



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

June 13, 2018

Avanish Dewani
DPW – SWM Division
6751 Columbia Gateway Drive
Columbia, MD 21046

RE: WP-18-064 Governor Martin Outfall Stabilization
Project, Capital Project D-1159

Dear Mr. Dewani:

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 16.155(a)(1)(ii)**: Which requires a site development plan for any establishment of a use or change in use for non-residential development. A site development plan is required for disturbance greater than 5,000 square feet. And **Section 16.1201(n) Definitions**: "Net Tract Area", to allow the Limit of Disturbance to serve as the Net Tract Area when determining the Forest Conservation obligation.

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 0.67 acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. 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.
3. All construction and drainage easements and right-of-entry agreements must be obtained prior to the start of construction.
4. Compliance with the comments below from DPZ- Division of Land Development. Submit a revised exhibit plan for file retention records.
 - a. Update the Forest Conservation Worksheet with the recently revised worksheet from DLD (contact reviewer for up to date worksheet, copy attached).
 - b. Revise Forest Conservation Notes to match worksheet calculations and fee.
 - c. Remove detail for Forest Conservation signs as Fee-in-lieu is satisfying the obligation and there will be no planting.
5. 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.

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 a failing SWM Pond and eroding outfall 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 SWM pond is currently at risk of embankment failure that would result in the discharge of sediment into the Sucker Branch. The problem must be addressed quickly as it threatens to migrate into County open space. Public interests and safety will be improved by the proposed project. Embankment failure will result in the loss of open space and stream buffer, increase future repair and mitigation costs. Furthermore, a failing embankment 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 repairing an eroding outfall, preventing embankment failure, 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 grading permit application is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JF/DD

Enclosure: Forest Conservation Worksheet

cc: Research, DED
Real Estate Services
Forest Conservation Coordinator
Marian Honeczy- MD DNR