

Sayers, Margery

From: Paul Marzin <paul.marzin@gmail.com>
Sent: Thursday, March 28, 2019 9:43 AM
To: CouncilMail
Subject: scenic roads discussion from meeting

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

Thanks for the discussion on scenic roads.

I watched the video of the testimony for your past meeting and I am particularly interested in the scenic roads bill CB11. I did submit written testimony and will remain active doing that.

After watching the dialogue between the DPZ and all of you, here are a couple of observations that I picked up on and wanted to share with you as a private citizen of Howard County and a complete newbie of these processes for local government.

It seems to me that DPZ and the Council are coming from polar opposite directions. The Council creating new legislation which often is modifying existing laws, and DPZ wanting to maintain the status quo and follow regulations and laws that are already in place. As a result, I see you guys as change agents for us (the people), and DPZ as the administrator or executor of the Planning and Zoning regulations. Many of these regulations are out-of-date or simply not making sense any longer.

A great example that I'd like to refer to is the DPZ Director testimony on using College Avenue, in Ellicott City, as an example of whether it still is a scenic road or not. I guess the obvious answer is that it has been severely impacted by the lack of adherence to scenic road regulations and the waiver process to get around these regulations. It would be interesting to see how many waivers were granted not just overall but on these three scenic roads: Ilchester, College, and Bonnie Branch.

I completely agree with Liz Walsh that this is exactly why we need to have and enforce better regulations around scenic roads. College Avenue used to be a beautiful drive and rural. Now, it has about 400+ houses around it and this is creeping towards other scenic roads in the area, in particular Bonnie Branch and the bottom of Ilchester Roads which are the last remaining scenic areas in this part of the County.

I also agree partially with the DPZ Director that the legislation does not allow for more granular definitions. The "one size fits all" definition, or one generic definition for all cases obviously is driving some of the waiver activity and is outdated. I think this is where I look to you guys to change that and put in the appropriate definitions that allow for the right thing to be done for scenic roads. Some require additional protection measures due to streams, steep slopes, road characteristics such as traffic and recreational access, as well proximity to park property.

I completely disagree with the DPZ Director on waiting for an update to the development regulations and the master plan update. This is the perfect example of the differences between you guys. Urgency and correction of past mistakes through legislation versus kicking the can down the road in time and allowing for more cases to impact scenic roads and scenic properties. Changes need to happen now. If they don't, we will have a few less scenic roads and properties in District One for sure.

Liz Walsh mentioned the Oak Hill Manor development proposed project which is actually going back to the Planning Board after a remand from the Appeals Board. This property is adjacent to my property and is on Ilchester Road, at a point on the road that is the most scenic and above the Patapsco River with extreme steep slopes. Somehow, DPZ allowed this to go through with a bunch of waivers getting around all that a scenic area and road stands for. I urge to dig into this project and the engineering company that developed the plan along with it's waivers. It is not right and will impact not only Ilchester Road with it's scenic value, but create a dangerous ingress/egress point at a place where there is a sharp curve on an 18% grade slope with lots of traffic during rush hours.

The DPZ Director mentioned something in his questioning around the former DPZ Director stating the reason for the waivers was the recommendation to push the houses away from a historic structure. This is partly misleading as the original plan was to take down the historic house to maximize density on the property. There is also a historic barn on the property which the historic committee recommended that it remain. Somehow another waiver or private meeting was able to have plans to remove this structure and replace it with another lot.

I guess my question, I would have for DPZ, is you can't have it both ways. Is it historic or not? One structure is and one is not? If you follow testimony that was recorded from the Planning Board, the developers representative stated they were going to remove both historic structures. If the premise for pushing houses away from a loosely defined historic structure over turns the value of the scenic road, then maybe they should not be allowed to put as many lots as they have planned. It seems like each development project that I review seems to get the maximum density allowed the DPZ by default. I really think this is wrong and a very short sighted practice and has to change. I am not against development, but I am against over-development, and stupid development.

Scenic areas need to be protected. I moved to a scenic area because of its unique characteristics. There needs to be a balance of open space and development. Right now, it's not in District One. It will happen to your other Districts. I already see it happening.

Please dig into this area and help protect the remaining part of Ilchester Road that is scenic and still a scenic road. In the meantime, please continue to be change agents and the true leaders for change in our County. It needs it. You have my full support...

