



Howard County Department Of Planning And Zoning

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Valdis Lazdins, Director

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May 5, 2017

Howard County
Department of Recreation and Parks
attn: John Byrd
7120 Oakland Mills Road
Columbia MD 21046

RE: WP-17-097 Twin Oaks Pond #1
SWM BMP and Stream Channel Rehabilitation - Capital Project D-1159

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 an alternative compliance to the following three sections of the Subdivision and Land Development Regulations:

Section 16.155(a)(1)(i) - New or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities. The petitioner is seeking alternative compliance to the site development plan (SDP) requirement for a non-residential maintenance project within County-owned property to retrofit an existing SWM facility.

Section 16.1201(n) - "Net tract area" is to be used in calculating any reforestation or afforestation obligations that may be created by the proposed development. The petitioner is requesting to use the proposed LOD area (0.90 acres) as the 'net-tract' area for the purpose of determining this project's forest conservation obligation.

Section 16.1205(a)(7) - State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County. The petitioner is requesting to remove two (2) specimen trees (a Tulip Poplar tree and a Northern Red Oak tree) that would be subject to damage in order to rehabilitate the pond.

Approval is subject to the following six (6) conditions:

1. The proposed permanent pond should be designed to meet all Soil Conservation District, Howard County and Maryland Department of Environment (MDE) requirements for storage, treatment and DAM safety.
2. All work shall occur on publicly owned land (or land within a public easement) and the proposed SWM pond shall be publicly owned and maintained.

3. All MDE and Army Corps of Engineers permits and approvals must be obtained.
4. No disturbance is permitted beyond the limit of disturbance shown on the alternative compliance plan exhibit. The proposed LOD area shall be replanted per Howard County Recreation and Parks standards.
5. All disturbed areas must be stabilized and replanted as appropriate.
6. Prior to the commencement of Capital Project D-1159, the Department of Public Works shall pay a **fee-in-lieu** in the amount of **\$6,207.00** for the reforestation of 0.19 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.

The decision of this alternative compliance petition is based on the following justification:

Hardship:

See the enclosed justification statement from the applicant. This project is needed to address an eroding stream system that is negatively impacting County-owned open space and to rehabilitate an existing stormwater management pond by improving its safety features and to meet TMDL regulations. Strict compliance to the Regulations would impede the schedule of work proposed for this project and would require additional time, effort and cost to conduct surveying work, computations, mapping, report, plan and exhibit preparation that would be all included as part of a SDP submittal. In addition, full compliance with the Regulations would not improve the final design or construction of the project and would take away valuable resources from the implementation of the project design and construction.

Alternative:

The rehabilitation of the existing stormwater management pond and tributary channel requires immediate attention and there is no other viable alternative other than submitting a SDP (which would require significantly more preparation and processing time). This project is part of a DPW Capital Project and the need to complete this project is of paramount importance for safety and maintenance upgrades to the pond and to stabilize the stream channel.

Not detrimental to public interest:

Approval of this alternative compliance petition will not alter the essential character or substantially impair the appropriate use or development of the surrounding residential properties. The intent is not to exempt this project from County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the Regulations, through the improvements to the pond and the stream channel for the protection of downstream resources such as Gorman Park by preventing further erosion and the transport of sediment and nutrients throughout the watershed.

Not nullify the intent or purpose of the regulations:

Approval of this alternative compliance petition will not nullify the intent or purpose of the regulations since the overall purpose of the project is to stabilize eroding stream banks and rehabilitate the existing stormwater management pond to meet TMDL regulations. Requiring the applicant to prepare a site development plan, to address forest conservation for the entire parcel areas and to save two specimen trees that are located within close proximity where the critical root zones would be impacted, would not be practical, since the scope of work is limited to a retrofit of an existing stormwater management facility (pond) and to stabilize an eroding stream channel. All proposed improvements have been detailed on the alternative compliance petition plan exhibit, which has taken measures to minimize disturbance to existing environmental features on site.

Include a copy of this approval letter with all pertinent permit applications prior to any grading activity proposed on this site. In addition, no permits may be applied for until after the \$6,207.00 fee-in-lieu for forest conservation is paid.

This requested waiver will remain valid for one year from the date of this letter or as long as this project remains in active permit processing.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
cc: Research
DED
Zoning Division – Annette Merson
DPW – Bureau of Environmental Services (SWM Division)
Century Engineering