



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Stu Kohn, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB11-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Stu Kohn

Signature: [Handwritten Signature]

Date: 18 MARCH 2019

Organization: HCCA

Organization Address: P.O. Box 89

ELLIOTT CITY, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
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I, Lisa Markowitz, have been duly authorized by  
(name of individual)

The People's Voice to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB11 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Lisa Markowitz

Signature: [Handwritten Signature]

Date: 3/18/19

Organization: The People's Voice

Organization Address: 3205 B Corporate Ct

Elkatt City MD 21042

Number of Members: 2021

Name of Chair/President: Lisa Markowitz

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HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, W Harold (Howie) Feaga, have been duly authorized by  
(name of individual)

Howard County Farm Bureau to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-11 2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Howie Feaga

Signature: Howie Feaga

Date: March 18, 2019

Organization: Ho Co Farm Bureau

Organization Address: 3807 Walt-Aer Dr

Ellicott City, MD 21042

Number of Members: 1100 ±

Name of Chair/President: Howie Feaga

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HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Jon Cowell, have been duly authorized by  
*(name of individual)*

Maryland & Virginia Milk Producers Cooperative Association, Inc.  
*(name of nonprofit organization or government board, commission, or task force)* to deliver testimony to the

County Council regarding CB 11-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Jon Cowell

Signature: [Handwritten Signature]

Date: March 18, 2019

Organization: Maryland + Virginia Milk Producers Co-operative Association Inc.

Organization Address: 1985 Isaac Newton Square West, Suite 200

Reston, VA 20190

Number of Members: 1,132

Name of Chair/President: Math Hoff

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3/18/2019

Testimony Lisa Markovitz for The People's Voice

Ellicott City MD

CB11 – 2019 – Support

We are so pleased to see attention paid to revisiting the issue of protecting scenic roads, both visually and regarding traffic. Thank you for including ingress and egress issues with larger coverage areas.

Too often we see these and other types of environmentally sensitive areas broached in order for developments to reach their maximum allowed density in a zone for a project. There are maximums for a reason and sometimes, if a natural resource, public safety, public services are too impacted, then the puzzle piece should not be jammed to fit with maximum density at all costs. We need to protect our scenic roads, including the loss of trees along them.

We echo the sentiments of HCCA regarding the desire to preclude tree removal to accommodate coming utilities of a development, if amounts of loss have to be waived causing environmental detriment to do so, especially if there are alternatives available, even if that means, lowering the density of the project.

Many times, with regulation changes along these lines, arguments ensue regarding grandfathering. I implore you to not get concerned with that here, as there are already regulations in place that safeguard property and project rights when construction has begun. We do not need to be backing up prior to that, and should instead prioritize protecting our natural resources.

Thank you.

March 18, 2019

**Re: OPPOSITION TO CB11 – Scenic Roads New Regulations**

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 11, increasing the minimum buffer of existing forest or wooded area between a road and a new development from 35 feet to 100 feet and requiring any new planned ingress or egress along a scenic road to be approved by the Planning Board. This bill also requires any new ingress to a scenic road or a project of 100 or more residential units within 1 mile of a scenic road to obtain approval from the Planning Board and/or the Department of Planning and Zoning (DPZ). Importantly, this legislation contains no grandfathering provisions, so projects in the pipeline and even those nearing completion could be required to go backwards to get Planning Board and/or DPZ approval to proceed.

This legislation creates significant new hurdles to homebuilding in Howard County. The increase from 35 feet to 100 feet for new developments along scenic roads is a substantial and unnecessary increase. If the goal of this legislation is to protect existing wooded areas and preserve the natural character of scenic roads, the same could be accomplished with a setback of 50 feet which would provide sufficient forest area to achieve an attractive appearance while allowing landowners to reasonably improve their properties.

This legislation also expands the authority of the Planning Board during the site review process, without criteria or standards for which the Board should judge scenic road access. This uncertainty makes investing in Howard County even more challenging and time-consuming. Furthermore, the Planning Board is not the appropriate party to make these decisions; ingress and egress affects traffic safety, which requires technical knowledge and experience to analyze. The Planning Board lacks this expertise. In the absence of standards or criteria, the Board could be easily swayed by community arguments in public hearings. DPZ has the requisite knowledge to make important safety-related decisions; therefore, decisions regarding ingress and egress on scenic roads should remain with DPZ.

If the Council does move forward with this legislation, we hope amendments reducing the setback requirement, providing for advisory rather than authoritative participation from the Planning Board, and a grandfathering clause to protect existing investments and the business climate of the County will be considered. We would welcome the opportunity to work with the Council on these issues.

Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org) or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman Opel Jones  
Councilmember Deb Jung  
Councilman David Yungmann  
Councilmember Elizabeth Walsh

County Executive Calvin Ball  
Sameer Sidh, Chief of Staff to the County Executive  
Valdis Lazdins, Director of Planning



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Angelica Bailey, have been duly authorized by  
*(name of individual)*

Maryland Building Industry Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB11-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Angelica Bailey

Signature: 

Date: March 18, 2019

Organization: Maryland Building Industry Association

Organization Address: 11825 West Market Place, Fulton, MD 20759

11825 West Market Place, Fulton, MD 20759

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

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CB11-2019 Submitted by Eva J. Nelson

For nearly forty years I have owned a home and a furniture store, that I still operate here in Howard County. Perhaps some of you know my business (Indoor Furniture next to Wegmans).

When my husband and I purchased our property we intended to enjoy, live and raise a family in that home, forever. Well, forever doesn't always end they way you think. After his death, almost 10 years ago, I have struggled with keeping up with my large, 160 year old Victorian home and growing my furniture business on McGaw Rd.

I came to the conclusion that I was no longer able, physically, mentally or financially to live in my home; it was time to allow other families to enjoy living in this beautiful area.

After 5 plus years of complying with every reference to historical preferences, landscape features, run-off and visual considerations from the road and adjoining homes, I realize that this Bill will have a devastating affect on my property.

After looking into this further and evaluating other areas in Howard County I came to the realization that 100' scenic set-back is an idea that sounds OK on paper but in reality, it is not a "one size fits all" proposition and in many instances can be very detrimental.

As a designer, I have a strong sensitivity to balance, beauty and appearance. One characteristic of most lots in Howard County is the uniqueness of each and every one.

I am opposed to slapping a universal mandate on all properties because all properties are not the same. I am equally opposed to just fitting houses on lots with a shoe horn which is why I have made certain that my project be compatible with my beautiful manor house at 4471 Ilchester Rd, which is exactly what I have instructed my engineer to do.

Adding more rules without considering the unintended consequences is wrong on every level. Instead, why not rule on a case-by-case basis taking into consideration layout, neighborhood, existing structures as well as the economic implications affecting property owners.



I have spent tens of thousands of dollars on engineering fees: county filing fees: county processing fees and legal fees to make sure the design of my project will complement the setting of the manor house.

I could have crowded houses in and around the manor house but that would have ruined the scenic nature of Ilchester Rd, this home and the neighborhood.

For over 5 and a half years I have attended at least a dozen meetings with the Historic Commission: County Department Directors and their staff. I have listened to and have complied with most of their requests. This meant redrafting at great expense and resubmitting plans at least a half a dozen times to where I am finally at the doorstep of obtaining final approval.

As a business owner I know and can tell you that the one thing that kills growth and jobs is unpredictability. This bill, coming out of the blue as drafted and if passed, does exactly that.

I am asking all of you for a sense of fair play here and not exercise a changing of the rules, in the middle of this and as I finally come close to reaching the finish line. I have played by your rules and have complied to your request. I have paid dearly for doing this and I think I should be able to cross that finish line.

I am respectfully requesting that my project and others who have followed your rules and regulations that this esteemed body have set in place, that all projects, including mine that have been in the pipeline for approval be grandfathered.

Thank you for your attention to my concerns.

Eva Nelson  
4472 Ilchester Road  
Ellicott City, Maryland 21043      ph.443-253-7535

Indoor Furniture (owner)  
8895 McGaw Road  
Columbia, Maryland 21045      ph.410-381-7577

Council Members,

The Howard County Farm Bureau is against Bill #11-2019, because we feel it will take away too much valuable Agricultural Ground. With the proposed setbacks we would now lose extra land on any "Child Lot" or our "Unrestricted" lot, if we were to develop them. We could agree with the bill if you could add an amendment to it that would exempt all Ag Preservation properties from this bill. You should also consider the Ag Assessed properties that are not in Ag Preservation for exemption as well. They also need to protect their land from being taken up with setbacks, that are going to cost them more agricultural land as well, if they are only looking to build for a family member or if they need a "Tennent House".

To lose 65' along the perimeter of our farms is equal to one acre for every 670' traveled, if you add that to the setback already in place, you would lose one acre every 435'. That's a lot of land any way you look at it. It will also add a considerable amount of impervious surface that will be added to driveways, to go back another 65' extra. All of this for a so called "Scenic Road" which in my opinion has disappeared in Howard County, a long time ago. I feel it's more important to protect the land for agriculture, not for the so-called beauty for a passerby or the neighbor across the road that already built near the road.

Thank You,   Howie Feaga, President of the Ho. Co. Farm Bureau

FYI There is 43,560 sq. ft in an acre of land.

Testimony against CB 11 2019

I am adamantly opposed to the implementation of this for projects already in the pipe line.

I am not sure if you recall Angela Beltram and Bill 43 among others that she introduced about 30 years ago (at the behest of County Exec Liz Bobo). She & Liz Bobo instead of grandfathering projects already in the pipeline **slammed the brakes** on ALL development. Their goal of "managed growth" was laudable but the way they went about it was despicable. Their unwillingness to consider the unintended consequences and obstinance KILLED the housing industry for years in Howard County causing countless numbers of my friends and colleagues who lived and raised their families here to file bankruptcy. They fled HoCo in droves, never to return.

