

News

Dalrymple Quoted in Frederick News Post

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Landsdale appeal under consideration by judge

By Danielle E. Gaines News-Post Staff | Posted: Tuesday, December 17, 2013 2:00 am

A Frederick County Circuit Court judge understands the emotions on both sides, she said, after hearing arguments Monday about the legitimacy of a Frederick County agreement with developers for an 1,100-home project in Monrovia.

Friends of Frederick County, a nonprofit that focuses on local growth issues, filed an appeal in March of the developer's rights and responsibilities agreement for the Landsdale project.

Developers plan to build 1,100 homes on about 400 acres north of Md. 80 and west of Ed McClain Road.

Judge Theresa M. Adams heard arguments Monday from attorneys for the county, the developer and Friends of Frederick County.

"This is a large area of land, a large development," Adams said. "I know there are a lot of people who feel very strongly about it on both sides. I will take it very seriously."

The agreement sets in stone certain project conditions, such as zoning and an array of rules and regulations. Such agreements also cement developer responsibilities, such as upgrading roads or providing land or money for schools.

According to state and county law, the agreements allow the county to freeze the local laws affecting land use and project density and intensity.

However, the Landsdale agreement goes beyond that by touching on environmental rules, for example, argued David Brown, the attorney for Friends. He also argued that the 25-year term for the agreement was too long.

"The boards of county commissioners and county councils in the future should not be hamstrung," Brown told Adams.

Kathy Mitchell, assistant county attorney, argued that Friends is interpreting the law too narrowly and the judge should let the agreement remain as is.

Robert Dalrymple, an attorney for the developer, Monocacy Ventures, argued that the terms of the agreement gave developers more certainty, allowing them to move forward with the project. He said the agreement also included more than \$53 million in public benefits, such as schools and park space.

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Adams said she will issue a written opinion.