

11/29/94  
PLANNING DIRECTOR STAFF

NOTES

1. THIS PROJECT IS IN ACCORDANCE WITH THE LATEST HOWARD COUNTY STANDARDS UNLESS WAIVERS HAVE BEEN APPROVED.
2. EXISTING UTILITIES WERE LOCATED FROM AVAILABLE RECORDS.
3. HORIZONTAL & VERTICAL DATUMS INDICATED CORRESPOND TO HOWARD COUNTY CONTROL.
4. SCHEMATIC LAYOUT SHOWN HEREON IS FOR PURPOSES OF FEASIBILITY FOR PARCELS WILL BE SUBJECT TO FURTHER REVIEW AT SITE DEVELOPMENT PLAN STAGE AND MUST MEET APPLICABLE DESIGN MANUAL REQUIREMENTS. PARTICULAR ATTENTION MUST BE GIVEN TO TRAVELWAY LAYOUTS.
5. ACTUAL FINAL LAYOUTS COULD HAVE MODIFICATIONS TO THE LIMITS OF DISTURBANCE AND MAY REQUIRE AMENDMENTS TO THE FOREST CONSERVATION PLAN HOWEVER, TREE COVER TO REMAIN SHOWN ON THE TREE CONSERVATION PLAN WILL NOT CHANGE.
6. BUILDING LENGTHS IN EXCESS OF 120 FEET WILL HAVE ARTICULATED ARCHITECTURE THAT WILL MITIGATE VISUAL IMPACTS OF THIS INCREASED LENGTH. THE BUILDING ARCHITECTURE (BLDG'S IN EXCESS OF 120') WILL BE AVAILABLE AND REVIEWED AT THE SITE DEVELOPMENT PLAN STAGE.
7. THIS PLAN IS A PORTION OF THE PROPERTY THAT IS THE SUBJECT OF ZONING BOARD CASE NO. 0499 IN WHICH A REQUEST TO CORRECT ERRORS ON THE ZONING MAP WAS MADE AND SUBSEQUENTLY APPROVED ON 5/10/94.

POINT	NORTH COORDINATE	EAST COORDINATE
2309	489179.2672	850015.8172
2310	488864.8977	850076.5539
2311	488420.6615	850233.8172
2312	488224.7457	850102.9009
471	488310.8634	849974.0200
557	488500.8509	849676.2419
558	488722.9956	849329.7157
734	488290.0554	849222.5687
2303	489423.7401	848841.7092
2304	489018.8258	848362.4214
730	489660.2645	848820.1141
731	490014.3218	848738.8469
2307	490025.9956	848760.9340
732	490048.0920	848749.2600
538	490165.9322	848773.2052
576	490366.2533	848926.1840
1005	489916.6485	849488.4438
574	490192.2174	849820.2044
1004	489976.5912	849193.8737
2040	490115.9930	849876.4380
2015	486344.1998	844068.7773
2036	489909.5384	850005.4082
2082	489754.0514	850110.7955
2012	490210.3021	849903.7747
2031	489375.7404	850904.8428

steep slope#	Area (sq)
SS#1	6,400
SS#2	2,800
SS#3	20,000
SS#4	13,000
SS#5	1,400
SS#6	7,300
SS#7	5,000
SS#8	1,200
SS#9	3,500
SS#10	1,200
SS#11	5,700

**LANDSCAPE REQUIREMENTS**

ADJACENT TO RIGHT OF WAY MODERATE BUFFER (B) (By Builder)

PERIMETER PROPERTIES LIGHT BUFFER (A) (By Builder)

PARKING LOTS 1 SHADE TREE/10 SPACES (By Builder)

INTERNAL 1 SHADE TREE/3 UNITS (By Builder)

PARKING LOTS ADJ TO RIGHT OF WAY BUFFER (E)

