



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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May 02, 2011

Mr. Mark S. Richmond
Howard County Department of Public Works
Stormwater Management Division
6751 Columbia Gateway, Suite 514
Columbia, MD 21046

RE: WP-11-135, Brampton Hills, 1/1, Open Space Lot 76 and Brampton Hills, 4/1, Open Space Lot 116, Capital Project D-1160 SWM Retrofit

Dear Mr. Richmond:

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

As of the date of this letter, the Planning Director **approved** your request to waive Subdivision Sections:

1. 16.155(a)(1)(ii), and not be required to submit and obtain approval of a site development plan for the improvements proposed per Capital Project D-1160, which will have a limit of disturbance ("LOD") exceeding 5,000 square feet, and;
2. 16.1201(n) and 16.1204(d)(1), to be allowed to use the "LOD" for the proposed Capital Project D-1160 improvements to compute the forest conservation requirement for this project rather than the net tract area of this site.

The approval of this waiver petition is *subject to compliance with the following condition of approval:*

1. The DPW and DRP shall coordinate and cooperate together to minimize the removal of existing trees/forest, and address the forest conservation obligation for Capital Project D-1160.
2. The required forest conservation fee-in-lieu payment of \$39,204.00:
 - A. The required forest conservation fee-in-lieu of \$39,204.00 for the forest conservation obligation of 1.20 ac. of reforestation for this project shall be paid/transferred to the Ho. Co. Forest Conservation Fund.

Payment to the Director of Finance, Howard County, of a fee-in-lieu to the Ho. Co. Forest Conservation Fund (to be paid prior to or concurrently with the submission of the plan originals for signature approval).

Forest Conservation Fund - Section 16.1211 **Fee \$39,204.00***
SAP Acct 2060000000-3000-3000000000-PWPW000000000000-432521

* For County projects, a copy of the memorandum authorizing

the Department of Finance, Bureau of Accounting, to transfer this amount to the Ho. Co. Forest Conservation Fund account may be submitted, rather than a check.

- B. A copy of the receipt for the payment or transfer of \$39,204.00 to the Ho. Co. Forest Conservation Fund shall be submitted to Mrs. Brenda Luber of the Division of Land Development of the Department of Planning and Zoning.
 - C. A completed Forest Conservation Data Summary for this project/plan shall be submitted to Mrs. Brenda Luber of the Division of Land Development of the Department of Planning and Zoning. You may pull up the document by going to: <http://www.howardcountymd.gov/DPZ/DPZDocs/FOCODATA.pdf>.
3. Add "Brampton Hills, 1/1, Open Space Lot 76, Brampton Hills, 4/1, Open Space Lot 116" and "Capital Project D-1160" to the title blocks on all plan sheets.
 4. Identify "Open Space Lot 76" and "Open Space Lot 116" on the plans.
 5. Indicate the acreage of Open Space Lot 76 and the acreage of Open Space Lot 116 in the Site Analysis Data Chart on plan sheet 1.
 6. Change General Note 16 on plan sheet 1 to read as follows:

"The Howard County Department of Public Works (DPW) has satisfied the forest conservation obligation of 1.2 acres of reforestation for this plan with a fee-in-lieu payment of \$39,204.00 made to the Howard County Forest Conservation Fund. The fee-in-lieu payment will be used for plantings within the watershed as agreed upon in the 01/24/2011 meeting with the Department of Recreation and Parks and the Department of Planning and Zoning."
 7. Add a detailed note to the General Notes on plan sheet 1 for this waiver petition that indicates this waiver petition file number, the sections of the Regulations, request, action, conditions of approval, and the approval date.
 8. Complete the plan sheet numbers.

Justification for the recommendation of approval for this waiver petition request:

1. This waiver petition request if approved will serve the public interest as it will allow the project to be completed in an expedited manner which will increase water quality, decrease potential damage to public open space, the stream and adjacent residential properties, and reduce the cost of this project which will use public funds/money.
2. The Petitioner would experience extraordinary hardship and practical difficulties if strict compliance with the Regulations was required. The majority of the 17.782 +/- acre site will remain undisturbed as the proposed limit of disturbance is only 2.56 acres, and most of that is located in the previous "LOD" for the existing SWMF's. The forest conservation obligation for the 17.782 +/- site would be considerable, and would result in an extraordinary hardship

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for the Petitioner and may negatively affect the viability of the project.

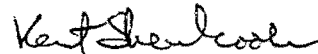
3. This waiver petition request if approved will not nullify the intent or purpose of the Regulations as the forest conservation obligation will be met for the proposed "LOD", but not for the areas of the site not to be disturbed by this project.

Indicate this waiver petition file number, sections of the regulations, requests, action, conditions of approval, and approval date in a detailed note on sheet 1 of the plan for "Capital Project D-1160".

This waiver petition approval will remain valid for as long as "Capital Project D-1160" is active.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

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KS/MA/WP11135.appr.ltr.

cc: File
Research
DED
RES/DPW
DRP
HSCD
DILP
Cindy Hamilton, Chief, DPSZA
Forest Conservation Coordinator
Marian Honeczy, AICP, CA - Maryland DNR
KCI Technologies