



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 8, 2017

Mr. Tim Feaga
BV Business Trust
15950 North Avenue
P.O. Box 482
Lisbon, Md. 21765

Dear Mr. Feaga:

RE: WP-17-081, Walnut Creek, Phase IV (F-13-034)

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.115.c(2)** – prohibits clearing, excavating, filling, altering drainage or impervious paving within the floodplain. The Petitioner requesting permission to disturb the 100-year floodplain for the construction of rip rap and outfall associated with a storm water management pond.

Approval is subject to the following conditions:

1. The disturbance to the floodplain area is restricted to the limited of disturbance shown on the alternative compliance exhibit.
2. Compliance with the attached Development Engineering Division comments dated February 17, 2017 requiring a "Red-Line Revision" to show the SWM outfall modification.
3. On all future plan submission, provide a brief description of alternative compliance petition, WP-17-081, as a general note to include request(s), section(s) of the regulations, action and date.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - Extraordinary hardship would result if the applicant is required to rebuild the principal spillway and stilling basin associated with SWM pond #2. Aerial topography was used to prepare the Grading and Sediment Control Plans. The topography was slightly off in the area of the outfall; thus requiring the minor (60 linear feet) encroachment within the floodplain. If this disturbance is not approved, the rebuilding of the spillway and basin will require a larger area of disturbance which may result in more erosion into the floodplain during the construction.

Alternative Proposal - The only alternative for not granting the minor disturbance is the rebuilding of the principal spillway and stilling basin. If the rebuilding is required, the raising of the elevation will create erosion of the floodplain. Allowing the minor disturbance to the floodplain for the construction of the required rip rap and outfall will be a better alternative.

The intent of the Regulations will be served to a greater extent through the implementation of this alternative proposal to allow the disturbance within the floodplain for the rip rap rather than rebuilding the spillway and stilling basin which will create a greater impact to the floodplain because of the possible erosion into the floodplain during construction.

Not Detrimental to the Public Interest - The alternative compliance request will not be detrimental to the public interest and will not alter the essential character of this floodplain. The elevation adjustment is within a foot on average. This type of feature is similar to natural land within the same area so it will not be noticed as detrimental. The Development Engineering Division has approved the alternative compliance request. Thus, allowing the rip rap within the floodplain will have a lesser impact to the floodplain.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the Regulations. The intent of the regulations is to maintain the natural features of the floodplain zone as well as to not alter the cross-sectional area of the floodplain to impact surrounding properties. The grading impact is a minor excavation to day light the water flow and no adverse fill is involved. The request has been approved by the Development Engineering Division.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

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
FCC
F-13-034