

PRESS RELEASE

Wiley Rein Helps Local Citizens Groups Preserve Pristine Waterfront Land at Deep Cove Creek in Anne Arundel County, Maryland

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Washington, DC—Wiley Rein LLP recently helped local citizens' groups preserve one of the last, pristine tidal waterfront areas in Anne Arundel County, Maryland, resisting pressures both from county executives and from a developer who wanted to build a multi-home project in violation of the state's Critical Area laws. On March 1, after a dispute that spanned 12 years and numerous hearings over 18 months, the Anne Arundel County Board of Appeals dismissed the case – one of the longest running matters of its kind in the county's history.

The South Arundel Citizens for Responsible Development (SACReD) and West/Rhode Riverkeeper – represented by Wiley Rein on a pro bono basis – secured standing from the county Board of Appeals last spring in the hotly contested Snyder Development Corporation housing development (Turtle Run at Deep Cove), located in Churchton, Maryland. As a result, Wiley Rein's clients continued to prosecute their pending appeal of the county's preliminary approval of the housing development's sketch plan.

During this 12-year battle, Snyder Development Corporation had planned to increase building density on the waterfront land by moving densities from noncontiguous inland lots. However, with no local rules to support the development, legal experts and critics

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believed the project violated the Chesapeake Bay Critical Area Act and, if completed, would set a dangerous precedent for the region.

On February 8, 2018, the Critical Area Commission, which had told the county and the developer that there were problems with this type of land reconfiguration, issued an order to the county that rendered the sketch plan null and void, giving the county 90 days to correct the problem. The county asked the Board of Appeals for a 90-day stay to allow them to fix the problem, and Wiley Rein's clients filed a motion recommending the sketch plan be denied. After hearing arguments on both sides, the board decided to dismiss the case outright, offering neither a stay nor a denial.

Because of the decision, the Critical Area Law will remain intact, and Anne Arundel County subsequently announced that it plans to purchase the 140 acres of land in Churchton for recreation and open space use.

John B. Wyss, senior counsel in Wiley Rein's Litigation Practice, and J. Ryan Frazee, provided pro bono legal counsel in the matter, working closely with the Chesapeake Legal Alliance (CLA), and another Washington, DC-based attorney in private practice.