



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

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October 24, 2012

Mark Richmond
Department of Public Works
6751 Columbia Gateway Drive, Ste. 514
Columbia, Maryland 21046

RE: WP-13-044: 3327 Oak West Drive

Dear Mr. Richmond:

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)** of the Subdivision and Land Development Regulations which states that a site development plan is required for new or expanded nonresidential development, **Section 16.1201(n)** of the Subdivision and Land Development Regulations which requires that forest conservation calculations be based on the "Net Tract Area", and **Section 16.1205(a)(7) & (10)** of the Subdivision and Land Development Regulations which requires the retention of State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. This waiver is to allow Howard County Department of Public Works to rehabilitate an existing stormwater management pond and stabilize approximately 190 linear feet of eroding stream under Capital Project D-1160 without submitting a standard SDP for review, allowing the forest conservation calculations to be based on the limit of disturbance and to remove a specimen tree (31" red maple in poor condition and located on the pond embankment)..

Approval is subject to the following conditions:

1. The waiver petition plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the limit of disturbance as shown on the waiver exhibit.
2. Prior to the commencement of Capital Project D-1160 the Department of Public Works shall forward the executed right-of-entry document for site access to the Oak West Association, Inc. Lot 77 to the Department of Planning and Zoning, Division of Land Development.
3. Prior to the commencement of Capital Project D-1160 the Department of Public Works shall pay a fee-in-lieu in the amount of \$6,534.00 for the reforestation obligation of 0.20 acres (8,712 sq. ft. LOD x 0.75 reforestation rate). The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPW000000000000-432521. A copy of the transfer receipt shall be submitted to DPZ, Division of Land Development for file retention records. Also, DPW must submit to DPZ,

Division of Land Development a completed Forest Conservation Data Summary for this project (see attachment).

4. Once Capital Project D-1160 is complete the limit of disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Justification from the applicant – The proposed Capital Project is needed to address a non-functioning stormwater management pond and an eroding stream system that is negatively impacting County open space, which is an environmental and public safety concern. Strict compliance to the Sections noted above would required additional time, effort and cost to address a large amount of land that is no way affected by the proposed project. The additional work would include a forest stand delineation and survey work in the field, as well as additional computations, mapping, report, plan and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design or construction of the project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for this project.

Not Detrimental to the Public Interest

Justification from the applicant – The existing stream is currently down cutting, eroding stream banks, and causing a loss of trees and stream buffer vegetation. The loss of the trees further destabilizes the steam banks, thus accelerating the rate and amount of erosion. The erosion problem threatens to undermine the pond embankment, and if continued, will cause the loss of open space and stream buffer, and falling trees can pose a safety hazard for residents. Public interests and safety will be improved by the proposed project.

Will not Nullify the Intent or Purpose of the Regulations

Justification from the applicant – The project is being done to repair a failed stormwater management pond and stabilize an eroding stream bank. The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site. The project will be designed with the forest necessary for constructing the project. Furthermore, the very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. DPW is also working with DRP to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work.

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 the grading plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JB:jb

cc: Research
DED
DILP
DPW, RES
DPZ, Zoning
WP-13-044

