



# HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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April 8, 2019

Christiana Mercer Rigby, County Council Chairperson  
Howard County Council  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

Dear Council Chairperson Rigby:

Today, by the authority granted by Section 209 of the Howard County Charter, I have vetoed Council Bill No. 11-2019 (CB 11). I do acknowledge that there are valid concerns about the protection of our scenic roads and I appreciate that you recognize that this issue needs to be addressed. However, I do not believe we had adequate time to properly analyze the amendments filed on March 28, 2019 and the amendments to the amendments that were provided at the time of final vote on April 1, 2019 to determine if CB 11 is the best way to address scenic roads.

CB 11 was introduced by the Council on March 4, 2019 and a public hearing was held on March 18, 2019, where testimony was offered. On March 25, 2019 a work session on CB 11 was held that lasted approximately 90 minutes. Ten amendments were filed on March 28, 2019. The Council met in legislative session on April 1, 2019, at which time 18 amendments to the amendments were offered.

The Administration, the public and members of the County Council were not given sufficient time to review the amendments to the amendments to determine impacts, unintended consequences and consistency with the General Plan. Upon review after the passage of CB 11 as amended, the bill is problematic, both operationally and technically.

To highlight some operational impacts, Amendment 3 to Amendment 1 (Am 3 to Am 1) requiring an agricultural buffer, such as pasture or crop field, to be planted with native species is counter to agricultural practices because agricultural fields generally consist of “non-native” plants. Removing and replacing them with native plants would not be consistent with standard practices. Likewise, Am 3 to Am 1 is inconsistent with requirements set forth in Section 16.125(b)(1)vii of the County Code that require use of vegetation commonly found in the area for landscaping.

Amendment 6 to Amendment 2 (Am 6 to Am 2) removed traffic safety considerations as an element of Planning Board consideration in its evaluation of the “practicability” of access. I maintain that sight distance is a crucial element of traffic safety and is a critical factor in determining the practicability of access.

Amendment 11 to Amendment 2 (Am 11 to Am 2) is also problematic because of its placement and use of multiple clauses, combined into a single statement. This amendment references use of existing driveways but is placed in a section that discusses “new access” points. Additionally, the determination related to use

of existing driveways includes multiple concepts without a clear and logical connection. As a result, the legislative intent of Am 11 to Am 2 is unclear, leaving significant questions about its application. I cannot support legislation that requires this level of interpretation by county officials.

Amendment 2 allowed a buffer reduction to 75 feet in certain instances. Amendment 11 to Amendment 2 (Am 11 to Am 2) narrowed that buffer reduction to only apply to non-wooded buffers. It is unclear why a reduction would no longer be allowed for wooded buffers. The assumption that only non-wooded buffers could be reduced by natural screening, ie- turning it into woods, appears contrary to Section 16.125(b)3 of the County Code related to areas with open views.

To highlight some of the technical errors in the amendments, Amendment 1 to Amendment 6 (Am 1 to Am 6) attempted to exempt properties outside of the Planned Service Area. While I support this policy, the amendments are incompatible. Am 1 to Am 6 inserted language into a paragraph already stricken by Amendment 2 to CB 11. If we could have reviewed the amendments to the amendments, this technical flaw may have been addressed.

Also problematic from a technical standpoint, both Amendment 5 to Amendment 2 (Am 5 to Am 2) and Amendment 11 to Amendment 2 (Am 11 to Am 2) relate to requirements for initial plan submittal. Both amendments insert a clause in the same place in the underlying Amendment 2 and it is not clear which clause should go first. Accordingly, the legislative intent of these amendments is unclear and unknown. Had the rest of the Council and the Administration had a chance to review Am 5 to Am 2 and Am 11 to Am 2, this inconsistency could have been caught. Again, I cannot support legislation that is so unclear, it requires this level of interpretation by the County.

It was argued at the legislative session on April 1 that policy is needed before a law can be written. Relatedly, a colleague abstained from voting on CB 11, expressing concern with not having adequate time to review the unintended consequences of CB 11, as amended. We owe it to the residents and businesses in the County to ensure that such a bill with significant questions relating to legislative intent and the intended manner of implementation does not go into effect.

Finally, some changes made to CB 11 were arguably significant and substantive. For example, Amendment 3 removed a clause from the title of CB 11 and this removal broadened the scope of CB 11. The practical impact of CB 11, as amended, is that minor subdivisions and nonresidential developments no longer have any buffer requirements. I know that we all support transparency and public participation. These amendments to amendments were filed immediately prior to vote without any chance for the agency charged with implementing the statute or the public to comment. Accordingly, while I support protecting our scenic roads, I cannot support the outcome of this process, which is a bill that removes buffers from certain development types, is unclear and subject to significant interpretation.

Sincerely,



Calvin Ball  
County Executive

cc: Howard County Council  
Jessica Feldmark, Council Administrator  
Gary W. Kuc, County Solicitor

Introduced 3/4/19  
Public hearing 3/18/19  
Council action 4/1/19  
Executive action 4/8/19  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 4

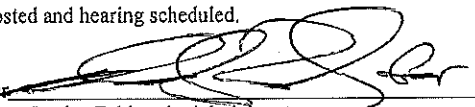
### BILL NO. 11-2019

Introduced by: Christiana Mercer Rigby and Liz Walsh


Co-sponsored by: Deb Jung

AN ACT amending the Howard County Code by altering the minimum buffer ~~of existing forest or wooded area~~ between a road and a new development that is required for any new developments located along scenic roads; requiring a certain buffer to be wide enough to maintain a road's visual character with a certain minimum width from the road right-of-way; altering the requirements for new developments on Scenic Roads; and generally relating to Scenic Roads.


Introduced and read first time March 4, 2019. Ordered posted and hearing scheduled.

By order   
Jessica Feldmark, Administrator

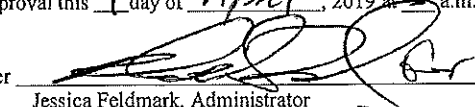
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 18, 2019.

By order   
Jessica Feldmark, Administrator

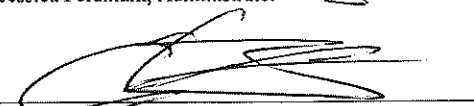
This Bill was read the third time on April 1, 2019 and Passed , Passed with amendments , Failed

By order   
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of April, 2019 at 5 a.m./p.m.

By order   
Jessica Feldmark, Administrator

Approved  Vetoed  by the County Executive April 8, 2019

  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7  
8 *Subtitle 1. "Subdivisions and Land Development Regulations"*

9 *Article II. "Design Standards and Requirements"*

10 *Section 16.125. "Protection of Scenic Roads."; and*

11  
12 ~~*Subtitle 14. "Scenic Roads"*~~

13 ~~*Section 16.1404. "Alterations to Scenic Road Rights-of-Way."*~~

14  
15  
16  
17 **HOWARD COUNTY CODE**

18  
19 **Subtitle 1. Subdivisions and Land Development Regulations**

20 **Article II. Design Standards and Requirements**

21 **Section. 16.125. – Protection of Scenic Roads.**

22 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning  
23 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to  
24 development along a scenic road in a manner which helps to preserve the scenic character of  
25 the landscape viewed from these roads and the features of the road right-of-way that contribute  
26 to the road's scenic character.

27 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes  
28 vary greatly, design solutions for development will vary. The following guidelines provide  
29 direction for the development of land abutting a scenic road. They are to be applied as  
30 appropriate, given the constraints of the particular site and the relative priority of other County  
31 policies and requirements such as public safety, farmland preservation, forest conservation,  
32 protection of sensitive environmental features and the need to construct public facilities.

33 (1) *General.*

- 1 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and  
2 roads in locations that minimize the impact of the subdivision on views from the  
3 scenic road. Generally structures and uses should be located away from the right-of-  
4 way for scenic roads unless screened by topography or vegetation.
- 5 (ii) Minimize tree and vegetation removal. In addition to requirements for protection  
6 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation  
7 adjacent to the scenic road, as well as mature trees and hedgerows visible from the  
8 road.
- 9 (iii) Minimize grading; retain existing slopes along the scenic road frontage.
- 10 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,  
11 houses should be sited as far as possible from the road and well screened.
- 12 (v) Locate and design utilities, stormwater management facilities, drainage structures,  
13 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the  
14 surroundings to maintain existing view corridors. Subdivision entrance features  
15 should be low, open, and in keeping with the scenic character of the area in  
16 accordance with section 128 of the zoning regulations.
- 17 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened  
18 from the scenic road.
- 19 (vii) Use vegetation commonly found on the site or in the area for landscaping.
- 20 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving  
21 the maximum possible density is not sufficient justification to allow impacts on  
22 scenic roads.
- 23 (2) ~~Forested or wooded areas. Any new developments located along scenic roads must~~  
24 ~~maintain at least a [[35-foot]] 100 FOOT buffer of existing forest or wooded area between~~  
25 ~~the road and the new development. The buffer shall be wide enough to maintain the road's~~  
26 ~~visual character with a minimum width of at least [[35-foot]] 100 FEET from the road right-~~  
27 ~~of-way. BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS~~  
28 ~~VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED~~  
29 ~~BETWEEN THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL~~  
30 ~~CHARACTER OF THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL~~

1 CHARACTER OF THE UNDEVELOPED LAND. ANY NON-NATIVE, INVASIVE SPECIES SHALL BE  
2 REMOVED FROM THE BUFFER, AND THE BUFFER SHALL BE REPLANTED AND ENHANCED WITH  
3 NATIVE SPECIES OF THE SAME COMMUNITY TYPES (WHETHER WETLANDS, FIELD, PASTURE,  
4 MEADOW, HEDGEROW, OR OTHERWISE).

5 (3) *Areas with open views.*

- 6 (i) Cluster development to retain as much as possible of the open character of the site  
7 and to minimize interference with panoramic views from the road.
- 8 (ii) Where possible, site new buildings behind natural screening or cluster development  
9 in or along the edges of forests, at the edges of fields and hedgerows, or near existing  
10 buildings.
- 11 (iii) Preserve the foreground meadow, pasture or cropland and place development in  
12 the background as viewed from the road.
- 13 (iv) Avoid placing structures on the tops of prominent ridges.
- 14 (v) If new construction cannot be made unobtrusive through siting or the use of natural  
15 screening, use landscaping, including berms, to buffer development from the scenic  
16 road.

17 ~~(4) *ALTERNATIVE INGRESS AND EGRESS.*—ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE~~  
18 ~~PLANNED SERVICE AREA NEW DEVELOPMENT THAT ADJOINS A SCENIC ROAD SHALL TO~~  
19 ~~THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS AND EGRESS AT A NON-~~  
20 ~~SCENIC ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS ALONG A SCENIC ROAD~~  
21 ~~SHALL BE APPROVED BY THE PLANNING BOARD AFTER A PUBLIC MEETING AND A~~  
22 ~~DETERMINATION THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY~~  
23 ~~BE LOCATED ON A NON-SCENIC ROAD.~~

24 ~~(5) *LARGER DEVELOPMENTS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE PLANNED~~  
25 ~~SERVICE AREA NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS, WHICH~~  
26 ~~PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD OR PROPOSES~~  
27 ~~SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC ROAD, THE~~  
28 ~~CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE DEVELOPMENT'S~~  
29 ~~TRAFFIC SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE DEPARTMENT OF~~  
30 ~~PLANNING AND ZONING, AND FROM THE PLANNING BOARD AFTER A PUBLIC MEETING~~

IN ACCORDANCE WITH SUBSECTION 6 BELOW.

~~(6) FOR ANY DEVELOPMENT SUBJECT TO SUBSECTION 5 ABOVE, THE DEPARTMENT OF PLANNING AND ZONING, AND SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC MEETING, SHALL APPROVE THE PLAN IF IT DETERMINES THAT THE PROPOSED VEHICULAR INGRESS AND EGRESS ADEQUATELY BALANCES THE PROTECTION OF SCENIC ROADWAY ELEMENTS OF SUBSECTION (B)(1) (3) ABOVE WITH THE CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S SAFETY TO THE MAXIMUM EXTENT PRACTICABLE.~~

(C) APPROVALS

(1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.

(2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC HEARING MEETING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC ROAD.

(3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

(I) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

(II) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

(III) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT TAKEN FROM THE SCENIC ROAD, INCLUDING:

A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER, INCLUDING THE SETBACKS AND LOT LAYOUTS OF THE SURROUNDING AREA, PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME OR GREATER LEVEL OF



1                   ROAD CLASSIFICATION.

2           B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
3           AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
4           CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

5           C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
6           GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.

7           D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
8           SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
9           INVENTORY AS A GUIDE.

10          E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
11          HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
12          ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
13          GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,  
14          SECTION 16.125(B).

15          (4) THE FOLLOWING CRITERIA SHALL BE USED BY THE PLANNING BOARD IN EVALUATING THE  
16          INITIAL PLAN:

17          (I) ACCESS. ~~ALL~~ THE PLANNING BOARD SHALL DETERMINE WHETHER ALL NEW  
18          VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT ACCESS CANNOT BE  
19          PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. ~~IN MAKING A DETERMINATION~~  
20          THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY HAS FRONTAGE ON A  
21          NON-SCENIC ROAD; AND THE IMPACTS TO ENVIRONMENTAL FEATURES WHEN  
22          CONSIDERING ALTERNATIVE ACCESS, ~~AND TRAFFIC SAFETY CONSIDERATIONS.~~ ONLY TO  
23          THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-  
24          SCENIC ROAD, SUCH ACCESS ALONG A SCENIC ROAD SHALL BE PERMITTED, UTILIZING  
25          AND PRESERVING THE LOCATION, ALIGNMENT, TOPOGRAPHY AND SURROUNDINGS OF  
26          ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC VIEWS  
27          FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE ENSURING  
28          PUBLIC SAFETY.

29          (II) BUFFERS. ~~WHETHER~~ THE PLANNING BOARD SHALL DETERMINE WHETHER THE BUFFER  
30          PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL CHARACTER OF THE ROAD AND  
31          SURROUNDING AREA; AND WHETHER ACCESS MINIMIZES IMPACTS TO THE BUFFER.  
32          AFTER CONSIDERING THE SITE ACCESS, THE BUFFER CONCEPT PLAN, AND THE VISUAL

1 ASSESSMENT AND POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY  
2 REDUCE THE AN EXISTING NON-WOODED BUFFER TO NO-LESS THAN 75 FEET IF A BASED  
3 ON THE FOLLOWING:

4 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR  
5 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(B) TO THE  
6 MAXIMUM EXTENT PRACTICABLE.

7 B. FOR A WOODED BUFFER CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF  
8 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:

9 I. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE PROVIDES  
10 ADEQUATE SCREENING.

11 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE  
12 ADEQUATE NATURAL SCREENING OR IF REPLANTED AS FOREST OR WOODED  
13 AREA, MORE TREES OR PLANTS WERE ADDED.

14 C. FOR A NON-WOODED BUFFER WHETHER NATURAL SCREENING SUCH AS EXISTING  
15 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE  
16 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A  
17 SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER  
18 WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD  
19 PROVIDE ADEQUATE SCREENING.

20  
21 (6) (iii) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
22 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE, MAINTAIN,  
23 AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS PRACTICABLE AND  
24 MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO THOSE NECESSARY FOR  
25 PUBLIC SAFETY. IN THE EVENT THAT THE DIRECTOR OF PLANNING AND ZONING,  
26 AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS, DETERMINES THAT  
27 THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE CONTINUITY IN THE  
28 TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO DELAY CONSTRUCTION OF  
29 ALL OR PART OF THE PRESCRIBED ROAD IMPROVEMENTS UNDER VOLUME III (ROADS  
30 AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF PLANNING AND ZONING  
31 SHALL REQUIRE THAT THE DEVELOPER:

32 (H)(A) DELAY THE ROAD CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO

1 A DATE CERTAIN NOT TO EXCEED 12 MONTHS AND SIGN A MAJOR FACILITIES  
2 AGREEMENT GUARANTEING THE CONSTRUCTION OF THE DELAYED ROAD  
3 IMPROVEMENTS; OR

4 (H)(B) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
5 ESTIMATE COST OF THE ROAD IMPROVEMENTS, WHICH MONEY SHALL BE USED  
6 BY THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE  
7 THE SCENIC ROAD.

8 ([[4]]7.D) *Administrative waivers.*

9 (i) A developer seeking an administrative waiver from the scenic road requirements  
10 shall give written notice within one week of the filing date of the waiver petition, via  
11 first-class mail to:

12 a. All adjoining property owners identified in the records of the State Department  
13 of Assessments and Taxation; and

14 b. All attendees of record of the presubmission community meeting; and

15 c. All interested parties on file with the Department of Planning and Zoning.

16 (ii) The Department shall not approve any petition for a scenic road requirement waiver  
17 within 30 days of meeting the written notice requirement to allow for public  
18 comment.

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23  
24 **Subtitle 14. Scenic Roads**

25  
26 ~~Section. 16.1404. Alterations to Scenic Road Rights of Way.~~

27 ~~(a) County Maintained Scenic Roads:~~

28 ~~(1) Standards. The road design manual adopted pursuant to section 18.210 of this Code~~  
29 ~~shall include standards for scenic roads. The standards shall protect the features of the~~

1 scenic road right-of-way that contribute to the scenic character of the road when necessary  
2 road improvements are made.

3 ~~(2) *Protecting scenic character.* Scenic roads may be altered to make necessary safety,~~  
4 ~~access, drainage, or road capacity improvements, including improvements to meet the~~  
5 ~~requirements of the adequate public facilities act (title 16, subtitle 11) or to install pull-~~  
6 ~~offs or utility, water or sewage systems. Projects which alter the appearance of a scenic~~  
7 ~~road, including maintenance, capital projects and improvements required through the~~  
8 ~~subdivision or development process, shall be designed to protect to the maximum extent~~  
9 ~~possible the features of the road right-of-way that contribute to the scenic character of the~~  
10 ~~road.~~

11 ~~(3) *ALTERNATIVE INGRESS AND EGRESS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE~~  
12 ~~PLANNED SERVICE AREA NEW DEVELOPMENT THAT ADJOINS A SCENIC ROAD SHALL TO~~  
13 ~~THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS AND EGRESS AT A NON-SCENIC~~  
14 ~~ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS ALONG A SCENIC ROAD SHALL BE~~  
15 ~~APPROVED BY THE PLANNING BOARD AFTER A PUBLIC MEETING AND A DETERMINATION~~  
16 ~~THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A~~  
17 ~~NON-SCENIC ROAD.~~

18 ~~(4) *LARGER DEVELOPMENTS.* ANY EXCEPT FOR A DEVELOPMENT OUTSIDE THE PLANNED~~  
19 ~~SERVICE AREA NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS, WHICH~~  
20 ~~PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD OR PROPOSES~~  
21 ~~SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC ROAD, THE~~  
22 ~~CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE DEVELOPMENT'S TRAFFIC~~  
23 ~~SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE DEPARTMENT OF PLANNING AND~~  
24 ~~ZONING, AND FROM THE PLANNING BOARD AFTER A PUBLIC MEETING IN ACCORDANCE~~  
25 ~~WITH SUBSECTION 5 BELOW.~~

26 ~~(5) *DEPARTMENT OF PLANNING AND ZONING APPROVAL.* FOR ANY DEVELOPMENT SUBJECT TO~~  
27 ~~SUBSECTION 4 ABOVE, THE DEPARTMENT OF PLANNING AND ZONING, AND~~  
28 ~~SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC MEETING, SHALL APPROVE THE~~  
29 ~~PLAN IF IT DETERMINES THAT THE PROPOSED VEHICULAR INGRESS AND EGRESS~~  
30 ~~ADEQUATELY BALANCES THE PROTECTION OF SCENIC ROADWAY ELEMENTS OF SECTION~~  
31 ~~16.125 (B)(1) (3) WITH THE CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER~~

VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S SAFETY TO THE MAXIMUM EXTENT PRACTICABLE. IN THE EVENT THAT THE DIRECTOR OF PLANNING AND ZONING, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS, DETERMINES THAT THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE CONTINUITY IN THE TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO DELAY CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED IMPROVEMENTS UNDER VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF PLANNING AND ZONING SHALL REQUIRE THAT THE DEVELOPER:

(I) DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A DATE CERTAIN AND SIGN A MAJOR FACILITIES AGREEMENT GUARANTEEING THE CONSTRUCTION OF THE DELAYED IMPROVEMENTS; OR

(II) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT ESTIMATE COST OF THE IMPROVEMENTS, WHICH MONEY SHALL BE USED BY THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE SCENIC ROAD.