Thanks,

Paul Marzin
443 255-8552

Sayers, Margery

From: Stephanie Tuite <Stephanie@fcc-eng.com>
Sent: Monday, March 25, 2019 9:17 PM
To: CouncilMail
Subject: FW: Scenic Roads Legislaton

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Although we met with Christiana Friday, it was suggested that I send this to everyone. Please see below.

Steph

Stephanie Tuite, RLA, PE, LEED AP BD&C
FISHER, COLLINS & CARTER, INC.

Christiana,

I understand the desire to protect scenic roads and hopefully maintain views that existed at some point or another, but wanted to discuss the 100 foot in the proposed legislation. I attended the work session today and heard what I believe to be the reasons it was proposed. I did want to say that there were a number of references to streams being along roads like New Cut and I wasn't sure if everyone realizes that there are stream buffers as well which are 75' and 100' front the stream in both directions. This would exceed the 100 foot setback which ensures protection.

I did want to mention that two project were brought up that my clients discussed with you on Friday. With regard to Oak Hill Manor, I did want you aware that the Planning Board recognized that although the Alternative Compliance was requested to disturb a portion of the scenic road buffer to allow for the two driveway entrances for the two lots to the south. Worth noting is that, there are power lines in the location where the two lots are proposed, and a few trees have already been cut by BGE with no guarantee that more won't be cut.

With regard to Lacey Property which was also mentioned, it actually had no alternative compliance approved for disturbance to the scenic road buffer. Initially it was requested in order to remove two trees in very poor condition and since a number of people were opposed, the request was withdrawn. Condition of the trees was the sole reason it was initially requested. So in the end, the developer proposed dense plantings to supplement the existing trees along the scenic road. The proposed public road is proposed in the same location as the existing driveway. I just wanted to clarify this fact.

I just believe there is a middle ground where there is a balance between what was the scenic roads buffer is now and what it could or will be. The zoning regulations already require houses to be setback 75' from the road right of way in RC, RR, R-ED zoning. 50' in R-20 zoning. Both setbacks a little more understandable in my mind. As stated today, it is hard to make the legislation fit all situations when the character of the scenic roads differs from one to another.

Thanks for your time and consideration

Stephanie Tuite

<image001.jpg>

<Stephanie Tuite.vcf>

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Sayers, Margery

From: Paul Marzin <paul.marzin@gmail.com>
Sent: Monday, March 25, 2019 7:47 AM
To: CouncilMail
Cc: Paul Marzin
Subject: written testimony - CB11
Attachments: Marzin testimony - CB11.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members. Please accept my testimony in full support of your bill CB11 with some additions to help strengthen it.

Thanks for working on this and I look forward to a positive outcome.

Paul Marzin
4450 Ilchester Road
Ellicott City, MD 21043

Dear Howard County Council Members,

I am writing in my support for the proposed CB11 legislation regarding the expansion of the scenic road buffers and the properties that are on scenic roads.

First of all, it is an honor to live on a road designated as a scenic road. I do live on a scenic road that is in District One, Ilchester Road. One would think that with this designation, it would naturally be protected. Not just from over development but from a maintenance perspective such as keeping it clean from trash and managing water running down the road.

I have first hand experience since I live on this scenic road and here is what I see:

- 1) Waivers continue to be granted to develop houses too close to the road. One such project is still in the DPZ process and would add two houses on our scenic road within 50 feet of it.
- 2) Trash and dumping along the road is a constant battle.
- 3) Water flow has increased and getting worse running down the road.
- 4) Dangerous high speeds are often ending in car accidents and near fatalities on the steep part of our road.
- 5) Steep slopes need constant care.

In parts of your bill, you address ingress/egress from scenic roads. Ilchester Road's last section has very steep slopes and a curve. Allowing infill development with ingress/egress along this steep area will be extremely dangerous and add to the incidents that already are happening. Many of these accidents are not reported. It will also impact the scenic nature of the road. Please consider amending the regulation to address ingress/egress along steep scenic roads.

As far as water management, it's not too late to try to stop further degradation of the last remaining areas of forest along scenic roads in the county. Retaining what forested areas we have left in the watershed is essential to soak up rain to prevent destructive flooding and filter freshwater headed to the streams and the Patapsco River. Please consider adding a road forest buffer of at least 100 feet between a scenic road and a development project. If a stream or the Patapsco River is involved, it should start where the protected stream buffer set-back ends.

