



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

October 21, 2014

Cattail Creek Country Club
3600 Cattail Creek Drive
Glenwood, Maryland 21738

Re: Cattail Creek Country Club
Waiver Petition WP-15-047
(Site Development Plan SDP-91-106, redline revision)

Dear Sir or Madam:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.1201(n) and 16.1204(d)(1) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow an alternate method (the area of the project limit-of-disturbance) to be used to determine the project net tract area in order to compute the forest conservation obligation of the project referenced. It was determined that a waiver of Subsection 16.1204(d)(1) is unnecessary since the intent of the waiver is to redefine the net tract area for forest conservation calculations; Subsection 16.1204(d)(1) is unrelated to the definition of net tract area.

As of the date of this letter, the Planning Director approved your request to waive Subsection 16.1201(n), subject to the following conditions:

1. Petitioner shall submit to the Department of Planning and Zoning a revised copy of the redline revision to SDP-91-106 reflecting approval of this waiver.
2. Petitioner shall submit to the Department of Planning and Zoning a redline revision to SDP-14-005, Forever-A-Farm Forest Retention Bank, reflecting the satisfaction of the forest conservation obligation resulting from the project.
3. Petitioner shall submit a completed Forest Conservation Data Summary for the redline revision to SDP-91-106 to the DPZ, Division of Land Development, Attn: Dave Boellner.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner has demonstrated that if the waiver is not granted the petitioner would be required to address the entire gross site area, which totals 106.97 acres. The efforts required to provide a formal forest stand delineation, forest conservation plan and associated record plats would generate unnecessary costs and would be needlessly time consuming. The burden of these efforts would be extraordinarily high for an improvement that neither creates structures nor removes any existing forest. It would not be unusual to more accurately categorize the proposed work as a minor grading effort. As a golf course provides outdoor and seasonal activities, the timing required to address all that is necessary to satisfy forest obligations for the

entire site would force the improvement efforts to be out of season with the effective operation of the golf course.

Waiver approval will not be detrimental to the public interest.

Approval of this waiver, based on the petition and exhibits submitted, will not alter the current use or impact any surrounding properties. As no forest is being disturbed by the efforts for which the waiver is required, use of the area of the limit-of-disturbance for the net tract area will not create any negative effects to the public interest.

Waiver approval will not nullify the intent or purpose of the regulations.

Approval of the waiver petition will not nullify the intent or purpose of the regulations. Using the limit-of-disturbance as the net tract area will create a forest conservation obligation within reason relative to the area of the site affected by the project. This approach is more compatible with the intent of the regulations and does not create a large burden for a project consisting only of minor grading and the relocation of a cart path. The project creates little additional impervious area and involves no structures and no disturbance to existing forest.

The purpose of the regulations may be served to a greater extent by an alternative proposal.

The petitioner has demonstrated that approval of this waiver is a reasonable alternative to requiring that the total site area be used for calculation of the forest conservation obligation. It is reasonable to presume that the intent of the regulations is to provide the adequate amount of forest obligation relative to the scope of improvements. Should the waiver be denied, the required obligation would be unreasonably out of proportion with the actual area disturbed by the project.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on the related redline revision. This waiver will remain valid for one year from the date of this letter or as long as the redline revision and grading plan remain in active processing.

Should you have any questions, please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development
KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
DPZ – Forest Conservation Coordinator
Marian Honeczy – Maryland Department of Natural Resources
Fisher, Collins & Carter, Inc.