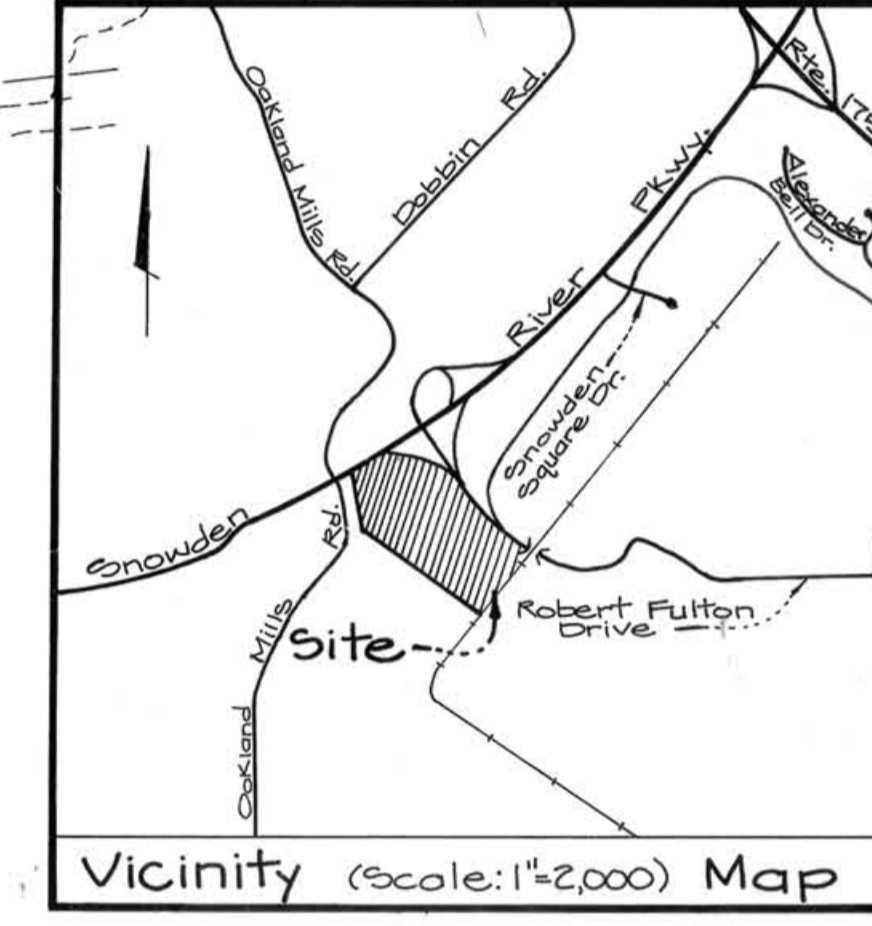
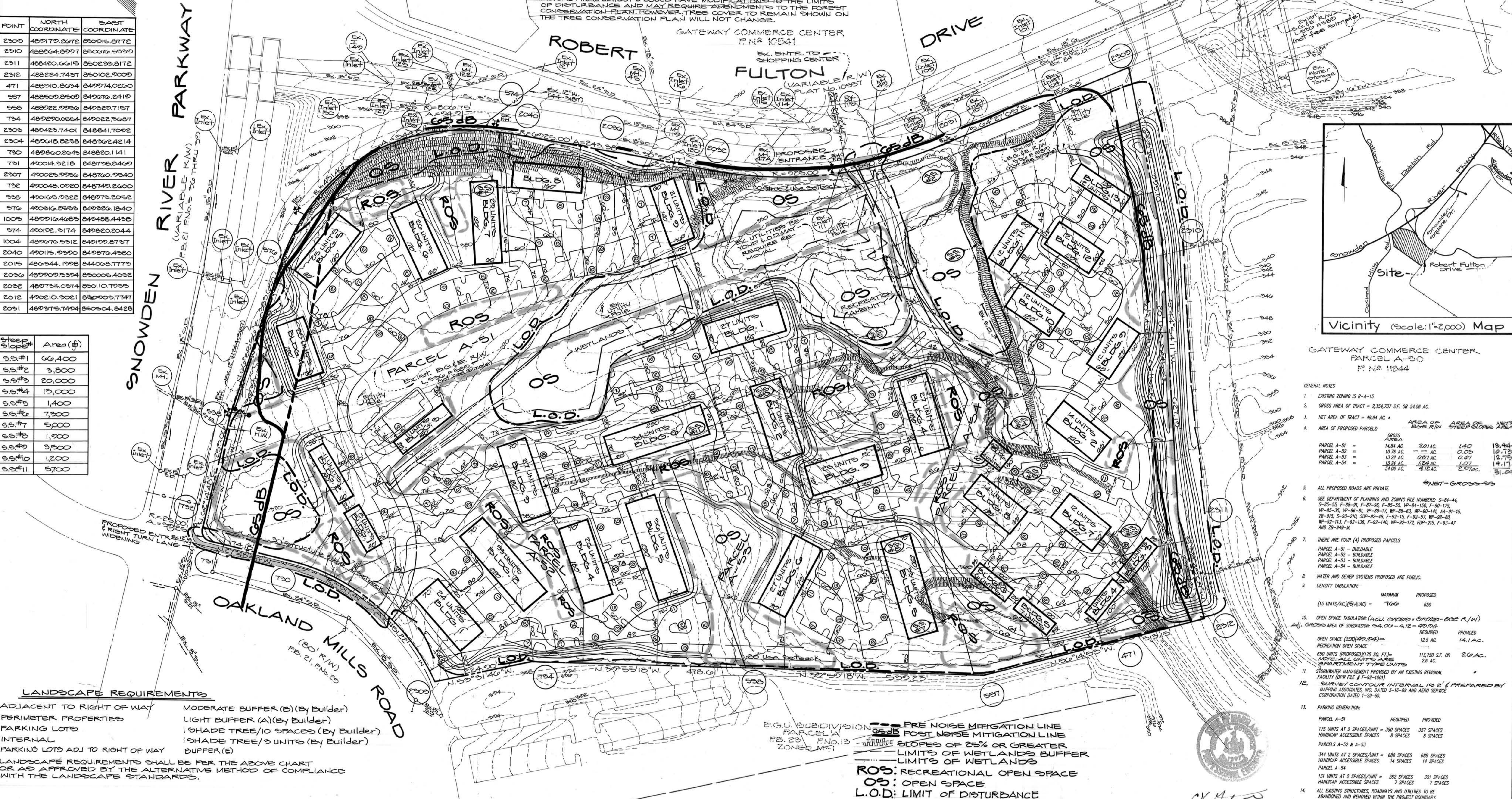
LANDSCAPE REQUIREMENTS SHALL BE PER THE ABOVE CHART OR AS APPROVED BY THE ALTERNATIVE METHOD OF COMPLIANCE WITH THE LANDSCAPE STANDARDS.

