

4/20/00 PM
4:00 PM
04-36954

PERMIT

SEWAGE DISPOSAL SYSTEM

HOWARD COUNTY HEALTH DEPARTMENT
BUREAU OF ENVIRONMENTAL HEALTH
410-313-2640

P 513552

A 59938

ISSUE DATE _____

APPROVAL DATE _____

INDEXED

Fogle's Septic Clean Inc

IS PERMITTED TO INSTALL _____ ALTER _____

ADDRESS 580 Obrecht Rd. Sykesville, Md. 21784 PHONE 410-795-5670

SUBDIVISION Winkler Property (Ag pres) LOT NUMBER 1 ADDRESS 2980? Route 94

PROPERTY OWNER Jeff Winkler PROPERTY OWNER'S ADDRESS 2980 Route 94

SEPTIC TANK CAPACITY 1250 GALLONS Top Seamed.

PUMP CHAMBER CAPACITY N/A GALLONS

NUMBER OF BEDROOMS 4

Installing replacement system with intent
to serve as-yet undeclared replacement
dwelling on same property.

SQUARE FEET PER BEDROOM 210

LINEAR FEET OF TRENCH REQUIRED 280

TRENCHES: Trenches to be 3 feet wide. Inlet 3 feet below original grade. Bottom maximum depth
5 feet below original grade. 2 feet of stone below distribution box.

LOCATION: Referencing site plan of 4/23/99 by Charles Young, P.E. - install septic tank
on west side of farm access road and abutting the designated septic area access easement.

Place distribution box near approved percolation test hole that is 150' roughly Eastsoutheast
of the septic tank location. Trenches to follow contour within the proposed septic
easement.

PLANS APPROVED Craig Williams DATE 2/7/00

PERMIT VOID AFTER 2 YEARS

NOTE: CONTRACTOR RESPONSIBLE FOR SCHEDULING A PRE-CONSTRUCTION INSPECTION FOR ALL INSTALLATIONS

NOTE: TOP OF SEPTIC TANKS ARE TO BE NO DEEPER THAN 3.0 FEET BELOW FINISH GRADE

NOTE: WATERTIGHT SEPTIC TANKS REQUIRED

NOTE: CLEANOUT REQUIRED EVERY 70 FEET OF SEWER LINE AND/OR AT 90° SWEEPS IN LINES FROM HOUSE TO DRAIN FIELDS, 90° ELBOWS
ARE NOT ACCEPTABLE

NOTE: ALL PARTS OF SEPTIC SYSTEMS (I.E. TANK, DISTRIBUTION BOX, DRAINFIELDS) TO BE 100 FEET FROM ANY WATER WELL UNLESS
OTHERWISE SPECIFICALLY AUTHORIZED

NOTE: NO ABSORPTION TRENCH TO EXCEED 100 FEET IN LENGTH UNLESS SPECIFICALLY AUTHORIZED

NOTE: ALL PIPE FROM HOUSE TO SEPTIC TANK MUST BE CAST IRON OR SCHEDULE 35/40 PVC OR ABS

NOTE: MANHOLE RISERS REQUIRED ON ALL SEPTIC TANKS AND PUMP CHAMBERS

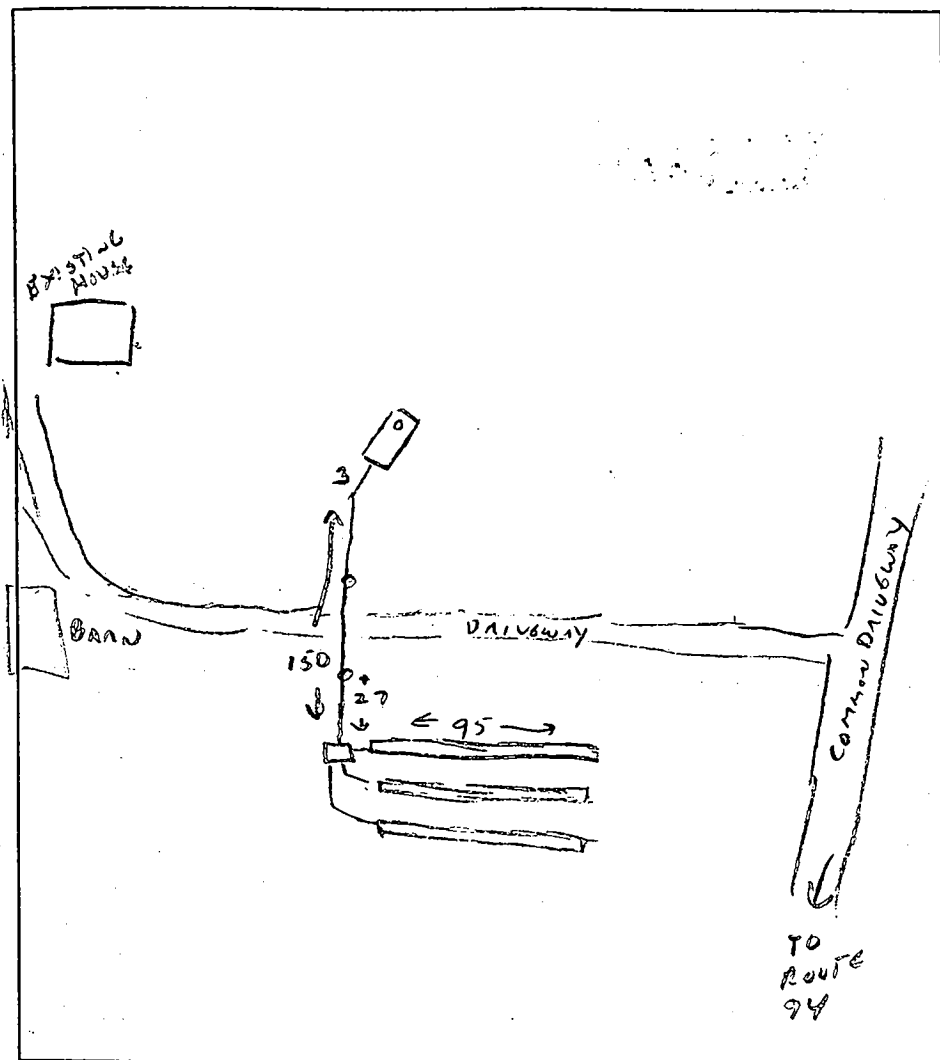
NOTE: DISTRIBUTION BOXES MUST HAVE BAFFLES

NOTE: IF PUMPED SEPTIC SYSTEM REQUIRED, (1) SEPTIC PUMP DETAIL TO BE PROVIDED BY INSTALLER PRIOR TO ISSUANCE OF SEPTIC
PERMIT (2) PUMP PERFORMANCE TEST IS NECESSARY PRIOR TO HEALTH DEPARTMENT APPROVAL OF SEPTIC PERMIT

NEITHER THE HOWARD COUNTY COUNCIL NOR THE HEALTH DEPARTMENT IS RESPONSIBLE FOR THE
SUCCESSFUL OPERATION OF ANY SYSTEM
PERMITTEE RESPONSIBLE FOR OBTAINING FINAL APPROVAL ON THIS PERMIT
CALL 410-313-2640 FOR INSPECTION OF SEPTIC SYSTEM

