



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

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December 19, 2011

Howard County Dept. of Recreation & Parks
7120 Oakland Mills Rd.
Columbia, MD. 21046
ATTN: R. Delerme & P. Walsky

RE: WP-12-039 (Rockburn Branch Bicycle Skills Course)

Dear Mr. Delerme and Mr. Walsky:

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 16.155(a)(1)(i)** which requires a Site Development Plan for any new or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities, but excluding road, water, sewer or drainage improvements and development associated with a use permit approved by the Department in accordance with Section 128 of the Zoning Regulations and to **Section 16.1201(n): Definitions: "Net Tract Area" and Section 16.1202(a): Applicability; Exemptions; Declaration of Intent** to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation easement obligation.

Approval is subject to the following conditions:

1. The off-site retention may be provided at a 1:1 ratio.
2. Within 6 months of this waiver petition approval (**on or before June 19, 2012**) the 11" X 8.5" Grant of Easement Plat for the Forest Conservation Easement (on Tax Map 31, Parcel 138) must be recorded by the Department of Public Works, Real Estate Services Division, and the Forest Conservation Easement must be added to the GIS Forest Conservation overlay.
3. Disturbance of any wetland, stream or their associated buffers is not permitted.
4. The trails may only be used by non-motorized bicycles.
5. Parking is permitted only in designated parking areas. No parking of vehicles is permitted on designated trails. It is expected that these newly proposed trails shall be accessed on foot and/or bicycle only.
6. Approval of this waiver is only for the trails as shown on the waiver exhibits submitted on September 20, 2011 and December 13, 2011. The applicant is advised that any additional development of the site may require the submission and approval of a site development plan.
7. All conditions of the Development Engineering Division as outlined in their comments of September 26, 2011 must be met.
8. The applicant shall obtain all applicable permits (grading and building) through the Department of Inspections, Licenses and Permits.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

The applicant would incur practical difficulty and unnecessary hardship if the waiver request were not approved. Requiring a site development plan (SDP) to construct trails within an existing park that creates no additional impervious surface, would require a substantial and unwarranted cost to hire an engineering consulting firm to complete a new SDP and an undue amount of time for processing and review.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Approval of this waiver request will not nullify the Intent of the Regulations nor be Detrimental to the Public Interest. The waiver petition exhibit, along with the associated justification, provides sufficient information necessary to satisfy the intent and purpose of the regulations. Per the submitted justification, "the project was designed with all County and State regulations in mind. All efforts will be made to minimize disturbance within the proposed LOD area and not disturb existing trees. All work will be completed by skid-steers and with hand tools-no mass grading will take place. The very nature of the project is to create a useable bicycle course with minimum disturbance or impact to the existing woodland. There will be no impacts to nearby wetlands or environmentally sensitive areas. Full compliance of the County's erosion and sediment control and swm regulations will be complied with. No significant alteration to vehicular access, parking or drainage will occur with the creation of the skills course." Landscaping is not required as there will be no new on-site structures and parking is adequately addressed with existing parking areas in close proximity of the proposed trail system.

A majority of the park was developed prior to December 31, 1992 and therefore the entire facility did not have to comply with State and County forest regulations. Since 1992, impacts to the park have addressed forest conservation requirements on a project-by-project basis and to-date there are 35.82 acres of protected forest conservation easement areas within the park. As remaining areas within the park are developed, it is expected that they will address forest conservation requirements at the time of submittal. Allowing the Bicycle Skills Course to base its Net Tract Area on Limit of Disturbance is in keeping with past and future development of the park.

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 the time period specified in the condition #2 of approval or as long as this grading plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2011/Rockburn Branch Bicycle Skills Course approval WP-12-039 12-19-11

cc: Research
DED
M. Honeczy-DNR