Lastly, please consider strengthening the regulations around steep slope buffers. Especially in cases where you have a properties on a scenic road, bordered by very steep slopes with adjacency to streams and or rivers.

My observations are as living in District One on the last section of Ilchester Road. This area borders the Patapsco State Park and is one of the last treasures in this part of the County. The State of Maryland and American Rivers must think so as a significant investment and project is in process to remove the dams in the Patapsco River, with the removal of the Bloede Dam, which is just below this area.

Ilchester often gets overlooked and thought of as part of Baltimore County, but with constant and persistent care, it has seen a resurgence. I believe your current legislation and bill will only strengthen our ability together to protect this great asset that we have in Howard County and Ilchester could serve as a case study for your legislation.

Thank you,

Paul Marzin

From: stukohn@verizon.net
Sent: Sunday, March 24, 2019 3:49 PM
To: CouncilMail; Ball, Calvin; howard-citizen@yahoogroups.com
Subject: HCCA Most Recent Testimonies

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

FYI,

Just want to inform you of the Howard County Citizens Association, HCCA most recent testimonies relating to the County Council regarding Scenic Roads and the affirmation of the County's full support of major concerns of the effect of Airplane Noise on residents is very much appreciated. You can go to the following links to view our testimonies. [Testimony to County Council Regarding CB11, Scenic Roads](#) and [Testimony to County Council Regarding CR36, Next Generation Air Transportation System at BWI](#).

With regard to CB11 --- Scenic Roads we would like to THANK the Council in particular, Jung, Mercer Rigby, and Walsh for taking action on the view of the land. We ask for the Council to not only consider but adopt our suggested Amendment to 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 especially because this is the case on Gorman Road a designated Scenic Road. This Road will be abutting a proposed development consisting of 397 units. We need to take pride regarding such Roads to protect our environment.

Stu Kohn
HCCA, President



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

Sayers, Margery

From: Vincent Lacey <vincent_lacey@yahoo.com>
Sent: Wednesday, March 20, 2019 2:41 PM
To: CouncilMail
Subject: Testimony for CB11-2019
Attachments: Testimony for CB11-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

This testimony is being submitted on behalf of the Lacey Family Trust by Vincent Lacey, Trustee in opposition to the proposed CB11-2019 legislation.

The Lacey Family Trust was established as an instrument to fulfill John Groner's last will and testament to his niece, Karlos Lacey, nephew, Charles T Lacey, Sr. (deceased), and his great nieces and nephews, the children of Karlos and Charles. The parcel at 3538 Church Road was inherited from our great-uncle, John Groener, with his will written in a way such that subdivision became the best alternative for maximizing and distributing evenly among the beneficiaries.

Councilmember Walsh, through CB11-2019, has specifically targeted the Lacey Project which will effectively kill it. The project has withstood many levels of inspection from many different county agencies, culminating in the preliminary sketch being approved. Not satisfied with those results, Councilmember Walsh is now positioned to change the law, proposing any legislation to stop this project. She has targeted the Lacey project from its inception in 2013, and it is the motivation behind her political aspirations. I would encourage you to read through the entire testimony to understand the history.

I ask at minimum to grandfather the Lacey project as it was approved under the law that existed at the time. I would further recommend opposing this bill, as it is a further eroding of personal property rights. Development in Howard County is critical to its economy and is a major driving force of why we enjoy the standard of living we have today.

The history of this project began in 2013 with multiple meetings before the Historic Preservation Commission (HPC) where **Councilmember Walsh consistently testified as opposed to the project through 7 meetings**. These meetings were interspersed with community driven charrettes with participants from Church Road and the Woods At Park Place. The end result of these charrettes was a Church Road community member providing a redesign of the subdivision, pro bono, with a reduction in density from what the current zoning allows. The next major hurdle was the appeal of the permit approvals by the HPC before the Court of Appeals. The HPC was forced to defend its procedure used in the review and approval of 3 permits for the Lacey Project. **The opposition testimony was led by Councilmember Walsh** acting as of council for the opposition. The 5 aspects of the appeal were dismissed in favor of the HPC. The superfluity of hearings and meetings culminated in the preliminary sketch plan, which requires all costly design work to be completed upfront. The Preliminary Sketch Design for the Lacey Project was approved by the Howard County Department of Planning and Zoning (DPZ). **Councilmember Walsh was at the forefront, being the lead representative for the Church Road Community and the Woods at Park Place opposition**. The plan was approved, but was, of course, appealed by Councilmember Walsh while representing the opposition. We still await a ruling, despite the fact it is overdue by almost a year.