~~(b) State Maintained Scenic Roads. State maintained scenic roads are not subject to design standards and other County regulations governing alterations to the road right-of-way. The County will seek to work cooperatively with the State Highway Administration in the design of alterations to State roads.~~

~~(c) Effect of Adequate Public Facilities Act. Scenic roads are subject to the requirements of the adequate public facilities ordinance (title 16, subtitle 11). To limit alterations to an intersection involving a scenic road under the provisions of the adequate public facilities ordinance, such an intersection may be designated a "constrained road facility" by the County Council in accordance with subsections 16.1101(f)(4) and 16.1110(e) of this Code. 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.~~

*Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

1  
2

Amendment 1 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: April 1, 2019

Amendment No. 1

*(Creates a buffer requirement for new major subdivisions.)*

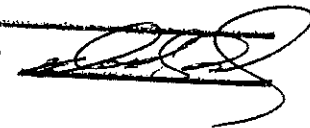
1 On page 2, strike beginning with “*Forested*” in line 23 down through “of-way” in line 27 and  
2 substitute: “BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS  
3 VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN  
4 THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF  
5 THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE  
6 UNDEVELOPED LAND. ANY NON-NATIVE, INVASIVE SPECIES SHALL BE REMOVED FROM THE  
7 BUFFER, AND THE BUFFER SHALL BE REPLANTED AND ENHANCED WITH NATIVE SPECIES OF THE  
8 SAME COMMUNITY TYPES (WHETHER WETLANDS, FIELD, PASTURE, MEADOW, HEDGEROW, OR  
9 OTHERWISE). ANY DISTURBANCE TO THE BUFFER ASSOCIATED WITH SITE ACCESS SHALL BE  
10 MINIMIZED.”.

ADOPTED

4/1/19

FAILED

SIGNATURE



Amendment 1 to Amendment 1 to Council Bill No. 11- 2019

BY: Opel Jones

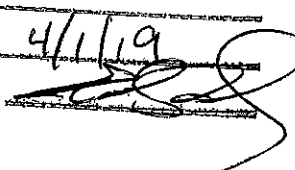
Legislative Day 5

Date: 4/1/19

Amendment No. 1

*(This amendment changes the minimum buffer distance for new major subdivisions.)*

- 1 On page 1 in line 2, strike "100" and substitute "50".

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE 



Amendment 2 to Amendment 1 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 2

*(This amendment alters the buffer requirements depending on whether there is landscaping so that the buffer would be 35 feet with landscaping or 75 feet without landscaping.)*

On page 1, strike lines 1 to 8 in their entirety and substitute:

“On page 2, strike lines 23 to 27 in their entirety and substitute:

“(2) [[Forested or wooded areas Any new developments located along scenic roads must maintain at least a 35-foot buffer of existing forest or wooded area between the road and the new development. The buffer shall be wide enough to maintain the road's visual character with a minimum width of at least 35 feet from the road right-of-way.]] BUFFERS. NEW MAJOR SUBDIVISIONS LOCATED ALONG SCENIC ROADS MUST MAINTAIN AT LEAST A 35 FOOT BUFFER FROM THE RIGHT-OF-WAY OF EXISTING FOREST OR WOODED AREA BETWEEN THE ROAD AND THE NEW DEVELOPMENT ACCOMPANIED BY A TYPE C LANDSCAPE EDGE IN ACCORDANCE WITH CHAPTER IV, LANDSCAPE REQUIREMENTS, TABLE 1 OF THE HOWARD COUNTY LANDSCAPE MANUAL. ALTERNATIVELY, A NEW MAJOR SUBDIVISION MAY MAINTAIN A BUFFER OF AT LEAST 75 FEET WITHOUT THE ADDITION OF TYPE C LANDSCAPE EDGE. THESE SHALL BE MODIFIED AS NEEDED AND SHALL BE MAINTAINED BETWEEN THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF THE SCENIC ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE 

Amendment 3 to Amendment 1 to Council Bill No. 11- 2019

BY: Liz Walsh

Legislative Day 5

Date: 4/1/19

Amendment No. 3

*(This amendment requires buffers for new major subdivisions to be enhanced with conservation landscaping.)*

- 1 On page 1, in line 6, after "BUFFER", insert a comma.
- 2
- 3 On page 1, in line 7, after "REPLANTED", insert "AND ENHANCED".
- 4
- 5 On page 1, in line 7, after "SPECIES", insert "OF THE SAME COMMUNITY TYPES (WHETHER
- 6 WETLANDS, FIELD, PASTURE, MEADOW, HEDGEROW, OR OTHERWISE)".
- 7
- 8 On page 1, strike beginning in line 7 with "ANY" down through the period in line 8.
- 9

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE [Signature]

Amendment 4 to Amendment 1 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 4

*(This amendment removes the requirement to have certain species in the buffer.)*

1 On page 1, strike lines 6 to 9 in their entirety and substitute:

2 “On page 2, strike lines 23 to 27 in their entirety and substitute:

3 “(2) *[[Forested or wooded areas. Any new developments located along scenic roads must*  
4 *maintain at least a 35-foot buffer of existing forest or wooded area between the road and*  
5 *the new development. The buffer shall be wide enough to maintain the road's visual*  
6 *character with a minimum width of at least 35 feet from the road right-of-way. ]]*

7 *BUFFERS. FOR NEW MAJOR SUBDIVISIONS A MINIMUM 100-FOOT CONTINUOUS VEGETATED*  
8 *BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN THE*  
9 *ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF*  
10 *THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE*  
11 *UNDEVELOPED LAND. ANY DISTURBANCE TO THE BUFFER ASSOCIATED WITH SITE ACCESS*  
12 *SHALL BE MINIMIZED.”.*  
13

ADOPTED \_\_\_\_\_

FAILED 4/1/19

SIGNATURE 

Amendment 1 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/11/19

Amendment No. 1

*(Creates a buffer requirement for new major subdivisions.)*

1 On page 2, strike beginning with "Forested" in line 23 down through "of-way" in line 27 and  
2 substitute: "BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS  
3 VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN  
4 THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF  
5 THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE  
6 UNDEVELOPED LAND. ANY NON-NATIVE, INVASIVE SPECIES SHALL BE REMOVED FROM THE BUFFER  
7 AND THE BUFFER SHALL BE REPLANTED WITH NATIVE SPECIES. ANY DISTURBANCE TO THE BUFFER  
8 ASSOCIATED WITH SITE ACCESS SHALL BE MINIMIZED.".

Amendment 2 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: April 1, 2019

Amendment No. 2

*(Creates a new approval process for certain developments along scenic roads.)*

1 On pages 3 through 4, strike beginning with “(4)” in line in line 12 on page 3 down through  
2 “PRACTICABLE.” in line 2 on page 4 and substitute:

3  
4 (C) APPROVALS

5 (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW  
6 DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF  
7 A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR  
8 TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL  
9 NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE  
10 ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN  
11 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN  
12 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.

13 (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC  
14 HEARING MEETING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC  
15 ROAD.

16 (3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION  
17 REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE  
18 HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

ADOPTED 4/1/19

FAILED \_\_\_\_\_

SIGNATURE 

1 (i) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

2 (ii) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

3 (iii) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT

4 TAKEN FROM THE SCENIC ROAD, INCLUDING:

5 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS  
6 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER,  
7 INCLUDING THE SETBACKS AND LOT LAYOUTS OF THE SURROUNDING AREA,  
8 PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME OR GREATER LEVEL OF  
9 ROAD CLASSIFICATION.

10 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
11 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
12 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

13 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
14 GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.

15 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
16 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
17 INVENTORY AS A GUIDE.

18 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
19 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
20 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
21 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,  
22 SECTION 16.125(B).

23 (4) THE FOLLOWING CRITERIA SHALL BE USED BY THE PLANNING BOARD IN EVALUATING THE  
24 INITIAL PLAN:

25 (i) ACCESS. ~~ALL~~ THE PLANNING BOARD SHALL DETERMINE WHETHER ALL NEW  
26 VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT ACCESS CANNOT BE  
27 PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. ~~IN MAKING A DETERMINATION~~  
28 THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY HAS FRONTAGE ON A

1 NON-SCENIC ROAD; AND THE IMPACTS TO ENVIRONMENTAL FEATURES WHEN  
2 CONSIDERING ALTERNATIVE ACCESS, AND TRAFFIC SAFETY CONSIDERATIONS. ONLY TO  
3 THE EXTENT VEHICULAR ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-  
4 SCENIC ROAD, SUCH ACCESS ALONG A SCENIC ROAD SHALL BE PERMITTED, UTILIZING  
5 AND PRESERVING THE LOCATION, ALIGNMENT, TOPOGRAPHY AND SURROUNDINGS OF  
6 ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC VIEWS  
7 FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE ENSURING  
8 PUBLIC SAFETY.

9 (II) BUFFERS. WHETHER THE BUFFER PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL  
10 CHARACTER OF THE ROAD AND SURROUNDING AREA; AND WHETHER THE PLANNING  
11 BOARD SHALL DETERMINE WHETHER ACCESS MINIMIZES IMPACTS TO THE BUFFER.  
12 AFTER CONSIDERING THE SITE ACCESS; THE BUFFER CONCEPT PLAN, AND THE VISUAL  
13 ASSESSMENT AND POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY  
14 REDUCE THE AN EXISTING NON-WOODED BUFFER TO NO-LESS THAN 75 FEET BASED ON  
15 THE FOLLOWING:

16 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR  
17 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(B) TO THE  
18 MAXIMUM EXTENT PRACTICABLE.

19 B. FOR A WOODED BUFFER — CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF  
20 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:

21 I. WHETHER AN EXISTING IF A BUFFER LESS THAN 100 FEET WIDE PROVIDES  
22 ADEQUATE SCREENING.

23 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE  
24 ADEQUATE NATURAL SCREENING OR IF REPLANTED AS FOREST OR WOODED  
25 AREA, MORE TREES OR PLANTS WERE ADDED.

26 C. FOR A NON WOODED BUFFER — WHETHER NATURAL SCREENING SUCH AS EXISTING  
27 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE  
28 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A

1                   ~~SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER~~  
2                   ~~WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD~~  
3                   ~~PROVIDE ADEQUATE SCREENING.~~

4  
5                   (III) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
6                   MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE,  
7                   MAINTAIN, AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS  
8                   PRACTICABLE AND MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO  
9                   THOSE NECESSARY FOR PUBLIC SAFETY.”.

10  
11                   On page 4, in line 6, after “PRESCRIBED”, insert “ROAD”; in lines 9 and 12, strike “(I)” and  
12                   “(II)”, respectively, and substitute “A.” and “B.”, respectively; in line 9, after “THE”,  
13                   insert “ROAD”; in line 10, after “CERTAIN”, insert “NOT TO EXCEED 12 MONTHS”; in line  
14                   11, after “DELAYED”, insert “ROAD”; in line 13, after “THE”, insert “ROAD”; and in line  
15                   16, strike “7” and substitute “D”.



Amendment 1 to Amendment 2 to Council Bill No. 11- 2019

BY: Opel Jones  
and David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 1

*(This amendment grandfathers a development for which a preliminary equivalent sketch plan was submitted before February 21, 2019.)*

1 On page 1, after line 4 insert:

2

3 “(1) THIS SUBSECTION DOES NOT APPLY TO A DEVELOPMENT FOR WHICH A PRELIMINARY  
4 EQUIVALENT SKETCH PLAN WAS SUBMITTED BEFORE FEBRUARY 21, 2019.”

5

6 Renumber the rest of the paragraphs accordingly.

7

ADOPTED \_\_\_\_\_

FAILED 4/1/19 \_\_\_\_\_

SIGNATURE  \_\_\_\_\_

Amendment 2 to Amendment 2 to Council Bill No. 11-2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 2

*(This amendment removes the reference to 99 or more units and the one-mile requirement from the new approval process for certain developments.)*

- 1 On page 1, strike beginning in line 5 with "OPPORTUNITY" down through and including "ROAD," in line
- 2 7.

*Not Moved*

Amendment 3 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 3

*(This amendment reduces the ambit of the new approval process for certain developments that are within a quarter of a mile of the road.)*

- 1 On page 1, in line 6, strike "ONE" and substitute "A QUARTER OF A".

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE [Signature]

Amendment 4 to Amendment 2 to Council Bill No. 11-2019

BY: David Yungmann

Legislative Day 5  
Date: 2/11/19

Amendment No. 4

*(This amendment adds certain developments in the RR or RC districts to the list of excluded developments.)*

- 1 On page 1, in line 9, after "DEVELOPMENT" insert "IN A RURAL RESIDENTIAL OR RURAL
- 2 CONSERVATION DISTRICT OR TO ANY DEVELOPMENT".

*Not Moved*

Amendment 5 to Amendment 2 to Council Bill No. 11- 2019

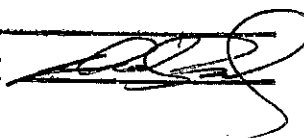
BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 5

*(This amendment alters the criteria to be used in evaluating the Initial Plan relating to all new vehicular access onto a scenic road that requires documentation that access cannot be practicably located along a non-scenic road, provided that the non-scenic road is the same or greater level of road classification.)*

- 1 On page 2, in line 6, after “CHARACTER”, insert “, PROVIDED THAT THE NON-SCENIC ROAD IS THE  
2 SAME OR GREATER LEVEL OF ROAD CLASSIFICATION”.

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE 

Amendment 6 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

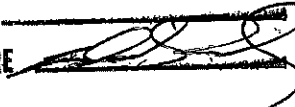
Legislative Day 5

Date: 4/1/19

Amendment No. 6

*(This amendment removes traffic-safety considerations from certain criteria used by the Planning Board to evaluate an Initial Plan.)*

- 1 On page 2, in line 24, strike the comma and substitute "AND".
- 2
- 3 On page 2, in line 25, strike ", AND TRAFFIC-SAFETY CONSIDERATIONS".

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE 

Amendment 7 to Amendment 2 to Council Bill No. 11- 2019

BY: Opel Jones

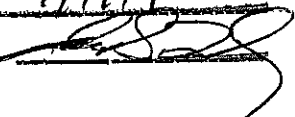
Legislative Day 5

Date: 4/11/19

Amendment No. 7

*(This amendment changes the minimum buffer distance that the Planning Board may allow.)*

- 1 On page 3:
- 2     • in line 2, strike "75" and substitute "40"; and
- 3     • in lines 8 and 10, in both instances, strike "100" and substitute "50".

ADOPTED \_\_\_\_\_  
FAILED 4/11/19  
SIGNATURE 

Amendment 8 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 8

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Department of Planning and Zoning to evaluate the proposed initial plan and consider the project's design compatibility with that of the scenic road's characteristics and authorizes the Department of Planning and Zoning to reduce the size of certain buffers.)*

1 On page 1, strike beginning with "THE" in line 7 down through "BY" in line 8.

2

3 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
4 "THE DEPARTMENT OF PLANNING AND ZONING SHALL EVALUATE THE PROPOSED INITIAL PLAN  
5 AND CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
6 CHARACTERISTICS".

7

8 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
9 PLANNING AND ZONING".

10

11 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
12 ZONING".

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE 



Amendment 9 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 9

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Design Advisory Panel to evaluate the proposed initial plan at a public meeting and consider the project's design compatibility with that of the scenic road characteristics and authorizes the Department of Planning and Zoning to reduce certain buffers.)*

1 On page 1, in line 7, strike "APPROVED BY THE PLANNING BOARD" and substitute "REFERRED TO  
2 THE DESIGN ADVISORY PANEL".

3  
4 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
5 "THE DESIGN ADVISORY PANEL SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC  
6 MEETING AND CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
7 CHARACTERISTICS".

8  
9 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
10 PLANNING AND ZONING WITH RECOMMENDATIONS FROM THE DESIGN ADVISORY PANEL".

11  
12 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
13 ZONING".

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE 

Amendment 10 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 10

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Planning Board to evaluate the proposed initial plan at a public meeting and consider the project's design compatibility with that of the scenic road characteristics and authorizes the Department of Planning and Zoning to reduce the size of certain buffers.)*

1 On page 1, in line 7, strike "APPROVED" and substitute "REVIEWED".

2

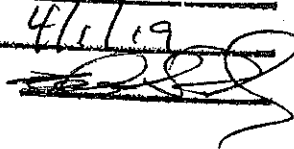
3 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
4 "THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC MEETING AND  
5 CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
6 CHARACTERISTICS".

7

8 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
9 PLANNING AND ZONING WITH RECOMMENDATIONS FROM THE PLANNING BOARD".

10

11 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
12 ZONING".

ADOPTED \_\_\_\_\_  
FAILED 4/1/19  
SIGNATURE 

Amendment 11 to Amendment 2 to Council Bill No. 11- 2019

BY: Liz Walsh

Legislative Day 5

Date: April 1, 2019

Amendment No. 11

*(This amendment requires the visual assessment in the initial plan for a major subdivision to include the setbacks and lot layouts of the surrounding area. This amendment also authorizes access along a scenic road only to the extent vehicular access cannot be practicably located along a non-scenic road under certain circumstances. This amendment also authorizes the Planning Board to reduce an existing non-wooded buffer under certain circumstances.)*

1 On page 2, in line 6, after "CHARACTER", insert ", INCLUDING THE SETBACKS AND LOT LAYOUTS  
2 OF THE SURROUNDING AREA".

3

4 On page 2, in line 20, after "USED", insert "BY THE PLANNING BOARD".

5

6 On page 2, in line 21, strike "ALL" and substitute "THE PLANNING BOARD SHALL DETERMINE  
7 WHETHER ALL".

8

9 On page 2, strike beginning in line 21 with "ONTO" down through "ACCESS" in line 22.

10

11 On page 2, strike beginning in line 22 with "IN" down through "DETERMINATION" in line 23.

12

13 On page 2, in line 25, after the period, insert "ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT

ADOPTED 4/1/19

FAILED \_\_\_\_\_

SIGNATURE 

1 BE PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD, SUCH ACCESS ALONG A SCENIC ROAD  
2 SHALL BE PERMITTED, UTILIZING AND PRESERVING THE LOCATION, ALIGNMENT, TOPOGRAPHY AND  
3 SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC  
4 VIEWS FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE ENSURING  
5 PUBLIC SAFETY.”.

6  
7 On page 2, in line 26, strike “WHETHER” and substitute “THE PLANNING BOARD SHALL  
8 DETERMINE WHETHER”.

9  
10 On page 2, in line 27, strike the semicolon and substitute a comma.

11  
12 On page 2, in line 28, after the second “THE”, insert “SITE ACCESS, THE BUFFER CONCEPT PLAN,  
13 AND THE”.

14  
15 On page 3, in line 1, strike the third “THE” and substitute “AN EXISTING NON-WOODED”.

16  
17 On page 3, strike beginning in line 2 with “BASED” down through “EXISTING” in line 10 and  
18 substitute “IF A”.

19  
20 On page 3, in line 11, strike “ADEQUATE” and substitute “NATURAL”; and in line 11, after  
21 “SCREENING”, insert “OR”.

22  
23 On page 3, strike beginning in line 11 with “MORE” down through “SCREENING” in line 17 and  
24 substitute “REPLANTED AS FOREST OR WOODED AREA”.