**GW GUTSCHICK LITTLE & WEBER, PA.**  
CIVIL ENGINEERS, SURVEYORS, PLANNERS, LANDSCAPE ARCHITECTS  
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK - BURTONSVILLE, MD 20866  
TELEPHONE: (301)421-4024 NO. VA. (301)989-2524 BALTO. (301)880-1820 FAX: (301)421-4186

OWNER:  
GEAPE II  
The Howard Research & Development Corporation  
10275 Little Patuxent Pkwy.  
Columbia, Maryland 21044  
Attn.: Al Edwards  
(410) 992-6027

PRELIMINARY EQUIVALENT SKETCH PLAN  
**Gateway Commerce Center**  
Parcels A-51 thru A-54  
(A Resubdivision of Parcel A-49)  
6th Election District  
Howard County, Maryland

DES.:	SCALE	ZONING	G.L.W. FILE NO.
DRN.:	1" = 100'	R-A-15	93-038
CHK.:	DATE	TAX MAP NO.	SHEET
	August, 1994	42	1 of 1



GATEWAY COMMERCE CENTER  
PARCEL A-50  
P. NO. 11244

- GENERAL NOTES
1. EXISTING ZONING IS R-A-15
  2. GROSS AREA OF TRACT = 2,354,737 S.F. OR 54.06 AC
  3. NET AREA OF TRACT = 49.84 AC +
  4. AREA OF PROPOSED PARCELS:
- | PARCEL      | GROSS AREA | AREA OF BLDG. F.W. | AREA OF STEEP SLOPES | NET AREA |
|-------------|------------|--------------------|----------------------|----------|
| PARCEL A-51 | 14.84 AC   | 2.01 AC            | 1.40                 | 13.44    |
| PARCEL A-52 | 10.78 AC   | — AC               | 0.05                 | 10.73    |
| PARCEL A-53 | 13.22 AC   | 0.87 AC            | 0.47                 | 12.75    |
| PARCEL A-54 | 15.24 AC   | 1.24 AC            | 1.07                 | 14.17    |
|             | 54.06 AC   | 4.12 AC            | 2.99 AC              | 51.04    |
- \*NET-GROSS=53
5. ALL PROPOSED ROADS ARE PRIVATE.
  6. SEE DEPARTMENT OF PLANNING AND ZONING FILE NUMBERS: S-84-44, S-85-53, F-88-91, F-87-96, F-85-53, VP-84-150, F-80-175, VP-85-35, VP-86-81, VP-88-17, VP-88-63, VP-90-141, AA-91-15, ZB-915, S-92-210, S-92-48, F-92-15, F-92-57, VP-92-80, VP-92-113, F-92-136, F-92-140, VP-92-172, VP-93-47 AND ZB-94-M.
  7. THERE ARE FOUR (4) PROPOSED PARCELS:  
PARCEL A-51 - BUILDABLE  
PARCEL A-52 - BUILDABLE  
PARCEL A-53 - BUILDABLE  
PARCEL A-54 - BUILDABLE
  8. WATER AND SEWER SYSTEMS PROPOSED ARE PUBLIC.
  9. DENSITY TABULATION:
- |                           | MAXIMUM | PROPOSED |
|---------------------------|---------|----------|
| (15 UNITS/AC) (94,140 AC) | 760     | 630      |
10. OPEN SPACE TABULATION: (A-21, C-200, C-200-D, C-1/W)  
Adj. GROSS AREA OF SUBDIVISION: 54,000 - 4.12 = 49,878  
RECREATION OPEN SPACE: 12.5 AC. REQUIRED: 14.1 AC.  
OPEN SPACE (25% (49,878)) = 12,469 S.F. OR 2.8 AC.  
630 UNITS (PROPOSED) (175 SQ. FT.) = 113,250 S.F. OR 2.6 AC.  
ACRES: ALL UNITS ARE APARTMENT TYPE UNITS
  11. STORMWATER MANAGEMENT PROVIDED BY AN EXISTING REGIONAL FACILITY (DWP FILE # F-92-100)
  12. SURVEY CONTOUR INTERVAL IS 2' & PREPARED BY SURVEYING ASSOCIATES, INC. DATED 3-18-89 AND AERO SERVICE CORPORATION DATED 1-29-89
  13. PARKING GENERATION:
- | PARCEL              | REQUIRED                                | PROVIDED   |
|---------------------|---|------------|
| PARCEL A-51         | 175 UNITS AT 2 SPACES/UNIT = 350 SPACES | 357 SPACES |
| PARCEL A-52         | HANDICAP ACCESSIBLE SPACES: 8 SPACES    | 8 SPACES   |
| PARCELS A-53 & A-54 | 344 UNITS AT 2 SPACES/UNIT = 688 SPACES | 688 SPACES |
| PARCEL A-54         | HANDICAP ACCESSIBLE SPACES: 14 SPACES   | 14 SPACES  |
| PARCEL A-54         | 131 UNITS AT 2 SPACES/UNIT = 262 SPACES | 331 SPACES |
| PARCEL A-54         | HANDICAP ACCESSIBLE SPACES: 7 SPACES    | 7 SPACES   |
14. ALL EXISTING STRUCTURES, ROADWAYS AND UTILITIES TO BE ABANDONED AND REMOVED WITHIN THE PROJECT BOUNDARY.
  15. THERE ARE ALSO 100 YEAR FLOOD PLAINS INDICATED ON THIS PLAN.