A59938

NOT TO SCALE



TRENCH WIDTH 3'
TRENCH INLET DEPTH 3'
TRENCH BOTTOM DEPTH 5'
DEPTH OF STONE 2'
NUMBER OF TRENCHES 3 @ 95'
TOTAL TRENCH LENGTH 285'
ABSORBENT AREA 855'
DISTRIBUTION BOX LEVEL ✓
BAFFLE IN DISTRIBUTION BOX ✓

TOP SEAM
SEPTIC TANK 1500 GALLONS
MANHOLE RISER
6 INCH INSPECTION PORT ☒

PUMP CHAMBER
GALLONS 20 / A

MANHOLE RISER _____

ALARM _____

PUMP PERFORMANCE TEST

PRE-CONSTRUCTION INSPECTION: TANK LOCATION STAKED; PERC MGS NOT STAKED,
BUT TEST HOLES EVIDENT. OK TO PROCEED 4/20/00 CW

INSPECTION COMMENTS: 15GAL TANK INSTALLED, 1ST TRENCH IN PROGRESS -
OK TO COMPLETE & COVER WITHOUT ADDITIONAL INSPECTION - HEAVY RAIN IMMINENT. (CW)
4/21/00 2ND & 3RD TRENCHES COMPLETE - OK TO COVER (CW)
HOUSE CONNECTION NEEDED FOR FINAL.

INSPECTOR _____ DATE SYSTEM APPROVED _____

TABAT AS "REPAIR" (C)

Approved Septic System Plan
Howard County Health Department

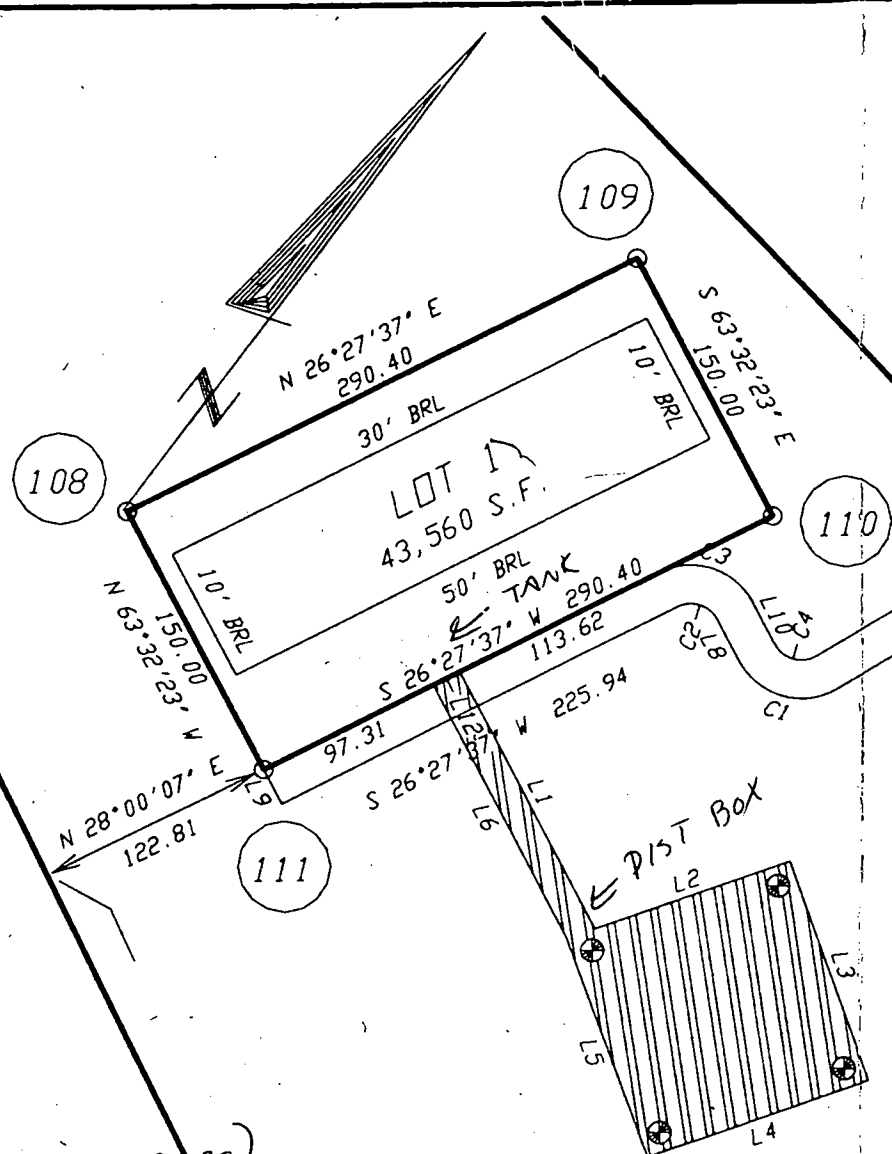
WINKLER - ROUTE 94 (H.O. FILE A59938)

Jeffrey W. Winkler
Signature Date 2/7/00

TOTAL TABULATION THIS SUBMISSION

Total number of buildable lots to be recorded

Total area of buildable lots to be recorded



Total linear feet of trench required 280 feet

Width of trench(es) 3 feet

Depth of trench(es) 5 feet

Depth of stone required below distribution pipe 2 feet

The requirements of Subsection 3-108, the Real Property Article, Annotated Code of Maryland, 1988 replacement volume [as supplemented], as far as they relate to the making of this plat and the setting of markers have been complied with.

Charles F. Young 4/23/99

Charles F. Young
Maryland Registered Professional Land Surveyor No. 10932

Jeffrey W. Winkler 5-3-99

Jeffrey W. Winkler
Owner

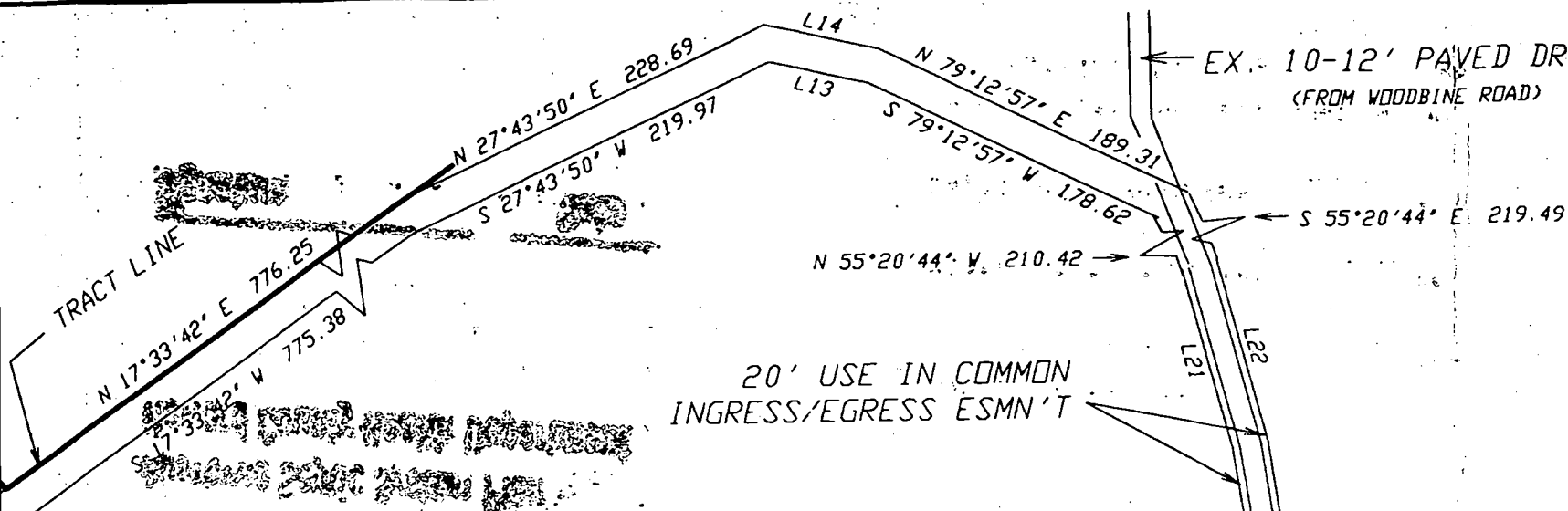
JEFFREY W. WINKLER
L. 4094
F. 484

POINT	NORTH	EAST
108	596443.85380	1276410.38535
109	596703.83278	1276539.78043
110	596636.99648	1276674.06710
111	596377.01749	1276544.67201

