



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 14, 2016

Howard County Dept. of Recreation & Parks
7120 Oakland Mills Road
Columbia, MD 21046
Attn: John Byrd

RE: WP-17-015 Rockburn Branch Park Stream
Restoration Project

Dear Mr. Byrd:

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 alternative compliance to **Section 16.155(a)(1)(ii)** of the Subdivision and Land Development Regulations, which requires a site development plan for new or expanded non-residential development.

Approval is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 4.4 acre limit of disturbance as shown on the plan exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The proposed 104,543 square feet of disturbance to the existing Forest Conservation Easement shall be replanted on-site within the existing easement per Howard County Recreation & Parks standards.
3. The removal of state champion trees, trees 75% of the diameter of state champion trees or trees 30" in diameter or larger is not permitted under this alternative compliance request. Any removal of these specimen trees will require approval of alternative compliance to Section 16.1205(a)(7) of the Subdivision & Land Development Regulations. All efforts shall be made to reduce impacts to specimen trees during construction. Tree protection measures as detailed on the plan exhibit shall be utilized as necessary.
4. Once the proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
5. Compliance with the attached comments from DPZ- Division of Land Development. Submit a revised plan exhibit to DPZ for file retention.
6. 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, wetlands, streams and their buffers. Reference any applicable MDE or USACOE permits or tracking numbers on the building or grading permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project that is the subject of this alternative compliance request is needed to address an eroding stream system that is negatively impacting County open space. Strict compliance to Section 16.155 would require additional time, effort and cost to prepare a formal site development plan and to process the plan through the various County approvals. 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 time-sensitive project.

Not Detrimental to the Public Interest:

The existing stream is currently eroding its stream banks 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. The erosion problem must be addressed and threatens to migrate laterally farther in County open space. Public interests will be improved by the proposed project. Continued erosion will result in the loss of open space and stream buffer, contribute to sedimentation in the Patapsco River and falling trees can pose a safety hazard for residents.

Will not nullify the intent or purpose of the regulations:

The alternative compliance 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. 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 protection criteria are met. 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 SWMD is also working closely with Recreation & Parks 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.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related building and grading permits. This requested alternative compliance will remain valid for one year from the date of this letter or as long as this grading plan remains in active processing.

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

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research ✓
DED
Real Estate Services
Christine Lowe- SWMD