



Howard County Department of Planning And Zoning

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Marsha S. McLaughlin, Director

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November 22, 2013

Howard County
Department of Recreation and Parks
attn: Raul Delerme
7120 Oakland Mills Road
Columbia MD 21046

RE: WP-14-052 Middle Patuxent Environmental Area

Dear Mr. Delerme:

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 the following section of the Subdivision and Land Development Regulations:

Section 16.116(a)(2)(iii) - Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 100 feet of a perennial stream for use III and IV streams. The applicant is seeking land disturbance within the 100-foot stream buffer for a County Capital Project.

Approval is subject to the following six (6) conditions:

1. The applicant shall acquire all required State and/or Corps of Engineers permits for disturbance within the 100-foot stream buffer.
2. Forest Conservation for the limit of disturbance (LOD) must be addressed only for the R-20 zoned portion of this environmental area on the forthcoming SDP submission and areas identified as high priority for forest retention must be delineated and protected from disturbance to the maximum extent possible.
3. No disturbance is permitted beyond the limit of disturbance shown on the waiver petition plan exhibit unless it can sufficiently be demonstrated to be necessary or essential.
4. On the forthcoming Site Development Plan, provide a brief description of the waiver petition (WP-14-052), as a general note to include request(s), section(s) of the regulations, action and date.
5. All disturbed areas must be stabilized and replanted as appropriate immediately upon completion of the project.
6. A pre-submission community meeting as required under Section 16.156(a)(2) of the Subdivision and Land Development Regulations must be held to provide residentially zoned property owners that are adjacent to this environmental area the opportunity to hear and comment on this proposal.

Justification for Recommendation:Hardship:

By requiring the Department of Recreation and Parks to comply with Section 16.116(a)(2)(iii) of the Subdivision and Land Development Regulations, an undue hardship would be imposed on this capital project. The hardship would inhibit the Department's ability to improve access to and from the environmental area and would negate an opportunity to improve the infrastructure on the site to support Department operations and patrons who visit. An existing gravel driveway is already within the stream buffer and under its current condition it is not suitable for providing permanent access for Department personnel and patrons who visit this environmental area. The proposed improvements are deemed as an essential disturbance to the 100-foot stream buffer for the reasons presented in this justification.

Alternative:

The only other alternative proposal is to relocate the entrance road to another location along Trotter Road but that would require additional clearing of forested land from other locations of this environmental area to satisfy the capital project objectives. The contractor for the Department of Recreation and Parks will adequately stabilize the area that has been disturbed and will provide ESD stormwater management practices that will control stormwater runoff from the site.

Not detrimental to public interest:

Approval of the waiver request will not alter the essential character of the neighborhood and will not impair the appropriate use or development of the surrounding residential properties. Land development practices such as storm water management, sediment and erosion control, and permanent stabilization of all disturbed areas will be provided by the contractor.

Not nullify the intent or purpose of the regulations:

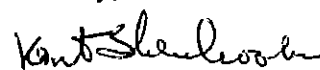
Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall purpose of the project is to improve access and site conditions for Rec and Park personnel and patrons who may visit the site. All SRC agencies have recommended approval of this waiver request.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on the forthcoming site development plan and subsequent permits.

This waiver will remain valid for one year from the date of this letter or as long as the forthcoming SDP is in active processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research, DED
DPW – Tom Auyeung
WR&A – Brad Jones