



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

February 18, 2014

Dennis Matthey
Columbia Association
9450 Gerwig Lane
Columbia, Maryland 21046

Re: Lake Kittamaqundi Multi-Use Trail
Waiver Petition WP-14-079
(Lake Kittamaqundi Restoration, SDP-08-108)

Dear Mr. Matthey:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.115(c)(2), 16.116(a)(1), 16.116(a)(2)(ii) and 16.116(a)(2)(iii) of the Howard County Subdivision and Land Development Regulations. We determined that since Lake Kittamaqundi is a tributary of the Little Patuxent River (a Use IV stream), the lake is considered a Use IV water; a waiver of Subsection 16.116(a)(2)(ii) is therefore unnecessary since it is not applicable.

As of the date of this letter, the Planning Director approved your request, subject to the following conditions:

1. The petitioner shall submit a site development plan or redline revision to SDP-08-108 indicating the proposed project.
2. The petitioner shall obtain State and federal authorization of regulated activities.
3. The petitioner shall obtain all required permits from the Howard County Department of Inspections, Licenses and Permits.
4. The petitioner shall obtain all necessary permissions and/or agreements from SHA for portions of the pathway loop located within the US Route 29 right-of-way.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The petitioner has adequately demonstrated that extraordinary hardship and practical difficulty would be encountered from strict compliance with the regulations. Except for a small portion of the stabilized construction access at South Entrance Road, the proposed work is located exclusively within the limits of the 100-year floodplain of the Little Patuxent River, and there is no feasible alternative. Additionally,

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much of the proposed path is located within the limits of an existing trail, so the area has been previously impacted. Likewise, stream and wetland buffer impacts are unavoidable due to both the topography of the area (the path follows a narrow isthmus between Lake Kittamaqundi and the Little Patuxent River) and the nature of the proposed project.

Waiver approval is not detrimental to the public interest.

The petitioner has adequately demonstrated that approval of this waiver based on the information submitted, in conjunction with adherence to the condition of approval, will not be detrimental to the public interest; to the contrary, the proposal will provide the public with a safe and secure ADA-compliant recreational amenity which will allow for greater access by emergency and maintenance personnel. The project will have no adverse effect on adjacent properties, the surrounding community, or Howard County as a whole.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related redline revisions and site development plans. This waiver will remain valid for one year from the date of this letter or as long as the redline revisions or site development plans remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
BayLand Consultants and Designers