SP-95-01



**From:** Andrea Cimino  
**To:** Joy Levy  
**Date:** 3/19/2008 10:08 AM  
**Subject:** Re: Asbury amended DOE

OK. I'll let you know when it leaves our office.

>>> Joy Levy 3/19/2008 10:07 AM >>>  
Thanks, Andrea - it is totally NOT a rush. I just wanted to track it down.

>>> Andrea Cimino 3/19/2008 9:06 AM >>>  
Good morning, Joy-

I'm good, thanks. How are you?

It came up here for signature on 3/13 and is in Margaret Ann's signing box- she came back from vacation on Monday and is playing catch-up; I'm hoping she'll work through the pile today.

Is it a rush? If so, I'll try to get it to her quickly, but I like to save that for when we *really* need it! Let me know.

Andrea

>>> Joy Levy 3/19/2008 8:56 AM >>>  
Hi Andrea - how are you?

Have you seen this amended deed? I sent it over to Marsha for signature on 3/11 - not sure what day it came up to Law, but hoping that it made it and is being circulated?

thanks, Joy

William E. Erskine, Esquire

Reese & Carney LLP

10715 Charter Drive, Suite 200

Columbia, Maryland 21044

(Office) 410-740-4600

(Fax) 410-730-7729

(Cell) 443-864-8844

Email: WEE @reese-carney.com

**From:** Joy Levy  
**To:** Skinner, Tracey  
**Date:** 1/25/2008 3:18 PM  
**Subject:** Asbury amended DOE  
**Attachments:** Bell Amended DOE.doc; Amended DOE Child.doc

Hi Tracey - you will be getting a request in a few days for an amended DOE for this property, in which I reference two recent releases that you can use as a model for language. The Bell easement that you did, which was for an unrestricted lot will have most of what you'll need, I think. But in case you want to see child lot language, I've attached Hobbs.

Let me know if you have any questions once you get the request.

Thanks, Joy

TRANSMISSION VERIFICATION REPORT

TIME : 11/30/2006 14:26  
NAME : DPZ  
FAX : 4103133467  
TEL :  
SER.# : BROJ4J114900

DATE, TIME	11/30 14:26
FAX NO./NAME	3467
DURATION	00:00:22
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

Department of Planning and Zoning-DLD  
August 22, 2006

**RE: F-06-103**

**Asbury Property Lots 1, 2 and 3 (AG Preservation Subdivision Plat)**

**Planner: TKM**

*The waiver to Section 2.6.2 of the Design Manual-Volume III to allow more than 6 users on a private driveway has been deferred. As such, no approval can be granted for F-06-103 until a final decision on the waiver has been made. Therefore, the following comments are provided for guidance purposes ONLY and do not constitute a complete or binding review of proposal F-06-103.*

**Final Plan/Plat**

1. Staff understands from your response letter dated 8/3/06 that Mr. Mark Robel has been in contact with Mr. Savage regarding boundary line issues. Please understand that the County still expects some form of written communication between Mr. Savage and Fisher, Collins and Carter regarding Mr. Savage's letter dated January 19, 2006 regarding property line concerns. Please carbon copy the Department of Planning and Zoning on this letter once it has been written and transmitted.
2. For clarification purposes, cross-reference parcel/lot numbers with the owners affected by the 24' right-of-way as mentioned/listed in LIBER 1088/FOLIO 360.
3. Address any and all requirements of the *waiver to Section 2.6.2 of the Design Manual-Volume III as necessary on the plat and supplemental sheet(s)*.

**Location Plan**

4. As previously requested, dimension the existing structures on "Lot 3" to proposed Lots 1 and 2. DLD Staff did not receive a revised Location Plan with the 8/4/06 submittal.
5. Sign, seal and date the location plan. DLD Staff did not receive a revised Location Plan with the 8/4/06 submittal.



