



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

March 7, 2016

The Columbia Association
9450 Gerwig Lane
Columbia, MD 21046
Attn: Al Edwards

RE: WP-16-074 Village of King's Contrivance-
Open Space Lot 152

Dear Mr. Edwards:

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 **DENIED** your request for reconsideration of a waiver to **Section 16.155(a)(1)(i)** of the Subdivision Regulations, which requires approval of a site development plan for new or expanded nonresidential development.

Denial was based on the following reasons:

1. The disposal of dredged material is not a permitted use for credited open space land use area in the New Town Zoning District. An amendment to Final Development Plan, FDP-169-A-II Part 2, will be required for processing and approval by the Planning Board in accordance with Section 125.0.F of the Zoning Regulations to allow the disposal of dredged material on Open Space Lot 152 (credited open space). The proposed use is not in accordance with the permitted uses for credited open space in Section 125.0.A.8.e and Section 103.0 (Open Space definition) of the Zoning Regulations.
2. The proposed clearing and grading will require Planning Board approval per Section 125.0.G of the Howard County Zoning Regulations for disturbance over 5,000 sf in size. A site development plan will be required in order to present the proposed project to the Planning Board in an orderly and efficient manner for their review and approval.
3. The waiver, if approved, would nullify the effective intent and purpose of the Howard County Subdivision and Land Development Regulations as stated in Section 16.101, which is to ensure appropriate development with regard to the site's natural features; to assist in the orderly, efficient and integrated development of land and to provide uniform procedures and standards for the processing of development plans. Granting the requested waiver would defeat the purpose of the Regulations by allowing development or grading of the site by circumventing the SDP review process which is necessary to properly evaluate the environmental impact to the subject property. The applicant failed to demonstrate that the proposal will not nullify the intent and purpose of the Regulations, which includes preservation of natural resources within the County.
4. In accordance with Section 16.117(a) of the Subdivision and Land Development Regulations, land to be developed shall be designed and developed in reasonable conformity to existing topography in order to minimize clearing or alteration of existing plant communities, especially forest areas, and to minimize associated stormwater runoff and soil erosion impacts. The definition of development according to


Section 16.108(b)(15) includes the grading of existing topography and the clearing or grubbing of existing vegetation that results in a change in existing site conditions.

5. Documentation or approval from the Maryland Department of the Environment specific to the dredged material disposal site will be required to be submitted to DPZ along with the site development plan to determine if contaminant testing or impermeable liners are required for the proposed disposal operation.

Indicate this waiver petition file number, request, section of the regulations, action and date on all related site development plans and grading permits.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Bayland Consultants & Designers