



# 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

December 21, 2021

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

RE: WP-22-027 Wood Creek Stream Rehabilitation Project

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 December 20, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(2)** of the Subdivision and Land Development Regulations to stabilize approximately 948 linear feet of a perennial stream. Please see the attached Final Decision Action Report for more information.

On November 23, 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 **Sections 16.115(c) and 16.155(a)(1)** of the Subdivision and Land Development Regulations to temporarily disturb 0.33 acres of 100-year floodplain and to use the Alternative Compliance plan exhibit as a substitute for a Site Development Plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas.**

In its nature, the project will temporarily impact an existing stream and floodplain. Grading, clearing, excavating, filling and altering drainage will occur within the floodplain. The project's main goal is to improve the ecological function of the stream and floodplain. Upon completion, all impacted areas will be restored to a more stable environment and replanted with native species. Strict conformance with the regulations would deprive the applicant of the right to protect the existing infrastructure from the eroding stream banks.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations.**

The existing stream is eroding and threatening the stability of residential townhomes, pedestrian pathways and other infrastructure. Strict adherence to the regulations would not allow the stabilization project to proceed and

the continued erosion would eventually lead to severe impacts to the adjacent townhomes, roads and utility infrastructure.

- 3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants.**  
Approval of the alternative compliance request will not grant a special privilege to the applicant since the project is proposed to protect public infrastructure and to restore an eroding stream system.
- 4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**  
The stream bank stabilization will not result in the change of land use, addition of impervious surface, construction of structures or significant changes to the floodplain within the project area or downstream. Continued erosion will result in the loss of open space land and falling trees which can pose a safety hazard for residents. The goal of the project is to stabilize the eroding stream, protect the adjacent roadway crossings and improve conditions within the floodplain.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1) 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 prevent continued sedimentation into the Little Patuxent River and its tributaries, to restore an eroding stream and floodplain and to protect public infrastructure. All applicable permits will be obtained from the MD Dept. of the Environment (MDE) and Howard Soil Conservation District (HSCD). 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 improvements.

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

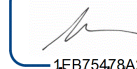
1. All disturbed areas within the 100-year floodplain shall be stabilized and seeded or planted with native vegetation after construction is complete, in accordance with the alternative compliance plan exhibit.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within the stream and floodplain. Provide approval letters from MDE and/or USACE with the grading permit application.
3. The alternative compliance plan exhibit shall serve as the substitute for a site development plan. No disturbance is permitted beyond the 1.38-acre limit of disturbance as shown on the alternative compliance exhibit, unless it can be sufficiently demonstrated by the applicant to be justified.
4. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related grading and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading 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](mailto:ebuschman@howardcountymd.gov).

Sincerely,

DocuSigned by:



Anthony Cataldo, AICP, Chief  
Division of Land Development

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services



# 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

## ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING  
OFFICE OF COMMUNITY SUSTAINABILITY

**RE:** **WP-22-027 Wood Creek Stream Rehabilitation Project**  
*Request for an alternative compliance to Section 16.116(a)(2) of the Subdivision and Land Development Regulations.*

**Applicant:** Howard County Department of Public Works  
Stormwater Management Division  
9801 Broken Land Parkway  
Columbia, MD 21046

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning and the Administrator of the Office of Community Sustainability (the Director of Recreation and Parks recused) considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(2)** of the Subdivision and Land Development Regulations. The purpose is to stabilize approximately 948 linear feet of a perennial stream. The Directors deliberated the application in a meeting on December 20, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. 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 16.104(a)(1) and Section 16.116(d):

- 1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.**  
The work is proposed to prevent further stream bank erosion which is jeopardizing public infrastructure, natural resources, and County property. In addition to addressing the damage, the project goals are to improve the ecological function of the stream and floodplain. Strict conformance with the regulations would deprive the applicant from stabilizing the stream to protect against continued stream bank erosion and existing infrastructure.
- 2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.**  
The stream is eroding and threatening the stability of adjacent infrastructure and open space land. The limit of disturbance for the project has been minimized to the extent practical and the impacted areas will be seeded and planted with native vegetation after the project is completed.
- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**  
Approval of the request will not grant a special privilege to the applicant since the project is proposed to protect public infrastructure and eroding stream banks.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**

The project will protect public safety and welfare by repairing a dangerous condition along an eroding stream system. The adjacent roadway crossings, pedestrian pathways, townhomes and other infrastructure are in danger of being impacted by the eroding stream. Continued erosion will result in the loss of open space land and falling trees can pose a safety hazard for residents. There is no evidence that project will have a negative effect on the downstream conditions or floodplain.

