

Schaefer urges bay growth panel to move on regulatory legislation

By Phillip Davis
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ANNAPOLIS — Gov. William Donald Schaefer made a dramatic plea last night to the state growth commission to quickly finish its task of fashioning a bill to protect the Chesapeake Bay from uncontrolled development.

"Don't be afraid," he told the members of his Commission on Growth in the Chesapeake Bay Region, which met at the Department of Agriculture.

"This is the year of decision," he

told the panel, warning that if it does not send him its controversial Maryland Growth and Chesapeake Bay Protection Act, the bill may lose momentum and never be voted into law.

The commission moved in that direction last night by tightening some provisions of the bill and making plans to have a final version ready for the beginning of the legislative session next week.

The proposal, which was unveiled last month after a year of preparation, would reverse the state's sprawling pattern of growth and

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COMMISSION MEMBER

channel development to selected higher-density areas. The goal is to protect the state's sensitive wetlands, tidal plains and habitats of endangered species.

"It was his way of urging us on," said Will C. Baker, a member of the panel and head of the Chesapeake Bay Foundation, the state's largest environmental organization. "It's no secret that this commission has been arguing about things in this bill."

Members from the Eastern Shore have attacked the bill as damaging to the rights of property owners; others have said its sweeping changes are being considered too quickly.

Still others worry about the cost. At a Dec. 18 meeting to consider amendments to the proposal, the

commission also voted to ask Mr. Schaefer for a commitment to pay the cost of controlling growth, including additional roads, schools and water lines.

Last night, the panel received a pledge from Charles L. Benton Jr., secretary of budget and fiscal planning, that the state would pick up some of the \$1.2 billion "infrastructure gap."

Mr. Benton said his office determined that if the state passes the bill, the necessary new local roads,

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schools and water lines will cost \$6.5 billion over the next 20 years. That's \$1.2 billion more than what local town and counties could afford to pay, given the current state tax system.

Mr. Benton said the state government must make a commitment to provide "a major share" of the gap when it appears, which he estimated would be around 1994.

Though the letter from Mr. Benton was vague as to where the money would come from, the commission voted to add the state commitment to the proposal.

During the four-hour meeting, the panel also changed the bill, tightening procedures allowing landowners to get special exceptions to build on sensitive areas and lowering the minimum number of houses per acre in counties with fewer than 100,000 people.

One of the amendments clarified what development would be allowed in the flood plain surrounding the Ocean City area.

The original draft would have halted almost all development in the Ocean City area, said John Griffin, deputy secretary of the Department of Natural Resources. Amendments last night and at last month's meeting in Annapolis lifted some restrictions, allowing low-density development in the island's back bays.

That apparently had sparked the revelation Mr. Schaefer made to non-plused panel members early in the meeting. The new rules evidently would allow Mr. Schaefer to build on a 2-acre plot he bought last year near Saddle Creek in Worcester County. Mr. Schaefer said a newspaper had investigated the property in the wake of the change.

"Did I ask any of you to change a vote?" he asked the committee. Silence was the response.

The commission chairman, Michael Barnes, said that the record should note that silence indicated no one had been asked by the governor to change their vote.

Mr. Schaefer said later that growth was something that he was very concerned about, regardless of his property. He said there was money in the budget for planning as well as future infrastructure needs.

The bill survived one last assault near the end of the meeting when the Maryland Municipal League's president, Regina J. McNeil, tried to drop a provision prohibiting a municipality from having stricter development regulations than the state's and to gut the bill's enforcement provisions. None of the amendments was approved.

The commission will meet next Monday for the last time at the Department of Transportation to receive a final version of the bill. The bill will be delivered to the governor to present to the General Assembly, which is to convene Jan. 9.