



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

December 4, 2017

Brian Cleary
Howard County Department of Public Works
Stormwater Management Division
6571 Columbia Gateway Drive, Suite 514
Columbia, Maryland 21046

Re: Starling Road Stream Rehabilitation Project
Alternative Compliance WP-18-035

Dear Mr. Cleary:

The Director of the Department of Planning and Zoning considered your request for alternative compliance with Subsections 16.155(a)(1)(ii), 16.1201(n) and 16.1205(a)(7) of the Howard County Subdivision and Land Development Regulations. Alternative compliance with these regulations would allow the applicant to stabilize approximately 2,500 linear feet of eroding stream along Starling Road without an approved site development plan, alter the definition of "net tract area" as found in the regulations for calculating the forest conservation obligation for the project and remove a specimen tree. As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. The applicant shall obtain an approved grading permit to conduct the proposed stream rehabilitation project.
2. The applicant shall ensure that no disturbance is permitted beyond the limit of disturbance shown on the alternative compliance application exhibit.
3. The applicant shall obtain any required State or Federal permits prior to the submission of the grading permit application.
4. The applicant may remove the specimen tree indicated by the plan (30" *Quercus sp.*) contingent on the applicant incorporating said tree into the rehabilitation plan.
5. The applicant shall submit a copy of the memorandum authorizing the Department of Finance, Bureau of Accounting to transfer \$42,144.00 to the Forest Conservation Fund, Section 16.1211, SAP Acct #2060000000-3000000000-PWPZ000000000000-432521.

Our decision to approve the alternative compliance was made based on the following justification submitted by the applicant:


1. "The project that is the subject of this waiver [*sic*] request is needed to address an eroding stream system that is negatively impacting County open space and adjacent private property. Strict compliance to the Sections noted above would require additional time, effort, and cost to address a large amount of land that is in no way affected by the proposed project. The additional work would include a forest stand delineation and 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 this project.

2. "A key to this project is the swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site per the forest conservation worksheet. The project will be designed with the forest conservation regulations in mind. The limit of disturbance will be minimized to only that area necessary for constructing the project. Furthermore, the very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and by providing a stable stream system. The County is also working closely with DRP to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work. Every effort will be made to beneficially re-use removed trees on-site, particularly live cuttings of willows for use in bioengineering.
3. "The existing stream is currently downcutting, eroding streambanks 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. Public interests and safety will be improved by the proposed project. The waiver [sic] 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.
4. "As stated above, approval of this request will not nullify the intent of the regulations. The project is being performed to stabilize eroding stream banks. Continued erosion will cause the loss of stream buffer, and falling trees can pose a safety hazard for residents. It is important to public safety and the environment that the project is completed. No work being proposed by this project is in any way counter to County policy or regulation."

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plans and permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading plan or permit is being actively processed in accordance with the processing provisions of the Regulations.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/DBB:dbb

C: DPZ, Research
DPZ, DED