



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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October 17, 2011

Mr. Mark Richmond
Department of Public Works
Stormwater Management Division
6751 Columbia Gateway Drive
Suite 514
Columbia, MD 21046

Dear Mr. Richmond:

RE: WP-12-042, Threshfield Court
Stream Restoration

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 16.155(a)(1)(ii)** – requiring the approval of a Site Development Plan for non-residential development; and **Section 16.1201(n)** – which defines “Net Tract Area” for the purpose of calculating the Forest Conservation obligation. Please note that the waiver request from Section 16.1210(a) (1) (i) regarding the payment of a fee-in-lieu for afforestation or reforestation is not necessary for the processing of this waiver petition.

Approval is subject to the following conditions:

1. The Net Tract Area used to calculate the Forest Conservation Obligation is based on the 1.31 acres Limit of Disturbance (LOD) for construction of Capital Project D-1158. DPW is required to Pay a Fee-in-Lieu in the amount of \$11,761.20 for the reforestation obligation of .36 acres (15,681.60 square feet) calculated at the rate of \$0.75 per square foot. DPW is required to make this payment through a transfer of funds prior to making application for local permits and prior to the commencement of construction for Capital Project D-1158. The SAP Account for funds transfer is 2060000000-3000-3000000000-PWPW000000000000-432521. A copy of the transfer receipt for the Forest Conservation Fee-in-lieu payment shall be submitted to Ms. Brenda Luber, DPZ, Division of Land Development for reporting purposes to the State. Also, a completed Forest Conservation Data Summary for this project shall be submitted to Ms. Brenda Luber. You may access this document on-line at: <http://countyofhowardmd.us> – Forms and Applications – Forest Conservation Plat Application.
2. No disturbance is permitted beyond the limit of disturbance as shown on this waiver petition exhibit, WP-12-042 unless it can be sufficiently justified by DPW. All disturbed areas must be stabilized and replanted, as appropriate.
3. The applicant shall acquire any required MDE and/or U.S. Army Corps of Engineers permits for disturbance within the floodplain, wetlands, stream and their buffers, as applicable. Reference any applicable MDE or U.S. Army Corps of Engineer permits or tracking numbers

4. On plans and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-12-042 which includes the required sections of the Regulations, approval date and action taken.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The proposed stream revitalization project is needed to address an eroding stream system that is negatively impacting the County open space and infrastructure, which has become an environmental and public safety concern. Strict compliance of the Regulations would require additional time, effort, and cost. Only a small amount of land is affected by the proposed project. The additional work would include a forest stand delineation report, extensive survey field work, additional computations, mapping, reports, plans and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design and construction of the stream project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the time schedule for this important remediation project.

Not Detrimental to the Public Interest - 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 existing stream is currently moving laterally, eroding stream banks, potentially exposing existing sewer pipes and manholes, threatening to breach the embankments of several wetlands ponds adjacent to the stream and causing a loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion.

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 Threshfield Court stream restoration has been designed with the forest conservation regulations in mind. The limit of disturbance has been minimized to only that area necessary for constructing the project. All efforts are being made to avoid specimen trees and other large trees in and around the work area and for the construction access. The Department of Public Works is working closely with the Department of Recreation and Parks to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area of trees for the contractor to work.

Will Not Nullify the Intent or Purpose of the Regulations - The proposed disturbances to the existing on-site environmental features are necessary to protect the public's interest, safety and well being. The waiver 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 which will not be nullified by the granting of the waiver requests. The project is being done to stabilize approximately 2,400 linear feet of eroding stream bank and to protect the on-site sewer infrastructure. Continued erosion will cause the loss of open space and stream buffer areas; also falling trees can pose a safety hazard; and protection of the sewer pipe can prevent potential health and safety issues from sewer spill. Capital Project D-1158 is an important public safety and environmental protection project. The stream must be restored to address the stream erosion in order to protect the health of the stream and riparian corridor and the safety of the citizens adjacent to 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 or as long as the grading plan remains in active processing.

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
KCI Technologies