



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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September 25, 2013

Ronald Phelps
8369 Old Frederick Road
Ellicott City, Maryland 21043

RE: WP-14-019/Phelps Property, Lot 2

Dear Mr. Phelps:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.120(b)(4)(iii)b requiring forest conservation easements be located on lots of 10 acres or greater and Section 16.116(a)(4) requiring buffers for wetlands and streams be delineated on final plats. **Approval is subject to the following conditions:**

1. The property owner shall be required to record a Plat of Revision and a Forest Conservation Plat of Easement which may also be combined to show the proposed Density Sending units and to process a site development plan to establish the area of the Forest Conservation Easement Bank.
2. The area of easement placed into a Forest Conservation Easement Bank shall be a minimum of one acre in size to include approximately .29 acres of reforestation.
3. A 35' environmental buffer shall be shown around the northern and eastern Forest Conservation easement line and a minimum width of 20' along the western property line shall be excluded from the retention easement area to provide an access driveway to the existing well located to the southwest on Lot 2 (as required by the Health Department for access to the well).
4. The area of the existing well and house water line from the well to the house located on Lot 2 shall not be placed into easement area. The property owner is required to consult with the Health Department for further restrictions regarding access to the existing/proposed wells and house water line and shall remove further areas from the Forest Conservation Easement as applicable.
5. A 20' wide environmental buffer shall be shown from the eastern consolidated gas, electric, light and power company right-of-way (overhead power lines) to the proposed .30 acres of proposed reforestation area. Reforestation plantings shall consist of native tree species which will not exceed 40' in height. Vehicular access to the planting area(s) shall not be through the area of existing forest.
6. Removal of invasive plant species, building materials (cinder blocks) and other debris (where applicable) shall be required and interior plantings installed where junk vehicle(s) were removed.
7. A Developer's Agreement and posting of surety for the establishment of the Bank shall be required under the site development plan.


8. The approximate area of wetlands, the perennial stream and their buffers as depicted on the waiver petition exhibit shall be shown on the Revision Plat and Forest Conservation Plat of Easement but waiver to delineate the environmental features by metes and bounds description is approved. The Department of Planning and Zoning has, however, issued an interpretation that metes and bounds description is not required for wetlands or their buffers but their approximate locations shall be shown on the Plat of Revision for informational purposes.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Lot 2 is 3.41 acres in size and is triangular in shape with a 50' wide pipestem to Old Frederick Road. The pipestem is approximately 351' in length and is totally encumbered with a 66' wide "Consolidated Gas, Electric, Light and Power Company Right-of-Way" per Plat No. 4678 (F-81-07). The lot contains an existing house, shed, reserved septic area, well and future well box situated along the western portion of the lot. Access to the house is by a western shared driveway across Lot 1. Lot 2 consists mainly of steep slopes, forest and an eastern section of a perennial stream, wetlands and their buffers. This lot adjoins the Patapsco Valley State Park to the south and is considered of high priority for retention of the existing forest which will also serve to protect environmental features on site. To deny the waiver requests would result in the loss to provide a Forest Conservation Bank in the eastern part of the County and could possibly allow for the further subdivision of the lot. The better solution is to allow a forest conservation easement on a lot less than ten acres in size, but no smaller than one acre. The owner shall remove from easement the existing well area and consult with the Health Department as to location of the house water line from the well and remove this area from easement as appropriate. The Health Department also requires a minimum of 20' wide access to the existing/proposed wells for maintenance vehicles which also cannot be placed into easement. The owner should possibly consider connection to available public water which will result in an increase in the size of the retention area.
2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. Forest Retention is a goal of the Forest Conservation Program. The property owner is striving towards meeting this goal by creating a forest conservation bank which will serve to enhance critical habitat buffers and provide a wider wildlife forest corridor. The Program favors protection of forest stands, steep slopes and sensitive environmental areas by maintaining large contiguous undisturbed forest rather than saving isolated resources. Approval of the waiver requests will accomplish this goal.
3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to preserve existing forest and to provide further banking opportunities in the eastern portion of the County. Surrounding property owners will benefit from establishment of the bank by being buffered with a larger, contiguous wooded area adjacent to the Patapsco State Park and by prevention of further development of the site.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. Approval of the requested waivers will remain valid for a period of one year from the date of this letter or as long as the associated development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

:btb

cc: Research/DED/RES
John Carney/Benchmark Engineering
Forest Conservation Coordinator