



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

July 14, 2021

Brian Cleary
Howard County DPW- SWM Division
9801 Broken Land Pkwy
Columbia, MD 21046

RE: WP-21-029 Quaker Mill Court Flood Attenuation Facility

Dear Mr. Cleary:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On July 1, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Sections 16.1201(v) and 16.1205(a)(3)** of the Subdivision and Land Development Regulations to use the 3.13-acre Limit of Disturbance as the Gross Tract Area and to remove four specimen trees. Please see the attached Final Decision Action Report for more information.

On July 13, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to use the capital project design plans in lieu of a Site Development Plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting and construction. The project goals are to provide flood attenuation, stabilize eroding stream banks, reduce downstream discharges and sedimentation, increase floodplain connectivity and stabilize the Rogers Avenue roadway embankment. The timeline for this project is sensitive and strict compliance with the regulations would lengthen the schedule and take away valuable funds from the implementation of the project. Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information needed for this project's minor improvements

Approval of this Alternative Compliance is subject to the following conditions:

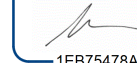
1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the 3.13-acre limit of disturbance as shown on the alternative compliance exhibit, unless it can be sufficiently demonstrated by the applicant to be justified.
2. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
3. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, streams, wetlands and wetland buffers. Reference the applicable MDE or USACE permit numbers and provide approval letters with all associated grading permit applications.

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

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

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research [Section 16.1205(a)(3) - 4 tree req/ 4 tree app]
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR



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Ellicott City, Maryland 21043

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Amy Gowan, Director

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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-029 Quaker Mill Court Flood Attenuation Facility**
Request for a variance to Sections 16.1201(v) and 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: Brian Cleary
Howard County DPW- SWM Division
9801 Broken Land Pkwy
Columbia, MD 21046

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Sections 16.1201(v) and 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to use the 3.13-acre Limit of Disturbance as the Gross Tract Area and to remove four specimen trees. The Directors deliberated the application in a meeting on July 1, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The application requests to allow the Limit of Disturbance (3.13 acres) to be used as the Net Tract Area for forest conservation calculations instead of the entirety of the parcels (3.38 acres). A portion of the project is located within the 100-year floodplain (0.44 acres). This results in a forest conservation obligation of 2.5 acres. The proposed facility will cover the majority of the two parcels and there is minimal area remaining to fulfill the forest conservation obligation onsite. The applicant proposes to pay a fee-in-lieu to satisfy the forest conservation obligation.

The construction of the project will require the removal of four specimen trees. All four trees are maples in fair or poor condition. The limit of disturbance could not be reduced to preserve the trees, due to the extensive flood attenuation requirements and large footprint of the proposed facility. Native tree species will be planted in all suitable areas within the project limits after construction is complete. A total of 8 native shade trees with a diameter of 3"+ will be planted to mitigate the removal of the 4 specimen trees.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

The capital project is part of the county's Safe and Sound flood mitigation plan and will provide essential stormwater retention within the Tiber-Hudson watershed. Strict enforcement of the regulations would prohibit the construction of the facility. The project goals are to provide flood attenuation, stabilize eroding stream banks, reduce downstream discharges and sedimentation, increase floodplain connectivity and stabilize the Rogers Avenue roadway embankment.

3. Verify that the granting of a variance will not adversely affect water quality.

The existing stream is currently meandering causing stream bank erosion, pond embankment erosion and the loss of trees and stream buffer vegetation. The project aims to improve water quality by reducing sediment and excess nutrients from entering the waterway from the eroding stream banks, by providing stable storm drain outfalls and reducing flood hazards and associated environmental impacts downstream.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Approval of the request will not grant the applicant a special privilege since the capital project is designed to provide essential stormwater retention and streambank restoration in the Tiber-Hudson watershed.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The variance request is not based on conditions or circumstances which are the result of actions by the applicant.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

7. Provide any other information appropriate to support the request.

The application included a Forest Stand Delineation, Landscaping Plan and a photo log for the four specimen trees to be removed.