# Howard County


## Agricultural Land Preservation Program

### MEMORANDUM

**Subject:** Asbury Property, F-06-103

**To:** Cynthia S. Hamilton, Chief, Division of Land Development

**Through:** Elmina J. Hilsenrath, Chief, DECP

**From:** Joy Levy, Administrator 


**Date:** August 21, 2006

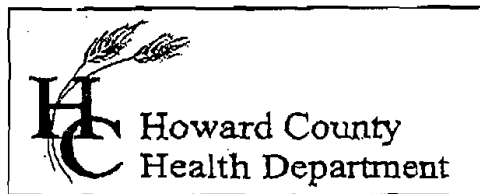
The referenced plan has been reviewed for compliance with the requirements of the Howard County Agricultural Land Preservation Program (ALPP). The following comments are forwarded for your review:

1. Although the owner of the subject property was granted approval by the Agricultural Land Preservation Board to release two (2) one-acre child lots in the location shown on the plat, the approval is conditioned on the lots meeting all subdivision regulations. The Department of Planning and Zoning has denied a waiver request to allow access of more than 6 lots from a private road.
2. The ALPP may have further comments if and when the access issues are resolved.
3. Please remove the second sentence in Note 25.
4. I have forwarded several copies of the Letter of Understanding form that Mrs. Asbury must complete and sign for the release of each of the child lots. This is a reminder that the amended Deed of Easement cannot be drafted until the completed forms are signed and returned.

Please call Joy Levy at 410-313-4382 if you need additional information.

Enclosure

cc:  Ag Read File  
Asbury file HO-90-12-E  
SRC Read File  
Land Development (2)



7178 Columbia Gateway Drive, Columbia MD 21046  
(410) 313-2640 Fax (410) 313-2648  
TDD (410) 313-2323 Toll Free 1-866-313-6300  
website: [www.hchealth.org](http://www.hchealth.org)

Penny E. Borenstein, M.D., M.P.H., Health Officer

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**MEMORANDUM**

TO: Cindy Hamilton, Chief  
Division of Land Development

FROM: Sara Fegel *SF*  
Well and Septic Program  
Development Coordination Section

RE: File Number: F-06-103  
Title: Asbury Property  
Jennings Chapel Rd

DATE: August 22, 2006

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The following comments apply to the plan prepared by Fisher, Collins, and Carter Inc. The revisions/ corrections mentioned below must be corrected prior to plan approval or signature.

- A percolation recertification plan is required showing the modification to the SDA on Lot 3
- Once the recertification of the SDA is approved for Lot 3, the final needs to reflect the modified SDA
- Level spreaders need to be 25' from septic areas. Possibly modify SDA (include a recertification plan if modified). Final needs to reflect any changes
- Well completion reports need to be on file with the Health Department before final approval
- Indicate on the plan where the downspouts stop on Lots 1 and 2



**Please contact Ms. Carol Stirn of the Department of Planning and Zoning at (410) 313-2350 to schedule an appointment to submit the revised plans. Please bring a copy of this letter with you to the appointment.**

If you have any questions, please contact Tanya Krista-Maenhardt at (410) 313-2350.

Sincerely,



Cindy Hamilton, Chief  
Division of Land Development

CH/tmaenhardt/Finals 2006/Asbury Property F-06-103 9-12-06

Enclosures: DLD, AG PRES, DED, HEALTH

cc: Research  
AG PRES (Joy Levy)  
DED  
HEALTH  
Fisher, Collins & Carter, Inc.  
A. P. Savage



# Howard County

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## Agricultural Land Preservation Program

**MEMORANDUM**

**Subject:** Asbury Property, F-06-103

**To:** Cynthia S. Hamilton, Chief, Division of Land Development

**Through:** Elmina J. Hilsenrath, Chief, DECP *EJH*

**From:** Joy Levy, Administrator *JL*

**Date:** June 5, 2006

The referenced plan has been reviewed for compliance with the requirements of the Howard County Agricultural Land Preservation Program (ALPP). The following comments are forwarded for your review:

1. Although the owner of the subject property was granted approval by the Agricultural Land Preservation Board to release two (2) one-acre child lots in the location shown on the plat, the approval is conditioned on the lots meeting all subdivision regulations. The Department of Planning and Zoning has denied a waiver request to allow access of more than 6 lots from a private road.
2. The ALPP may have further comments if and when the access issues are resolved.
3. Please revise Note 16 to say, ... "Section 15.509(e)(1) of the pre-1993 Agricultural Land Preservation Act of Howard County."
4. Most of the information relayed in Note 25 is already stated in Note 16. Please remove the language in Note 25 that pertains to the agricultural preservation easement. The reference to the Zoning Regulations can remain.
5. The ALPB approval was conditioned on Mrs. Asbury completing and signing a Letter of Understanding for the release of each of the child lots. I am forwarding again two copies of this form to Ms. Asbury. This is a reminder that the amended Deed of Easement cannot be drafted until the completed form is signed and returned.

Please call Joy Levy at 410-313-4382 if you need additional information.