**5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**

The disturbed area will be replanted with native grasses, trees and shrubs after construction is complete. Approximately 300 trees and shrubs will be planted within the project limits and over 800 live stakes will be planted along the stream banks.

**6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**

The project aims to improve water quality by eliminating a source of excess sediment and nutrients which are currently entering the waterway from the eroding stream banks. Erosion protection measures such as armored stream structures and bank protection will be used to stabilize the stream banks. The trees to be planted after construction will provide shade and maintain cooler temperatures in the stream, which will improve in-stream habitat.

**7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.**

The project is an environmental remediation project intended to provide ecological uplift and water quality enhancement. All best management practices will be followed and all applicable permits from MDE, USACE and HSCD will be acquired prior to construction. The limit of disturbance has been minimized to only the area necessary for construction of the stream stabilization project. All existing forested areas outside of the LOD will remain undisturbed and the stream buffer will be planted with native trees and other vegetation after construction is complete.

**Directors Action:** Approval of alternative compliance of Section 16.116(a)(2) is subject to the following conditions:

1. All disturbed areas within the stream and 100 ft stream buffer shall be stabilized and seeded or planted with native vegetation after construction is complete, in accordance with the alternative compliance plan exhibit.
2. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbances within the stream and floodplain. Provide approval letters from MDE and/or USACE with the grading permit application.

DocuSigned by:  
*Amy Gowan*  
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Amy Gowan, Director  
Department of Planning and Zoning

DocuSigned by:  
*Joshua Feldmark*  
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\_\_\_\_\_  
Joshua Feldmark, Administrator  
Office of Community Sustainability

\_\_\_\_\_  
(Recused)  
Raul Delerme, Director

Department of Recreation and Parks

cc: Research  
DED  
OCS, Joshua Feldmark  
DPW, Thomas Meunier



# 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

September 20, 2021

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

RE: WP-22-027 Wood Creek Stream Rehabilitation Project

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 property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division for distribution in the following manner:

Agency: DLD #Copies: 2 copies

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before November 4, 2021\***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

**\*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 21043 or dropped into the bin labeled 'DPZ' in the George Howard Building lobby. Submission materials can also be emailed to [planning@howardcountymd.gov](mailto:planning@howardcountymd.gov) for processing.*

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

Sincerely,

DocuSigned by:  
  
1EB75478A22B49A...

Anthony Cataldo, AICP, Chief  
Division of Land Development

Attachments: DLD comments

cc: Research  
DED  
DLD - Julia Sauer  
Lindsay Nicoll- McCormick Taylor



**Department of Planning and Zoning- Division of Land Development**  
**September 20, 2021**

**RE: WP-22-027 Wood Creek Stream Rehabilitation Project-** Alternative Compliance request to Section 16.155(a)(1), Section 16.1201(v) and Section 16.1205(a)(3) of the Subdivision & Land Development Regulations

**Planner:** Eric Buschman- 410-313-0729- ebuschman@howardcountymd.gov

**Please address the following comments prior to resubmission of WP-22-027:**

1. This project is located on six parcels/lots. All affected property owners must sign the Alternative Compliance application. Or provide a signed letter from each owner stating that Howard County DPW has permission to submit this application on their behalf.
2. Has a community meeting been held for this project? Include meeting minutes with the resubmission.
3. The project site is zoned "New Town (NT)". Development in this zoning district is exempt from Forest Conservation requirements per Section 16.1202(b)(1)(ii). Therefore, Sections 16.1201(v) and 16.1205(a)(3) can be removed from the application. Be sure to revise the justification accordingly.
4. Sections 16.115(c)(2) and 16.116(a)(2)(iii) will need to be included in the application for the proposed impacts to the perennial stream, stream bank buffer and 100-year floodplain. Revise the application and justification accordingly. Be sure to include justification for all criteria per Section 16.104(a)(1).
5. Label the 100' stream bank buffer on all plan sheets per Section 16.116(a)(2)(iii).
6. Are any wetlands located within the project area? If so, label the wetlands and 25' wetland buffer on the plan and include Section 16.116(a)(1) in the application and justification.
7. Label any 25%+ slopes on the plan with a unique symbol. Label the contiguous area of each pocket of 25%+ slopes. Any disturbance to 25%+ slopes which are greater than 20,000 sf (contiguous area) will require Alternative Compliance to Section 16.116(b)(1).



**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