20' USE IN COMMON
INGRESS/EGRESS ESMN'T

E1277500
N596500

CHORD BEARING



The requirements of Subsection 3-108, the Real Property Article, Annotated Code of Maryland, 1988 replacement volume [as supplemented], as far as they relate to the making of this plat and the setting of markers have been complied with.

Charles F. Young 4/23/99
 Charles F. Young Date
 Maryland Registered Professional Land Surveyor No. 10932

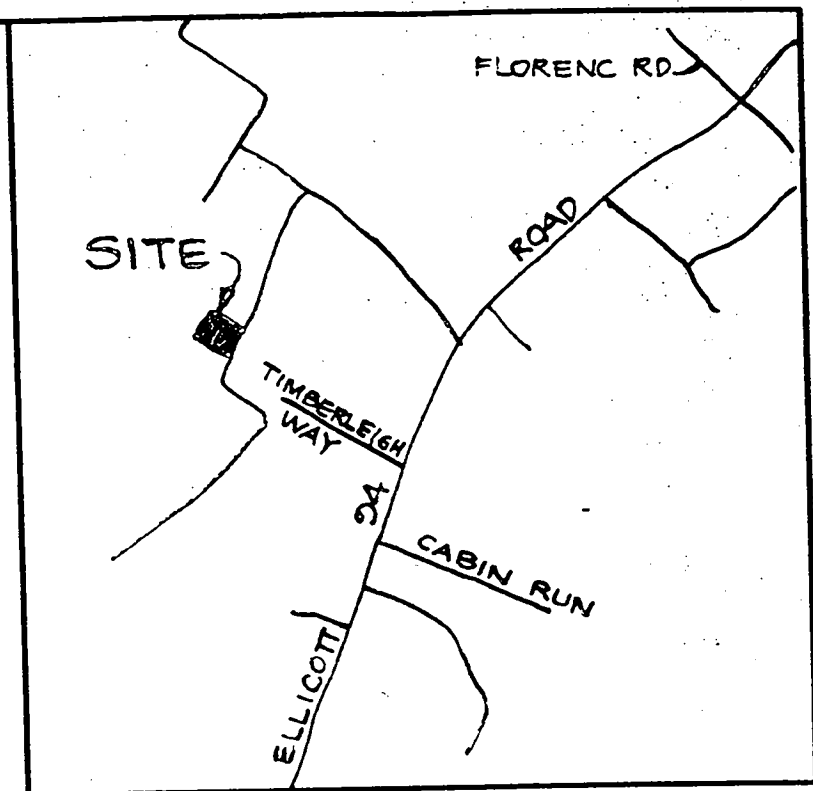
Jeffrey W. Winkler 5-3-99
 Jeffrey W. Winkler Date
 Owner

JEFFREY W. WINKLER
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ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
58.23	93°40'10"	35.62	51.96	S 69°37'32" W
23.56	90°00'00"	15.00	21.21	S 71°27'37" W
54.98	90°00'00"	35.00	49.50	N 71°27'37" E

1999 DEC 13 AM 9:35



VICINITY MAP
 SCALE: 1"=2000'

GENERAL NOTES

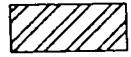
- Denotes 4' x 4' x 30" Conc. Mon. to be set
- Denotes 5/8" x 24" Steel Rebar to be set
- Denotes Stone Found
- Denotes Iron Pipe found

Coordinates based on NAD'83 Maryland Coordinate System as projected by Howard County Geodetic Control Monuments No. 13R2 and No. 13D1.

The property is zoned RC per the 10-18-93 Comprehensive Zoning Plan.

BRL indicates the minimum building restriction line.

This plat is based on a field run survey performed by the Charles F. Young in March, 1999.

 This area designates a private sewage easement of 10,000 sq. ft. (minimum size) as required by the Maryland State Department of the Environment for individual sewage disposal. Improvements of any nature are restricted until public sewer is available. This easement shall become null and void upon connection to a public sewage system. The county health officer shall have the authority to grant variances for encroachments into the private sewer easement. Recordation of a modified sewerage easement plat shall not be necessary.

- ⊕ Denotes perc test location.

For flag or pipe stem lots, refuse collection, snow removal and road maintenance are provided to the junction of the flag or pipe stem and the road right of way line only and not onto the flag or pipe stem lot driveway.

Driveways shall be provided prior to residential occupancy to insure safe access for fire & emergency vehicles per the following minimum requirements

- a) Width - 12'
- b) Surface - 6' of compact crusher run base w/tar & chip coating
- c) Geometry - Max. 15% grade, max. 10% grade change and min. 45' turning radius.
- d) Structures (culverts/bridges) - capable of supporting 25 gross tons (H25 loading)

APPLICATION

PERCOLATION TESTING

A 59938

P _____

HOWARD COUNTY HEALTH DEPARTMENT

BUREAU OF ENVIRONMENTAL HEALTH

3525-H ELLICOTT MILLS DRIVE/ELLICOTT CITY, MARYLAND 21043
TELEPHONE: 313-2640

4/14/98

DISTRICT _____

DATE 4/13/98

TO: THE COUNTY HEALTH OFFICER
ELLICOTT CITY, MARYLAND

- Subdivision of one, 1 acre lot off of farm
- Site inspection by DKS - do not need to perc the residue
- Existing house on proposed 1 acre lot - septic & well will be maintained at the perc test area

I HEREBY APPLY FOR THE NECESSARY TEST PRIOR TO APPLICATION FOR PERMIT TO CONSTRUCT (OR RECONSTRUCT) A SEWAGE DISPOSAL SYSTEM.

PROPERTY OWNER Jeff Winkler

ADDRESS 2980 Route 94 PHONE 21797 (410) 247-5191

AGENT OR PROSPECTIVE BUYER JAMIE WINKLER

ADDRESS 3760 Boonay Bridge Place PHONE 410 247-3560

PROPERTY LOCATION:

SUBDIVISION _____ LOT NO. _____

ROAD AND DESCRIPTION 2980 Route 94

TAX MAP 12 PARCEL # 69

SIZE OF LOT 1 Acre TYPE BLDG. Single Family Dwelling
(SINGLE FAMILY DWELLING OR COMMERCIAL)

THE SYSTEM INSTALLED UNDER THIS APPLICATION IS ACCEPTABLE ONLY UNTIL PUBLIC FACILITIES BECOME AVAILABLE. I FULLY UNDERSTAND THE FEE CONNECTED WITH THE FILING OF THIS PERC TEST APPLICATION IS NON-REFUNDABLE UNDER ANY CIRCUMSTANCES. I ALSO AGREE TO COMPLY WITH ALL M.O.S.H.A. REQUIREMENTS IN TESTING THIS LOT.