Of additional concern, is the impartiality of the Historic Preservation Commission (HPC). Members of the commission also testified against the project at the Preliminary Sketch Design review. Importantly, this was most recently revealed at an HPC meeting for renewal of the 3 previously approved permits mentioned above for the Lacey Project. Newly elected **Councilmember Walsh testified in opposition of the project** at this meeting. The HPC board recognized Ms. Walsh as a

Councilmember. Given the HPC board is appointed through an application process at county government, it taints the process especially when members have testified as opposed to the project previously. An arbitrary “Factor of Safety” has now been applied by the HPC which resulted in 2 of the previously approved permits having to be withdrawn for further study. The permits expired because those tasks were deemed too costly at the time with the uncertainty of the Lacey project proceeding. In hindsight, it is remorseful the tasks were not fulfilled while the permits were valid. This is an excellent example of arbitrary and capricious behavior where previously reviewed and approved applications are now subjected to an undefined standard.

Undoubtedly, the “Factor of Safety” mentioned previously is a result of the recent flooding in Ellicott City and how development is supposed to have contributed to the intensity of the floods. While development without storm water management certainly could impact flooding, research of news articles through present day reveal flooding has always occurred in Ellicott City, as it is the lowest point in the watershed. Supporting this simple concept, Howard County chartered a study which resulted in the 2016 Ellicott City Hydrology/Hydraulic Study. Section 2.3.3 of the study performed a basic comparison or “Woods in Good Condition”, meaning no development in the watershed. The study reveals that under the same conditions of the 2016 and 2018 floods, and given an undeveloped watershed, Ellicott City would still have discharge rates similar to the present day developed watershed. The result, Ellicott City would still have flooded without development in those 2 events, just as it has throughout its history. Ellicott City has had major devastating floods in 1817, 1837, 1868, 1901, 1917, 1923, 1938, 1942, 1952, 1956, 1972, 1975, 1989, 2011, 2016, and 2018. Statistically speaking given the historical data set, the minimum time frame of Ellicott City flooding again will be in approximately 6.03 years with the maximum time frame being in 25.8 years, regardless of any proposed improvements to mitigate flooding.

Councilmember Walsh resides on Church Road. As a reminder, the Lacey Project is also on Church Road three residences down. Since her election to office, all legislation introduced by Councilmember Walsh has been driven by her desire to stop the Lacey project, even though the project has passed scrutiny from community members, HPC and DPZ. To further her outreach, **Councilmember Walsh maintains a web presence via a Facebook and Twitter page to further the opposition to the Lacey Property.** These pages are active, today. Screen captures of select pages are included in this testimony. Interestingly, Councilmember Walsh continues to refer to the Lacey Property as historic, when a study commissioned by the HPC deemed the property as not significant or historically important. This is another attempt to obfuscate the process in front of the HPC. The attempts to disrupt the Lacey project originated through the HPC meetings even though the property was not originally in the local historic district. **An excerpt from the About page defines the purpose of the Save Church Road Facebook page as, “alternatives to overdevelopment, starting w/ the 8.5 acre Lacey property up here”, targets the Lacey project specifically, see Figure 1.**

Figure 2 is another post from the Save Church Road page about the Lacey Project in that “PB418 should be DENIED”. This was also posted by Councilmember Walsh as the moderator of that page.


About

CONTACT INFO

 m.me/savechurchroad 

MORE INFO

About

Looking for responsible alternatives to overdeveloping old Ellicott City and the Tiber-Hudson watershed, starting w/ the 8.5-acre Lacey property up here. 

Community

TEAM MEMBERS



Liz Walsh

FIGURE 1



JUL
21

Continuation of PB 418 Public Hearing

Public · Hosted by Save Church Road, in Historic Ellicott City

★ Interested

🕒 Thursday, July 21, 2016 at 7:00 PM EDT
More than a year ago

📍 Banneker Room, 3430 Courthouse Drive, in Ellicott City

Details

Please join us at tonight's continued public hearing before Howard County's Planning Board! This place matters, and so does every little bit you can do to support Save Church Road! Just stand up at your seat to indicate that you agree (if you do) with testimony from your neighbors, and other historical and environmental advocates, that PB 418 should be DENIED:

- (1) The proposed layout of 13 residential lots at 3538 Church Road does not effectively protect environmental and historic resources.
- (2) The proposed new entrance, roadways, stormwater facilities and retaining walls are not located to take advantage or existing topography or to limit the extent of clearing and grading.
- (3) And proposed setbacks and landscaped buffers do not buffer the development from the existing historic neighborhood and scenic Church Road.