Amendment 12 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

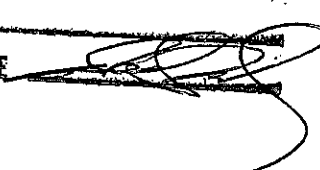
Legislative Day 5

Date: 4/1/19

Amendment No. 12

*(This amendment prohibits the delay of construction of certain road improvements for no more than 12 months under specified circumstances.)*

- 1 On page 3, in line 27, after the first ““ROAD””, insert:
- 2 “in line 10, after “CERTAIN”, insert “NOT TO EXCEED 12 MONTHS””.
- 3

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE 

Amendment 13 to Amendment 2 to Council Bill No. 11- 2019

BY: Christiana Mercer Rigby

Legislative Day 5

Date: April 1, 2019

Amendment No. 13

*(This amendment from the dais substitutes "meeting" for "hearing".)*

1 On page 1 in line 14 strike "HEARING" and substitute "MEETING".

2

ADOPTED 4/1/19

FAILED \_\_\_\_\_

SIGNATURE 

Amendment 2 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/11/19

Amendment No. 2

*(Creates a new approval process for certain developments along scenic roads.)*

1 On pages 3 through 4, strike beginning with "(4)" in line 12 on page 3 down through  
2 "PRACTICABLE." in line 2 on page 4 and substitute:

3  
4 (C) APPROVALS

- 5 (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW  
6 DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF  
7 A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR  
8 TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL  
9 NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE  
10 ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN  
11 GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN  
12 NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.
- 13 (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC  
14 HEARING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC ROAD.
- 15 (3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION  
16 REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE  
17 HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

1 (I) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

2 (II) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

3 (III) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT  
4 TAKEN FROM THE SCENIC ROAD, INCLUDING:

5 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS  
6 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER.

7 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
8 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
9 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

10 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
11 GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.

12 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
13 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
14 INVENTORY AS A GUIDE.

15 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
16 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
17 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
18 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,  
19 SECTION 16.125(B).

20 (4) THE FOLLOWING CRITERIA SHALL BE USED IN EVALUATING THE INITIAL PLAN:

21 (I) ACCESS. ALL NEW VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT  
22 ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. IN MAKING A  
23 DETERMINATION THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY  
24 HAS FRONTAGE ON A NON-SCENIC ROAD, THE IMPACTS TO ENVIRONMENTAL FEATURES  
25 WHEN CONSIDERING ALTERNATIVE ACCESS, AND TRAFFIC-SAFETY CONSIDERATIONS.

26 (II) BUFFERS. WHETHER THE BUFFER PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL  
27 CHARACTER OF THE ROAD AND SURROUNDING AREA; AND WHETHER ACCESS MINIMIZES  
28 IMPACTS TO THE BUFFER. AFTER CONSIDERING THE VISUAL ASSESSMENT AND



1 POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY REDUCE THE BUFFER  
2 TO NO-LESS THAN 75 FEET BASED ON THE FOLLOWING:

- 3 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR  
4 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(D) TO THE  
5 MAXIMUM EXTENT PRACTICABLE.
- 6 B. FOR A WOODED BUFFER – CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF  
7 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:
- 8 I. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE PROVIDES  
9 ADEQUATE SCREENING.
- 10 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE  
11 ADEQUATE SCREENING IF MORE TREES OR PLANTS WERE ADDED.
- 12 C. FOR A NON-WOODED BUFFER - WHETHER NATURAL SCREENING SUCH AS EXISTING  
13 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE  
14 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A  
15 SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER  
16 WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD  
17 PROVIDE ADEQUATE SCREENING.

18

19 (III) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
20 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE,  
21 MAINTAIN, AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS  
22 PRACTICABLE AND MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO  
23 THOSE NECESSARY FOR PUBLIC SAFETY.”.

24

25 On page 4, in line 6, after “PRESCRIBED”, insert “ROAD”; in lines 9 and 12, strike “(I)” and  
26 “(II)”, respectively, and substitute “A.” and “B.”, respectively; in line 9, after “THE”,  
27 insert “ROAD”; in line 11, after “DELAYED”, insert “ROAD”; in line 13, after “THE”,  
28 insert “ROAD”; and in line 16, strike “7” and substitute “D”.

Amendment 3 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/1/19

Amendment No. 3

*(Amends the title of the bill and makes a technical change.)*

- 1 In the title page, in lines 1 and 2 of the title, strike “of existing forest or wooded area”.
- 2
- 3 On page 1 of the bill, strike in their entirety lines 12 and 13.
- 4
- 5 On pages 5 through 7, strike in their entirety the lines beginning with line 2 on page 5 through
- 6 line 2 on page 7, inclusive.

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE [Signature]

Amendment 4 to Council Bill No. 11 - 2019

BY: David Yungmann  
Opel Jones

Legislative Day 5

Date: 7/1/19

Amendment No. 4

*(Alters the required buffer of existing forest or wooded area between a road and a new development that is required for any new developments located along scenic roads and the required landscaping)*

1 On page 2, in line 24, strike the brackets; in the same line, strike "100-FOOT"; in the same line,  
2 after "area", insert "ACCOMPANIED BY A TYPE C LANDSCAPE EDGE IN ACCORDANCE WITH  
3 CHAPTER IV, LANDSCAPE REQUIREMENTS, TABLE 1 OF THE HOWARD COUNTY LANDSCAPE  
4 MANUAL,".

5  
6 On page 2, in line 25, strike "The buffer shall be wide enough" and substitute "ALTERNATIVELY,  
7 A NEW DEVELOPMENT MAY MAINTAIN A BUFFER OF AT LEAST 75 FEET WITHOUT THE ADDITION OF A  
8 TYPE C LANDSCAPE EDGE. THESE SHALL BE MODIFIED AS NEEDED". Strike beginning with "with"  
9 in line 26 down through "of-way" in line 27.

*Not Moved*

Amendment 5 to Council Bill No. 11 - 2019

BY: Liz Walsh

Legislative Day 5  
Date: 4/1/19

Amendment No. 5

*Not Moved*

(Alters requirements for vehicular ingress and egress for new developments on scenic roads in the planned service area.)

1 On page 3, in line 12, after "DEVELOPMENT" insert "IN THE PLANNED SERVICE AREA"; in  
2 line 13, strike the comma; in line 17, after the period, insert "ANY SUCH NEW VEHICULAR INGRESS  
3 AND EGRESS ALONG A SCENIC ROAD SHALL UTILIZE AND PRESERVE THE LOCATION, ALIGNMENT,  
4 TOPOGRAPHY AND SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE  
5 WITH PANORAMIC VIEWS FROM THE ROAD FOR A MINIMUM WIDTH OF AT LEAST 100 FEET FROM THE  
6 ROAD RIGHT-OF-WAY."; in line 18, after "DEVELOPMENT", insert "IN THE PLANNED SERVICE  
7 AREA"; in line 21, strike ", THE CHARACTER OF"; and in the same line, strike "DIRECTLY".

8  
9 On page 5, in line 18, after "DEVELOPMENT" insert "IN THE PLANNED SERVICE AREA"; in  
10 line 19, strike the comma; in line 23, after the period, insert "ANY SUCH NEW VEHICULAR INGRESS  
11 AND EGRESS ALONG A SCENIC ROAD SHALL UTILIZE AND PRESERVE THE LOCATION, ALIGNMENT,  
12 TOPOGRAPHY AND SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE  
13 WITH PANORAMIC VIEWS FROM THE ROAD FOR A MINIMUM WIDTH OF AT LEAST 100 FEET FROM THE  
14 ROAD RIGHT-OF-WAY."; in line 24, after "DEVELOPMENT", insert "IN THE PLANNED SERVICE  
15 AREA"; strike beginning with the comma in line 26 down through "OF" in line 27; and in line 27,  
16 strike "DIRECTLY".

**Amendment 6 to Council Bill No. 11 - 2019**

**BY: David Yungmann**

**Legislative Day 5  
Date: April 1, 2019**

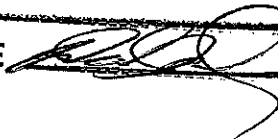
**Amendment No. 6**

*(Exempts a development in a Rural Residential or a Rural Conservation District from vehicular ingress and egress provisions of the bill.)*

1 On page 3, in lines 12 and 18, in each instance, strike “ANY” and substitute “EXCEPT FOR A  
2 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY OUTSIDE  
3 THE PLANNED SERVICE AREA”.

4  
5 On page 5, in lines 18 and 24, in each instance, strike “ANY” and substitute “EXCEPT FOR A  
6 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY OUTSIDE  
7 THE PLANNED SERVICE AREA”.

8

ADOPTED 4/1/19  
FAILED \_\_\_\_\_  
SIGNATURE 

Amendment 1 to Amendment 6 to Council Bill No. 11-2019

BY: Liz Walsh

Legislative Day 5

Date: 4/1/19

Amendment No. 1

*(This amendment exempts a development outside the planned service area from vehicular ingress and egress provisions of the bill.)*

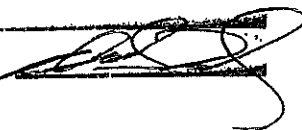
- 1 On page 1, in line 2, strike "IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT,  
2 ANY" and substitute "OUTSIDE THE PLANNED SERVICE AREA".  
3  
4 On page 1, in line 5, strike "IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT,  
5 ANY" and substitute "OUTSIDE THE PLANNED SERVICE AREA".

ADOPTED

4/1/19

FAILED

SIGNATURE



Amendment 6 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 6

*(Exempts a development in a Rural Residential or a Rural Conservation District from vehicular ingress and egress provisions of the bill.)*

1 On page 3, in lines 12 and 18, in each instance, strike "ANY" and substitute "EXCEPT FOR A  
2 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY".

3  
4 On page 5, in lines 18 and 24, in each instance, strike "ANY" and substitute "EXCEPT FOR A  
5 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY".  
6

Amendment 7 to Council Bill No. 11 - 2019

BY: David Yungmann  
Opel Jones

Legislative Day 5

Date: 11/19

Amendment No. 7

*(Alters the requirements for new developments on scenic roads.)*

*Not Modified*

1 On page 3, in line 14, after "ROAD", insert "PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME  
2 OR GREATER LEVEL OF ROAD CLASSIFICATION".

3  
4 On page 3, strike beginning with "PLANNING" in line 15 down through "ROAD" in line 17 and  
5 substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR  
6 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC  
7 MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE DESIGN ADVISORY PANEL SHALL  
8 CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS  
9 SET FORTH IN SECTION 16.1402(A).".

10  
11 On page 3, strike beginning with "OR" in line 20 down through "TRAFFIC" in line 22.

12  
13 On page 3, strike beginning with the second "AND" in line 23 down through "BELOW" in line 24  
14 and substitute "AFTER A PUBLIC MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE  
15 DESIGN ADVISORY PANEL SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE  
16 SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A).".

17



1 On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

2  
3 On page 3, strike beginning with "BALANCES" in line 28 down through "ABOVE" in line 29 and  
4 substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD  
5 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

6  
7 On page 4, strike beginning with the first "TO" in line 1 down through "PRACTICABLE" in line 2.

8  
9 On page 4, in line 10, after "CERTAIN" insert "NOT TO EXCEED 12 MONTHS".

10  
11 On page 5, in line 20, after "ROAD", insert ", PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME  
12 OR GREATER LEVEL OF ROAD CLASSIFICATION".

13  
14 On page 5, strike beginning with "PLANNING" in line 21 down through "ROAD" in line 23 and  
15 substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR  
16 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC  
17 MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE DESIGN ADVISORY PANEL SHALL  
18 CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS  
19 SET FORTH IN SECTION 16.1402(A)".

20  
21 On page 5, strike beginning with "OR" in line 25 down through "TRAFFIC" in line 28.

22  
23 On page 5, strike beginning with the second "AND" in line 29 down through "BELOW" in line 30  
24 and substitute "AFTER A PUBLIC MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE  
25 DESIGN ADVISORY PANEL SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE  
26 SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

27  
28 On page 6, strike beginning with the second comma in line 2 down through the second comma in

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line 3.

On page 6, strike beginning with "BALANCES" in line 5 down through "(3)" in line 6 and substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

On page 6, strike beginning with "TO" in line 7 down through "PRACTICABLE" in line 8.

On page 6, in line 16, after "CERTAIN" insert "NOT TO EXCEED 12 MONTHS".

*Not Used*

Amendment 8 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5/11/19  
Date: 5/11/19

Amendment No. 8

*(Alters the requirements for new developments on scenic roads.)*

*David Yungmann*

- 1 On page 3, in line 14, after "ROAD", insert "PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME
- 2 OR GREATER LEVEL OF ROAD CLASSIFICATION".
- 3
- 4 On page 3, strike beginning with "PLANNING" in line 15 down through "ROAD" in line 17 and
- 5 substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR
- 6 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC
- 7 MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE
- 8 COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN
- 9 SECTION 16.1402(A).".
- 10
- 11 On page 3, strike beginning with "OR" in line 20 down through "TRAFFIC" in line 22.
- 12
- 13 On page 3, strike beginning with the second "AND" in line 23 down through "BELOW" in line 24
- 14 and substitute "AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING
- 15 BOARD SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD
- 16 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A).".
- 17
- 18 On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

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On page 3, strike beginning with "BALANCES" in line 28 down through "ABOVE" in line 29 and substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

On page 4, strike beginning with the first "TO" in line 1 down through "PRACTICABLE" in line 2.

On page 4, in line 10, after "CERTAIN", insert "NOT TO EXCEED 12 MONTHS".

On page 5, in line 20, after "ROAD", insert ", PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME OR GREATER LEVEL OF ROAD CLASSIFICATION".

On page 5, strike beginning with "PLANNING" in line 21 down through "ROAD" in line 23 and substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

On page 5, strike beginning with "OR" in line 25 down through "TRAFFIC" in line 28.

On page 5, strike beginning with the second "AND" in line 29 down through "BELOW" in line 30 and substitute "AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

On page 6, strike beginning with the second comma in line 2 down through the second comma in line 3.

On page 6, strike beginning with "BALANCES" in line 5 down through "(3)" in line 6 and

1 substitute “CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD  
2 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

3  
4 On page 6, strike beginning with “TO” in line 7 down through “PRACTICABLE” in line 8.

5  
6 On page 6, in line 16, after “CERTAIN” insert “NOT TO EXCEED 12 MONTHS”.

*Not Moved*

Amendment 9 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 9

*(Alters the approval process for a vehicular ingress and egress plan.)*

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On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

On page 3, strike beginning with "BALANCES" in line 28 down through "ABOVE" in line 29 and substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(a)".

On page 3, in line 30, after "IMPROVEMENTS" insert "TO ENSURE PUBLIC SAFETY".

On page 4, strike beginning with the first "TO" in line 1 down through "PRACTICABLE" in line 2.

On page 4, in line 10, after "CERTAIN", insert ", NOT TO EXCEED 12 MONTHS".

On page 6, strike beginning with the second comma in line 2 down through the second comma in line 3.

On page 6, strike beginning with "BALANCES" in line 5 down through "(3)" in line 6 and substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD".

1 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

2

3 On page 6, in line 6, after "IMPROVEMENTS", insert "TO ENSURE PUBLIC SAFETY AS".

4

5 On page 6, strike beginning with "TO" in line 7 down through "PRACTICABLE" in line 8.

6

7 On page 6, in line 16, after "CERTAIN", insert ", NOT TO EXCEED 12 MONTHS".

*Not Moved*

Amendment 10 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 7  
Date: 4/20/17

Amendment No. 10

*(Requires the Department of Planning and Zoning to report a scenic road inventory to the County Council within one year of the effective date of the bill.)*

1 On page 7, after line 3, insert:  
2

3 "Section 2. Be it further enacted by the County Council of Howard County, Maryland, that on  
4 or before one year from the effective date of this bill, the Department of Planning and Zoning  
5 shall report to the County Council on the Howard County Scenic Roads Inventory. The report  
6 shall include a general description of the characteristics specified in Section 16.1402(a) for each  
7 road."  
8

9 On page 7, in line 4, strike "2." and substitute "3".



Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 11

BILL NO. 11 - 2019

Introduced by: Christiana Mercer Rigby and Liz Walsh

Co-sponsored by: Deb Jung

AN ACT amending the Howard County Code by altering the minimum buffer of existing forest or wooded area between a road and a new development that is required for any new developments located along scenic roads; requiring a certain buffer to be wide enough to maintain a road's visual character with a certain minimum width from the road right-of-way; altering the requirements for new developments on Scenic Roads; and generally relating to Scenic Roads.

Introduced and read first time \_\_\_\_\_, 2019. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2019.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2019 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2019

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7  
8 *Subtitle 1. "Subdivisions and Land Development Regulations"*

9 *Article II. "Design Standards and Requirements"*

10 *Section 16.125. "Protection of Scenic Roads."; and*

11  
12 *Subtitle 14. "Scenic Roads"*

13 *Section 16.1404. "Alterations to Scenic Road Rights-of-Way"*

14  
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17 **HOWARD COUNTY CODE**

18  
19 **Subtitle 1. Subdivisions and Land Development Regulations**

20 **Article II. Design Standards and Requirements**

21 **Section. 16.125. – Protection of Scenic Roads.**

22 (a) *Application of Regulations.* The Subdivision and Land Development Regulations, Zoning  
23 Regulations, Forest Conservation ordinance and Landscape Manual shall be applied to  
24 development along a scenic road in a manner which helps to preserve the scenic character of  
25 the landscape viewed from these roads and the features of the road right-of-way that contribute  
26 to the road's scenic character.

27 (b) *Guidelines for Development of Land Abutting a Scenic Road.* Because scenic landscapes  
28 vary greatly, design solutions for development will vary. The following guidelines provide  
29 direction for the development of land abutting a scenic road. They are to be applied as  
30 appropriate, given the constraints of the particular site and the relative priority of other County  
31 policies and requirements such as public safety, farmland preservation, forest conservation,  
32 protection of sensitive environmental features and the need to construct public facilities.

33 (1) *General.*

- 1 (i) Use the cluster subdivision provisions of the zoning regulations to site buildings and  
2 roads in locations that minimize the impact of the subdivision on views from the  
3 scenic road. Generally structures and uses should be located away from the right-of-  
4 way for scenic roads unless screened by topography or vegetation.
- 5 (ii) Minimize tree and vegetation removal. In addition to requirements for protection  
6 of forests, steep slopes, streams and wetlands, emphasize the protection of vegetation  
7 adjacent to the scenic road, as well as mature trees and hedgerows visible from the  
8 road.
- 9 (iii) Minimize grading; retain existing slopes along the scenic road frontage.
- 10 (iv) Orient lots so that houses do not back up to a scenic road. If this cannot be avoided,  
11 houses should be sited as far as possible from the road and well screened.
- 12 (v) Locate and design utilities, stormwater management facilities, drainage structures,  
13 bridges, lighting, fences and walls to be unobtrusive and to harmonize with the  
14 surroundings to maintain existing view corridors. Subdivision entrance features  
15 should be low, open, and in keeping with the scenic character of the area in  
16 accordance with section 128 of the zoning regulations.
- 17 (vi) Locate parking lots, loading areas and storage areas so that these uses are screened  
18 from the scenic road.
- 19 (vii) Use vegetation commonly found on the site or in the area for landscaping.
- 20 (viii) For density receiving subdivisions in the RC and RR zoning districts, achieving  
21 the maximum possible density is not sufficient justification to allow impacts on  
22 scenic roads.
- 23 (2) *Forested or wooded areas.* Any new developments located along scenic roads must  
24 maintain at least a ~~[[35-foot]]~~ 100-FOOT buffer of existing forest or wooded area between  
25 the road and the new development. The buffer shall be wide enough to maintain the road's  
26 visual character with a minimum width of at least ~~[[35 feet]]~~ 100 FEET from the road right-  
27 of-way.
- 28 (3) *Areas with open views.*

- 1 (i) Cluster development to retain as much as possible of the open character of the site  
2 and to minimize interference with panoramic views from the road.
- 3 (ii) Where possible, site new buildings behind natural screening or cluster development  
4 in or along the edges of forests, at the edges of fields and hedgerows, or near existing  
5 buildings.
- 6 (iii) Preserve the foreground meadow, pasture or cropland and place development in  
7 the background as viewed from the road.
- 8 (iv) Avoid placing structures on the tops of prominent ridges.
- 9 (v) If new construction cannot be made unobtrusive through siting or the use of natural  
10 screening, use landscaping, including berms, to buffer development from the scenic  
11 road.
- 12 (4) *ALTERNATIVE INGRESS AND EGRESS.* ANY NEW DEVELOPMENT THAT ADJOINS A  
13 SCENIC ROAD SHALL TO THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS  
14 AND EGRESS AT A NON-SCENIC ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS  
15 ALONG A SCENIC ROAD SHALL BE APPROVED BY THE PLANNING BOARD AFTER A  
16 PUBLIC MEETING AND A DETERMINATION THAT SUCH VEHICULAR INGRESS AND  
17 EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD.
- 18 (5) *LARGER DEVELOPMENTS.* ANY NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL  
19 UNITS, WHICH PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD  
20 OR PROPOSES SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC  
21 ROAD, THE CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE  
22 DEVELOPMENT'S TRAFFIC SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE  
23 DEPARTMENT OF PLANNING AND ZONING, AND FROM THE PLANNING BOARD AFTER A  
24 PUBLIC MEETING IN ACCORDANCE WITH SUBSECTION 6 BELOW.
- 25 (6) FOR ANY DEVELOPMENT SUBJECT TO SUBSECTION 5 ABOVE, THE DEPARTMENT OF  
26 PLANNING AND ZONING, AND SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC  
27 MEETING, SHALL APPROVE THE PLAN IF IT DETERMINES THAT THE PROPOSED  
28 VEHICULAR INGRESS AND EGRESS ADEQUATELY BALANCES THE PROTECTION OF  
29 SCENIC ROADWAY ELEMENTS OF SUBSECTION (B)(1) – (3) ABOVE WITH THE  
30 CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER VOLUME III (ROADS AND

BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S SAFETY TO THE  
MAXIMUM EXTENT PRACTICABLE. IN THE EVENT THAT THE DIRECTOR OF PLANNING  
AND ZONING, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS,  
DETERMINES THAT THE TIMING OF A CAPITAL PROJECT(S) OR THE NEED TO ENSURE  
CONTINUITY IN THE TRANSPORTATION NETWORK MAKES IT MORE EFFICIENT TO  
DELAY CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED IMPROVEMENTS UNDER  
VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL, THE DIRECTOR OF  
PLANNING AND ZONING SHALL REQUIRE THAT THE DEVELOPER:

- (I) DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A  
DATE CERTAIN AND SIGN A MAJOR FACILITIES AGREEMENT GUARANTEEING  
THE CONSTRUCTION OF THE DELAYED IMPROVEMENTS; OR
- (II) SIGN A MAJOR FACILITIES AGREEMENT TO PAY THE COUNTY THE CURRENT  
ESTIMATE COST OF THE IMPROVEMENTS, WHICH MONEY SHALL BE USED BY  
THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE  
SCENIC ROAD.