One of the more painful situations was a good friend who was doing well and had a special needs daughter. His bankruptcy financially crippled him and his wife's ability to provide for their daughter due to the arbitrary way Bill 43 and other bills were imposed.

He borrowed a fortune on his projects.. played by HoCo's rules...and then the refs came in and moved the goal. He never recovered and his daughter was "warehoused" at a nursing care facility instead of the loving round the clock care they were able to financially provide for her at home. This was just one of many unintended consequences of well meaning legislation.

I am asking that you review this closely. I am involved as a consultant where we got the requisite variance on a scenic road and did not get any pushback from the county or from DNR. This bill as drafted will crush my friends project by 25%.

We have done everything that two Directors of Planning have asked of us to do.

Out of a sense of fairness and predictability to do business in HoCo I am asking that any and all projects that are in the pipeline be grandfathered and I hope that you will advocate for a sense of fairness here. Don't change the rules in the middle of the game

Scott O. Miller  
9405 Parsley Drive  
Ellicott City MD 21042  
410-456-0101



## Howard County Citizens Association

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 18 March 2019

Subject: HCCA Testimony in FAVOR of CB11-2019

Good evening. My name is Stu Kohn. I am the President of the Howard County Citizens Association, HCCA. Nothing has changed since we last testified before the Council on 23 July 2018. We are unequivocally in FAVOR of this Bill. We are very pleased Councilwomen Jung, Rigby, and Walsh have their names on this Bill. This says a lot! Yes – you care about the potential disappearance of scenic views. Thanks for being extremely proactive. Hopefully the men on the Council will also attempt to protect any designated scenic road by voting in Favor of this most important Bill. Simply stated any proposed development should at the very least not obstruct any designated Scenic Road!

We only hope history will not repeat itself. We say this because on September 4, 2018 both Councilpersons Ball and Terrasa who were the sponsors of CB58-2018 to amend the requirements for new developments on Scenic Roads were unfortunately voted down when they made a motion to remove the Bill from the Table. Credit goes out to County Executive Ball and Delegate Terrasa for attempting to do something extremely positive about the layout of the land. They obviously appreciate the meaning of a designated Scenic Road. It is with sincere appreciation this Bill is before us as the original Bill had a lot of merit.

We only hope this Bill will include the Milk Producers property on Rt 216, Leishear and Gorman where there is an unbelievable 397 units being proposed for this property whereby Gorman is a Scenic Road. This Bill should apply to the proposed development as it has not been approved.

We have the following suggestions for potential amendments to the Bill:

Please consider defining the following words in the Bill and for that matter in the Zoning Code, because they often become too ambiguous and up for interpretation during zoning cases. The words are Abut, Buffered, Minimize, Panoramic, Screening and Surroundings.

**Refer to Page 2, Lines 12 thru 16** – Please add a sentence to state – There shall be no destruction of existing mature trees or digging of any kind on Scenic Roads due to the need of utilities for any proposed developments within the immediate area. We say this because this is the case on Gorman Road.

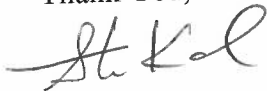
**Refer to Page 5, Lines 24 thru 30** – It states, “That Larger Developments for more than 99 Residential units, which proposes a new vehicular ingress and egress on a scenic road or proposes such ingress and egress within one roadway mile of a scenic road, the character of which will be directly impacted by the development’s traffic shall be required to obtain approval from the Department of Planning (DPZ) and Zoning, and from the Planning Board after a Public Meeting in accordance with subsection 5.” We ask you to permit your constituents to have the opportunity to question DPZ at such a Planning Board Meeting or Hearing after DPZ provides their presentation. This is the case now evoked in Zoning Board Hearings as was passed by CB16-2018. We ask you to please revisit CB16 as an amendment

because we believe this was an oversight. Since we will now be able to question DPZ in front of you as the Zoning Board why are we shut out from Planning Board meetings or hearings?

**Refer to Page 6, Lines 26 thru 31 and Page 7, Lines 1 and 2** – It addresses the Effect of the Adequate Public Facilities Act regarding an intersection designated as a “Constrained Road Facility.” On Line 30 it states, “Restrictions on improvements to a “Constrained Road Facility” shall not be grounds for denial of subdivision plans or site development plans that would otherwise be subject to required road improvements under the adequate public facilities ordinance.” We ask why not? Please consider rewording this clause to state, “A Constrained Road Facility shall be grounds for denial of any subdivision plans or site development plans unless such time when road improvements are feasible and pass road tests with the implementation of the Adequate Public Facilities Ordinance.”

With the aforementioned suggested amendments, we look forward to hopefully see major improvements in the protection of our scenic roads. Just look behind you at the Howard County seal. If you enjoy this most scenic view then you shouldn't hesitate to vote in the affirmative as it is the right thing to do in an attempt for the public to enjoy unobstructed scenery.

Thank You,



Stu Kohn

HCCA, President