



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

January 4, 2016

Estate of F. J. Schulte  
2215 Duvall Road  
Woodbine, Maryland 21797

RE: WP-16-084, Fairlane Farm

Dear Owner:

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(a)(1)** of the Howard County Code, which requires approval of a Forest Conservation Plan for the entire project as part of the subdivision plan submission. The applicant is requesting the forest conservation requirement be reviewed in phases rather than entirely under phase one.

Approval is subject to the following condition:

1. Phase 1 of the development shall address the forest conservation requirement for the entire development, except the stream channelization area indicated as Public Forest Conservation Easement 6 on the waiver petition exhibit. Public Forest Conservation Easement 6 shall be addressed with Phase 2 of the development.

Our decision was made based on the following:

#### *Extraordinary Hardship or Practical Difficulty*

The breaching of the farm ponds, under Phase 2, will be replaced with a natural stream channel and riparian area with forest plantings and created wetlands. The applicant is proposing to place the forest planting areas, within this priority location, in permanent forest conservation easement. Since the stream channelization design will not be finalized until Phase 2 of the development the forest conservation plan and easements will not be finalized until Phase 2. A practical hardship and misrepresentation of the forest conservation plan would occur if the applicant were required to include the entire forest conservation plan and easement obligation under Phase 1 of the development.

#### *Alternative Proposal Will Serve the Regulations to a Greater Extent*

If the entire forest conservation obligation was provided with Phase 1 of the development the applicant would be required to redline the forest conservation plan upon finalization of the stream channelization design.

#### *Not Detrimental to the Public Interest*

Showing the entire forest conservation obligation under Phase 1 will be misleading to the public because the forest conservation plan and easements will not be finalized until Phase 2 of the development when the stream channelization plans are depicted on the plan, as approved by the Maryland Department of the Environment and Corp of Engineers. Therefore, phasing the forest conservation plan and easement obligation will not be detrimental to the public interest.

*Will Not Nullify the Intent or Purpose of the Regulations*

Approval of the waiver request will not nullify the intent or purpose of the Regulations since it is only a mechanism for the temporary deferral of the forest conservation obligation until the stream channelization project is finalized and approved by the Maryland Department of the Environment and Corp of Engineers. The subdivision will ultimately provide the required forest conservation obligation upon completion of Phase 2 of the development.

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 this subdivision plan remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at [jboone@howardcountymd.gov](mailto:jboone@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/jb

cc: Research  
DED  
RES  
FCC  
Land Design and Development  
Marian Honeczy - DNR

**F-15-054**