



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

April 15, 2010

Bruce Gist, Director School Planning and Construction
10910 Maryland Route 108
Ellicott City, MD. 21042

RE: WP-10-125 (Thunder Hill Elementary)

Dear Mr. Gist:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive Section **16.1202(b)(1)(iii)**.

Approval is subject to the following conditions:

1. No specimen tree(s) may be removed and no impacts to the perennial stream or its buffer may occur.
2. A fee-in-lieu payment of \$9,801.00 shall be paid to the Forest Conservation Fund, Section 16.1211 Account #019-005-4206 *
 - * For County projects, a copy of the memorandum authorizing the Department of Finance, Bureau of Accounting, to transfer this amount to the Forest Conservation account must be submitted, rather than a check.
3. The associated SDP red-line must be updated with the waiver file number, applicable section number, date of approval and conditions.

NOTE: Please be advised that the 2007 Stormwater Management Regulations are currently in effect, but new State Regulations will go into effect on May 4, 2010. Any projects not having an approved stormwater management plan and sediment and erosion control plan by May 4, 2010 will require revised plans designed to current regulations.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Strict compliance with the newly amended forest conservation regulations would result in the requirement to incorporate the entire 14.8 acres into the Net Tract Area. This in turn would result in the requirement of 2.1 acres of planting and all related fees associated with preparing a FCP and planting and maintaining those acres of forest. These costs are considered a hardship based on the fact that the scope of the project is minimal and the areas impacted are part of any active elementary school campus.

In addition, the planting of 2.1 acres of forest (and placing the acreage into a protective, restrictive easement) would greatly encumber the flexibility of the school campus, in that it would possibly restrict future expansion and or reconfiguration of the campus.

See also the justification provided by the consultant submitted on March 22, 2010.

Detrimental to the Public Interest:

Approval of the waiver would allow "the site to remain relatively unencumbered so that site-use flexibility could be maximized to meet the needs of the community as they evolve in the future. The public interest would be served by complying with the overall intent of the Regulations while balancing the economics and land use needs of the project". See also the justification provided by the consultant submitted on March 22, 2010.

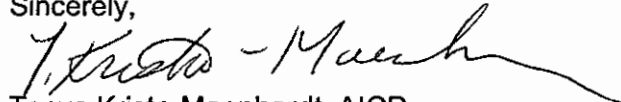
Nullifies the Intent or Purpose of the Regulations:

The Intent and Purpose of the Regulations would not be nullified with the approval of the waiver. No forest resources would be impacted by the proposed additions to the existing elementary school site. The proposed waiver does not seek to exempt the project entirely, but merely wishes to use the Limits of Disturbance (LOD) as the Net Tract Area. The applicant has proffered a fee-in-lieu for the 0.3 acres of forest conservation obligation based on a Net Tract Area equal to the LOD (1.5 acres). See also the justification provided by the consultant submitted on March 22, 2010.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as the site development plan remains in active processing.

If you have any questions, please contact me at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Tanya Krista-Maenhardt, AICP
Division of Land Development

KS/tkm/waivers 2010/thunder Hill Elementary WP-10-0125 approval

cc: Research
DED
FCC