Jeff Winkler
(SIGNATURE OF APPLICANT)

APPROVED BY _____ FOR _____ DATE _____

DISAPPROVED BY _____ FOR _____ DATE _____

HOLD PENDING FURTHER TESTS _____

REASONS FOR REJECTION OR HOLDING _____

PERCOLATION TEST PLAT/PRELIMINARY PLAT - TITLE OR I.D. # _____ DATE _____

SITE DEVELOPMENT PLAN/FINAL PLAT - TITLE OR I.D. # _____ DATE _____

THIS IS NOT A PERMIT

A59938

COUNTY #

SOIL PROFILE

0' 7, 9

heavy
red
brown
siltm

6.0

dark
orange
siltm
some
clay
40% Rx

8.5

70%
Rx @
8.5'

10.0

8

heavy
clm

7.0

30-40%
Rx
w/
lgt
red
or
siltm
some
clay

11.0

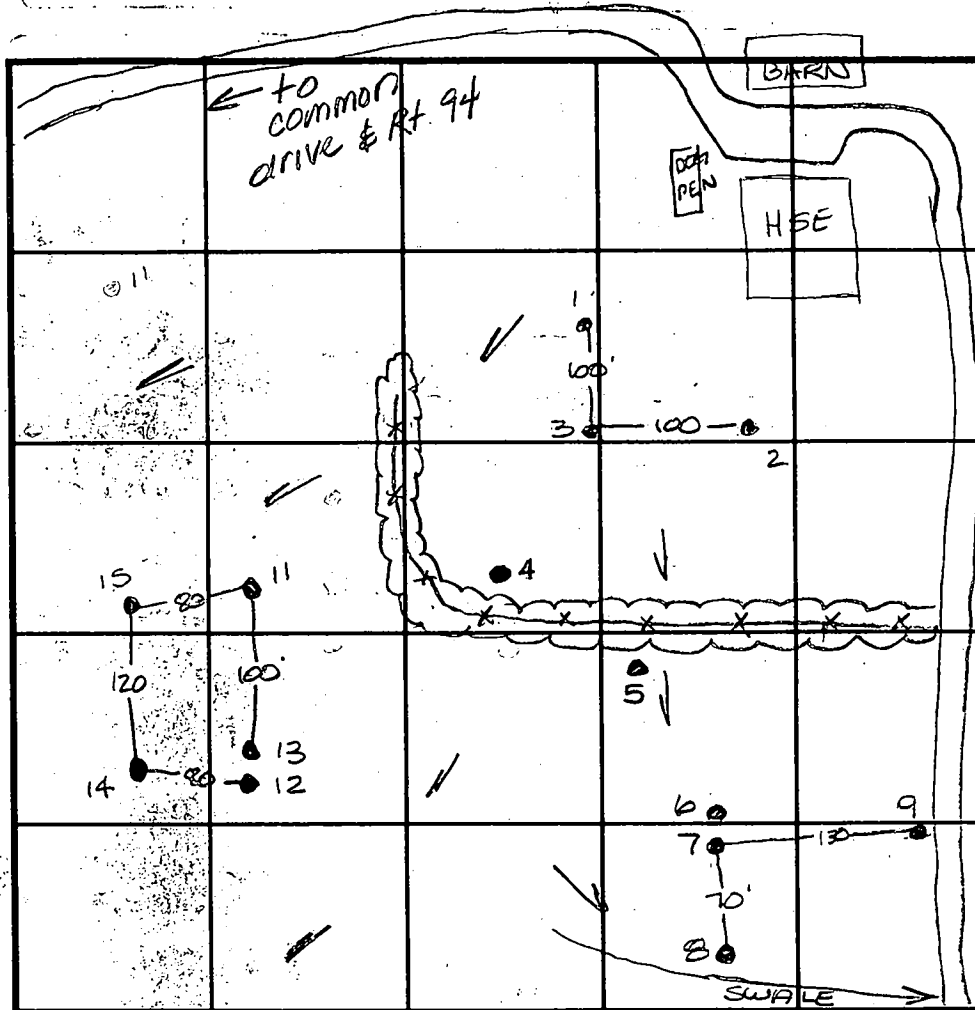
11, 14, 15

dark
red
brown
siltm
40%
shale

4.0

lgt
pink &
yellow
mottled
siltm
10%
supra
very
disseminated

11.0



SOIL PROFILE

0' 13

dark
red
siltm
35% Rx

4.0

lgt
or
red
siltm
20%
Rx

9.0

>50%
Rx

11.0

INDICATE NORTH - NAME ADJOINING ROADWAY AS BASE LINE.

@ 10

DATE	TEST NO.	DEPTH	PRE-WET		TEST - 1" DROP		TIME
			START	STOP	START	STOP	
5-20-98	7	4.0 V10.0	2:25	>30 min	Insufficient depth to bedrock		F
	8	4.0 V11.0	2:25	>30 min			slow
	11	4.0 V11.0	2:52	2:55	2:55	2:59	4 min
	13	4.0 V11.0	3:10	3:13	3:13	3:17	4 min
	14	4.0 V11.0	3:22	3:26	3:26	3:32	6 min
	1, 2, 3, 4, 5, 6	70-80% Rx @ 2.0 to 3.0'			-Insufficient depth to bedrock		F
	9	Not tested - no passing test pits near					No test
	12	>50% shale @ 4.0 -			Insufficient depth to bedrock		F
	15	Visual to 12.0 - see profile					OK

REMARKS Use holes 11, 13, 14 & 15 (SEE ALSO NOTES OF 6/30/98)

TYPE OF SOIL

TESTED BY Amy McMullen ALSO PRESENT Will Hopkins

TRENCH DESIGN DATA: AVERAGE PERCOLATION TIME 4 min TRENCH WIDTH 3.0

INLET DEPTH 3.0 MAXIMUM BOTTOM DEPTH 5.0 SQ. FT./BEDROOM 180 sq

APPLICATION

PERCOLATION TESTING

A 59238

P _____

HOWARD COUNTY HEALTH DEPARTMENT

BUREAU OF ENVIRONMENTAL HEALTH

3525-H ELLICOTT MILLS DRIVE/ELLICOTT CITY, MARYLAND 21043
TELEPHONE: 313-2640

4/14/98

- Subdivision of one, 1 acre lot off of farm
- Site inspection by DKS - do not need to perc the inside
- Existing house on proposed 1 acre lot - septic & well will be installed at the perc test App.

DISTRICT _____

DATE 4/14/98

TO: THE COUNTY HEALTH OFFICER
ELLICOTT CITY, MARYLAND

I HEREBY APPLY FOR THE NECESSARY TEST PRIOR TO APPLICATION FOR PERMIT TO CONSTRUCT (OR RECONSTRUCT) A SEWAGE DISPOSAL SYSTEM.