Directors Action: Approval of alternative compliance of Sections 16.1201(v) and 16.1205(a)(3) is subject to the following conditions:

1. Once the proposed project is complete, the Limit of Disturbance shall be stabilized, seeded and planted in accordance with the alternative compliance plan exhibit.
2. Prior to the commencement of the proposed project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$136,125.00 for the reforestation requirement totaling 2.5 acres. The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPZ000000000000-432521. A copy of the transfer receipt shall be submitted to DPZ- Division of Land Development.
3. The removal of the four specimen trees is permitted as shown on the alternative compliance plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. The proposed 8 native shade trees (3" + DBH) will serve as mitigation for removal of the four specimen trees, as shown on the alternative compliance plan exhibit.

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Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

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Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 9, 2021

Brian Cleary
Howard County DPW- SWM Division
9801 Broken Land Parkway
Columbia, MD 21046

RE: WP-21-029 Quaker Mill Court Flood Attenuation Facility

Dear Mr. Cleary:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On February 4, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered your request for a variance with respect to **Section 16.1201(v) and Section 16.1205(a)(3)** of the Subdivision and Land Development Regulations to use the 3.01-acre project Limit of Disturbance as the Net Tract Area and to remove four specimen trees, and is requesting you **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

On February 4, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered your request for alternative compliance with respect to **Section 16.155(a)(1)(i)** to use the capital project final design plans in lieu of a Site Development Plan and is requesting you **Revise and Resubmit** your proposal.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (**on or before March 26, 2021***).

*Deadlines for submission are pursuant to the Fifth Edition of the Subdivision and Land Development Regulations. Pursuant to Executive Order 2020-04, and as per DPZ Director Department Order dated April 14, 2020, certain deadlines are reinstated. Should those deadlines lapse while Executive Order 2020-03 is in effect, those deadlines are automatically extended to (30 days) beyond the termination of the Order. In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Please refer to the Department of Planning and Zoning website for current business processes during this time. Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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

Sincerely,

DocuSigned by:


Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Andy McLean- McCormick Taylor



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

**ALTERNATIVE COMPLIANCE
DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-029, Quaker Mill Court Flood Attenuation Facility**
Request for a variance to Section 16.1201(v) and Section 16.1205(a)(3) of the Forest Conservation Regulations

Applicant: Brian Cleary
Howard County Dept. of Public Works
Stormwater Management Division
9801 Broken Land Parkway
Columbia, MD 21046

The above referenced application to use the 3.01-acre project Limit of Disturbance as the Net Tract Area and to remove four specimen trees was reviewed on February 4, 2021. Pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks and Administrator of the Office of Community Sustainability considered the applicant's request for a variance with respect to **Section 16.1201(v) and Section 16.1205(a)(3)** of the Howard County Forest Conservation Regulations and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. In accordance with Section 16.1216(d), any specimen tree removed shall be replaced onsite by at least two native trees with a size of 3" DBH or larger. Revise the Plant Lists to include at least 8 native trees with a planting size of 3"+ DBH. Show the locations of the mitigation trees on the Landscaping Plan with unique symbols.
2. Can the proposed maintenance access road be relocated further downhill into the facility to provide space for perimeter landscaping and street trees along Rogers Avenue? If this is not feasible, please explain why.
3. The Alternative Compliance request cannot be approved unless the current property owners sign and authorize the application. Since the property acquisition is still being finalized, can written authorization be obtained from the River Mill Estates and Braebrooke Homeowners Associations for their approval to submit this alternative compliance application?
4. Provide additional justification confirming that the Limit of Disturbance is accurately sized and cannot be reduced for the proposed grading. Is it possible to reduce the LOD and still accomplish the desired floodwater retention?
5. Will the existing bamboo on Open Space Lot 177 be completely removed? If not, how will you prevent the bamboo from spreading and impacting the proposed landscaping trees?

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

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Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description:

Subdivision Name/Property Identification:

Location of property:

Existing Use:

Proposed Use:

Tax Map:

Grid:

Parcel No:

Election District:

Zoning District:

Total site area:

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request

Section Reference No.	Brief Summary of Request

Signature of Property Owner:

Date:

Signature of Petitioner Preparer:

Date:

Name of Property Owner:

Name of Petition Preparer:

Address:

Address:

City, State, Zip:

City, State, Zip:

E-Mail:

E-Mail:

Phone No.:

Phone No.:

Contact Person:

Contact Person:

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request