



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

April 6, 2017

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

Howard County Stormwater Management Division
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046
Attn: Mr. Brian Cleary

RE: WP-17-095 Heatherland Stream Restoration Project

Dear Mr. Byrd:

The Director of the Department of Planning and Zoning considered your request for 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 of **Section 16.155(a)(1)(ii)**, which requires a site development plan for disturbance greater than 5,000 square feet and **Section 16.1201(n)**, to allow the Limit of Disturbance to serve as the Net Tract Area for forest conservation calculations.

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 3.34 acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. Prior to the commencement of Capital Project D-1158, the Department of Public Works shall pay a fee-in-lieu in the amount of \$10,455.00 for the reforestation obligation of 0.32 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 for file retention records.
3. The proposed disturbance to the existing Forest Conservation Easement on Parcel 801 Lot 318 shall be replanted on-site within the existing easement per Howard County Recreation & Parks standards.
4. 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 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 fencing as detailed on the plan exhibit shall be utilized as necessary.
5. 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 the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any building or grading permits.

6. Once Capital Project D-1158 is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
7. Compliance with the attached comments from DPZ- Division of Land Development. Submit a revised exhibit plan for file retention records.

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 water quality in the Deep Run watershed. Strict compliance to the Sections noted above would require additional time, effort and cost to address a large amount of land that is not affected by the proposed project. 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.

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 into County open space and private residential properties. Public interests and safety will be improved by the proposed project. Continued erosion will result in the loss of open space and stream buffer, 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 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 Stormwater Management Division is 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 grading permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as the 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.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED