



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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November 20, 2013

Fisher, Collins & Carter, Inc.
10272 Baltimore National Pike
Ellicott City, MD 21042
Attn: Charles J. Crovo, Sr.

RE: Deep Run Elementary School Expansion
6925 Old Waterloo Road, Elkridge
WP-14-044 (SDP-89-098 & SDP-97-091)

Dear Mr. Crovo:

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 **Sections 16.1201.(n) and 16.1204.(d).(1)**. The applicant is seeking to be allowed to revise the standard forest conservation obligation calculation of the net tract area to be defined by the limit of disturbance (LOD) for the area of the proposed site expansion and not defined by the gross area of the site minus floodplains and utilities.

Approval is subject to the following conditions:

1. The forest conservation obligation for the proposed expansion of this site shall be limited to the area of disturbance. The corresponding obligation shall be satisfied by creating an on-site forest conservation retention easement as shown on the waiver plan exhibit to address the afforestation obligation requirement that is calculated by using the limit of disturbance as the net tract area, or any other acceptable method to address the forest conservation obligation.
2. Any future and further development of this site, outside the current LOD, will be required to comply with afforestation obligation of the Forest Conservation Act.
3. Compliance with all SRC Agency comments generated with the review of the site development plan for the proposed expansion.
4. The consultant shall submit a FCP and Forest Conservation Easement Plat for review and approval by DPZ and as part of the site development plan submission for the proposed expansion.

Our decision was made based on the following:

- Summary of the extraordinary hardship or practical difficulty resulting from strict compliance with the regulations: Strict compliance with the regulation would result in the project having to comply with the afforestation obligation of the Forest Conservation Act for this entire site. Since most of the site will be left undisturbed and because the majority of the site has already been developed into a variety of school uses, it is unwarranted that the project should incur an afforestation obligation for the entire site. Strict compliance with the regulation would result in an increase in

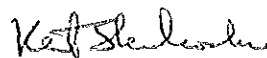
the project cost. Increasing the cost of the project creates a hardship for the applicant because this is a public school project that will not generate income and has budget restrictions. Increasing the cost of regulatory compliance could reduce the scope of the proposed improvements and this would reduce the efficiency and function of the project and reduce the overall benefit to the community.

- The intent of the regulations will be served through the implementation of the alternative proposal: It is the consultant's alternative proposal to create a forest retention easement which will encompass the entire area of on-site forest (0.8 acres). This easement will fulfill the 0.7 acre afforestation obligation calculated using the limit of disturbance (LOD) as the "net tract area". The area of the FCE being created will result in a 0.1 acre increase in protected forest resources which can be used in satisfying FC obligations imposed at the time of any future and further development of this site.
- The approval of the waiver will not be detrimental to the public interests: The approval of the waiver petition request will not result in any loss of forest habitat within the County and will serve to minimize the cost of compliance for this phase of development, thereby reducing the amount of tax dollars needed to fund this school project.
- Approval of the waiver will not nullify the intent or purpose of the regulations: The intent of the afforestation obligation is to insure that a certain amount of forest is retained / present on a developed site. The proposed school expansion will meet the afforestation obligation through on-site forest retention by using the proposed LOD as the net tract area and the proposed expansion will be in compliance with the intent of the Regulations. Any future and further development of this site, outside the current LOD, will be required to comply with afforestation obligations.

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.

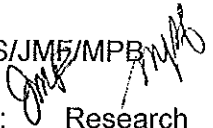
If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-2350 or e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB

cc:  Research
Development Engineering Division
Real Estate Services, DPW
Bruce Gist – Howard County Public Schools
Marian Honecny – DNR, Maryland Forest Service