Administrative waivers,

- (i) A developer seeking an administrative waiver from the scenic road requirements shall give written notice within one week of the filing date of the waiver petition, via first-class mail to:
  - a. All adjoining property owners identified in the records of the State Department of Assessments and Taxation; and
  - b. All attendees of record of the presubmission community meeting; and
  - c. All interested parties on file with the Department of Planning and Zoning.
- (ii) The Department shall not approve any petition for a scenic road requirement waiver within 30 days of meeting the written notice requirement to allow for public comment.

1  
2  
3  
4 **Subtitle 14. Scenic Roads**

5 **Section. 16.1404. – Alterations to Scenic Road Rights-of-Way.**

6 (a) *County Maintained Scenic Roads:*

7 (1) *Standards.* The road design manual adopted pursuant to section 18.210 of this Code  
8 shall include standards for scenic roads. The standards shall protect the features of the  
9 scenic road right-of-way that contribute to the scenic character of the road when necessary  
road improvements are made.

10 (2) *Protecting scenic character.* Scenic roads may be altered to make necessary safety,  
11 access, drainage, or road capacity improvements, including improvements to meet the  
12 requirements of the adequate public facilities act (title 16, subtitle 11) or to install pull-  
13 offs or utility, water or sewage systems. Projects which alter the appearance of a scenic  
14 road, including maintenance, capital projects and improvements required through the  
15 subdivision or development process, shall be designed to protect to the maximum extent  
16 possible the features of the road right-of-way that contribute to the scenic character of the  
17 road.

18 (3) *ALTERNATIVE INGRESS AND EGRESS.* ANY NEW DEVELOPMENT THAT ADJOINS A SCENIC  
19 ROAD SHALL TO THE EXTENT PRACTICABLE, PROVIDE VEHICULAR INGRESS AND EGRESS  
20 AT A NON-SCENIC ROAD. ANY NEW VEHICULAR INGRESS AND EGRESS ALONG A SCENIC  
21 ROAD SHALL BE APPROVED BY THE PLANNING BOARD AFTER A PUBLIC MEETING AND A  
22 DETERMINATION THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY BE  
23 LOCATED ON A NON-SCENIC ROAD.

24 (4) *LARGER DEVELOPMENTS.* ANY NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL  
25 UNITS, WHICH PROPOSES A NEW VEHICULAR INGRESS AND EGRESS ON A SCENIC ROAD OR  
26 PROPOSES SUCH INGRESS AND EGRESS WITHIN ONE ROADWAY MILE OF A SCENIC ROAD,  
27 THE CHARACTER OF WHICH WILL BE DIRECTLY IMPACTED BY THE DEVELOPMENT'S  
28 TRAFFIC SHALL BE REQUIRED TO OBTAIN APPROVAL FROM THE DEPARTMENT OF  
29 PLANNING AND ZONING, AND FROM THE PLANNING BOARD AFTER A PUBLIC MEETING IN  
30 ACCORDANCE WITH SUBSECTION 5 BELOW.

1 (5) *DEPARTMENT OF PLANNING AND ZONING APPROVAL.* FOR ANY DEVELOPMENT SUBJECT TO  
2 SUBSECTION 4 ABOVE, THE DEPARTMENT OF PLANNING AND ZONING, AND  
3 SUBSEQUENTLY THE PLANNING BOARD, AFTER A PUBLIC MEETING, SHALL APPROVE THE  
4 PLAN IF IT DETERMINES THAT THE PROPOSED VEHICULAR INGRESS AND EGRESS  
5 ADEQUATELY BALANCES THE PROTECTION OF SCENIC ROADWAY ELEMENTS OF SECTION  
6 16.125 (B)(1) – (3) WITH THE CONSTRUCTION OF IMPROVEMENTS PRESCRIBED UNDER  
7 VOLUME III (ROADS AND BRIDGES) OF THE DESIGN MANUAL TO ENSURE THE PUBLIC'S  
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9 PLANNING AND ZONING, AFTER CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS,  
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12 CONSTRUCTION OF ALL OR PART OF THE PRESCRIBED IMPROVEMENTS UNDER VOLUME III  
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- 15 (I) DELAY THE CONSTRUCTION OF ALL OR PART OF THE IMPROVEMENTS TO A  
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19 ESTIMATE COST OF THE IMPROVEMENTS, WHICH MONEY SHALL BE USED BY  
20 THE COUNTY TO FUND ALL OR PART OF A CAPITAL PROJECT TO IMPROVE THE  
21 SCENIC ROAD.

22 (b) *State Maintained Scenic Roads.* State maintained scenic roads are not subject to design  
23 standards and other County regulations governing alterations to the road right-of-way. The  
24 County will seek to work cooperatively with the State Highway Administration in the design  
25 of alterations to State roads.

26 (c) *Effect of Adequate Public Facilities Act.* Scenic roads are subject to the requirements of the  
27 adequate public facilities ordinance (title 16, subtitle 11). To limit alterations to an intersection  
28 involving a scenic road under the provisions of the adequate public facilities ordinance, such  
29 an intersection may be designated a "constrained road facility" by the County Council in  
30 accordance with subsections 16.1101(f)(4) and 16.1110(e) of this Code. Restrictions on  
31 improvements to a constrained road facility shall not be grounds for denial of subdivision

1 plans or site development plans that would otherwise be subject to required road  
2 improvements under the adequate public facilities ordinance.

3

4 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*  
5 *shall become effective 61 days after its enactment.*

6

7

8



**Sayers, Margery**

---

**From:** LISA MARKOVITZ <lmarkovitz@comcast.net>  
**Sent:** Wednesday, April 17, 2019 12:14 PM  
**To:** HOWARD-CITIZEN@yahoogroups.com  
**Cc:** Ball, Calvin; CouncilMail  
**Subject:** Re: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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

I am heartened by the mere discussion of what constitutes "substantive" amendments. It has been a long time, clamoring for this to be better defined. It cannot just be done with a set number though. Many amendments are just opinions of what should happen, in either direction, to enable the outcome of a Bill to happen in different directions, in the voting process. The number of amendments doesn't constitute the degree of substance. That is a topic issue. If there is a whole new topic being discussed and contemplated, then it warrants more public input. For instance, all the amendments in the scenic road Bill that had to do with how far back should the setback be, were not substantive, they were merely various choices on the same topic. Other times, whole new topics are thrown in, and that would warrant a substantive label.

Lisa Markovitz

On April 17, 2019 at 10:16 AM "Stuart Kohn stukohn@verizon.net [HOWARD-CITIZEN]" <HOWARD-CITIZEN@yahoogroups.com> wrote:

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Stu Kohn  
HCCA President

Sent from my iPhone

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Marc Norman

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From: "Stu Kohn' [stukohn@verizon.net](mailto:stukohn@verizon.net) [HOWARD-CITIZEN]" <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)>

Date: 4/16/19 8:56 PM (GMT-05:00)

To: [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com), [calvinball@howardcountymd.gov](mailto:calvinball@howardcountymd.gov), [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

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Stu Kohn

HCCA President

---

**From:** [HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com) [<mailto:HOWARD-CITIZEN@yahoogroups.com>]

**Sent:** Tuesday, April 09, 2019 8:47 PM

**To:** [calvinball@howardcountymd.gov](mailto:calvinball@howardcountymd.gov); [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov); [howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)

**Subject:** [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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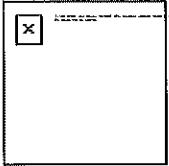
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Stu Kohn

HCCA President

Posted by: Stuart Kohn <stukohn@verizon.net>

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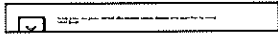
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## Sayers, Margery

---

**From:** James Howard <jh@jameshoward.us>  
**Sent:** Wednesday, April 17, 2019 12:34 PM  
**To:** HOWARD-CITIZEN@yahoogroups.com  
**Cc:** Ball, Calvin; CouncilMail  
**Subject:** Re: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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

Lisa has given an excellent explanation and it mirrors the practical application of the rule.

James P. Howard, II, PhD

On Wed, Apr 17, 2019 at 12:14 PM LISA MARKOVITZ [lmarkovitz@comcast.net](mailto:lmarkovitz@comcast.net) [HOWARD-CITIZEN] <[HOWARD-CITIZEN@yahoogroups.com](mailto:HOWARD-CITIZEN@yahoogroups.com)> wrote:

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Stu Kohn

HCCA President

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**To:** [calvinball@howardcountymd.gov](mailto:calvinball@howardcountymd.gov); [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov); [howard-citizen@yahoogroups.com](mailto:howard-citizen@yahoogroups.com)

**Subject:** [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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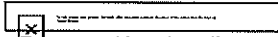
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Posted by: LISA MARKOVITZ <[lmarkovitz@comcast.net](mailto:lmarkovitz@comcast.net)>

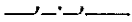
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## Sayers, Margery

---

**From:** Jones, Opel  
**Sent:** Monday, April 22, 2019 4:13 PM  
**To:** Sayers, Margery  
**Subject:** FW: Veto override request

**From:** Hannah Vogel <hannahevogel@gmail.com>  
**Sent:** Friday, April 12, 2019 8:38 AM  
**To:** Jones, Opel <ojones@howardcountymd.gov>  
**Cc:** Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>  
**Subject:** Veto override request

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

Dear Council Member Jones (and the entire County Council),

Thank you for representing Howard County admirably already in your first months on the Council. Since I first met you, when I was interning with the Brown campaign (I was the college math student back then), I looked forward to your taking a leadership position in the place where I grew up and we both call home.

I'm also pleased with Dr. Ball's leadership as county executive, but I am writing you today to urge you to override his recent veto of a bill to expand the Howard County scenic roads buffer from 35 to 100 feet. I strongly favor the expansion for a variety of reasons, including improving quality of life for people who enjoy the rural character of part of our county. Each year, more development takes over former farmland, leaving fewer places where county residents can find respite from dense development and associated stresses. A healthy county needs both urban and rural land use, and also pleasant routes between them. The expanded buffers would help protect the rural atmosphere of areas that are being converted to suburban tracts. Such balance protects property values as well as reducing stress and protecting historic value and local community integrity.

Even more significantly, Howard County is part of a global community, which needs to act in recognition of two deepening crises: loss of biological diversity, and climate disruption. Mathematically, the difference between a 35 foot buffer and a 100 foot buffer, on scenic roads throughout the county, would be tremendous for both wildlife habitat and carbon sequestration. Removing 65 feet more of trees along every mile of scenic highway, replacing old oaks and wild trillium with lawn grass and driveways would harm our wildlife, our ecosystems, our collective carbon footprint, and our climate resilience. We can no longer accept the careless destruction of forest environments when we need those spaces more than ever. There are solutions to biodiversity loss and climate chaos; all we lack is a political will.

Please take a stand for quality of life today and especially for a thriving future in Howard county and everywhere. Please vote to override Dr. Ball's veto.

Thank you. Sincerely, Hannah Vogel



**Sayers, Margery**

---

**From:** Jones, Opel  
**Sent:** Monday, April 22, 2019 4:44 PM  
**To:** Sayers, Margery  
**Subject:** FW: CB11-2019

**From:** Valerie <valerieleonard@comcast.net>  
**Sent:** Thursday, April 11, 2019 1:52 PM  
**To:** Jones, Opel <ojones@howardcountymd.gov>  
**Subject:** CB11-2019

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

Councilman Jones,  
I am writing to ask that you OVERRIDE County Executive Ball's veto of CB11-2019. We need to continue to have greenery and scenic drives instead of just developments and wider roads.  
Thank you,  
Valerie Leonard  
5479 Hound Hill Ct.

Sent from Mail for Windows 10

**Sayers, Margery**

---

**From:** Stuart Kohn <stukohn@verizon.net>  
**Sent:** Wednesday, April 17, 2019 10:17 AM  
**To:** HOWARD-CITIZEN@yahoogroups.com  
**Cc:** Ball, Calvin; CouncilMail  
**Subject:** Re: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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Marc Norman

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**From:** HOWARD-CITIZEN@yahoogroups.com [mailto:HOWARD-CITIZEN@yahoogroups.com]  
**Sent:** Tuesday, April 09, 2019 8:47 PM  
**To:** calvinball@howardcountymd.gov; councilmail@howardcountymd.gov; howard-citizen@yahoogroups.com  
**Subject:** [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

FYI,

Just wanted to report to you the Scenic Road Bill was Vetoed by County Executive Calvin Ball. This was very disappointing especially because Councilpersons Jung, Rigby and Walsh voted in Favor of a Bill which really showed they care about whatever scenic view we still have left in Howard County. Please see the article in the Baltimore Sun <https://www.baltimoresun.com/news/maryland/howard/ph-ho-cf-veto-scenic-0409-story.html>. The quotes by Councilpersons Jung and Walsh in the article are the feeling of the Howard County Citizens Association, HCCA. We testified <http://howardcountyhcca.org/wp-content/uploads/2019/03/HCCA-Testimony-CB11-2019-Scenic-Roads.pdf> on this passed Bill and were taken back by the Veto by the County Executive.

Stu Kohn

HCCA President

Posted by: Marc Norman <[marcnorman@verizon.net](mailto:marcnorman@verizon.net)>

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## Sayers, Margery

---

**From:** JTK <jtk409a@gmail.com>  
**Sent:** Wednesday, April 17, 2019 8:01 AM  
**To:** CouncilMail; Ball, Calvin  
**Subject:** Re: Support for CB11 Forest Buffer; Request for Amendments

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

Dr. Ball:

I was so incredibly disappointed to hear that you vetoed the bill that would expand the scenic road buffer to 100 ft.

I hope that you are able to work out the technical issues with the Council so that we will have your final approval of the 100 ft buffer.

My testimony supporting the expanded buffer is below. Though, admittedly, I was hoping the Council would add more protection, given the special circumstances in District One.

Thank you,  
Julia

On Mar 3, 2019, at 3:36 PM, JTK <jtk409a@gmail.com> wrote:

Dear Howard County Councilmembers:

Thank you for proposing CB11.

### **Expand the Scenic Road Forest Buffer**

I am writing to add my strong support for CB11's expansion of the scenic road forest buffer to 100 ft. However, I hope that you will consider the following modification: for scenic roads that travel alongside streams, the 100ft forest buffer should start where the protected stream buffer set-back ends.

Many scenic roads are in watersheds, and several, like Bonnie Branch, Beechwood, and New Cut roads, have streams that travel alongside the scenic road.

For many years of rampant clearcut development of forested lands in District One, scenic road protections were just "guidelines." Developers did not have to accommodate their development to protect the scenic nature of these forested roadways in watershed areas. Although the guidelines were converted to regulations, it has become painfully obvious that they did not go far enough to protect our watersheds.

During the past few years, scenic roads along streams, like New Cut, Bonnie Branch, and Beechwood, have been destroyed by high velocity flood water runoff from infill subdivisions. The county has had to spend millions of our dollars to shore up the streambeds to maintain the integrity of the roads. These scenic roads now have ugly white rip rap stones along long stretches of eroded streambed.

This all could have been prevented if our regulations had been strong enough. They were not. 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 Patapsco River.

Please confirm in the regulation that changes will be effective immediately for all site development plans in process.

#### **Add Reforestation Requirement**

Given the amount of deforestation of scenic roads that has already been allowed to occur in District One, please consider adding a requirement that any development along a forested scenic road must be required to cede at least 100 ft frontage (starting from the stream buffer set-back if there is a stream) to the county as additional open space with an enhanced reforestation planting requirement paid for by the developer.

#### **Ingress/Egress Along Steep Scenic Roads**

In other parts of your bill, you address ingress/egress from scenic roads. Several scenic roads like Beechwood Road and Ilchester Road in District One have sections that are very steep. Allowing new infill development with ingress/egress along these steep areas will ruin the scenic nature of the road and be extremely dangerous. Please consider amending the regulation to address this.

#### **Urgent Need to Strengthen Stream, Wetland, Steep Slope Buffers**

I was heartened by Dr. Ball's tweet on February 27, 2019, where he said that "[w]e must have a sense of urgency to create a cleaner, greener, and healthier Howard County environment." I agree. We urgently need to strengthen protection of our watersheds from any further development. I hope that we will see proposals from the Council to substantially increase protected buffers for streams, wetlands, and steep slopes in your next round of proposed bills.

Thank you.

Julia T. Kovacs  
Ellicott City, 21043

## Sayers, Margery

---

**From:** JTK <jtk409a@gmail.com>  
**Sent:** Wednesday, April 17, 2019 1:38 AM  
**To:** CouncilMail; Ball, Calvin B  
**Subject:** Re: Support for CB11 Forest Buffer; Request for Amendments

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Thank you.

Julia T. Kovacs  
Ellicott City, 21043



## Sayers, Margery

---

**From:** Marc Norman <marcnorman@verizon.net>  
**Sent:** Tuesday, April 16, 2019 11:37 PM  
**To:** HOWARD-CITIZEN@yahoogroups.com; Ball, Calvin; CouncilMail  
**Subject:** RE: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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

While Dr. Ball certainly raises legitimate questions that should be addressed in a revised bill, I find myself with a certain sarcastic smile as I recall some of the legislation and zoning decisions that were "slammed" through the process during the previous Council/Zoning Board's 12 year tenure.

Marc Norman

----- Original message -----

**From:** "'Stu Kohn' stukohn@verizon.net [HOWARD-CITIZEN]" <HOWARD-CITIZEN@yahoogroups.com>  
**Date:** 4/16/19 8:56 PM (GMT-05:00)  
**To:** HOWARD-CITIZEN@yahoogroups.com, calvinball@howardcountymd.gov, councilmail@howardcountymd.gov  
**Subject:** RE: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

FYI,

Here is County Executive Ball's rationale as to why he chose to veto CB11-2019 the Scenic Roads Bill --  
<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=8DGsr9jxWZM%3D&tabid=2015&portalid=0>.

