

The Capital

ENVIRONMENT

County pulls Critical Area bill

Dozens protest at council meeting

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A busload of protesting residents and a handful of state legislators last night successfully persuaded the county administration to withdraw a bill that would have instituted stricter penalties for building illegally in the sensitive areas of the Chesapeake Bay.

About 70 people wearing matching "Stop The Zoning Gestapo" T-shirts were in the boisterous, standing-room only crowd that gathered in County Council chambers to decry the bill. Many complained about the Department of Inspections and Permits and said it should not have increased authority to punish residents. Others, joined by Del. Don Dwyer and former County Councilman Thomas Redmond, said the new law violated citizens' constitutional right to due process.

"I feel like saying welcome to the People's Republic of Anne Arundel County," Councilman Ed Middlebrooks, R-Severn, said during the hearing. "When we start to take away due process ... where do you stop?"

Councilman Ron Dillon, R-Pasadena, referred to a new opinion by Maryland Assistant Attorney General Kathryn M. Rowe that also questioned whether the bill granted due process to all citizens.

"It seems to me that even the assistant attorney general has a concern," Mr. Dillon said. Alan Friedman, director of governmental relations for County Executive John R. Leopold, withdrew the bill after the council would not entertain a motion to make a technical change to it.

"It was clear the council was not going to support the legislation, and we need to go back and rethink the strategy of whether the county is going to give land use authority to the state," Mr. Friedman said.

Mr. Friedman, environmentalists and county attorneys testified the bill had become overshadowed by complaints about the county's inspections and permits division. Even

without the passage of a county bill, a much stronger state law will now be in effect, a situation that several county officials said would be worse.

"The state bill, if applied in our jurisdiction would grind enforcement to a halt, and still do nothing about fixing the violation," County Attorney David Plymyer said, later adding "the harsh provisions are part of state law. ... It's every bit as nasty, and it's going to be more expensive to the property owner. I know it's going to be more cumbersome for everyone."

The withdrawn county bill was meant to meld into county law the much stricter penalties passed by the Maryland General Assembly last year to strengthen enforcement of the state's Critical Areas laws, which tightly regulate what can be built within 1000 feet of the Chesapeake Bay. The state law requires counties to enforce it, but the county does not have authority to do so. The county's version largely mirrored state law, except for a provision that required citizens to admit guilt if they wanted to keep an illegally built structure.

Mr. Friedman told the council they would rework the bill, remove any concerns about due process, and resubmit the bill by the end of the year.

Although the crowd at the council chambers, which had to be called to order several times for shouting out and continually applauding testimony, cheered when councilmen indicated they'd not pass the bill, Councilmen Ed Reilly warned them to be careful what they wished for.

"You don't seem to understand," Mr. Reilly said, raising his voice. "There are two hammers here. One from the county and one from the state. And they're both awful."

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