PROPERTY OWNER Jeff Winkler

ADDRESS 2980 Route 94 PHONE (410) 247-5191

AGENT OR PROSPECTIVE BUYER FAMIE Winkler

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PROPERTY LOCATION:

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ROAD AND DESCRIPTION 2980 Route 94

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COMPLY WITH ALL M.O.S.H.A. REQUIREMENTS IN TESTING THIS LOT. Jeff Winkler
(SIGNATURE OF APPLICANT)

APPROVED BY _____ FOR _____ DATE _____

DISAPPROVED BY _____ FOR _____ DATE _____

HOLD PENDING FURTHER TESTS _____

REASONS FOR REJECTION OR HOLDING _____

PERCOLATION TEST PLAT/PRELIMINARY PLAT - TITLE OR I.D. # _____ DATE _____

SITE DEVELOPMENT PLAN/FINAL PLAT - TITLE OR I.D. # _____ DATE _____

THIS IS NOT A PERMIT

COUNTY #

SOIL PROFILE

0' B
red
Sicilm
20%
Shale

2.5' or brn
w/
pink
red
pockets
of
40%
Shale

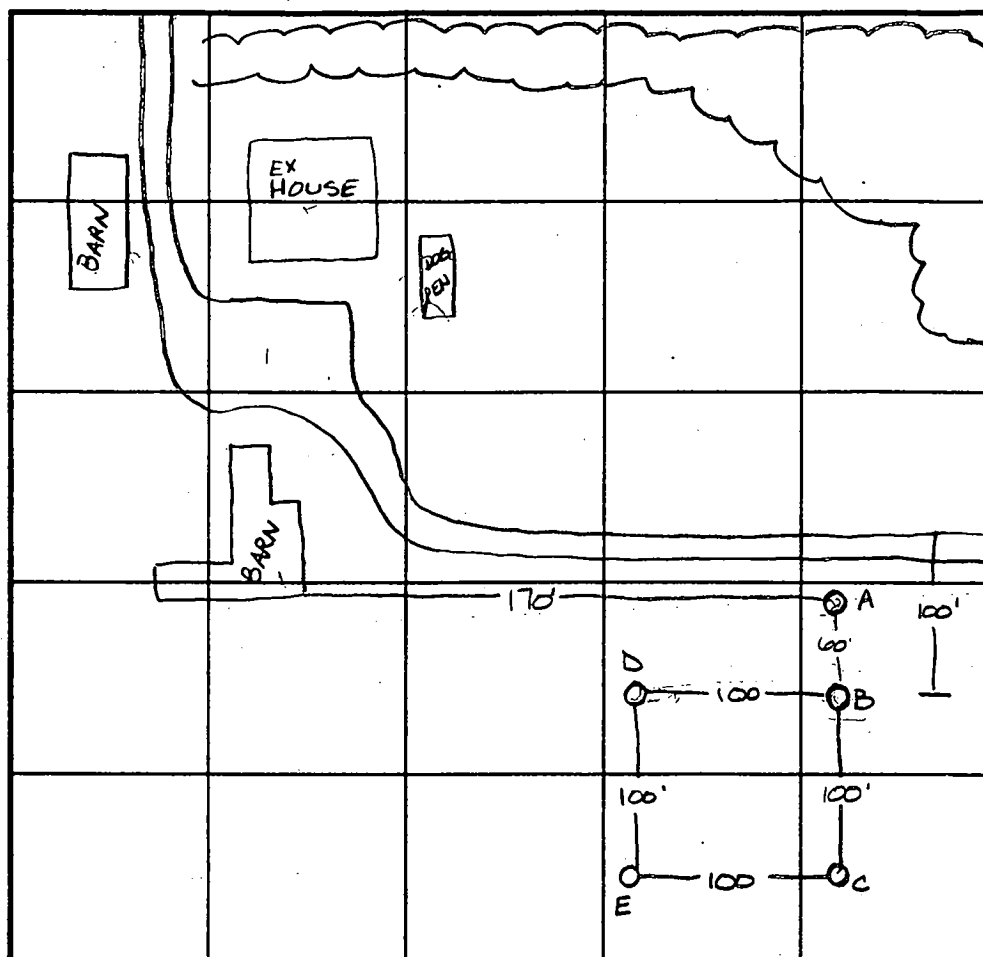
9.0' refusal

C, D, E

dark
red
Sicilm

2.0' light
orange
tan
Silm
micaceous
10%
saprolite

10.0'



SOIL PROFILE

0'

DATE	TEST NO.	DEPTH	PRE-WET		TEST - 1" DROP		TIME
			START	STOP	START	STOP	
6-30-98	A	710% Rx @ 4.0'	Insufficient depth				
		to bedrock					F
	B	4.5 V9.0'	10:34	10:45	10:45	11:05	20min
	C	4.5 V10.0'	10:49	10:53	10:53	11:00	7min
	D	4.0 V11.0'	10:59	11:01	11:01	11:04	3min
	E	4.5 V11.0'	10:07	10:12	10:12	10:20	8min

REMARKS Well site can go anywhere on other side of the driveway

TYPE OF SOIL (SEE ALSO NOTES OF 5/28/98)