Stu Kohn

HCCA President

**From:** HOWARD-CITIZEN@yahoogroups.com [mailto:HOWARD-CITIZEN@yahoogroups.com]  
**Sent:** Tuesday, April 09, 2019 8:47 PM  
**To:** calvinball@howardcountymd.gov; councilmail@howardcountymd.gov; howard-citizen@yahoogroups.com  
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Stu Kohn

HCCA President

Posted by: "Stu Kohn" <stukohn@verizon.net>

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**Sayers, Margery**

---

**From:** Stu Kohn <stukohn@verizon.net>  
**Sent:** Tuesday, April 16, 2019 8:56 PM  
**To:** HOWARD-CITIZEN@yahoogroups.com; Ball, Calvin; CouncilMail  
**Subject:** RE: [HOWARD-CITIZEN] HCCA Very Disappointed in Outcome of Scenic Road Bill

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Stu Kohn  
HCCA President

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**Sent:** Tuesday, April 09, 2019 8:47 PM  
**To:** calvinball@howardcountymd.gov; councilmail@howardcountymd.gov; howard-citizen@yahoogroups.com  
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Stu Kohn  
HCCA President

Posted by: stukohn@verizon.net

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## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Tuesday, April 16, 2019 12:44 PM  
**To:** Sayers, Margery  
**Subject:** FW: Scenic Roads, CB 11-2019  
**Attachments:** Yungman Letter re Scenic Roads.docx

-----Original Message-----

**From:** Angie & David Boyter <angie.boyter@gmail.com>  
**Sent:** Tuesday, April 16, 2019 11:44 AM  
**To:** Yungmann, David <dyungmann@howardcountymd.gov>  
**Subject:** Scenic Roads, CB 11-2019

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

David,

Attached is a letter about the bill CB-11-2019 to protect scenic roads in Howard County. We urge you to vote to override the veto.

Angie & David Boyter

***Angie & David Boyter***

***3914 MacAlpine Road***

***Ellicott City MD 21042***

***boyter@boyter.net***

***410 465-1444***

April 16 2019

David Yungmann

Howard County Council

George Howard Bldg

Ellicott City MD 21042

Dear David,

We were distressed to hear that County Executive Ball cast his first veto against CB 11-2019, a bill that was carefully written to protect one of the things that makes Howard County special, our scenic roads. Natural beauty is something that humans universally respond to. As development proceeds, it goes without saying that natural landscapes will disappear, and once they disappear they cannot be restored. We hate to think that future generations will not have access to that kind of natural environment except by visiting special parks or reserves. The Howard County scenic road designation is an excellent way to give citizens natural exposure to a lovely environment.

A 35-foot buffer will destroy the scenic character of the road. It simply is not adequate to preserve the character of the road; the presence of the adjoining development will intrude. If you have any doubts, simply drive down a newer R-20 neighborhood. On a collector or arterial the setback for homes is 40 feet. Imagine this amount of setback "protecting" a scenic road. We think you will agree it is not enough.

There are not many scenic roads in the county; we need to cherish the ones we have. Many of them are in your district, but your constituents can see them as they drive through the county, and they will benefit from the scenic roads even more than the residents of other districts do.

We simply do not understand why the county executive vetoed CB 11-2019. There are adequate protections in the bill for the property rights of the landowners. Current clustering options and other provisions make it possible to protect development rights, and we see no specific flaws. Your experience in past county service could be helpful if improvements are needed. If you do see significant flaws, we would ask you to propose an amendment to correct them. If not, please vote to override the veto.

We urge you to join your colleagues on the Council and vote to override the executive veto so that present and future residents will continue to be able to enjoy the natural beauty of Howard County.

Sincerely,

Angie & David Boyter

**Sayers, Margery**

---

**From:** Gelwicks, Colette  
**Sent:** Friday, April 12, 2019 9:30 AM  
**To:** Sayers, Margery  
**Subject:** FW: Veto override request

**From:** Hannah Vogel <hannahevogel@gmail.com>  
**Sent:** Friday, April 12, 2019 8:38 AM  
**To:** Jones, Opel <ojones@howardcountymd.gov>  
**Cc:** Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>  
**Subject:** Veto override request

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

Dear Council Member Jones (and the entire County Council),

Thank you for representing Howard County admirably already in your first months on the Council. Since I first met you, when I was interning with the Brown campaign (I was the college math student back then), I looked forward to your taking a leadership position in the place where I grew up and we both call home.

I'm also pleased with Dr. Ball's leadership as county executive, but I am writing you today to urge you to override his recent veto of a bill to expand the Howard County scenic roads buffer from 35 to 100 feet. I strongly favor the expansion for a variety of reasons, including improving quality of life for people who enjoy the rural character of part of our county. Each year, more development takes over former farmland, leaving fewer places where county residents can find respite from dense development and associated stresses. A healthy county needs both urban and rural land use, and also pleasant routes between them. The expanded buffers would help protect the rural atmosphere of areas that are being converted to suburban tracts. Such balance protects property values as well as reducing stress and protecting historic value and local community integrity.

Even more significantly, Howard County is part of a global community, which needs to act in recognition of two deepening crises: loss of biological diversity, and climate disruption. Mathematically, the difference between a 35 foot buffer and a 100 foot buffer, on scenic roads throughout the county, would be tremendous for both wildlife habitat and carbon sequestration. Removing 65 feet more of trees along every mile of scenic highway, replacing old oaks and wild trillium with lawn grass and driveways would harm our wildlife, our ecosystems, our collective carbon footprint, and our climate resilience. We can no longer accept the careless destruction of forest environments when we need those spaces more than ever. There are solutions to biodiversity loss and climate chaos; all we lack is a political will.

Please take a stand for quality of life today and especially for a thriving future in Howard county and everywhere. Please vote to override Dr. Ball's veto.

Thank you. Sincerely, Hannah Vogel



## Sayers, Margery

---

**From:** Walsh, Elizabeth  
**Sent:** Thursday, April 11, 2019 9:40 AM  
**To:** Matthew Molyett; CouncilMail  
**Subject:** Re: CB 11 - Scenic Road Buffer

Hi Matthew: I love and need your optimism, thank you for that. I do also need your help, though, understanding and so resolving that concern of yours about leniency/strict enforcement. Is there a particular concept or provision in that amendment that worries you? Maybe a quick call in the next few days to discuss? Thanks so much.

Liz Walsh, Council Member  
Howard County Council  
Serving District 1

3430 Court House Drive  
Ellicott City, MD 21043  
410.313.2001

---

**From:** Matthew Molyett <matthew@molyett.com>  
**Sent:** Thursday, April 11, 2019 1:32 AM  
**To:** CouncilMail  
**Subject:** CB 11 - Scenic Road Buffer

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

To the Council members, and my representative Council member Walsh,

After reading over the veto letter, I believe that County Executive Ball is your ally in protecting the scenic roads. I urge you to work with the CE and draft a bill that meets the protection needs while following a process and timeline that does not set off red flags to a veteran County legislator.

Regarding the CE's objection to amendments to Amendment 2, he cites the level of interpretation by the County. That speaks to a governing philosophy that I support. I ask you to write bills which have leniency built into them, but are able to be enforced strictly instead of bills which are strict and expect leniency and interpretation by the enforcers. I believe that the second philosophy opens the public up to arbitrary, and potentially malicious, enforcement practices.

Thank you,  
Matthew Molyett  
443-598-2441

## Sayers, Margery

---

**From:** Matthew Molyett <matthew@molyett.com>  
**Sent:** Thursday, April 11, 2019 1:31 AM  
**To:** CouncilMail  
**Subject:** CB 11 - Scenic Road Buffer

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

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Matthew Molyett  
443-598-2441

**Sayers, Margery**

---

**From:** Russ Swatek <swatek1@yahoo.com>  
**Sent:** Wednesday, April 10, 2019 12:30 PM  
**To:** CouncilMail  
**Subject:** Please Override Veto of CB11-2019

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

Dear Council Members,

Please override County Executive Ball's Veto of CB11-2019. Howard County has few scenic roads. Let's make the few we still have meaningful. As Howard County's beauty steadily diminishes it is very important to try to preserve what we have.

Russ Swatek  
8141 Tamar Drive  
Columbia, MD 21045  
swatek1@yahoo.com

## Sayers, Margery

---

**From:** stukohn@verizon.net  
**Sent:** Tuesday, April 9, 2019 8:47 PM  
**To:** Ball, Calvin; CouncilMail; howard-citizen@yahoo.com  
**Subject:** HCCA Very Disappointed in Outcome of Scenic Road Bill

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Stu Kohn  
HCCA President

## Sayers, Margery

---

**From:** Paul Marzin <paul.marzin@gmail.com>  
**Sent:** Tuesday, April 9, 2019 1:25 PM  
**To:** CouncilMail  
**Cc:** Gregory Care  
**Subject:** scenic road bill

[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,

I am extremely disappointed to hear the news about the Scenic Road Bill being vetoed. Reading the press release, I think there was a case for the exact opposite argument in getting something in place now and could have worked out other concerns at a later date. The main problem is that the current regulations around scenic roads are currently not being enforced and waivers are being used to get around them (ie. Oak Hill Manor).

In District 1, we have already expressed our District's concerns through multiple people's testimonies and dialogue with our Council member Liz Walsh. If this is the process, then we followed it.

Meanwhile, our few District 1 scenic roads are going to be impacted yet again. We are not going to let this happen.

If not, can there be a moratorium on any project in our District with extreme scenic road characteristics? I think Liz Walsh's testimony on the specimen trees and the root ball system is valid and should be acknowledged by DPZ and truly understood. This can impact the setbacks. Also, creeks and streams need to be factored in to setbacks.

I am not against development. Smart development and smarter regulations around the same scenic attributes that we have been talking about in this bill would work: steep slopes, scenic road, streams & creeks, extreme topology, historic structures and landmarks.

We are not looking at stopping a development somewhere in Laurel as the news release says. It's about balance and protecting our scenic landscapes where we can and have little of them like in the Eastern part of the County.

I'm also noticing a lot of Zoning signs all over our area all of the sudden in District 1. College Avenue, Landing Road, Beechwood Road, and I'm sure developers are going to take advantage of this veto decision unless you guys can reverse and override it.

My thoughts...

Thanks,

Paul Marzin

Amendment 1 to Amendment 1 to Council Bill No. 11- 2019

BY: Opel Jones

Legislative Day 5

Date: 4/1/19

Amendment No. 1

*(This amendment changes the minimum buffer distance for new major subdivisions.)*

- 1 On page 1 in line 2, strike "100" and substitute "50".

Amendment 2 to Amendment 1 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 2

*(This amendment alters the buffer requirements depending on whether there is landscaping so that the buffer would be 35 feet with landscaping or 75 feet without landscaping.)*

2 On page 1, strike lines 1 to 8 in their entirety and substitute:

3 "On page 2, strike lines 23 to 27 in their entirety and substitute:

4 "(2) ~~[[Forested or wooded areas Any new developments located along scenic roads must~~  
5 maintain at least a 35-foot buffer of existing forest or wooded area between the road and  
6 the new development. The buffer shall be wide enough to maintain the road's visual  
7 character with a minimum width of at least 35 feet from the road right-of-way.]] ~~BUFFERS.~~  
8 NEW MAJOR SUBDIVISIONS LOCATED ALONG SCENIC ROADS MUST MAINTAIN AT LEAST A 35  
9 FOOT BUFFER FROM THE RIGHT-OF-WAY OF EXISTING FOREST OR WOODED AREA BETWEEN  
10 THE ROAD AND THE NEW DEVELOPMENT ACCOMPANIED BY A TYPE C LANDSCAPE EDGE IN  
11 ACCORDANCE WITH CHAPTER IV, LANDSCAPE REQUIREMENTS, TABLE 1 OF THE HOWARD  
12 COUNTY LANDSCAPE MANUAL. ALTERNATIVELY, A NEW MAJOR SUBDIVISION MAY  
13 MAINTAIN A BUFFER OF AT LEAST 75 FEET WITHOUT THE ADDITION OF TYPE C LANDSCAPE  
14 EDGE. THESE SHALL BE MODIFIED AS NEEDED AND SHALL BE MAINTAINED BETWEEN THE  
15 ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF  
16 THE SCENIC ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE

Amendment 3 to Amendment 1 to Council Bill No. 11- 2019

BY: Liz Walsh

Legislative Day 5

Date: 4/1/19

Amendment No. 3

*(This amendment requires buffers for new major subdivisions to be enhanced with conservation landscaping.)*

1 On page 1, in line 6, after "BUFFER", insert a comma.

2

3 On page 1, in line 7, after "REPLANTED", insert "AND ENHANCED".

4

5 On page 1, in line 7, after "SPECIES", insert "OF THE SAME COMMUNITY TYPES (WHETHER  
6 WETLANDS, FIELD, PASTURE, MEADOW, HEDGEROW, OR OTHERWISE)".

7

8 On page 1, strike beginning in line 7 with "ANY" down through the period in line 8.

9



P

Amendment 4 to Amendment 1 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 4

*(This amendment removes the requirement to have certain species in the buffer.)*

1 On page 1, strike lines 6 to 9 in their entirety and substitute:

2 “On page 2, strike lines 23 to 27 in their entirety and substitute:

3 “(2) *[[Forested or wooded areas. Any new developments located along scenic roads must*  
4 *maintain at least a 35-foot buffer of existing forest or wooded area between the road and*  
5 *the new development. The buffer shall be wide enough to maintain the road's visual*  
6 *character with a minimum width of at least 35 feet from the road right-of-way. ]]*

7 *BUFFERS. FOR NEW MAJOR SUBDIVISIONS A MINIMUM 100-FOOT CONTINUOUS VEGETATED*  
8 *BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN THE*  
9 *ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF*  
10 *THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE*  
11 *UNDEVELOPED LAND. ANY DISTURBANCE TO THE BUFFER ASSOCIATED WITH SITE ACCESS*  
12 *SHALL BE MINIMIZED.”*

13

Amendment 1 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/11/19

Amendment No. 1

*(Creates a buffer requirement for new major subdivisions.)*

1 On page 2, strike beginning with “*Forested*” in line 23 down through “of-way” in line 27 and  
2 substitute: “BUFFERS. FOR NEW MAJOR SUBDIVISIONS, A MINIMUM 100-FOOT CONTINUOUS  
3 VEGETATED BUFFER, AS MEASURED FROM THE RIGHT-OF-WAY, SHALL BE MAINTAINED BETWEEN  
4 THE ROAD AND SUBDIVISION TO PRESERVE, MAINTAIN, OR ENHANCE THE VISUAL CHARACTER OF  
5 THE ROAD. THE BUFFER SHALL CLOSELY REFLECT THE NATURAL CHARACTER OF THE  
6 UNDEVELOPED LAND. ANY NON-NATIVE, INVASIVE SPECIES SHALL BE REMOVED FROM THE BUFFER  
7 AND THE BUFFER SHALL BE REPLANTED WITH NATIVE SPECIES. ANY DISTURBANCE TO THE BUFFER  
8 ASSOCIATED WITH SITE ACCESS SHALL BE MINIMIZED.”.

Amendment 1 to Amendment 2 to Council Bill No. 11- 2019

BY: Opel Jones  
and David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 1

*(This amendment grandfathers a development for which a preliminary equivalent sketch plan was submitted before February 21, 2019.)*

1 On page 1, after line 4 insert:

2

3 “(1) THIS SUBSECTION DOES NOT APPLY TO A DEVELOPMENT FOR WHICH A PRELIMINARY  
4 EQUIVALENT SKETCH PLAN WAS SUBMITTED BEFORE FEBRUARY 21, 2019.”

5

6 Renumber the rest of the paragraphs accordingly.

7

Amendment 2 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 2

*(This amendment removes the reference to 99 or more units and the one-mile requirement from the new approval process for certain developments.)*

- 1 On page 1, strike beginning in line 5 with "OR ANY" down through and including "ROAD." in line
- 2 7.

Amendment 3 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 3

*(This amendment reduces the ambit of the new approval process for certain developments that are within a quarter of a mile of the road.)*

- 1 On page 1, in line 6, strike "ONE" and substitute "A QUARTER OF A".

Amendment 4 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 4

*(This amendment adds certain developments in the RR or RC districts to the list of excluded developments.)*

- 1 On page 1, in line 9, after "DEVELOPMENT" insert "IN A RURAL RESIDENTIAL OR RURAL
- 2 CONSERVATION DISTRICT OR TO ANY DEVELOPMENT".

Amendment 5 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 5

*(This amendment alters the criteria to be used in evaluating the Initial Plan relating to all new vehicular access onto a scenic road that requires documentation that access cannot be practicably located along a non-scenic road, provided that the non-scenic road is the same or greater level of road classification.)*

- 1 On page 2, in line 6, after "CHARACTER", insert ", PROVIDED THAT THE NON-SCENIC ROAD IS THE
- 2 SAME OR GREATER LEVEL OF ROAD CLASSIFICATION".

Amendment 6 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 6

*(This amendment removes traffic-safety considerations from certain criteria used by the Planning Board to evaluate an Initial Plan.)*

- 1 On page 2, in line 24, strike the comma and substitute "AND".
- 2
- 3 On page 2, in line 25, strike ", AND TRAFFIC-SAFETY CONSIDERATIONS".



Amendment 7 to Amendment 2 to Council Bill No. 11- 2019

BY: Opel Jones

Legislative Day 5

Date: 4/1/19

Amendment No. 7

*(This amendment changes the minimum buffer distance that the Planning Board may allow.)*

- 1 On page 3:
- 2     • in line 2, strike "75" and substitute "40"; and
- 3     • in lines 8 and 10, in both instances, strike "100" and substitute "50".

Amendment 8 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/11/19

Amendment No. 8

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Department of Planning and Zoning to evaluate the proposed initial plan and consider the project's design compatibility with that of the scenic road's characteristics and authorizes the Department of Planning and Zoning to reduce the size of certain buffers.)*

1 On page 1, strike beginning with "THE" in line 7 down through "BY" in line 8.

2

3 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
4 "THE DEPARTMENT OF PLANNING AND ZONING SHALL EVALUATE THE PROPOSED INITIAL PLAN  
5 AND CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
6 CHARACTERISTICS".

7

8 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
9 PLANNING AND ZONING".

10

11 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
12 ZONING".

Amendment 9 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 9

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Design Advisory Panel to evaluate the proposed initial plan at a public meeting and consider the project's design compatibility with that of the scenic road characteristics and authorizes the Department of Planning and Zoning to reduce certain buffers.)*

1 On page 1, in line 7, strike "APPROVED BY THE PLANNING BOARD" and substitute "REFERRED TO  
2 THE DESIGN ADVISORY PANEL".

3  
4 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
5 "THE DESIGN ADVISORY PANEL SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC  
6 MEETING AND CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
7 CHARACTERISTICS".

8  
9 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
10 PLANNING AND ZONING WITH RECOMMENDATIONS FROM THE DESIGN ADVISORY PANEL".

11  
12 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
13 ZONING".

Amendment 10 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 10

*(This amendment alters the approval process for certain developments along scenic roads by requiring the Planning Board to evaluate the proposed initial plan at a public meeting and consider the project's design compatibility with that of the scenic road characteristics and authorizes the Department of Planning and Zoning to reduce the size of certain buffers.)*

- 1 On page 1, in line 7, strike "APPROVED" and substitute "REVIEWED".  
2  
3 On page 1, strike beginning with "THE" in line 13 down through "ROAD" in line 14 and substitute  
4 "THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC MEETING AND  
5 CONSIDER THE PROJECT'S DESIGN COMPATIBILITY WITH THAT OF THE SCENIC ROAD  
6 CHARACTERISTICS".  
7  
8 On page 2, in line 23, strike "THE PLANNING BOARD" and substitute "THE DEPARTMENT OF  
9 PLANNING AND ZONING WITH RECOMMENDATIONS FROM THE PLANNING BOARD".  
10  
11 On page 3, in line 1, strike "PLANNING BOARD" and substitute "DEPARTMENT OF PLANNING AND  
12 ZONING".

R

**Amendment 11 to Amendment 2 to Council Bill No. 11- 2019**

**BY: Liz Walsh**

**Legislative Day 5**

**Date: April 1, 2019**

**Amendment No. 11**

*(This amendment requires the visual assessment in the initial plan for a major subdivision to include the setbacks and lot layouts of the surrounding area. This amendment also authorizes access along a scenic road only to the extent vehicular access cannot be practicably located along a non-scenic road under certain circumstances. This amendment also authorizes the Planning Board to reduce an existing non-wooded buffer under certain circumstances.)*

1 On page 2, in line 6, after "CHARACTER", insert ", INCLUDING THE SETBACKS AND LOT LAYOUTS  
2 OF THE SURROUNDING AREA".