**Enclosure**

cc: Ag Read File  
Asbury file HO-90-12-E  
SRC Read File  
Land Development (2)





## HOWARD COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM

### Letter Of Understanding Release of Child's Lot

To the Howard County Agricultural Land Preservation Board:

With receipt of this letter of understanding, I request that a one-acre lot be released from the \_\_\_\_\_ acre farm, under the terms and conditions outlined in the Deed of Agricultural Preservation Easement and Section 15.509 of the pre-1993 Code.

The approved lot, once recorded, will have a home built upon it within one year from the date of recordation. The dwelling intended for this lot is being erected for, and will be occupied by my child \_\_\_\_\_. I understand that if the intended use of this dwelling is violated that I may be subject to penalties as contained in my deed of agricultural preservation easement.

I understand that the release from the Deed of Agricultural Preservation Easement, as well as the proposed lot and dwelling must be approved by all appropriate County agencies. Further, I understand that prior to recordation of the lot, repayment in the amount of \_\_\_\_\_ is required.

Landowner(s) Signature(s)

Witness:

\_\_\_\_\_ Date

\_\_\_\_\_ Date

\_\_\_\_\_ Date

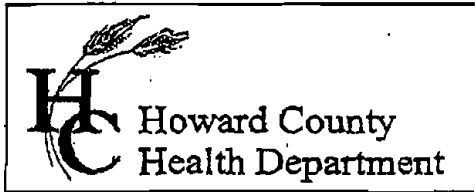
\_\_\_\_\_ Date

**Please attach birth certificate for Child**

This form must be submitted to the Agricultural Land Preservation Program when beginning the subdivision process for an owner's lot as allowed in Section 15.509 of the pre-1993 Code.

Agricultural Administrator  
Agricultural Land Preservation Program  
Howard County Department of Planning and Zoning  
3430 Court House Drive  
Ellicott City, MD 21043

<p>For Staff Use Only ALPP Easement File # _____ DPZ Final Plan # _____</p>
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7178 Columbia Gateway Drive, Columbia MD 21046  
(410) 313-2640 Fax (410) 313-2648  
TDD (410) 313-2323 Toll Free 1-866-313-6300  
website: [www.hchealth.org](http://www.hchealth.org)

Penny E. Borenstein, M.D., M.P.H., Health Officer

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MEMORANDUM

TO: Cindy Hamilton, Chief  
Division of Land Development

FROM: Sara Fegel   
Well and Septic Program  
Development Coordination Section

RE: File Number: F-06-103  
Title: Asbury Property  
Jennings Chapel Rd

DATE: May 18, 2006

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The following comments apply to the plan prepared by Fisher, Collins, and Carter Inc. The revisions/ corrections mentioned below must be corrected prior to plan approval or signature.

- Include the statement "All wells and septic within 100' of the property boundary have been shown."
- Adjust roof-top runoff piping on both lots to minimize exposure to septic areas. There is a 10' separation required for solid pipes to septic areas.
- Level spreaders need to be 25' from septic areas.
- Garage on Lot 3 needs to be 20' from septic areas, otherwise a variance letter is needed.



# Howard County

## Agricultural Land Preservation Program

### MEMORANDUM

**Subject:** Asbury Property, F-06-103

**To:** Cynthia S. Hamilton, Chief, Division of Land Development

**Through:** Elmina J. Hilsenrath, Chief, DECP *EJH*

**From:** Joy Levy, Administrator *JL*

**Date:** June 5, 2006

The referenced plan has been reviewed for compliance with the requirements of the Howard County Agricultural Land Preservation Program (ALPP). The following comments are forwarded for your review:

1. Although the owner of the subject property was granted approval by the Agricultural Land Preservation Board to release two (2) one-acre child lots in the location shown on the plat, the approval is conditioned on the lots meeting all subdivision regulations. The Department of Planning and Zoning has denied a waiver request to allow access of more than 6 lots from a private road.
2. The ALPP may have further comments if and when the access issues are resolved.
3. Please revise Note 16 to say, ... "Section 15.509(e)(1) of the pre-1993 Agricultural Land Preservation Act of Howard County."
4. Most of the information relayed in Note 25 is already stated in Note 16. Please remove the language in Note 25 that pertains to the agricultural preservation easement. The reference to the Zoning Regulations can remain.
5. The ALPB approval was conditioned on Mrs. Asbury completing and signing a Letter of Understanding for the release of each of the child lots. I am forwarding again two copies of this form to Ms. Asbury. This is a reminder that the amended Deed of Easement cannot be drafted until the completed form is signed and returned.

Please call Joy Levy at 410-313-4382 if you need additional information.