FIGURE 2

Figure 3 is another post ignoring the previous work of the community and builder where significant improvement was made to the original plan by a member of their community.



FIGURE 3

The following sections of the Howard County Municipal Code give pause to question Councilmember Walsh's and that of the aforementioned HPC members actions, and whether those actions can sustain any scrutiny given the liberally construed criteria from Sec. 22.201 of the General Provisions Subtitle 2. Howard County Public Ethics:

Sec. 22.201 Statement of purpose and policy

(d) It is the intention of the Council that this subtitle, except its provisions for criminal sanctions, be **liberally construed to accomplish this purpose.**

Sec. 22.204 Prohibited conduct and interests

(a) Participation Prohibitions.

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

(i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.

(e) Use of Prestige of Office.

(1) **An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.**

The scenic roads legislation put forth by Councilmember Walsh is an affront to property rights, given the unprecedented nature that it triples the setback from 35 feet to 100 feet. The Lacey project doubled the setback to 75 feet to conform to the setback that already exists on Church Road. Councilmember Walsh's intentional selection of setbacks of 100 feet would make the Lacey project untenable. It is especially egregious that projects that have surpassed multiple levels of inspection, in good faith of current regulations and community input, now suffer the state of double jeopardy if this or similar legislation is passed.

CB11-2019 is specifically targeting the Lacey Project just as Councilmember Walsh's previous legislative efforts, CB3-2019, targeted it. Fortunately, CB3-2019 was amended. Other projects that suffer the same fate will be considered the spoils in what will certainly be a personal victory for Councilmember Walsh, but will have unintended consequences for other projects in the county. CB11-2019 will be a further degradation of property rights and it is intolerable, as the representative of a legal entity, to have suffered pecuniarily through the discourse of continual attacks from this opposition, while abiding by the law. With the current manifestation proxied now through an elected office, promoting whatever legislation to fit the need, for their personal gain. As Trustee of the Lacey Family Trust, representing the entire Lacey Family and by inference all individuals holding real property, I respectfully submit that you strongly consider the content of this testimony and oppose CB11-2019.

Sayers, Margery

From: Jon Cowell <jcowell@mdvamilk.com>
Sent: Tuesday, March 19, 2019 4:45 PM
To: CouncilMail
Subject: CB 11-2019
Attachments: Jon Cowell CB 11-2019 Testimony.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Attached is my testimony from the Council meeting held March 18, 2019. Thank you for the opportunity to provide input into this important process.

Thanks,
Jon

Jon Cowell
Maryland & Virginia Milk Producers Cooperative Association
jcowell@mdvamilk.com
Office: 703-742-7421
Mobile: 571-435-9757

**Maryland & Virginia Milk Producers Cooperative Association,
Inc**

Jon Cowell

March 18, 2019

Good Evening Council Members.

My name is Jon Cowell and I am the CFO for Maryland & Virginia Milk Producers Cooperative Association Inc. a member owned dairy cooperative. Our headquarters are in Northern Virginia, but we have over 1,100 members throughout the Mid-Atlantic region, including over 140 dairy farms in Maryland. You will hear from 2 of our very own Maryland producers – Matthew Toms and Phylis Kilby after me.

Thank you for the opportunity to speak against the proposed Bill 11-2019 – Howard County Scenic Roads Bill

The cooperative started in 1920, and we are looking forward to our centennial anniversary in 12 months. Many of our members' farms have been in existence for more than our 99 years.

MDVA and its members have been able to last for so long due to their ability to think long-term. We do not make any short-term rash decisions. This is why we have owned 220 acres of land in Howard County since the 1950s. When the board of

directors, who is made up of dairy producers, decided to purchase this land, it was all for the long-term thinking. We did not know what the future would hold for the cooperative or for farming. As a result, the board decided to buy enough property for future expansion – should it be necessary.

Over the last 70 years, we have had many conversations within the company and at the board level as to what to do with this property. But, as I am sure you realize, we were always looking towards the next generation. The board did not want to make a decision that would hurt future farmers.