3  
4 On page 2, in line 20, after "USED", insert "BY THE PLANNING BOARD".

5  
6 On page 2, in line 21, strike "ALL" and substitute "THE PLANNING BOARD SHALL DETERMINE  
7 WHETHER ALL".

8  
9 On page 2, strike beginning in line 21 with "ONTO" down through "ACCESS" in line 22.

10  
11 On page 2, strike beginning in line 22 with "IN" down through "DETERMINATION" in line 23.

12  
13 On page 2, in line 25, after the period, insert "ONLY TO THE EXTENT VEHICULAR ACCESS CANNOT

1 BE PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD, SUCH ACCESS ALONG A SCENIC ROAD  
2 SHALL BE PERMITTED, UTILIZING AND PRESERVING THE LOCATION, ALIGNMENT, TOPOGRAPHY AND  
3 SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE WITH PANORAMIC  
4 VIEWS FROM THE ROAD FOR AT LEAST THE WIDTH OF THE REQUIRED BUFFER WHILE ENSURING  
5 PUBLIC SAFETY.”.

6  
7 On page 2, in line 26, strike “WHETHER” and substitute “THE PLANNING BOARD SHALL  
8 DETERMINE WHETHER”.

9  
10 On page 2, in line 27, strike the semicolon and substitute a comma.

11  
12 On page 2, in line 28, after the second “THE”, insert “SITE ACCESS, THE BUFFER CONCEPT PLAN,  
13 AND THE”.

14  
15 On page 3, in line 1, strike the third “THE” and substitute “AN EXISTING NON-WOODED”.

16  
17 On page 3, strike beginning in line 2 with “BASED” down through “EXISTING” in line 10 and  
18 substitute “IF A”.

19  
20 On page 3, in line 11, strike “ADEQUATE” and substitute “NATURAL”; and in line 11, after  
21 “SCREENING”, insert “OR”.

22  
23 On page 3, strike beginning in line 11 with “MORE” down through “SCREENING” in line 17 and  
24 substitute “REPLANTED AS FOREST OR WOODED AREA”.

Amendment 12 to Amendment 2 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5

Date: 4/1/19

Amendment No. 12

*(This amendment prohibits the delay of construction of certain road improvements for no more than 12 months under specified circumstances.)*

- 1 On page 3, in line 27, after the first “ROAD”,” insert:
- 2 “in line 10, after “CERTAIN”, insert “NOT TO EXCEED 12 MONTHS”;”.
- 3

**Amendment 13 to Amendment 2 to Council Bill No. 11- 2019**

**BY: Christiana Mercer Rigby**

**Legislative Day 5**

**Date: April 1, 2019**

**Amendment No. 13**

*(This amendment from the dais substitutes "meeting" for "hearing".)*

1 On page 1 in line 14 strike "HEARING" and substitute "MEETING".

2



Amendment 2 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/11/19

Amendment No. 2

*(Creates a new approval process for certain developments along scenic roads.)*

1 On pages 3 through 4, strike beginning with “(4)” in line in line 12 on page 3 down through  
2 “PRACTICABLE.” in line 2 on page 4 and substitute:

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(C) APPROVALS

- (1) FOR ANY MAJOR SUBDIVISION THAT ABUTS OR ADJOINS A SCENIC ROAD OR ANY NEW DEVELOPMENT FOR MORE THAN 99 RESIDENTIAL UNITS WITHIN ONE ROAD WAY MILE OF A SCENIC ROAD, AN INITIAL PLAN MUST BE APPROVED BY THE PLANNING BOARD PRIOR TO APPROVAL BY THE DEPARTMENT OF PLANNING AND ZONING. THIS PROVISION SHALL NOT APPLY TO ANY DEVELOPMENT THAT IS SUBJECT TO THE ROUTE 1 MANUAL, THE ROUTE 40 DESIGN MANUAL, THE CLARKSVILLE PIKE STREETScape PLAN AND DESIGN GUIDELINES, THE DOWNTOWN-WIDE DESIGN GUIDELINES, OR THE DOWNTOWN NEIGHBORHOOD DESIGN GUIDELINES FOR DOWNTOWN COLUMBIA REVITALIZATION.
- (2) THE PLANNING BOARD SHALL EVALUATE THE PROPOSED INITIAL PLAN AT A PUBLIC HEARING AND CONSIDER A VISUAL ASSESSMENT OF THE AFFECTED SCENIC ROAD.
- (3) THE INITIAL PLAN SUBMITTED FOR REVIEW SHALL INCLUDE ALL INFORMATION REQUIRED BY THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE HOWARD COUNTY CODE, AS WELL AS THE FOLLOWING:

1 (I) SITE ACCESS AND METHODS TO MINIMIZE BUFFER DISTURBANCE.

2 (II) A CONCEPT LANDSCAPE AND GRADING PLAN FOR THE BUFFER.

3 (III) A VISUAL ASSESSMENT, INCLUDING POTENTIAL VIEWPOINTS OF THE DEVELOPMENT  
4 TAKEN FROM THE SCENIC ROAD, INCLUDING:

5 A. PLANS AND AERIAL PHOTOGRAPHS SHOWING THE SUBJECT PROPERTY, ITS  
6 CONTEXT, AND SURROUNDING LAND USES AND DEVELOPMENT CHARACTER.

7 B. PERSPECTIVE DRAWINGS, PHOTOGRAPHIC SIMULATIONS, CROSS SECTIONS  
8 AND/OR ELEVATIONS SHOWING EXISTING CONDITIONS AND PROPOSED  
9 CHANGES ASSOCIATED WITH THE PROPOSED DEVELOPMENT.

10 C. A SURVEY OF EXISTING VEGETATION SHOWING TREES 12 INCHES OR  
11 GREATER IN CALIPER, AND NON-NATIVE, INVASIVE SPECIES.

12 D. A DESCRIPTION SUMMARIZING THE CHARACTER AND QUALITY OF THE  
13 SCENIC ROAD, AS VIEWED FROM THE ROAD, USING THE SCENIC ROADS  
14 INVENTORY AS A GUIDE.

15 E. A DETAILED ASSESSMENT OF ANY PROPOSED VISUAL IMPACTS TO SCENIC OR  
16 HISTORIC FEATURES AND PROPOSED MITIGATION MEASURES, INCLUDING AN  
17 ASSESSMENT OF WHETHER THE PROPOSED CHANGES COMPLY WITH THE  
18 GUIDELINES FOR DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD,  
19 SECTION 16.125(B).

20 (4) THE FOLLOWING CRITERIA SHALL BE USED IN EVALUATING THE INITIAL PLAN:

21 (I) ACCESS. ALL NEW VEHICULAR ACCESS ONTO A SCENIC ROAD MUST DOCUMENT THAT  
22 ACCESS CANNOT BE PRACTICABLY LOCATED ALONG A NON-SCENIC ROAD. IN MAKING A  
23 DETERMINATION THE PLANNING BOARD SHALL CONSIDER WHETHER THE PROPERTY  
24 HAS FRONTAGE ON A NON-SCENIC ROAD, THE IMPACTS TO ENVIRONMENTAL FEATURES  
25 WHEN CONSIDERING ALTERNATIVE ACCESS, AND TRAFFIC-SAFETY CONSIDERATIONS.

26 (II) BUFFERS. WHETHER THE BUFFER PRESERVES, MAINTAINS, OR ENHANCES THE VISUAL  
27 CHARACTER OF THE ROAD AND SURROUNDING AREA; AND WHETHER ACCESS MINIMIZES  
28 IMPACTS TO THE BUFFER. AFTER CONSIDERING THE VISUAL ASSESSMENT AND

1 POTENTIAL IMPACTS TO THE BUFFER, THE PLANNING BOARD MAY REDUCE THE BUFFER  
2 TO NO-LESS THAN 75 FEET BASED ON THE FOLLOWING:  
3 A. THE PROPOSED DEVELOPMENT HAS COMPLIED WITH THE GUIDELINES FOR  
4 DEVELOPMENT OF LAND ABUTTING A SCENIC ROAD, SECTION 16.125(B) TO THE  
5 MAXIMUM EXTENT PRACTICABLE.  
6 B. FOR A WOODED BUFFER – CONSIDER THE CONDITION, QUALITY, AND CHARACTER OF  
7 EXISTING VEGETATION AND ANY PROPOSED ENHANCEMENTS TO DETERMINE:  
8 I. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE PROVIDES  
9 ADEQUATE SCREENING.  
10 II. WHETHER AN EXISTING BUFFER LESS THAN 100 FEET WIDE COULD PROVIDE  
11 ADEQUATE SCREENING IF MORE TREES OR PLANTS WERE ADDED.  
12 C. FOR A NON-WOODED BUFFER - WHETHER NATURAL SCREENING SUCH AS EXISTING  
13 MEADOWS, PASTURES, CROPLAND, AND LAND FORMS PROVIDE AN ADEQUATE  
14 BUFFER. IF A NEW SUBDIVISION CANNOT BE ADEQUATELY SCREENED FROM A  
15 SCENIC ROAD BY CAREFULLY SITING HOMES OR BY NATURAL SCREENING, CONSIDER  
16 WHETHER ADDING LANDSCAPED BERMS, OR OTHER VEGETATIVE BUFFERS COULD  
17 PROVIDE ADEQUATE SCREENING.  
18  
19 (III) ROAD IMPROVEMENTS. ROAD IMPROVEMENTS REQUIRED PURSUANT TO DESIGN  
20 MANUAL VOLUME III (ROADS AND BRIDGES) SHALL SERVE TO PRESERVE,  
21 MAINTAIN, AND ENHANCE THE EXISTING CHARACTER OF A SCENIC ROAD AS  
22 PRACTICABLE AND MINIMIZE VISUAL IMPACTS BY LIMITING IMPROVEMENTS TO  
23 THOSE NECESSARY FOR PUBLIC SAFETY.”.  
24

25 On page 4, in line 6, after “PRESCRIBED”, insert “ROAD”; in lines 9 and 12, strike “(I)” and  
26 “(II)”, respectively, and substitute “A.” and “B.”, respectively; in line 9, after “THE”,  
27 insert “ROAD”; in line 11, after “DELAYED”, insert “ROAD”; in line 13, after “THE”,  
28 insert “ROAD”; and in line 16, strike “7” and substitute “D”.

Amendment 3 to Council Bill No. 11 - 2019

BY: Christiana Mercer Rigby

Legislative Day 5  
Date: 4/1/19

Amendment No. 3

*(Amends the title of the bill and makes a technical change.)*

- 1 In the title page, in lines 1 and 2 of the title, strike “of existing forest or wooded area”.
- 2
- 3 On page 1 of the bill, strike in their entirety lines 12 and 13.
- 4
- 5 On pages 5 through 7, strike in their entirety the lines beginning with line 2 on page 5 through
- 6 line 2 on page 7, inclusive.

Amendment 4 to Council Bill No. 11 - 2019

BY: David Yungmann  
Opel Jones

Legislative Day 5

Date: 4/1/19

Amendment No. 4

*(Alters the required buffer of existing forest or wooded area between a road and a new development that is required for any new developments located along scenic roads and the required landscaping.)*

1 On page 2, in line 24, strike the brackets; in the same line, strike "100-FOOT"; in the same line,  
2 after "area", insert "ACCOMPANIED BY A TYPE C LANDSCAPE EDGE IN ACCORDANCE WITH  
3 CHAPTER IV, LANDSCAPE REQUIREMENTS, TABLE 1 OF THE HOWARD COUNTY LANDSCAPE  
4 MANUAL".

5  
6 On page 2, in line 25, strike "The buffer shall be wide enough" and substitute "ALTERNATIVELY,  
7 A NEW DEVELOPMENT MAY MAINTAIN A BUFFER OF AT LEAST 75 FEET WITHOUT THE ADDITION OF A  
8 TYPE C LANDSCAPE EDGE. THESE SHALL BE MODIFIED AS NEEDED". Strike beginning with "with"  
9 in line 26 down through "of-way" in line 27.

10

Amendment 5 to Council Bill No. 11 - 2019

BY: Liz Walsh

Legislative Day 5  
Date: 4/1/19

Amendment No. 5

(Alters requirements for vehicular ingress and egress for new developments on scenic roads in the planned service area.)

1 On page 3, in line 12, after "DEVELOPMENT" insert "IN THE PLANNED SERVICE AREA"; in  
2 line 13, strike the comma; in line 17, after the period, insert "ANY SUCH NEW VEHICULAR INGRESS  
3 AND EGRESS ALONG A SCENIC ROAD SHALL UTILIZE AND PRESERVE THE LOCATION, ALIGNMENT,  
4 TOPOGRAPHY AND SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE  
5 WITH PANORAMIC VIEWS FROM THE ROAD FOR A MINIMUM WIDTH OF AT LEAST 100 FEET FROM THE  
6 ROAD RIGHT-OF-WAY."; in line 18, after "DEVELOPMENT", insert "IN THE PLANNED SERVICE  
7 AREA"; in line 21, strike ", THE CHARACTER OF"; and in the same line, strike "DIRECTLY".

8  
9 On page 5, in line 18, after "DEVELOPMENT" insert "IN THE PLANNED SERVICE AREA"; in  
10 line 19, strike the comma; in line 23, after the period, insert "ANY SUCH NEW VEHICULAR INGRESS  
11 AND EGRESS ALONG A SCENIC ROAD SHALL UTILIZE AND PRESERVE THE LOCATION, ALIGNMENT,  
12 TOPOGRAPHY AND SURROUNDINGS OF ANY EXISTING DRIVEWAY SO AS TO MINIMIZE INTERFERENCE  
13 WITH PANORAMIC VIEWS FROM THE ROAD FOR A MINIMUM WIDTH OF AT LEAST 100 FEET FROM THE  
14 ROAD RIGHT-OF-WAY."; in line 24, after "DEVELOPMENT", insert "IN THE PLANNED SERVICE  
15 AREA"; strike beginning with the comma in line 26 down through "OF" in line 27; and in line 27,  
16 strike "DIRECTLY".

Amendment 1 to Amendment 6 to Council Bill No. 11- 2019

BY: Liz Walsh

Legislative Day 5

Date: 4/1/19

Amendment No. 1

*(This amendment exempts a development outside the planned service area from vehicular ingress and egress provisions of the bill.)*

- 1 On page 1, in line 2, strike "IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT,
- 2 ANY" and substitute "OUTSIDE THE PLANNED SERVICE AREA".
- 3
- 4 On page 1, in line 5, strike "IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT,
- 5 ANY" and substitute "OUTSIDE THE PLANNED SERVICE AREA".

Amendment 6 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 6

*(Exempts a development in a Rural Residential or a Rural Conservation District from vehicular ingress and egress provisions of the bill.)*

1 On page 3, in lines 12 and 18, in each instance, strike “ANY” and substitute “EXCEPT FOR A  
2 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY”.

3

4 On page 5, in lines 18 and 24, in each instance, strike “ANY” and substitute “EXCEPT FOR A  
5 DEVELOPMENT IN A RURAL RESIDENTIAL OR A RURAL CONSERVATION DISTRICT, ANY”.

6



Amendment 7 to Council Bill No. 11 - 2019

BY: David Yungmann  
Opel Jones

Legislative Day 5

Date: 4/1/19

Amendment No. 7

*(Alters the requirements for new developments on scenic roads.)*

1 On page 3, in line 14, after "ROAD", insert "PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME  
2 OR GREATER LEVEL OF ROAD CLASSIFICATION".

3  
4 On page 3, strike beginning with "PLANNING" in line 15 down through "ROAD" in line 17 and  
5 substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR  
6 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC  
7 MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE DESIGN ADVISORY PANEL SHALL  
8 CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS  
9 SET FORTH IN SECTION 16.1402(A).".

10  
11 On page 3, strike beginning with "OR" in line 20 down through "TRAFFIC" in line 22.

12  
13 On page 3, strike beginning with the second "AND" in line 23 down through "BELOW" in line 24  
14 and substitute "AFTER A PUBLIC MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE  
15 DESIGN ADVISORY PANEL SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE  
16 SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A).".

17

1 On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

2  
3 On page 3, strike beginning with "BALANCES" in line 28 down through "ABOVE" in line 29 and  
4 substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD  
5 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

6  
7 On page 4, strike beginning with the first "TO" in line 1 down through "PRACTICABLE" in line 2.

8  
9 On page 4, in line 10, after "CERTAIN" insert "NOT TO EXCEED 12 MONTHS".

10  
11 On page 5, in line 20, after "ROAD", insert ", PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME  
12 OR GREATER LEVEL OF ROAD CLASSIFICATION".

13  
14 On page 5, strike beginning with "PLANNING" in line 21 down through "ROAD" in line 23 and  
15 substitute "DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR  
16 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC  
17 MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE DESIGN ADVISORY PANEL SHALL  
18 CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS  
19 SET FORTH IN SECTION 16.1402(A)".

20  
21 On page 5, strike beginning with "OR" in line 25 down through "TRAFFIC" in line 28.

22  
23 On page 5, strike beginning with the second "AND" in line 29 down through "BELOW" in line 30  
24 and substitute "AFTER A PUBLIC MEETING OF THE DESIGN ADVISORY PANEL, AT WHICH THE  
25 DESIGN ADVISORY PANEL SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE  
26 SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

27  
28 On page 6, strike beginning with the second comma in line 2 down through the second comma in

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10

line 3.

On page 6, strike beginning with “BALANCES” in line 5 down through “(3)” in line 6 and substitute “CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

On page 6, strike beginning with “TO” in line 7 down through “PRACTICABLE” in line 8.

On page 6, in line 16, after “CERTAIN” insert “NOT TO EXCEED 12 MONTHS”.

Amendment 8 to Council Bill No. 11- 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 8

*(Alters the requirements for new developments on scenic roads.)*

1 On page 3, in line 14, after “ROAD”, insert “PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME  
2 OR GREATER LEVEL OF ROAD CLASSIFICATION”.

3  
4 On page 3, strike beginning with “PLANNING” in line 15 down through “ROAD” in line 17 and  
5 substitute “DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR  
6 INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC  
7 MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE  
8 COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN  
9 SECTION 16.1402(A).”.

10  
11 On page 3, strike beginning with “OR” in line 20 down through “TRAFFIC” in line 22.

12  
13 On page 3, strike beginning with the second “AND” in line 23 down through “BELOW” in line 24  
14 and substitute “AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING  
15 BOARD SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD  
16 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A).”.

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18 On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

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On page 3, strike beginning with “BALANCES” in line 28 down through “ABOVE” in line 29 and substitute “CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

On page 4, strike beginning with the first “TO” in line 1 down through “PRACTICABLE” in line 2.

On page 4, in line 10, after “CERTAIN”, insert “NOT TO EXCEED 12 MONTHS”.

On page 5, in line 20, after “ROAD”, insert “, PROVIDED THAT THE NON-SCENIC ROAD IS THE SAME OR GREATER LEVEL OF ROAD CLASSIFICATION”.

On page 5, strike beginning with “PLANNING” in line 21 down through “ROAD” in line 23 and substitute “DEPARTMENT OF PLANNING AND ZONING IF IT DETERMINES THAT SUCH VEHICULAR INGRESS AND EGRESS CANNOT PRACTICABLY BE LOCATED ON A NON-SCENIC ROAD AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

On page 5, strike beginning with “OR” in line 25 down through “TRAFFIC” in line 28.

On page 5, strike beginning with the second “AND” in line 29 down through “BELOW” in line 30 and substitute “AFTER A PUBLIC MEETING OF THE PLANNING BOARD, AT WHICH THE PLANNING BOARD SHALL CONSIDER THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

On page 6, strike beginning with the second comma in line 2 down through the second comma in line 3.

On page 6, strike beginning with “BALANCES” in line 5 down through “(3)” in line 6 and

1 substitute "CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD  
2 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)".

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4 On page 6, strike beginning with "TO" in line 7 down through "PRACTICABLE" in line 8.

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6 On page 6, in line 16, after "CERTAIN" insert "NOT TO EXCEED 12 MONTHS".