TESTED BY Amy McMillen ALSO PRESENT Mr. Winkler

TRENCH DESIGN DATA: AVERAGE PERCOLATION TIME 8min TRENCH WIDTH 3.0

INLET DEPTH 3.0 MAXIMUM BOTTOM DEPTH 5.0 SQ. FT./BEDROOM 210 ft

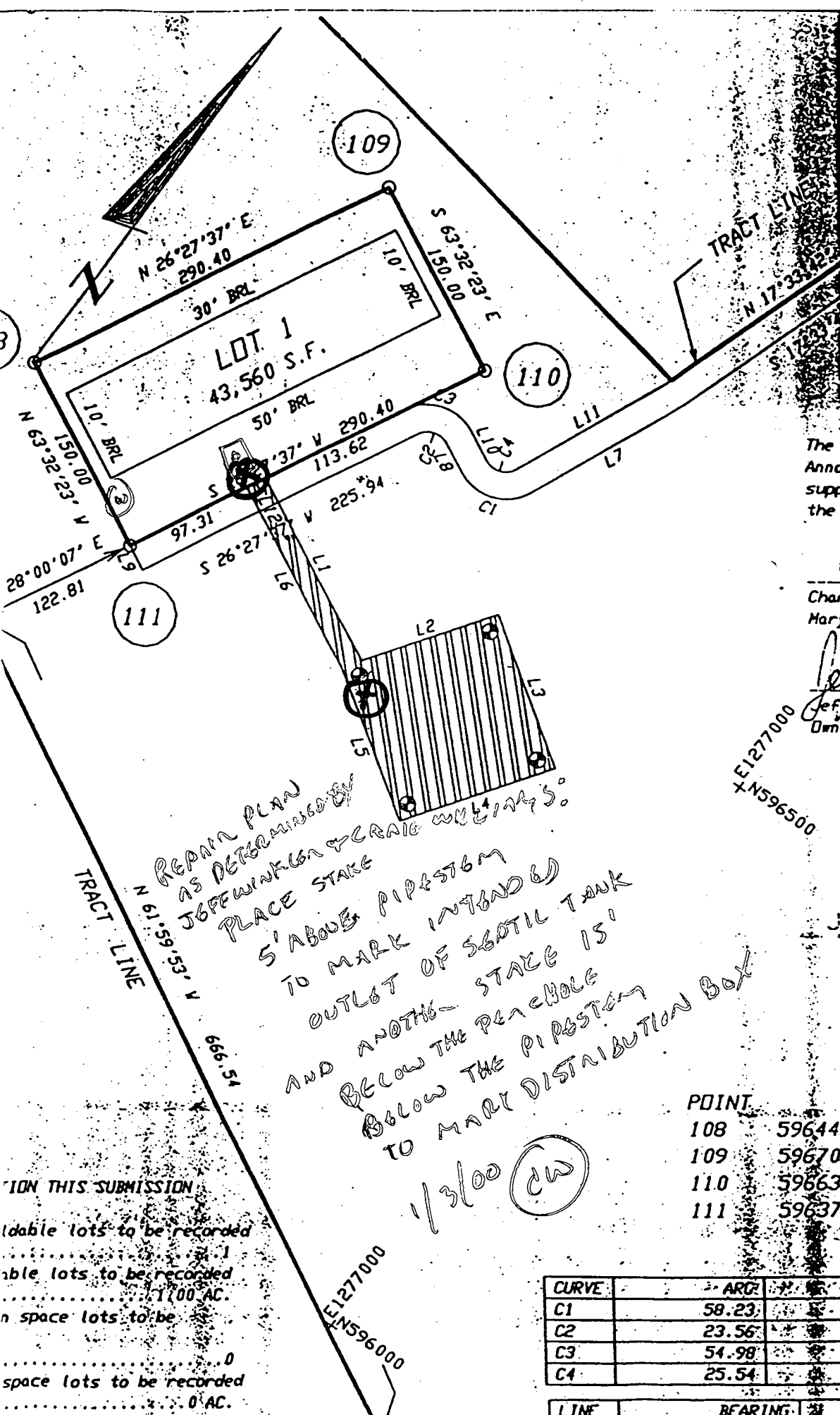
RECEIVED
HOWARD COUNTY HEALTH DEPT.
ENVIRONMENTAL HEALTH
2000 JA-3 PH12:24

The Anna
suppl
the

Char
Mary

Jeff
Dma

E1277000
+N596500



SITE INSPECTION SHEET

OWNER: Jeff Winkler

DATE REQUESTED: _____

ADDRESS: 2980 Route 94
Woodbine MD 21797

DRILLER/CONTRACTOR: _____

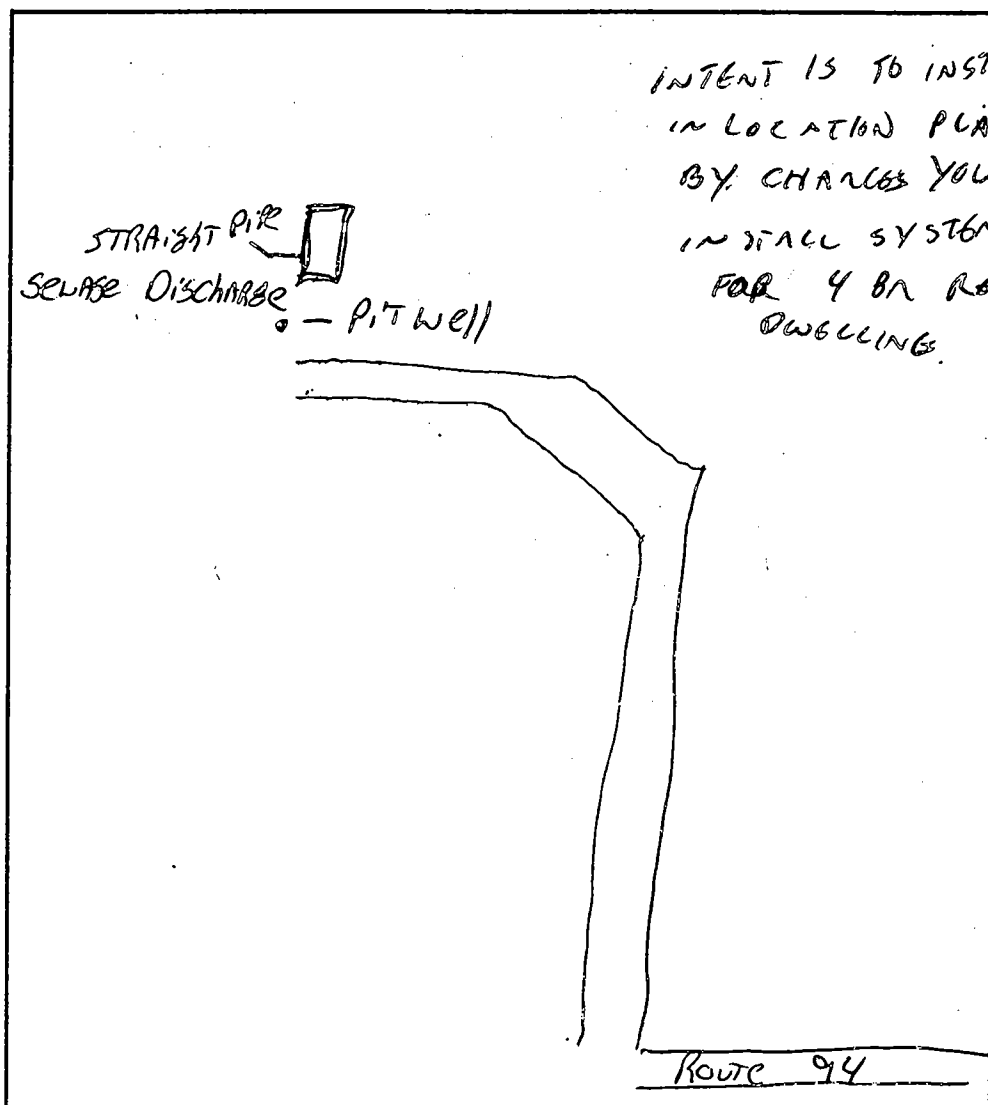
WELL TAG NUMBER: _____

TAX & PARCEL: #12 - #14 49 ACRES

COUNTY: Howard

PROPOSAL: To Demolish Existing House, well, septic
AND Replace All

LOCATION DIAGRAM



RECEIVED
HOWARD COUNTY HEALTH DEPT.
ENVIRONMENTAL HEALTH

2000 JA -3 PM12:24

COMMENTS: STRAIGHT PIPE TO BE CUT OFF AND FULL SYSTEM
TO BE INSTALLED ACROSS DRIVE WAY BY SEPTIC CONTRACTOR.
PIT Well TO BE PROTECTED DURING DEMOLITION THAN ABANDONED AND
SEALED BY DRILLER JOE MAYNE WHEN NEW WELL IS DRILLED.

DATE: 1-3-00

INSPECTOR: JEFF WINKLER

AGREED - CRAIG WILLIAMS (CW) HOW CO HEALTH 1/3/00

Howard County
Department of Planning and Zoning
Cindy Hamilton, Chief
Division of land Development
3430 Courthouse drive
Ellicott City, Maryland 21043

January 10, 2000

RE: F-00-47, Winklers View, Lot 1 (septic easement)

To whom it may concern,

This lot will be utilizing the existing septic system the collection tank is within the one-acre lot but the drain field is not. The Howard county agriculture board has stated that they do not have any problem with this, Since the septic is existing and will fit the new homes Requirements the health department does not have a problem with this easement.

Sincerely,

Jeff Winkler

Howard County
Department of Planning and Zoning
Cindy Hamilton, Chief
Division of Land Development
3430 Courthouse Drive
Ellicott City, Maryland 21043

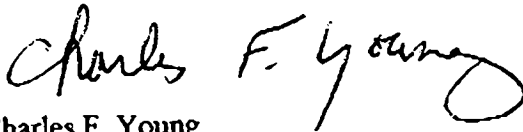
January 10, 2000

Re: F-00-47, Winklers View, Lot 1

To Whom It May Concern,

The above referenced proposed Lot 1 and the new proposed drive for said lot does not contain or impact wetlands, streams, wetland and stream buffers or floodplain. The existing drive for which the new drive will connect into, appears to be within a stream buffer/floodplain. Since this drive is existing, and in use, the applicant does not consider it as part of his application.

