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## **“PROPERTY RIGHTS VS. GOVERNMENT REGULATIONS”**

By Justin M. Kiska

In today's world, with so much going on and people involved in many different activities, not everyone can keep up with all of the issues being discussed in their community. This is especially true if an issue doesn't appear to affect them directly. As I've been talking to people over the last several weeks, I realize one such issue is that of the Monocacy River Plan.

Citizens impacted by the River Plan are actively involved with its review. But if you don't live near the Monocacy River, there's a very good chance you may have heard about the plan in passing and never gave it a second thought.

At the heart of the matter is a vital principle that affects everyone - individual property rights versus government overreach through unnecessary regulations. This is no small matter because if the government unnecessarily reduces the property rights of some citizens, it reduces the rights of all citizens.

The update of the longstanding Monocacy River Plan has created significant opposition from citizens who've called it a "government land grab." What makes it a "land grab?" The plan proposes unnecessary regulatory action that directly impacts private property, causing harm to landowners without compensation or their consent. Those opposed to the proposed 2017 River Plan and who want to see it reformed, include landowners along the river, The Farm Bureau, and The Association of Realtors.

Let me provide some background. In Maryland, there are nine rivers designated as "scenic rivers." Along with the Monocacy, some other scenic rivers include the Anacostia, Deer Creek, and the Potomac. By law, a "scenic" river must have a river management plan established by a local River Advisory Board and adopted by the counties along the river. The plan provides recommendations used by the counties to develop regulations impacting the river and surrounding land. Currently, Frederick and Carroll County are reviewing the Monocacy River Board's updates to the 25 year old Monocacy River Plan.

Preservation of our natural resources is important, as are the quality of water and a clean river. Should the government overstep its authority in the name of conservation to take control of private land without sound justification, causing harm to citizens, then it becomes a serious issue.

Numerous governmental regulations are already in place to protect the Monocacy, including existing county buffer ordinances that restrict land use on property located within a certain distance of the water. Buffers like this are not uncommon. They're often established to help control pollutants that can flow into the river like run off from urban areas and agricultural land.

However, should the buffer zones exceed reasonable boundaries it results in reduced property values and land utility (which can hurt the livelihoods of farmers who lose acres of usable land). Landowners still own their land and pay taxes on it, but they are forced to give up its control.

One would think there would be scientific research specific to the Monocacy confirming that increased river buffers and zoning changes would reduce pollution by a certain percentage or something along those lines – if that’s the argument. However, no such studies exist.

These excessive buffers were inserted into the plan by county planning staff but after public outrage, the 8,000 acres of (over)regulated land was removed from the plan. However, the rejected buffer idea was reinserted into the plan nonetheless in other ways, as it still pushes for wider buffers and unnecessary zoning changes to private.

Even more disconcerting is that if you look at other Frederick County plans and tri-state initiatives, you will see proposed bike paths through these buffers. The owners of these properties won’t be able to do with them what they would like, yet the government would be able to put bike paths on private property without having to compensate anyone.

It’s no longer about cleaning up the Monocacy River or the quality of the water with reasonable measures. It’s about the government trying to take more control and trampling on private property rights. Now can you see why this is an issue that should be important to EVERYONE.

I’m not saying there shouldn’t be some amount of oversight when it comes to land bordering a major waterway. But the regulations must be reasonable and justifiable. As a member of the County Council, I would never let the county overstep and infringe on the rights of property owners. Individual rights must be protected. The government works for the people. Not the other way around.