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Anne Arundel settles religious discrimination lawsuit

County will pay church \$3.25 million and admit to violating federal laws

November 18, 2010 | By Tricia Bishop, The Baltimore Sun

Attorneys for Anne Arundel County and the Riverdale Baptist Church reached a \$3.25 million settlement Thursday in a federal lawsuit claiming that county zoning laws infringed on the church's religious rights.

The agreement, reached on the 12th day of lengthy jury trial, clears the way for the church to build a long-planned Baptist school on 57 acres it owns near the Jug Bay Wetlands Sanctuary in Lothian. It also requires the county to:

- Admit that it violated a federal statute preventing the creation of local zoning laws that impose a "substantial burden" on religious freedoms without compelling cause.

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- Pay the plaintiffs \$3.25 million in damages and attorney fees.
- Quickly issue the building permits required for the school.

"I think it's very responsible, and I commend you all for it," U.S. District Judge J. Frederick Motz said after the lawyers informed him of the resolution while the jury waited in another room.

An earlier settlement proposal, which would have cost the county less than a tenth of Thursday's figure, was unanimously rejected by the Anne Arundel County Council in 2008, well before the case reached the trial stage.

"This is not an issue of discrimination," Councilman C. Edward Middlebrooks, a Republican from Severn, said at the time. "This is an issue of environment and safety."

School and church officials had tried for years to obtain permits to build a 31,000-square-foot facility on the site. They filed the lawsuit in October 2006 after the County Council labeled nearly two dozen roads in the lower part of the county "scenic and historic," further limiting zoning in the area.

In court papers, the church complained that the county was engaged in a "targeted campaign of dilatory tactics" that was "spurred by several hostile neighboring residents."

Environmental activists and area residents had complained that the region can't handle the boost in traffic and that the proposed building doesn't fit with the area's rural character.

To those neighbors, Motz said Thursday, "I think you're going to be OK. ... Fact is, I think this is a good use for the property."

The multimillion-dollar settlement made life easier for Motz and the jury, neither of whom had to determine damages, which became more confusing as time went on, the judge said.

"The more I heard, the more I became concerned," he said, adding that he doesn't believe the council acted "in bad faith."

"It is a very difficult case," Motz said. "Frankly, I think [there] was probably a mistake made."

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