Sincerely,



Charles F. Young

Professional Land Surveyor
Maryland Reg. No. 10932

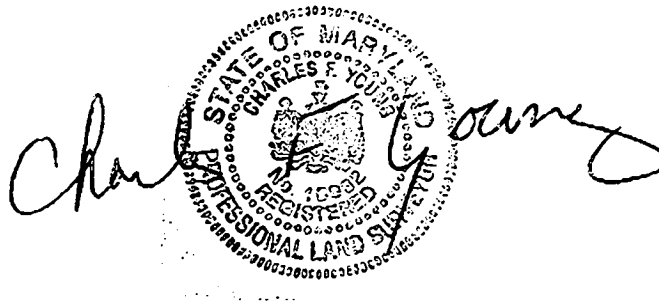


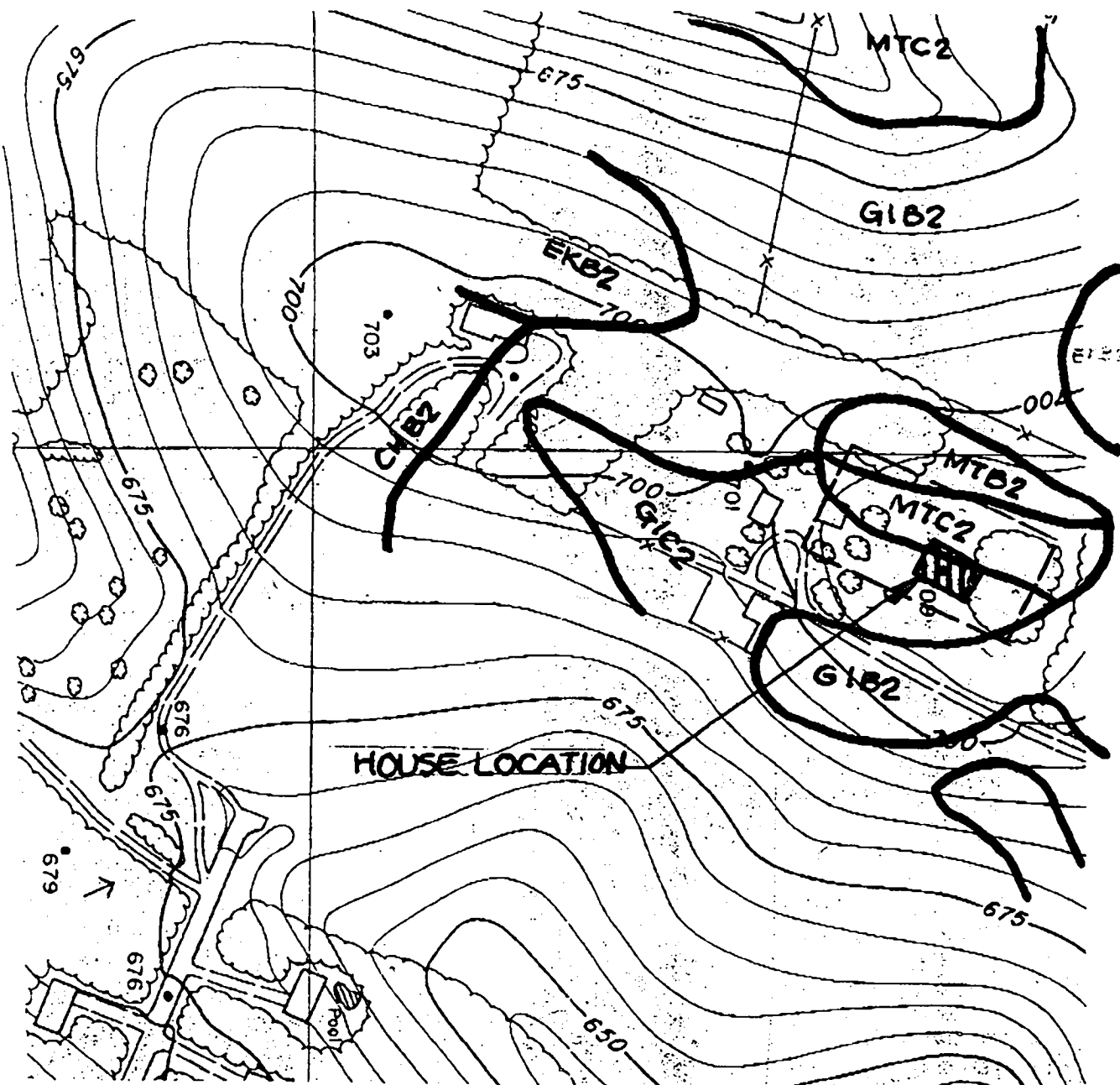
Schedule A
Description of a private off-site Septic Easement

Being a strip or parcel of land hereinafter described as being in, through, over and across the property acquired by Jeffrey W. Winkler, et ux, from John H. Hardy, et al, deed dated October 21, 1997 and recorded among the land records of Howard County, Maryland in Liber 4094 at Folio 484.

Commencing at a point at the end of the northerly or South 61°59'37" East 840.50 foot lot line of Lot 7 of a subdivision entitled, "Kenny Subdivision Lots 6 & 7", and recorded among the said land records as Plat M.D.R. No. 10668; thence running reversely with and along part of said lot line, North 61°59'53" West 666.54 feet; thence departing said lot line, North 28°00'07" East 122.81 feet to a point at the end of the easterly or South 26°27'37" West 290.40 foot lot line of proposed Lot 1 of a proposed agricultural preservation subdivision entitled, "Winklers View"; thence running reversely with and along part of said lot line North 26°27'37" East 101.62 feet to the point of beginning; thence continuing to run reversely with and along part of said lot line

- 1) North 26°27'37" East 15.00 feet; thence departing said lot line
- 2) South 63°32'23" East 155.28 feet; thence
- 3) North 33°55'54" East 94.88 feet; thence
- 4) South 56°04'06" East 110.00 feet; thence
- 5) South 33°55'54" West 110.00 feet; thence
- 6) North 56°04'06" West 110.00 feet; thence
- 7) North 63°32'23" West 153.31 feet to the point of beginning, containing in all 14,414 square feet or 0.3309 acres





CHB2 - CHESTER SILT LOAM 3 TO 8% SLOPES
MODERATELY ERODED

EKB2 - ELIOAK SILT LOAM 3 TO 8% SLOPES
MODERATELY ERODED

GIB2 - GLENELG LOAM 3 TO 8% SLOPES
MODERATELY ERODED

GIC2 - GLENELG LOAM 8 TO 15% SLOPES
MODERATELY ERODED

MTB2 - MT AIRY CHANNERY LOAM 5 TO 8% SLOPES
MODERATELY ERODED

MTC2 - MT AIRY CHANNERY LOAM 8 TO 15% SLOPES
MODERATELY ERODED

TOPOGRAPHY &
SOILS MAP

WINKLER'S VIEW

AGRICULTURAL PRESERVATION SUBDIVISION

LOT 1

4TH ELECTION DISTRICT HOWARD CO., MD

SCALE: 1"=200'

DATE: 1-5-2000

January 4, 2000

From: Jeff Winkler
2980 Route 94
Woodbine MD 21797

ATTN: Mr. Craig Williams

Subject: 2980 Route 94 replacement septic.