Enclosure

cc: Ag Read File  
Asbury file HO-90-12-E ✓  
SRC Read File  
Land Development (2)



RECEIVED  
02 MAY 10 AM 7:58

**DEPARTMENT OF PLANNING & ZONING**

*Joseph W. Rutter, Jr., Director*

May 9, 2002

David A. Carney, Esquire  
10715 Charter Drive  
Columbia, MD 21044

Dear Mr. Carney:

RE: Carole S. Asbury BA 472-D

Please be advised that the above-referenced case for a departmental appeal has been scheduled for hearing before the Hearing Examiner of Howard County on **June 26, 2002, at 10:00 a.m.** The hearing will be held on the first floor of the George Howard Building in the Ellicott Room, 3430 Courthouse Drive, Ellicott City, Maryland. To ensure proper public notice, it will be necessary to obtain from this division the legal advertisement for publication of this case in two local newspapers of general circulation thirty (30) days prior to the scheduled hearing. The Howard County Times, The Howard Sun and The Washington Post are considered newspapers of general circulation in Howard County. Please submit your advertisement directly to the newspapers. Certification of advertising from the newspapers must be submitted to the Department of Planning and Zoning prior to the hearing. The poster(s) should be erected on the property thirty days prior to the scheduled hearing and remain on the property fifteen days after the hearing. Please call this Division at 410-313-2350 prior to picking up the legal ads and poster(s) to make sure they are ready.

Should you have any questions regarding the above, please contact this Division, 410-313-2350, at your convenience.

Very truly yours,

George L. Beisser, Chief  
Division of Public Service and Zoning Administration

GLB:hg

cc: Paul Johnson, Deputy County Solicitor





21 2002

JAMES  
ND CARNEY, LLP

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DEPARTMENT OF PLANNING & ZONING

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*Joseph W. Rutter, Jr., Director*

May 25, 2001

Carole S. Ashbury  
Richard Scott Meiklejohn et al  
2720 Jennings Chapel Road  
Woodbine, MD 21797

Re: Grantor's and Children's Lots #HO-90-12E

Dear Mr. and Mrs. Meiklejohn:

When we met on April 18 to discuss your design manual waiver for access to proposed grantor's and children's lots, Planning Director Joseph Rutter asked about the intended schedule for construction of the two proposed children's lots. At that meeting, you were informed that the County required home building to begin within one year of the release of any children's lot.

Your letter of June 2000 thanks Bill Pickens, former Agricultural Preservation Program Administrator, for sending you our procedures document explaining the process for releasing grantor's and children's lots. That procedures document stipulates that the "property owner fills out and signs a Letter of Understanding and returns it..." No Letter of Understanding accompanied your request to create the lots; however Mr. Pickens may have assumed that, given your request and the age of your children (as indicated by the attached birth certificates), it was your intent to subdivide the lots and build homes on them. At our April meeting, you informed us that your children had no immediate intention of building homes on the property and it may be as many as 15 years before your son decides if he is interested in living on the property.

We sincerely regret that this issue was not raised earlier in the process. The requirement for a Letter of Intent has been a long-standing one. This long-standing policy was developed by the Office of Law, the Department of Planning and Zoning and the Agricultural Preservation Program Administrator has been carried out consistently for properties in the preservation program.

The purpose of children's lots is to provide a means for the original grantor's children to remain

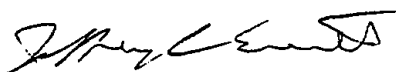
on the family farm, ensuring farm viability. The Deed of Easement makes it clear that only the original grantor has the right to release these lots; the rights do not transfer if you sell the land. The one-year policy was developed to ensure that lots were not created until there was a commitment that the children would reside on the farm. The County was thereby protecting its investment and guarding from potential misuse of children's lot rights. The policy ensures that the lots meet the intent of both the County Code and Deed of Easement.

Attached is a copy of our procedures for lot creation and a copy of our Letter of Understanding. A letter is required for each of the three lots you wish to create. We are also including a form entitled Letter of Intent. Typically this letter is given to a grantor entering the program for vesting the property with children's lot rights. This letter also ensures that your children's rights are protected in case of an estate settlement. As we have found no such Letter of Intent in your file, we ask that you sign the form and return it to us now. We already have the needed birth certificates.

If you decide to continue with the subdivision at this time, you may record the grantor's lot. In situations similar to yours, we have allowed the final subdivision plat to show future lots with dashed lines. The dashed-in lots should be labeled: "location of potential future lots for grantor's children only, as approved by the Agricultural Land Preservation Board November 13, 2000." The dashing-in of lots only signals your **intent** to create these lots later. It in no way "grandfathers" those lots to any set of regulations nor does it ensure that they can be subdivided later if regulations change. When you are ready to build on any of the proposed lots, you will have to re-record the subdivision to legally establish the children's lots.

If you have any further questions about the subdivision process, please contact Cindy Hamilton at 410-313-2350. If I can be of any assistance with agricultural land preservation issues, including the attached Letters of Intent and Understanding, please contact me at 410-313-5407. Again, we are sorry for the length of time it has taken to resolve the issues surrounding your request.