Well, we are at a crossroads for the cooperative. Per capita dairy consumption has declined in the US for the past 10 years. Pricing for raw milk has declined 4 out of the past 5 years. Diesel and other input prices are increasing. Recent tariffs on US dairy exports into China and Mexico are hurting our industry.

At this rate, dairy farms in Maryland cannot sustain a living that they passionately love.

The cooperative business model is under pressure from big companies trying to take over our local dairy supply model. As pricing to our producers has declined, we have been forced to take on more debt than we would like. The cooperative needs to grow to survive – as it needs to play against the larger public companies – but we also need to pay down debt to survive.

The 120 acres that has garnered so much attention lately is an important piece of our financial plan – a plan that we

commenced expecting a predictable business environment in the county we have called our home for more than 7 decades.

This proposed Bill 11-2019 is an attempt to change the rules and will severely hamper our ability to grow and survive. We will not be able to pay down our debt. We will not be able to expand our local milk production. We will not be able to provide a fair price to our dairy farmers for the milk they so passionately produce for us to consume. The future of Maryland & Virginia Milk Producers and its members is depending on the process already established by Howard County code for the by-right use of our property.

Therefore, I am asking you to vote against this bill or please consider amendments to grandfather applications already in progress.

Thank you.

Sayers, Margery

From: phyllis.kilby@zoominternet.net
Sent: Tuesday, March 19, 2019 1:57 PM
To: CouncilMail
Subject: Testimony against Scenic Roads amendments
Attachments: Phyllis Kilby TESTIMONY SCENIC ROADS AMENDMENTS.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

Attached is my testimony from last night (March 18). Thank you for letting the "farmers from out of town" testify for our 1100 co-op members who could not attend. We appreciate your willingness to listen. As I stated last night, I have been in your position and I know how difficult these decisions can be. Nothing is easy - there are always unintended consequences. The trick is to try to know, as well as you can, all the groups you are affecting and weigh the opportunities and risks to each group.

On a note totally unrelated to the matter before us last night - two observations: your wealth of talent for your commissions and committees is astounding and I was very encouraged to see that you may be removing the "trailer tax" from some of your citizens. I know it will be difficult to find the lost revenue but that money will flow back into the community.

Thanks again,
Phyllis Kilby

PHYLLIS KILBY - TESTIMONY SCENIC ROADS AMENDMENTS – MARCH
18, 2019

Good evening, my name is Phyllis Kilby. I am a dairy farmer from Cecil County and a board member of MD VA Co-op. My family's farm consists of approximately 400 acres that are permanently protected in ag land preservation programs, as are many of the other farms in our co-op. Our family dairy operation consists of 400+ dairy cows, a small bottling plant and ice cream facility, and an on-farm ice cream shop that is part of the Maryland Ice Cream Trail. As a former Cecil County Commissioner and ex-officio member of the Cecil County Planning Commission, I am here to speak against the proposed amendments to the Howard County Scenic Roads Act.

Matt Toms and Jon Cowell have given some business background on the Co-op's current decision to develop part of our property that we have owned since 1955.

As a co-op made up of member farmers, we have tried to be good neighbors and use common sense to address those concerns that were within our responsibilities and, in some cases, go beyond what is required. The sketch plan for approximately 120 acres of our property has been submitted to Howard County for review - we did not go for maximum density to protect our important environmental features and we have complied with the rules of Howard County.

This proposed amendment, now in its second iteration, is an attempt to change the rules to prevent or significantly impact this development. I understand the concerns of the community center around stormwater management, schools, and traffic, all of which must be handled according to Howard County regulations and laws, but the amendments

proposed to the Scenic Roads Bill are far reaching to not only our co-op but to the many farmers who have their retirement tied up in their land holdings throughout the county.

In addition, what defines a “Scenic Road” and when was the last time the list of eligible roads was reviewed and updated? As I think about driving the perimeter of our 120 acres with a “scenic” view of our processing plant and a “scenic” view of huge transmission lines and a substation, along with the thousands of homes that have been constructed around our property, I wonder if it’s time to re-examine Gorman Roads’ involvement.

According to the existing Scenic Roads Act (Section 16.1401), the second component of the Scenic Roads Program ensures that new development abutting a scenic road is designed to minimize impacts on scenic views from the road while allowing for development of land as permitted by the zoning regulations.

I urge the council to vote against these amendments or please consider amendments to grandfather applications already in progress.

Thank you.