



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

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March 1, 2019

Mitron LLC

6510 Chantilly Drive
Sykesville, MD 21784

RE: WP-18-070, Lyhus Property (SP-17-010b)

Dear Applicant:

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 16.116 Protection of Wetlands, Streams, and Steep Slopes, Section 16.116(a) Streams and Wetlands, Section 16.120(b)(4)(iii)(b) Lot Design, and Section 16.1205(a)(7) On-site Forest Retention.**

Alternative Compliance Approval is subject to the following conditions:

1. Compliance with all SRC agency comments on the submitted Preliminary Equivalent Sketch Plan, SP-17-010b.
2. Provide 2 to 1 replacement trees for the 23 specimen trees removed, for a total of 46 replacement native trees of 3" minimum caliper on site in place of the removed trees as mitigation. The mitigated plantings are to be placed on the property to enhance the landscape screening. These plantings are to be provided on the final plan and will be incorporated into the landscape surety at the final plan stage.
3. Include the alternative compliance request number, description, and decision on all associated plans and final plats.
4. The proposed stream crossing near the center of the property should be stabilized and restored after the crossing has been completed. The crossing area should be cleaned of debris, stabilized, and enhanced planting should be provided for the crossing area.
5. Approval is subject to approval and permits from the Maryland Department of the Environment and the Army Corp of Engineers for stream and wetland impacts.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The applicant would have experienced extraordinary hardships and practical difficulties with the development of the property due to the limited area for development and because of the amount of existing environmental features located on site. Due to the existing floodplain, forested areas, wetlands, streams and their associated buffers the development of the area was generally confined to the southeast and the northwestern portions of the property. A major stream channel that generally runs north to south bisects the property. Access to the northern portion of the property would be impossible without a stream crossing and the disturbances associated with it. A farm pond currently exists on the property along the eastern border that inhibits proposed development. There are also 26 specimen trees located throughout the property which inhibit the development of the property. The developer would have experienced extreme difficulty for reasonable development of the property without disturbance to the environmental elements and buffers.

Alternative Proposal:

Alternatively, the alternative compliance could be granted allowing minor disturbances to these areas. The proposed stream and wetland disturbances would occur to drain a farm pond that poses a public safety and hazard concern. The farm pond area after it has been drained will still remain as a functional wetland. A proposed stream crossing could be allowed that would provide the necessary access to the northern portion of the property. The proposed crossing would be at the narrowest portion of the stream and wetland area which would cause the least amount of environmental disturbance. Additional plantings as mitigation for the removed specimen trees are to be provided. Two new trees for every specimen tree removed will be planted in addition to the perimeter and street tree landscape requirements.

Not Detrimental to the Public Interest:

Approval of this alternative compliance request would not have been detrimental to the public interest as the disturbances would allow development to occur on the most suitable portions of the property. The disturbances have been planned to be minimal in nature and at the most suitable locations. The majority of the environmentally sensitive features on the property will be preserved and protected. The specimen trees to be removed will be replaced with additional landscape plantings placed to improve the aesthetic and overall site layout.

Will not nullify the intent or purpose of the regulations:

Approval of this alternative compliance request will not have nullified the intent of the regulations. The general layout of the subdivision was designed to preserve as many of the existing environmental features as possible by providing permanent protection with the establishment of the buffers and through the ESD practices utilized through the design process. The disturbances to the environmental resources on site are proposed to allow for development of the most suitable areas of the property. The proposed disturbances are minimal in nature and are proposed to preserve as much of the remaining environmentally sensitive area possible. Approval of this alternative compliance to the referenced sections of the Howard County Subdivision and Land Development Regulation will not nullify the intent of the regulations as approval is only to the extent necessary to accommodate the necessary road crossings with the least damaging designs.

Essential & Necessary Disturbance Request:

The Planning Director also approved the necessary disturbance request included with the alternative compliance request submission. The applicant requested a determination of essential or necessary disturbance in accordance with Section 16.116(c) for the main access entrance in the subdivision at Lime Kiln Road and Proposed Road A to allow safe access for the subdivision. There is a narrow passage between the buffers of two separate streams at the proposed Lime Kiln Entrance. The proposed entrance intersection along Lime Kiln Road was relocated to higher ground and avoids impacts to nearby stream buffers to the greatest extent possible. At the new location, safe sight distance is achieved and impacts to nearby wetlands are to be avoided. As this is the only suitable location for the 24' wide main public access road from Lime Kiln Road the applicant requested approval to the necessary disturbance request. The practicalities of construction of the proposed public road at the very narrow public road frontage along Lime Kiln Road will require disturbance of 559 sq. ft. to the stream buffers and 118 sq. ft. of the wetland buffer. The main roadway entrance in the site is necessary to access the property from Lime Kiln Road to allow safe access for the proposed subdivision and to allow for emergency services for the future residents. The roadway and stream area along Lime Kiln Road is also scheduled to be improved as part of a future County capital project.

Approval for the necessary disturbance is subject to the proposed mitigation measures provided with the stabilization of the surrounding stream area and the installation of a new drainage culvert to facilitate the conveyance of the stormwater. The applicant is also to provide replanting of the associated stream access adjacent to the road crossing.

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 Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Bohler Engineering
IsLand Companies
SP-17-010b