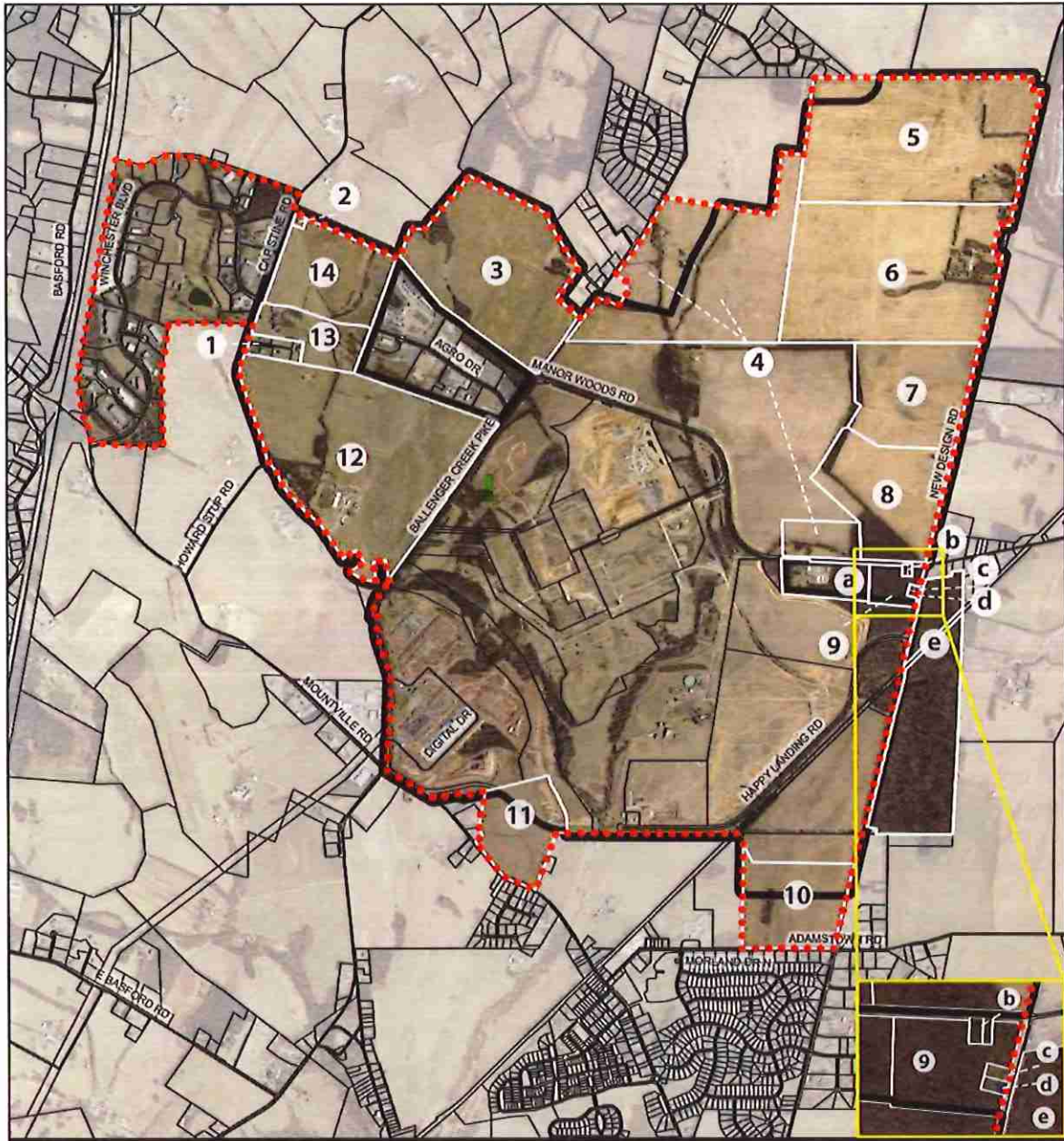
Michael Paone
Zoning Planner

Cc: M. Wilkins
K. Michell
T. Sinton

Frederick County: Rich History, Bright Future

30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645

www.FrederickCountyMD.gov



Map 1: Council Adopted Critical Digital Infrastructure (CDI) Overlay Zone, Properties

- ⋯ Council Adopted Community Growth Area
- Council Adopted CDI Overlay Zone

CDI Acres	CDI % of County
2,614.9	0.61



Frederick County, Maryland
Division of Planning and Permitting

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. Printed 1/5/2025

