



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

March 15, 2018

Department of Public Works
3430 Courthouse Drive
Ellicott City, MD 21043

RE: WP-18-062, Blue River Court SWM Pond Repair
Associated with Capital Project D-1159

Dear Sir or Madam:

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 of Section 16.1201(n) for Lots 282 & 301, Parcel 1178 and Section 16.155(a)(1)(ii), and Section 16.1205(a)(7) 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 limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. The removal of the 33.8" tulip tree is permitted as shown on the plan exhibit. The removal of any additional specimen tree is not permitted under this alternative compliance request. 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.
3. Once Capital Project D-1159 is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources by the Department of Recreation & Parks.
4. A fee-in-lieu in the amount of \$11,107.80 must be paid at the time of Alternative Compliance Plan exhibit submittal to meet the 0.34 acres of reforestation required per the Forest Conservation requirement.
5. All construction and drainage easements and right-of-entry agreements must be obtained prior to the start of construction.
6. The applicant shall obtain all required authorizations and permits from the Department of Inspections, Licenses and Permits, 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 County permits.
7. Remove Department of Public Works signature block and add Department of Planning and Zoning, DLD, Division Chief and DED, Division Chief.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The project is requesting an alternative compliance request to address an eroding stream system that is negatively impacting County open space and adjacent private property. Strict compliance to the Regulations would require additional time, effort and cost to address a large amount of land that is not affected by the proposed project. The additional work would include a forest stand delineation and survey work in the field, as well as additional computations, mapping, reports, plan and exhibit preparation. 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.

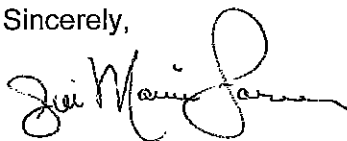
Not Detrimental to the Public Interest: The existing stream is currently eroding its stream banks and causing a loss of trees and stream buffer vegetation. The loss of trees further destabilizes the stream banks, thus accelerating the rate and amount of erosion. The erosion problem must be addressed and threatens to migrate laterally farther 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 and adjacent homes.

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 project will be designed with the forest conservation regulations in mind. 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 and improving water quality. 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 contractors to work.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Century Engineering