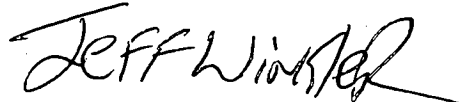
Dear Mr. Williams,

We are in the process of installing a replacement septic system in the only location possible to serve a planned replacement dwelling at the above referenced address.

The ultimate goal is to qualify for a one acre subdivision that meets agriculture preservation board approval.

We would need consent from your office to subdivide with an off site septic easement since that is the only location compatible with the current house location.

Sincerely,

A handwritten signature in black ink that reads "Jeff Winkler". The signature is stylized with a large, sweeping "J" and a long, horizontal flourish at the end.

Jeff Winkler

July 20, 1999

To: Jeff Winkler
2980 Route 94 Woodbine, Maryland 21797

From: Craig Williams, Sanitarian

Subject: 2980 Route 94 - Proposed subdivision for a farm lot.

This is in reply to your letter of June 15, 1999, inquiring as to the appropriateness of subdividing a lot with an offsite sewage disposal easement on farmed property.

Use of offsite easements to accomplish subdivision is generally considered inappropriate. The applicable Department of the Environment regulation, COMAR 26.04.03 does not mention offsite easements, but lists criteria for minimum lot dimensions in a manner strongly suggesting offsite easements are not intended.

In most cases in Howard County where offsite easements are encountered, you will find that the easement was used to accommodate an existing problem which could not be remedied in any other fashion.

Regardless of circumstance, installing a septic system on farmed property carries many risks:

- the supply line from the septic tank to the disposal field would be vulnerable to damage from heavy equipment;
- there are also potential consequences to drainfields;
- a broken line or failing system while there is a cover crop could result undetected surface discharge;
- were a failure to be observed, there would be resistance from the farming for access to the property for correction, just as we occasionally encountered resistance to scheduled percolation tests.

The rigidity of the lot size requirements under the agricultural provisions creates a dilemma for many applicants. Hopefully you, as have they, will be able to work out a solution more reasonable than an offsite easement. Please contact me if you would like to schedule a conference to review this matter in greater detail.

3760 Bonny Bridge Pl.
Ellicott City, MD 21043

April 15, 1998

Dear Ms. McMillen,

On Monday, April 13th, I filed an application for a perk test to be done at the following address: 2980B Rt. 94, Woodbine, MD 21797.

There is a dwelling already existing on the property which is going to be razed. The existing septic is to be condemned at the time the perk test is performed. If you have any questions, please feel free to contact me during the day at 410-247-3560.

Thank you,

JAMIE WINKLER

Jamie Winkler

4/10/98 Mr. Winkler stopped in w/ topo of property showing existing structures, but no plan of proposal.
4/13/98 application filed, but w/o topo plan
4/14/98 site inspection performed - dwelling to be razed appears uninhabited - no sign of well or septic system. (X)

12/1/99

MET @ ZONING
CINDY HAMILTON
BARBARA BARTH
BILL PICKENS

Craig Williams

Howard County

Subject: RESOLVED; INSUFFICIENT INFO
TO JUSTIFY OFF LOT EXCEPTION
F-00-047 Winkler's View HAMILTON TO WRITE REPLY
M.A.L.P.F. Easement Property #13-04-86-02Ae

CW

To: Cindy Hamilton, Chief, Division of Land Development

Through: Elmina Hilsenrath, Chief, Division of Environmental and Comprehensive Planning *EH*

From: Bill Pickens, Administrator, Agricultural Land Preservation Program *WPB*

Date: November 12, 1999

The above-referenced final subdivision plan proposes a one-acre agricultural lot, with an off-site septic system on a Maryland Agricultural Land Preservation Foundation easement property. As such, it is required to meet the requirements of the State agricultural preservation program, as well as other County and State regulations. There are apparent conflicts between the County and State requirements which must be addressed prior to the approval or denial of this subdivision proposal as presented. The following analysis and recommendation is based upon existing conditions, the Deed of Easement recorded by the Foundation, and State and County agricultural Code requirements and program policies.

1. The proposed lot is in the location of a severely deteriorated house which pre-dates the easement. The easement was recorded in April 13, 1988. When the easement was purchased by M.A.L.P.F., a one-acre area surrounding the pre-existing dwelling was specifically excluded from the easement. Based upon the best information available to the County and State, this area was never subdivided or a boundary survey recorded. According to the Deed of Easement, any owner of the property may subdivide a one-acre area around the site of the pre-existing dwelling, subject to M.A.L.P.F. approval and compliance with all County and State requirements. In May 1998, M.A.L.P.F. approved the proposed subdivision of the one-acre lot, in the area as shown on the proposed plat.
2. The owners propose to replace the deteriorated house with a new structure. As such, it must meet all current County and State Code requirements, including an acceptable septic drainfield location. Field percolation tests have found that the nearest septic easement area is outside of the limits for the proposed one-acre lot. In such a situation, M.A.L.P.F. can approve a lot up to two-acres in size, if the additional acreage is needed to accommodate a septic easement. However, County zoning regulations (Section 104.E.6.) and Agricultural Code (Section 15.514.(b)) limit the subdivided lot to one-acre in size.
3. The alternative to replacing the pre-existing house with a new house within the one-acre lot area as shown on the plat would require that the one-acre area be moved to the east, into an existing agricultural field. Both the County and State programs discourage such a relocation, as the result would decrease the agricultural value of the property. Rehabilitation of the area associated with the pre-existing house to convert it from residential to agricultural use would be difficult, due to the topography, site conditions, and property configuration.
4. An alternative location on the farm itself is not appropriate, as most of the land area that could be suitable for residential development is already in agricultural production. The remaining areas have topographic restraints, such as floodplain, streams, wetlands, and steep slopes. M.A.L.P.F. decisions, in recent years, has seldom approved relocating the building area for a pre-existing dwelling.

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5. Please note that once a tentative approval is granted by the Department of Planning and Zoning for this subdivision, the final plat cannot be recorded until the matter is reviewed and approved by M.A.L.P.F. If the off-site septic proposal is denied by the County, and the lot must be reconfigured or relocated, the new location will also have to be reviewed and approved by M.A.L.P.F.
6. Off-site septic easements are not appropriate on agricultural land preservation lots, as they are not appropriate on other residential lots. If this were a new dwelling or one-acre lot proposal, the off-site septic easement would not be acceptable (see the previous Lewis and Kittleman agricultural subdivisions). In this case, however, the proposal is to accommodate a replacement house. The Winkler's View lot could be treated as if this were an existing lot, with a house and a failed septic easement, based upon the recognition in 1988 by the County and State that this one-acre area could be subject to future subdivision.
7. The Howard County Agricultural Land Preservation Advisory Board at their meeting of November 8, 1999, recommended approval of the lot and septic design as shown.

It is therefore recommended that the proposed Winkler's View one-acre lot subdivision be **approved as shown**, subject to a deed agreement between the new lot and the easement property be recorded with the final plat, which recognizes the risks and responsibilities of the off-site septic easement. A note which references those rights and responsibilities should be placed on the plat.

Please forward a copy of any revisions to this plan, or the approval letter, along with any additional information provided by the applicant for review, when received.

Please call Bill Pickens at extension 4382 if you need additional information. Thank you.

cc: Mr. & Ms. Jeffrey Winkler
2980 Woodbine Road
Woodbine, MD 21797
M.A.L.P.F. Easement #13-04-86-02Ae
AG Read File