



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 14, 2015

Mr. Dennis Mattey
Columbia Association
Fairway Hills Golf Club
5100 Columbia Road
Columbia, MD 21044

Dear Mr. Mattey:

RE: WP-16-030, Fairway Hills Golf Club, Stream Restoration

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 16.115(c)(2)** which prohibits excavation within the 100-year floodplain; **16.116(a)(2)(iii)** which restricts disturbance within a stream and 100' stream buffer and **16.155(a)(1)(iii)** which requires the submission of a site development plan of the Howard County Subdivision and Land Development Regulations. Waiver approval would absolve the petitioner of the requirement to submit a site development plan for the proposed project and, allow the petitioner to grade within the 100-year floodplain, stream and stream buffer.

Approval is subject to the following conditions:

1. Petitioner shall obtain all required approvals from the Howard Soil Conservation District.
2. Provide super silt fence along the Somers, Fletcher and Fiorello property boundaries to permit soil from eroding onto the adjacent properties and within the floodplain area.
3. Subject to compliance with the MDE Permit No. 201560463/15-NT-3090 dated June 8, 2015.
4. Subject to obtaining any required permits from the Department of Inspections, Licenses and Permits.

Our decision was made based on the following:

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

The petitioner has demonstrated that the project is needed to address an eroding stream system that is negatively impacting the private utilities, the pedestrian/golf cart access bridge, and the Columbia Association property. Strict compliance with the regulations would require additional time, effort and cost to address a large amount of land that is not affected by the proposed project. The additional work would include 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 the project for emergency repairs to the stream channel and golf cart bridge.

Waiver approval will not be detrimental to the public interest.

The existing stream is currently threatening the private utilities and access bridge which is utilized by the patrons and employee of the golf course, eroding stream banks, and causing a loss of trees and stream buffer vegetation. The loss of the trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. Doing nothing is not an option, as the erosion problem will not fix itself and threatens to migrate laterally farther onto private properties. The public interest, including safety, will be improved by the proposed project. The waiver request is not intended to exempt the project from County requirements, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations. In addition, on June 8, 2015, the petitioner received approval from the Department of Environment Water Management Administration (Permit Number 201560463/15-NT-3090) for disturbances within the environmental features.

Waiver approval will not nullify the intent or purpose of the regulations.

The waiver, if approved, will not nullify the intent and purpose of the Howard County Subdivision and Land Development Regulations. The waiver request is not intended to exempt the project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations. The intent and purpose of the regulations include assisting orderly, efficient, and integrated development of land, providing development in areas free from danger of erosion and stream siltation and preserving streams. Approval of this waiver request will not nullify the intent or purpose of the regulations, but will fulfill the intent to assist efficient development in an area free from danger of erosion and stream siltation, including stream preservation.

The purpose of the regulations may be served to a greater extent by an alternative proposal.

The petitioner has demonstrated that approval of this waiver is a reasonable alternative to processing a site development plan. The waiver petition site plan exhibit provides all relevant information and details to proceed with grading permit processing and project construction.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Charles P. Johnson and Associates, Inc.