



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

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

January 20, 2015

Mr. John Byrd  
Howard County Recreation and Parks  
7120 Oakland Mills Road  
Columbia, MD 21046

Mr. Richard Powell  
Howard County Department of Public Works  
6751 Columbia Gateway Drive, Suite 514  
Columbia, MD 21046

Dear Messrs. Byrd and Powell:

RE: WP-15-081, Dorsey Hall, Section 3, Area 5, Lot 4

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 16.116 which prohibits grading, removal of vegetative cover and trees, paving and new structures within streams, wetlands, steep slopes and their buffers; Section 16.155(a)(1)(ii) which requires a Site Development Plan for any establishment of a use or change of use unless the Department of Planning and Zoning determines that the establishment or change in use will cause less than 5,000 square feet of site disturbance, that no significant alteration to access, parking, circulation, drainage, landscaping, structures, or other site features is required, and that the proposed use does not qualify as redevelopment that requires stormwater management in accordance with the Design Manual; Section 16.1202(n): Definitions: "Net Tract Area" and Section 16.1202(b)(1)(i): Applicability; Exemptions; to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation obligation. The disturbances to the environmental features were determined to be necessary disturbances required to repair the stream.

Approval is subject to the following conditions:

1. The petitioner shall obtain authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for activities in regulated areas associated with the Dorsey Hall Stream Restoration project. A copy of that authorization will be provided to the Department of Planning and Zoning for the waiver file.
2. Disturbance is limited to 1,000 linear feet of stream within the LOD as depicted on the waiver exhibit and as described in the justification prepared by Richard Powell, received on December 15, 2014.
3. The applicant shall provide written documentation that \$3,267.00 has been paid to the Forest Conservation Fund (SAP Acct 2050000000-3000-3000000000-PWPW0000000000-43251) as fee-in-lieu payment for a total of 0.10 acres of required reforestation in association with the Dorsey Hall Stream Restoration projects. A Forest Conservation Summary chart must be included with this documentation.
4. A copy of the receipt for the payment or transfer of \$3,267.00 to the Howard County Forest Conservation Fund shall be submitted to Mrs. Brenda Luber of the Division of Land Development (DLD) of the Department of Planning and Zoning. This documentation must be submitted to DLD prior to the issuance of any grading permit.
5. Add a detailed note to the General Notes on plan sheet 1 for this waiver petition that indicates this waiver petition file number, the sections of the Regulations, request, action, conditions of approval, and the approval date. Reference WP-15-081 on any future permit applications.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty -**

Denial of the waiver petition would result in undue hardship because strict compliance would require additional time, effort and cost to address a large area of land that is not affected by the proposed project and would include computations, mapping and other exhibits which would not be integral to the restoration project. "This project has no proposed structures, buildings, roads, utilities, public or private facilities or easements or grade changes. This restoration, that has now been funded, is needed to address an environmental public safety concern and the applicant hopes to address the erosion problem that is negatively impacting County Open Space. There is no viable way to address the eroding conditions within the stream without working with the stream itself.

The riparian buffer is to be planted with 467 trees and 95 shrubs. A sediment and erosion control plan is included in the design plans and has been submitted to HSCD for review and approval has been obtained from MDE and USACOE. The stream repair has been designed in accordance with the requirements of 5.2.7.M. of Design Manual-Volume 1 and commonly accepted restoration practices such as step pools, riffle grade controls, and stream bank stabilization will be used.

**Not Detrimental to the Public Interest** – "The parcel of ground is not being "developed" in the traditional understanding of the term, but restored to its natural condition. Specifically, where the stream is now severely incised, the stream invert will be raised to an elevation comparable to that of the pre-development condition. Where the stream banks are now nearly vertical (subject to accelerated erosion and devoid of protective vegetative cover), the banks above the new invert will be stabilized and revegetated. Clearing and grading are limited only to those areas necessary for construction access. Waiver approval would not be Detrimental to the Public Interest because it will result in the establishment of a forested riparian buffer along the stream where one currently does not exist. SWMD will also pay a fee-in-lieu to meet reforestation requirements. "Public interest and safety will be improved by the restoration project and approval of the waiver will more appropriately match the goals and resources of the project to the overall intent of the regulations. "D-1158 is intended for the restoration of stream banks and channels on public property. Approval of the waiver allows the corrective actions of the Capital Project to proceed, which through the budgetary process, has already been determined to be in the public interest.

**Will Not Nullify the Intent or Purpose of the Regulations** – The Intent and Purpose of the Regulations will be upheld through the required review process. The project is being completed in order to stabilize eroding stream banks. The Intent of the Regulations is to "preserve steep slopes, wetlands and streams in their natural state and to prevent disturbance of these natural features by development activities. Currently the natural condition is being disturbed by the impacts of excessive runoff generated by the development upstream, which is primarily the "Dorsey Hall Village Community". Allowing the stream to continue eroding will further impact the stream, buffer, open space and will imperil the adjacent residential property. No specimen trees will be removed. Furthermore, the very nature of the project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. "The Intent of the Regulations is to preserve and maintain the forest areas in the County. This project, in addition to meeting forest conservation requirements through the payment of a fee-in-lieu will be planting 467 trees and 95 to establish a riparian buffer along the stream.

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](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

Attachment

cc: Research  
DED  
Real Estate Services