Amendment 9 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/1/19

Amendment No. 9

*(Alters the approval process for a vehicular ingress and egress plan.)*

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On page 3, strike beginning with the first comma in line 26 down through the comma in line 27.

On page 3, strike beginning with “BALANCES” in line 28 down through “ABOVE” in line 29 and substitute “CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

On page 3, in line 30, after “IMPROVEMENTS”, insert “TO ENSURE PUBLIC SAFETY”.

On page 4, strike beginning with the first “TO” in line 1 down through “PRACTICABLE” in line 2.

On page 4, in line 10, after “CERTAIN”, insert “, NOT TO EXCEED 12 MONTHS”.

On page 6, strike beginning with the second comma in line 2 down through the second comma in line 3.

On page 6, strike beginning with “BALANCES” in line 5 down through “(3)” in line 6 and substitute “CONSIDERS THE COMPATIBILITY OF THE DEVELOPMENT WITH THE SCENIC ROAD”.

1 CHARACTERISTICS SET FORTH IN SECTION 16.1402(A)”.

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3 On page 6, in line 6, after “IMPROVEMENTS”, insert “TO ENSURE PUBLIC SAFETY AS”.

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5 On page 6, strike beginning with “TO” in line 7 down through “PRACTICABLE” in line 8.

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7 On page 6, in line 16, after “CERTAIN”, insert “, NOT TO EXCEED 12 MONTHS”.



Amendment 10 to Council Bill No. 11 - 2019

BY: David Yungmann

Legislative Day 5  
Date: 4/11/19

Amendment No. 10

*(Requires the Department of Planning and Zoning to report a scenic road inventory to the County Council within one year of the effective date of the bill.)*

1 On page 7, after line 3, insert:  
2

3 “Section 2. Be it further enacted by the County Council of Howard County, Maryland, that on  
4 or before one year from the effective date of this bill, the Department of Planning and Zoning  
5 shall report to the County Council on the Howard County Scenic Roads Inventory. The report  
6 shall include a general description of the characteristics specified in Section 16.1402(a) for each  
7 road.”.  
8

9 On page 7, in line 4, strike “2.” and substitute “3.”.

**Sayers, Margery**

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**From:** LISA MARKOVITZ <lmarkovitz@comcast.net>  
**Sent:** Tuesday, April 2, 2019 10:16 PM  
**To:** CouncilMail  
**Subject:** CB 11 thank you so much

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

Thank you for your long, hard work on CB11. Many interesting issues were discussed. I was especially interested in the side issue raised regarding which is better for public input and technical review of plans, the Planning Board or the Design Advisory Panel.

They both meet twice per month. The Planning Board hopper is more full, but they don't meet less often. I know that many in the community deeply wish the DAP had more authority as a decision-maker and enforcer of their recommendations. Please consider this issue in the future.

Take care,

Lisa Markovitz

## Sayers, Margery

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**From:** Mary Cochran <mc.jhmi@gmail.com>  
**Sent:** Monday, April 1, 2019 6:22 PM  
**To:** CouncilMail  
**Subject:** CB 11

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

Respected Council Members,

A few points/questions on Council Bill 11 and its proposed amendments which seeks to clarify and improve protections for public roads:

This is a pretty benign bill. It allows the intent of the bill to be clear, the execution to be thorough and words like "extent practicable" to be fairly applied. The purpose, however, appears to be defeated in the amendments.

Amendment 1- I would suggest that you don't- by statutory language- regulate native species. This can be done by regulatory language, I think. Climate change and a rapidly evolving definition of native versus non-native, invasive versus noninvasive and the relative value of each plant makes these terms a moving target.

Amendment 2- appears to gut the intent of the bill. A scenic road is a scenic road. Whether it is within the Route 1 Corridor, Route 108 or Route 40, it deserves protection. Section II appears to arbitrarily reduce the buffer, based on subjective considerations and the creation of berms- which have literal and unintentional downstream repercussions by changing the natural course of stormwater runoff and road drainage. And Section III would completely gut scenic road legislation by saying "as practicable" and "public safety". A codified excuse for straightening and widening scenic roads so that they are, well, no longer scenic.

Amendment 6- I don't understand why a proposed law would be applied differently for rural residential and rural conservation districts?

Thank you for your consideration of my questions and concerns,

Mary Catherine Cochran  
Ellicott City 21042

Sent from my iPhone

## Sayers, Margery

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**From:** Marjorie Valin <mvalin@frankbiz.com>  
**Sent:** Monday, April 1, 2019 5:53 PM  
**To:** CouncilMail  
**Subject:** Please vote in favor of CB11

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

Dear Council Members:

I ask that you please vote for CB11 and any amendments that strengthen it. As a business owner, I have never been anti-development, but enough is enough. We need curbs like this bill to protect the character of the community - the wooded areas, scenic roads, historic properties, and overall landscape that represents far more economic value over the long-term than any short-term or limited financial gain the county can generate from more development.

My family and I have lived in Howard County more than 20 years. When I first moved here, I was happy to see development because we did not have a critical mass of commercial and residential options. Now we have gone overboard. Eastern Howard County is one big building project and traffic jam. To allow developers now to run roughshod over scenic areas will, at best, take away their appeal, and at worst, turn those byways into eyesores.

If the county is going to designate areas as scenic, please make developers follow those rules - no easy out variances or exceptions. Please pass CB11 and legislation like it.

Thank you,

Marjorie Valin  
Gerry Frank  
Columbia

## Sayers, Margery

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**From:** Jack Guarneri <jackguarneri@gmail.com>  
**Sent:** Monday, April 1, 2019 4:16 PM  
**To:** CouncilMail  
**Cc:** Walsh, Elizabeth  
**Subject:** Support for Council Bill CB11-2019  
**Attachments:** Testimony Council CB11\_2019 4\_1\_19.pdf

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

The Bicycling Advocates of Howard County (Bike HoCo) strongly support CB11-2019 in its intended purpose of keeping scenic roads scenic and maintaining the quality of life that drew many of us to live and bicycle in Howard County. We also strongly support eliminating Amendments that do not provide clarification but rather offer means of bypassing the Bill's intent.

Attached is our written rationale for supporting this Bill.

Respectfully,

Jack Guarneri  
President, Bicycling Advocates of Howard County





## Bicycling Advocates of Howard County

### Testimony to County Council on CB11-2019

**AN ACT** amending the Howard County Code by altering the minimum buffer of existing forest or wooded area between a road and a new development that is required for any new developments located along scenic road

The Bicycling Advocates of Howard County (Bike HoCo) was founded as a 501(c)4 non-profit in 2008 by groups representing over 1000 cyclists. There are two major objectives that have remained consistent: to increase cycling safety through infrastructure improvements and greater awareness and to be proponents that bicycling should be a part of an energy efficient, environmentally sustainable transportation system for Howard County and the region, a forward-looking system that meets the needs and desires of all between the ages of 8 to 80+. Bike HoCo has functioned as a subject matter expert and provided advice to the County Government and the County Executive on bicycling issues in Howard County since 2009. Bike HoCo is uniquely positioned to help identify, analyze, comment, prioritize and advise on the impact of proposed developments on recreational bicycling and bicyclist safety.

Scenic Roads, whether they are in the more populated areas of Ellicott City or in the rural Western portion of Howard County, are often the most heavily cycled roads. The reasons that County residents chose to cycle recreationally or for transportation vary from health reasons to financial to enjoyment of nature/sightseeing to concern with their impact on the environment. We strongly support Council Bill 11-2019 for several reasons:

- Current Development Regulations do not consider road usage impact (traffic studies) on any users but automobiles. All developments, especially those on scenic or rural roads, should consider both the traffic and scenic impact of the development on adjacent roads for bicyclists and walkers/hikers as well as the impact of additional school or shuttle buses generated by the development – none of these are considered in current development regulations.
- The impact of development (= increased automobile traffic) on major cycling routes, both scenic and formerly rural, has been cumulative with each development and each waiver causing significant impacts on cycling safety. Therefore, the size of developments does not in itself matter. Even a relatively small development of less than 20 units coupled with others in proximity to/or feeding into the same roads does have an impact.
- The only mitigation required in current development regulations to new developments in a minimal in nature with the developer improving ingress and egress and at times being required to put in a pocket (mini) bicycle lane where a bicycle route or wide enough shoulder exists. This often creates a more hazardous transit for cyclists without other design changes that are not currently required in the HC Public Works Design Manual (Volume III Roads and Bridges).

- Currently the County often approves waivers of existing requirements or 'grandfathering' of new requirements intended to mitigate damage even when the existing issue or concern is urgent. In other cases the County will grant 'fee in lieu' or zoning modifications when the developer offers a non-required amenity (e.g., a sidewalk or cut-through pathway). Amendments to this Bill that would support these types of gaps in coverage would negate the intended impact of the Bill.

The Bicycling Advocates of Howard County strongly support CB11-2019 in its intended purpose of keeping scenic roads scenic and maintaining the quality of life that drew many of us to live and bicycle in Howard County. We also strongly support eliminating Amendments that do not provide clarification but rather offer means of bypassing the Bill's intent.

We look forward to working with you in the future to assess the impact of other Bills that will help safeguard the County's quality of life and transportation system for all users.

Jack Guarneri, President Bike HoCo

## Sayers, Margery

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**From:** phyllis.kilby@zoominternet.net  
**Sent:** Monday, April 1, 2019 3:43 PM  
**To:** CouncilMail  
**Cc:** William Erskine  
**Subject:** Scenic roads bill  
**Attachments:** MDL193000 - Milk Producers Renderings - 19-03-29.pdf

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

Dear Council Members,

I have attached for your consideration some renderings and a plan view of the Milk Producers' project. The intent of these drawings is to show you the substantial protection for viewsheds that can be achieved with employing planting requirements that already exist in the Howard County Landscape Manual. Our team chose to utilize a Type C landscaping buffer for the purposes of this exhibit. All of this planting is completed inside a 35' buffer.

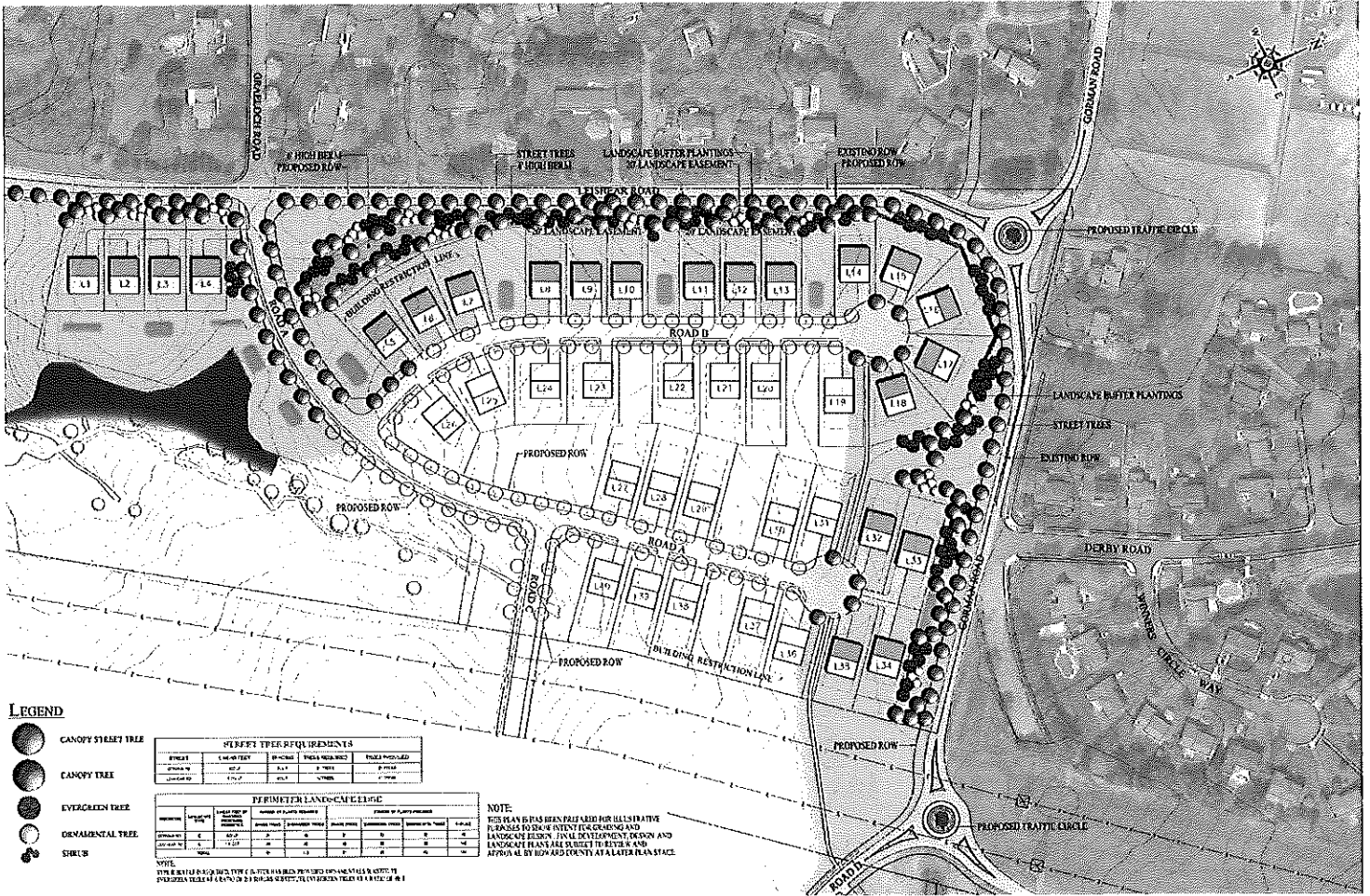
Please consider this visual aid when reviewing amendments to CB-11 2019 tonight. Amendments to the bill that permit retaining the 35' buffer, with mitigating landscaping, is a reasonable compromise that our group supports.

We also strongly urge you to vote against any amendment that requires the Planning Board to approve a plan prior to DPZ's approval. In our opinion, this is a deliberate attempt to delay our project. Our group is willing to compromise and proceed to Planning Board or ideally Design Advisory Panel for recommendations to the plan, but this must occur prior to Preliminary Plan or Preliminary Equivalent Sketch Plan and should not prevent DPZ from granting approvals for plans prior to those stages. Given that the majority of you feel that grandfathering plans already in process is unacceptable, this is also a reasonable compromise.

Thanks you for your consideration and time and we look forward to having more productive conversations in the future.

Sincerely,  
Phyllis Kilby, member and co-owner  
Maryland and Virginia Milk Producers Cooperative

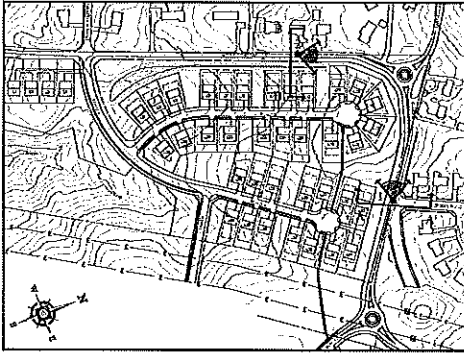




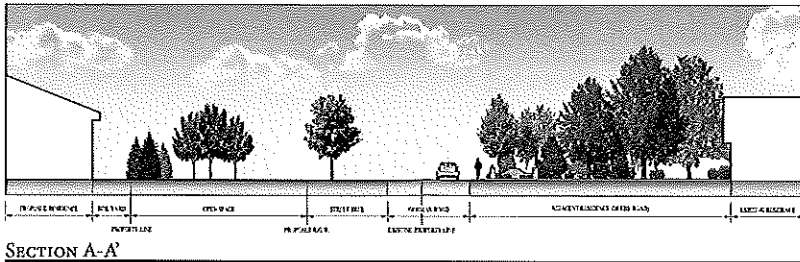
ILLUSTRATIVE LANDSCAPE BUFFER EXHIBIT

MILK PRODUCERS  
LAUREL, MARYLAND



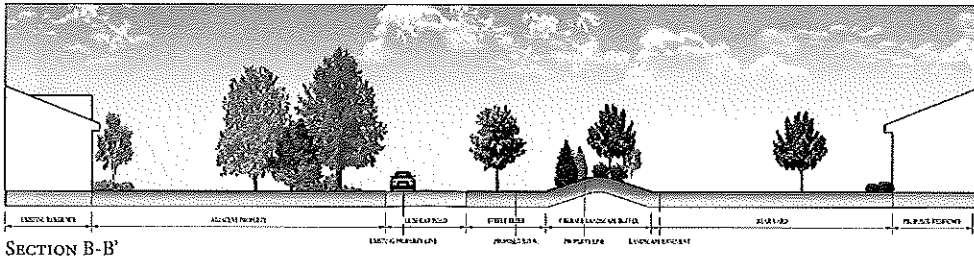


KEY MAP



SECTION A-A'

LOOKING WEST ON GORMAN ROAD



SECTION B-B'

LOOKING NORTH ON LEISHBAR ROAD



PERSPECTIVE 1 LOOKING WEST ON GORMAN ROAD



PERSPECTIVE 2 LOOKING NORTH ON LEISHBAR ROAD

PROPOSED LANDSCAPE BUFFER-SECTIONS AND PERSPECTIVES

MILK PRODUCERS  
LAUREL, MARYLAND



## Sayers, Margery

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**From:** Shelley Wygant <wdgdirect@me.com>  
**Sent:** Monday, April 1, 2019 8:22 AM  
**To:** CouncilMail  
**Subject:** Please pass CB11

[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 -- I am writing to ask you to cast your vote for CB11 that amend the Howard County Code by altering the minimum buffer of existing forest or wooded area between a road and a new development that is required for any new developments located along scenic roads; requiring a certain buffer to be wide enough to maintain a road's visual character with a certain minimum width from the road right-of-way.

Please pass the bill and any amendments that STRENGTHEN it. I live on College Avenue -- supposedly a scenic road -- and fought overdevelopment along it almost 20 years ago. We lost. Today the developed part of the road is far from scenic. If the county is going to designate areas as scenic, please pass legislation like CB11 and MAKE DEVELOPERS follow it (no easy out variances or exceptions).

Thank you in advance for helping to keep Howard County as beautiful as it can be.

Sincerely,

Shelley Wygant  
3920 College Avenue  
Ellicott City, MD 21043

**Sayers, Margery**

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**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

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**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>

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Any tax advice included in this communication may not contain a full description of all relevant facts or a complete analysis of all relevant tax issues or authorities. This communication is solely for the intended recipient's benefit and may not be relied upon by any other person or entity.

**Sayers, Margery**

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**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 Ilicester 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

**Sayers, Margery**

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**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



# HCCA

## 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**

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**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](https://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.

**Save Church Road**  
@SaveChurchRoad Follow

Then Developer, likely represented by the same attorneys and engineers who appear before the Board again and again, will make assurances...



3:26 PM - 7 Sep 2017

1

**Save Church Road** @SaveChurchRoad · 7 Sep 2017 ▼

that the proposal is just the best possible result for the property. Really. Developer has worked REALLY hard on it. Like two whole times.

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](mailto: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 we 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

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**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.

## Sayers, Margery

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**From:** JTK <jtk409a@gmail.com>  
**Sent:** Sunday, March 3, 2019 3:37 PM  
**To:** CouncilMail  
**Subject:** Support for CB11 Forest Buffer; Request for Amendments

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

Dear Howard County Councilmembers:

Thank you for proposing CB11.

### **Expand the Scenic Road Forest Buffer**

I am writing to add my strong support for CB11's expansion of the scenic road forest buffer to 100 ft. However, I hope that you will consider the following modification: for scenic roads that travel alongside streams, the 100ft forest buffer should start where the protected stream buffer set-back ends.

Many scenic roads are in watersheds, and several, like Bonnie Branch, Beechwood, and New Cut roads, have streams that travel alongside the scenic road.

For many years of rampant clearcut development of forested lands in District One, scenic road protections were just "guidelines." Developers did not have to accommodate their development to protect the scenic nature of these forested roadways in watershed areas. Although the guidelines were converted to regulations, it has become painfully obvious that they did not go far enough to protect our watersheds.

