



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

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August 10, 2010

Rick Powell

Howard County Department of Public Works  
6751 Columbia Gateway Drive, Fifth Floor  
Columbia, Maryland 21046

Re: Hi Tech Drive Stream Restoration  
Waiver Petition WP-11-003

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 Subsections 16.103(j), 16.1205(n)(1), and 16.1205(a)(10) of the Howard County Code. Approval is subject to the following conditions:

1. Petitioner shall coordinate with the Howard County Department of Public Works, Real Estate Services Division and prepare a grant of easement plat using a GIS file of the approved forest conservation easement. The DPW will provide DPZ with a recorded copy of the grant of easement plat and the GIS file shall be submitted to DPZ prior to signature approval of SDP-10-095 plan originals.
2. Immediately after recordation, DPW or DPZ shall stamp a note on the DPZ public service desk copy of the recorded plat numbers 20445 through 20449 (F-08-186) indicating the approximate location and liber and folio recording references for the new forest conservation easement. This note will explain that the plat of easement supplements rather than supersedes the existing plat of record and that all information on the previous plat remains valid except for the new FCE.
3. Petitioner shall obtain authorization from the Maryland Department of the Environment and U.S. Army Corps of Engineers for activities in regulated areas associated with the project.

Our decision was made based on the following:

*Extraordinary Hardship or Practical Difficulty*

The petitioner would incur extraordinary hardship if required to compute forest conservation obligations based on net tract area as defined by policy. The project limit-of-disturbance is relatively small and a great majority of this is floodplain. Use of the area of the undisturbed portions of the lots on which the project will take place to determine forest conservation obligations is unnecessary since they are in no way affected by the project.

The petitioner has demonstrated that preservation of a specimen tree found adjacent to the eroding stream will result in extraordinary hardship, either in the design of a substandard plan (which may again result in stream instability, which could result in loss of the tree that the plan was meant to

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preserve), or a no-build option which would continue to threaten the structural integrity of the on-site sanitary sewer and the tree.

*Alternative Proposal*

The petitioner has presented with the waiver petition a satisfactory alternative to strict adherence to the requirements and policy regarding easement recordation and forest conservation regulations.

*Not Detrimental to the Public Interest*

The site is an isolated stream reach in need of stabilization. Approval of this waiver based on the petition submitted, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest.

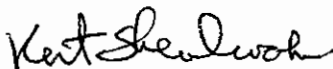
*Will Not Nullify the Intent or Purpose of the Regulations*

Approval of this waiver request will not nullify the intent of the regulations. The forest conservation obligation will be computed based on the relevant areas of the lots affected by the project. The methodology submitted with the waiver petition represents a suitable substitute for determining the obligation, fulfilling the intent of the regulations.

Indicate this waiver petition file number on all related plats and site development plans. This waiver will remain valid for one year from the date of this letter or as long as Site Development Plan SDP-10-095 remains valid.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Acting Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
KCI Technologies