Sincerely,



Jeffrey C. Everett, Administrator  
Agricultural Land Preservation Program

cc: Joseph Rutter, Director, DPZ  
Lisa O'Brien, Office of Law  
Cindy Hamilton, Division of Land Development  
Ag Read File  
Ag File #HO-90-12E

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DEPARTMENT OF PLANNING & ZONING

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*Joseph W. Rutter, Jr., Director*

March 18, 2002

Reese and Carney, LLP  
Attn: David A. Carney  
10715 Charter Drive  
Columbia, MD 21044

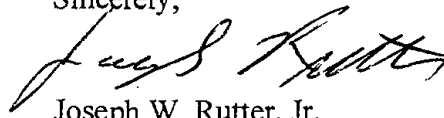
Dear Mr. Carney:

Per our recent telephone conversation, I am responding in writing to the issue of creating child's lots on property owned by Carole Asbury and Richard Scott Meiklejohn et al, located at 2720 Jennings Chapel Road, Woodbine, on which there is an agricultural preservation easement held by Howard County. Although Jeffrey C. Everett, Agricultural Land Preservation Program Administrator, discussed this issue in correspondence dated May 25, 2001, and February 22, 2002 (please see attached letters) I am reaffirming the Department of Planning and Zoning's policy in regard to the process for creating child's lots.

As you are undoubtedly aware, County agricultural preservation easements recorded prior to 1993 contain a provision that gives grantors the right to create a one acre lot for each child at a ratio not to exceed 1 dwelling per 20 acres or portion thereof on land subject to the easement. This provision only allows original grantors the ability to exercise this retained right, which does not run with the land. However, the Department of Planning and Zoning developed a policy that would preserve child's lots in case the original grantor(s) died before exercising that right. This policy, known as "Letter of Intent--Children's Lots", allows the grantor(s) to specify which children are to receive lots and requires that birth certificates be attached for each child. However, this policy specifies that the release of lots from the easement and actual subdivision of those lots may not occur until each child is ready to build. Supplementing that policy is another Department of Planning and Zoning policy known as "Letter of Understanding--Release of Individual Lot" that specifically states that a principal dwelling must be built within a year after a child's lot has been formally subdivided and recorded. The intent of this policy is to avoid situations where the original grantor(s) of the easement create a child's lot and then convey the property to another party before the lot is occupied by the grantor's child, thereby defeating the purpose of permitting child's lots.


Since the Asburys have already received approval by the Agricultural Preservation Board, they may proceed with formal subdivision of the owner's lot and the two child's lots, subject to all Planning and Zoning policies and regulations; they may record the owner's lot at any time while they own the property. However, please be aware that the "Letter of Understanding--Release of Individual Lot" policy remains in effect. Thus, they must wait until their children are ready to build before recording the child's lots; a signed Letter of Understanding must precede the recordation of each child's lot. If they wish, the Asburys may record the owner's lot plat with the child's lots dashed-in and labeled as potential future lots. Please do not hesitate to contact me at 410-313-2350 if I can be of further assistance.

Sincerely,



Joseph W. Rutter, Jr.  
Director of Planning and Zoning

Attachments

cc: Jeffrey C. Everett, Agricultural Land Preservation Program Administrator  
 Cynthia S. Hamilton, Chief, Division of Land Development

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DEPARTMENT OF PLANNING & ZONING

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*Joseph W. Rutter, Jr., Director*  
February 22, 2002

Reese and Carney, LLP  
Attn: David A. Carney  
10715 Charter Drive  
Columbia, MD 21044

Dear Mr. Carney:

I am responding to your correspondence addressed to Joseph Rutter, Jr., Director of Planning and Zoning dated February 6, 2002. This correspondence involves the issue of creating child's lots on property owned by Carole Asbury and Richard Scott Meiklejohn et al, located at 2720 Jennings Chapel Road, Woodbine, identified as Howard County Agricultural Land Preservation Easement #HO-90-12E. This issue was previously discussed in my letter dated May 25, 2001 (please refer to attached copy).

In consultation with Mr. Rutter, I have affirmed that the Department of Planning and Zoning policy entitled "Letter of Understanding--Release of Individual Lot" applies to all agricultural preservation easements dated prior to 1993 where child's lots are specifically set forth as one of the reserved rights. This policy requires that a dwelling be built within a year after a child's lot has been formally subdivided. The intent of this policy is to avoid situations where the original grantor(s) of the easement create a child's lot and then convey the property to another party before the lot is occupied by the grantor's child, thereby defeating the purpose of child's lots.

Since the Asburys have already received approval by the Agricultural Preservation Board, they may proceed with formal subdivision of the owner's lot and the two child's lots, subject to all Planning and Zoning policies and regulations; they may record the owner's lot at any time while they own the property. However, please be aware that the "Letter of Understanding--Release of Individual Lot" policy remains in effect. Thus, they must wait until their children are ready to build before recording the child's lots. A signed Letter of Understanding must precede the recordation of the child's lots. As stated in my letter of May 25, 2001, the Asburys may record the owner's lot plat with the child's lots dashed-in and labeled as potential future lots. Please do not hesitate to contact me at 410-313-5407 if I can be of further assistance.

Sincerely,

Jeffrey C. Everett, Administrator  
Agricultural Land Preservation Program

cc: Ag Read File, #HO-90-12E File  
 Carole Asbury  
Joseph Rutter, Jr., Dept. of Planning and Zoning; Lisa O'Brien, Office of Law

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