During the past few years, scenic roads along streams, like New Cut, Bonnie Branch, and Beechwood, have been destroyed by high velocity flood water runoff from infill subdivisions. The county has had to spend millions of our dollars to shore up the streambeds to maintain the integrity of the roads. These scenic roads now have ugly white rip rap stones along long stretches of eroded streambed.

This all could have been prevented if our regulations had been strong enough. They were not. 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 Patapsco River.

Please confirm in the regulation that changes will be effective immediately for all site development plans in process.

### **Add Reforestation Requirement**

Given the amount of deforestation of scenic roads that has already been allowed to occur in District One, please consider adding a requirement that any development along a forested scenic road must be required to cede at least 100 ft frontage (starting from the stream buffer set-back if there is a stream) to the county as additional open space with an enhanced reforestation planting requirement paid for by the developer.

### **Ingress/Egress Along Steep Scenic Roads**

In other parts of your bill, you address ingress/egress from scenic roads. Several scenic roads like Beechwood Road and Ilchester Road in District One have sections that are very steep. Allowing new infill development with ingress/egress along these steep areas will ruin the scenic nature of the road and be extremely dangerous. Please consider amending the regulation to address this.

**Urgent Need to Strengthen Stream, Wetland, Steep Slope Buffers**

I was heartened by Dr. Ball's tweet on February 27, 2019, where he said that "[w]e must have a sense of urgency to create a cleaner, greener, and healthier Howard County environment." I agree. We urgently need to strengthen protection of our watersheds from any further development. I hope that we will see proposals from the Council to substantially increase protected buffers for streams, wetlands, and steep slopes in your next round of proposed bills.

Thank you.

Julia T. Kovacs  
Ellicott City, 21043



**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: 50

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  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

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

***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  
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 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-Doer Dr

Ellicott City, MD 21042

Number of Members: 1100 ±

Name of Chair/President: Howie Feaga

**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  
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: Jon Cowell

Date: March 18, 2019

Organization: Maryland + Virginia Milk Producers Cooperative Association Inc.

Organization Address: 1985 Isaac Newton Square West, Suite 200  
Reston, VA 20190

Number of Members: 1,132

Name of Chair/President: Matt Hoff

*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.*



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**

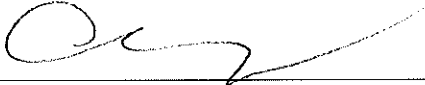
I, Angelica Bailey, have been duly authorized by  
*(name of individual)*

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

*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.*

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 the 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 ref's 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



# HCCA

## 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

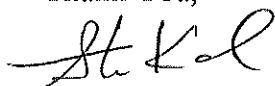


because we believe this was an oversight. Since we will now be able to question DPZ in front of you as the Zoning Board why are we shut out from Planning Board meetings or hearings?

**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

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**From:** Liz Feighner <liz.feighner@gmail.com>  
**Sent:** Monday, March 18, 2019 5:10 PM  
**To:** CouncilMail  
**Subject:** Support of CB11-2019  
**Attachments:** Testimony CB11-2019 - Scenic Road.pdf

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

Hello,

Please accept my testimony in support of CB11-2019.

March 18, 2019

RE: Testimony in FAVOR of CB11-2019 – Scenic Road

My name is Liz Feighner, a 26 year resident in Hunter's Creek which is located along a scenic road. I am writing in in FAVOR of CB11-2019 which will strengthen Howard County's scenic road regulations. I wish to thank Councilwomen Jung, Rigby, and Walsh for introducing this bill after previous efforts by Dr. Ball and Jen Terrasa were unsuccessful.

We have watched several developments go in along or nearby Gorman Road, a designated scenic road over the last 25 years and have seen the changes these developments have done to the scenic views along Gorman Road. Although there is an existing Scenic Road Act, it obviously needs strengthening as the scenic characteristic of Gorman Road has not been maintained nor protected. I support any regulation that also addresses egress and ingress to any new development and provide public hearings when changes to the scenic road are proposed.

Just recently, I watched with great disappointment of trees being cut down along the north side of Gorman Road between the new Wincopia Farms development and the Skylark Boulevard intersection to put in gas lines. Not only was the loss of trees disappointing, the loss of the tree buffer exposed the development of homes on Sunbeam Place and Star Moon Lane.

When those homes were built, I was quite relieved that they were well hidden behind the tree buffer which seemed to still maintain the scenic characteristics of Gorman Road. Now those homes are now quite visible and it is another loss of the scenic nature of this area along Gorman Rd.

I strongly urge the passage of bill CB11-2019 to strengthen Howard County's scenic road regulations. I also request that the bill include language preventing the loss of trees or buffer along a scenic road when installing utilities for new developments.

Regards,

Liz Feighner  
10306 Champions Way  
Laurel, MD 20723

[liz.feighner@gmail.com](mailto:liz.feighner@gmail.com)

*"We do not inherit the Earth from our Ancestors; we borrow it from our children." ~ Native American Proverb*

March 18, 2019

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Regards,

Liz Feighner  
10306 Champions Way  
Laurel, MD 20723  
[liz.feighner@gmail.com](mailto:liz.feighner@gmail.com)

## Sayers, Margery

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**From:** Adrienne Breidenstine <abreidenstine@gmail.com>  
**Sent:** Monday, March 18, 2019 11:41 AM  
**To:** CouncilMail  
**Subject:** Support for CB11-2019

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

Dear Members of the County Council:

I write in **strong support of CB11-201** and thank Councilmembers Walsh, Rigby, and Jung for their leadership in protecting the scenic beauty in Howard County.

I live along the scenic part of Ilchester Road in Ellicott City so this bill would directly impact my neighborhood. This area of Ilchester Road has a lot of natural beauty, with the area being mostly forested and having a diversity of local wildlife. These types of areas are important to the unique history and high quality of life in our community so we must protect them.

Scenic roads are a precious resource—in particular in eastern Howard County—that must have a more meaningful degree of protection than county law currently provides. At present, the visual buffer for a scenic road is only 35 feet. Extending the visual buffer to 100 feet, as this bill does, would help to ensure that the historic nature our scenic roads are maintained.

“Scenic roads are part of the County’s high quality of life” (Plan Howard 2030, p. 43). Let’s work to make sure it stays that way. **I urge the Council to please pass CB11-2019** to protect the quality of life we have all come to enjoy in Howard county.

Thank you for your time and consideration of my testimony.

Sincerely,

Adrienne Breidenstine  
Ellicott City, MD

## Sayers, Margery

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**From:** Gregory Care <gregory.p.care@gmail.com>  
**Sent:** Friday, March 15, 2019 4:57 PM  
**To:** CouncilMail  
**Subject:** Support for CB11-2019  
**Attachments:** Ex. 1 - Scenic Roads Map (2016).pdf; Ex. 2 - Fragmentation Map.png; Ex. 3 - Vulnerability Map.png; Ex. 4 - Threat Map.png

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

Dear Members of the County Council:

I write in support of CB11-201 and wish to thank Councilmembers Walsh, Rigby, and Jung for their leadership on this issue.

This bill is essential to providing the protection that scenic roads in our county deserve. After all, once development or other encroachment on a scenic road is done, it cannot be undone. Our scenic roads are, therefore, a precious resource that must have a more meaningful degree of protection than county law currently provides.

At present, the visual buffer for a scenic road is a mere 35 feet – just barely enough distance for a Ravens' first down (11 yards). Needless to say, this is not sufficient protection of the “outstanding scenic or historic value” that define scenic roads and make them special. Howard County Code § 16.1401(b)

Scenic roads are a small subset of the county's roads that can only earn that designation by a specific resolution of the Council after there has been a finding that the road meets the rigorous criteria for inclusion (two of which require “outstanding” views or natural resources features). Howard County Code § 16.1403(a), (b); § 16.1402(a).

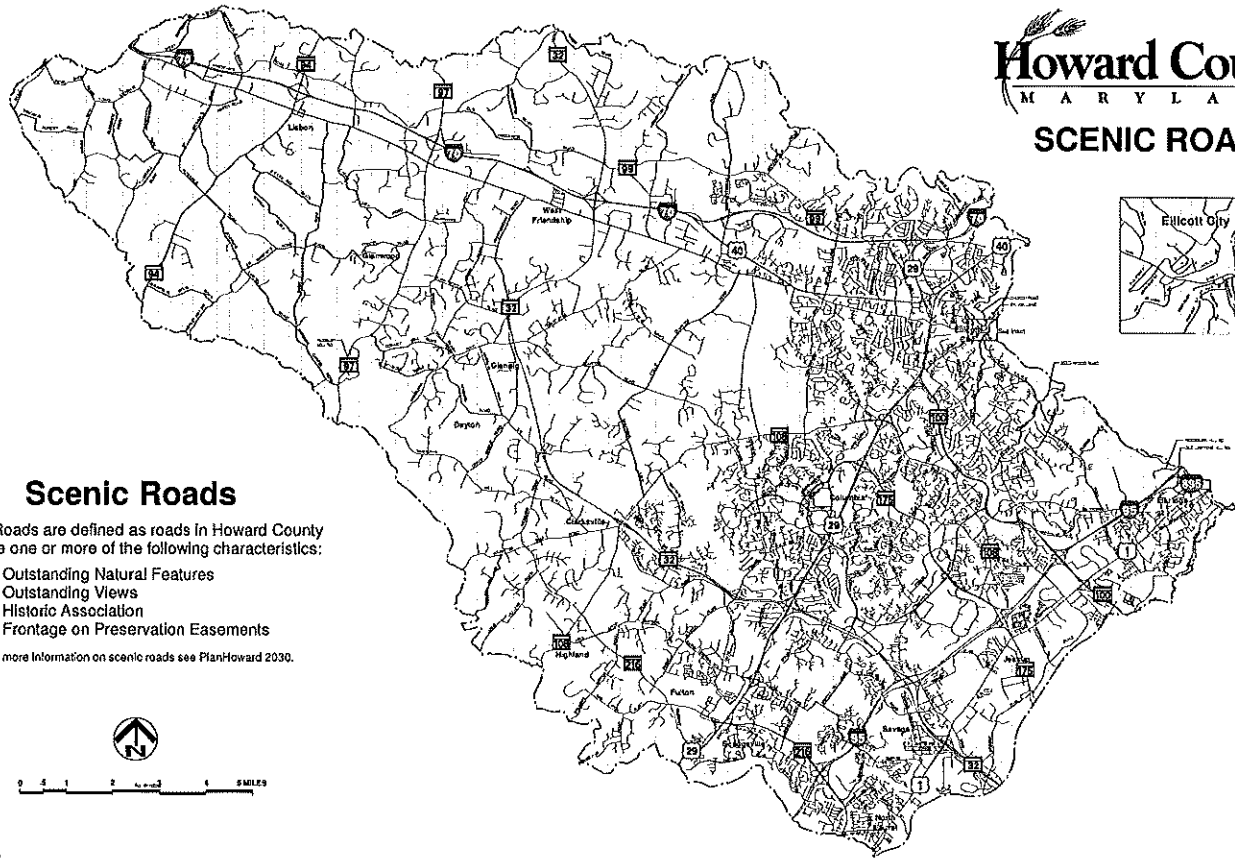
The need for this bill is clear and extant. Development is proposed along several of the county's precious scenic roads, including in District One where the few scenic roads we have left are under threat by proposed new housing that is planned to be shoe-horned into historic areas and far too close to adjacent scenic roads. Of course, this problem is one facing the more rural parts of the county where there presently exist a number of beautiful scenic roads. The Maryland Department of Planning has concluded that, of all the counties, Howard County has the most fragmented rural land resources in the state and highest pressure for development of rural resource lands. Maryland Scenic Byways Resource Protection Methodology: Sustaining the road less traveled at pp. 4, 12, available at: [http://mdpgis.mdp.state.md.us/BywayResourceTool/SB\\_Methodology.pdf](http://mdpgis.mdp.state.md.us/BywayResourceTool/SB_Methodology.pdf). The online maps provided by the Maryland Department of Planning show significant overlap between the county's scenic roads (Exhibit 1, attached) and those areas that are highly fragmented, vulnerable, and under threat. (Exhibits 2-4). We must act now before it is too late.

“Scenic roads are part of the County's high quality of life.” Plan Howard 2030, p. 43. Let's make sure it stays that way. Please pass CB11-2019 and not a watered down version that does not provide the quality of life we have all come to expect in this great county.

Thank you for your thoughtful consideration.

Sincerely,  
Greg Care  
Ellicott City, MD

# Howard County MARYLAND SCENIC ROADS

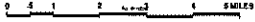


## Scenic Roads

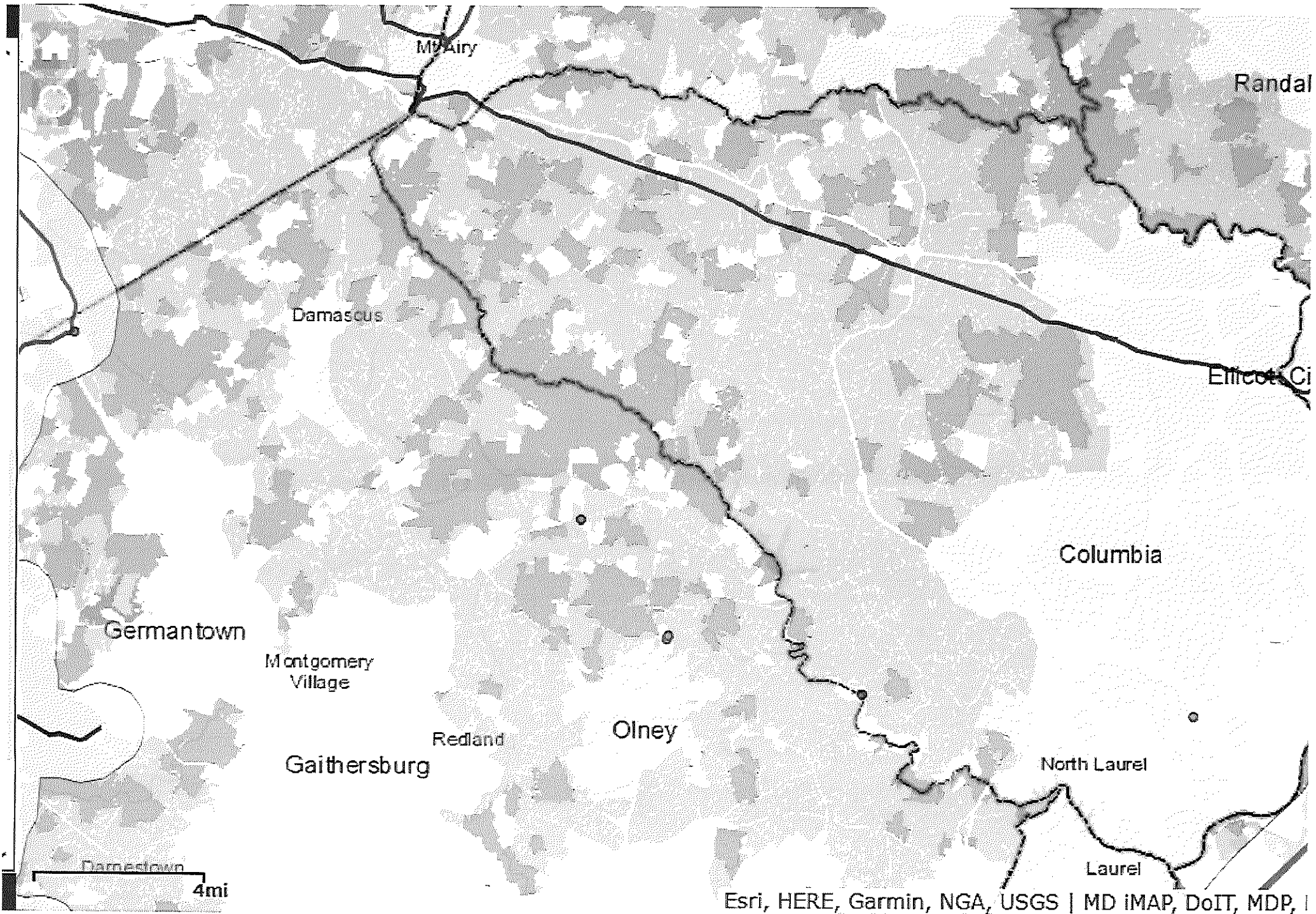
Scenic Roads are defined as roads in Howard County that have one or more of the following characteristics:

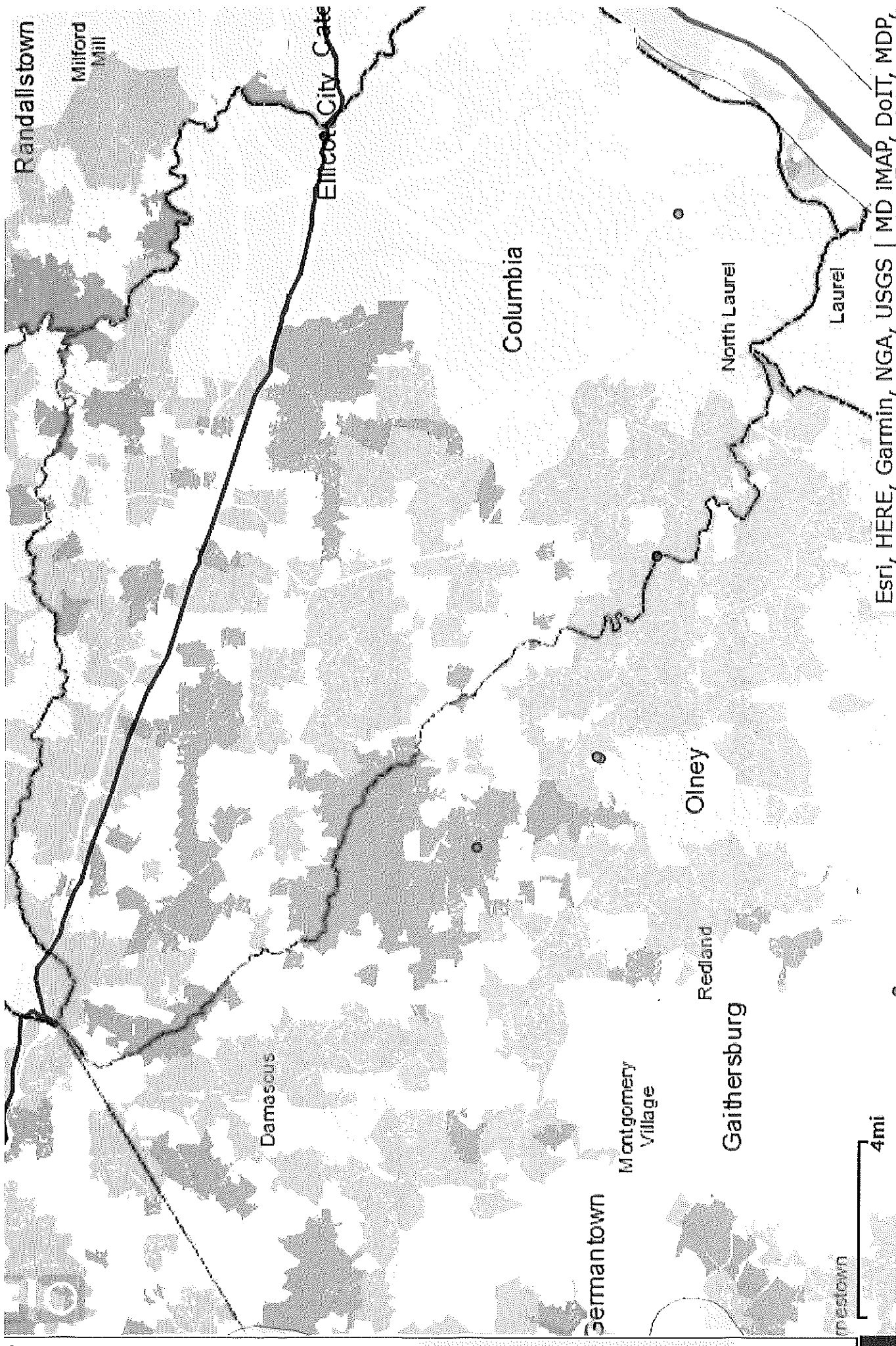
- Outstanding Natural Features
- Outstanding Views
- Historic Association
- Frontage on Preservation Easements

For more information on scenic roads see PlanHoward 2030.









Ex 4

