



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

Patrick H. Murray, Esq., Senior Advisor

MEMO

TO: Data Centers Workgroup Members
FM: Patrick H. Murray, Esq.
Office of the County Executive
RE: Data Centers Workgroup Overview
DT: August 1, 2023

On behalf of County Executive Jessica Fitzwater, thank you for agreeing to serve on the Frederick County Data Centers Workgroup. The Workgroup is charged with considering:

- Appropriate locations for data centers;
- Taxation of data centers;
- Water, power, and other infrastructure needs of data centers;
- Community benefits that can be derived from the data center industry; and
- Potential amendments to the County's critical digital infrastructure law.

The Workgroup will serve two primary functions: Receiving public testimony about the data center industry and developing and publishing its findings and recommendations.

To achieve its first function, the Workgroup will hold five public hearings:

- August 2, 2023 – Overview and Frederick County Government perspective
- August 30, 2023 – Community perspective
- September 27, 2023 – Lessons from other jurisdictions
- October 18, 2023 – Quality of life perspectives and community benefits
- November 15, 2023 – Economic impact

To achieve its second function, the Workgroup will divide into subgroups to develop recommendations which the full Workgroup will consider. The subgroups will begin meeting after Labor Day and provide updates at the September 27, October 18, and November 15 meetings. The subgroups will provide recommendations by December 1, and the full Workgroup will reconvene in December to discuss, deliberate, and decide on those recommendations. After the Workgroup makes decisions, staff will prepare and circulate a draft report for member comment. The final report will be published by January 5, 2024.

The County Executive values this Workgroup's judgment and independence. She issued an executive order to pause the consideration of individual zoning map amendments seeking rezoning to Limited Industrial or General Industrial, the two zoning districts in which data centers are currently permitted, to prevent anyone from trying to push a project through the process before the Workgroup completes its work. Moreover, she will not knowingly meet with a developer of a data center project or advocates for or against data center projects until the Workgroup completes its work. She believes this body is the appropriate public forum for the discussion of all issues related to data centers in Frederick County.

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The County Executive's Transition Team employed public engagement tools, including a web portal for public comments. The Workgroup's website will have a similar portal, and staff will share all comments received with all members. The Workgroup will develop a survey which will be distributed widely, and staff will share the results with all members and the public at a future meeting. The Workgroup will meet in locations that are accessible to residents of the areas that are most likely to be affected by the data center industry and at hours that make it more likely that residents will be able to participate.

Because the County Executive created the Workgroup, it is a public body which is subject to the open meetings and public information laws. The County Attorney's Office will provide an overview of those laws at the Workgroup's first meeting. Workgroup meetings will be broadcast live when possible, and all Workgroup meetings will be available to stream later on the FCG TV website.

I am the primary staff support to the Workgroup, and subject matter experts from County government will be pulled into the work as appropriate. You can reach me at pmurray@frederickcountymd.gov.

Again, on behalf of the County Executive, thank you for agreeing to serve. I look forward to working with you to develop a model regulatory structure that preserves our environment, protects our quality of life, and provides stability and predictability for those who want to invest in the data center industry.