



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

February 22, 2018

Century Engineering

10710 Gilroy Road
Hunt Valley, MD 21031

RE: WP-18-073, Park Drive Stream Stabilization Project

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 16.155(a)(1)(ii) Applicability** and **Section 16.1201(n) Definitions**.

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 2 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 the stream restoration project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
3. The proposed disturbance to the existing Forest Conservation Easement on Parcel 330 shall be replanted on-site within the existing easement per Howard County Recreation & Parks standards.
4. All specimen trees located within or near the limits of disturbance are to be preserved. If Removal of any specimen trees will be necessary, submission of an additional alternative compliance request for Section 16.1205(a)(7) will be required.
5. Compliance with the attached comments from DPZ- Division of Land Development. Submit a revised exhibit plan for file retention records.
6. 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
7. Include the alternative compliance request number, description, and decision on all associated plans, plats, and any future site plans.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project is needed to address the severe stream bed and bank erosion that is negatively impacting the County owned open space and the adjacent roadway Park Drive. Strict compliance with the Regulations would have required 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 have improved the final design or construction of the project and would have taken away valuable funds from the implementation of the project design and its construction. Performing this extra work would also have lengthened the schedule for this project.

Alternative Proposal:

Alternatively, the Alternative Compliance Exhibit could be submitted in place of the Site Development Plan. The submitted exhibit could have the necessary information typically required with a SDP, and could meet the intent of the regulations. The submitted exhibit could be reviewed and approved by County staff. By approving this request there will be no effect on surrounding properties and the County would save a lot of time and resources.

Not Detrimental to the Public Interest:

The unnamed tributary and confluence with Sucker Branch displays signs of severe incision, bed and bank erosion, particularly at the outlet of the tributary south of Park Drive. Addressing these issues will minimize the nutrient and sediment transport and prevent further degradation of the stream channel. Improvements will also alleviate potential threats to the structural integrity and safety of Park Drive. This project will also promote the success of the adjacent Howard County Sucker Branch Sewer Interceptor Upgrade and Stream Stabilization projects. The alternative compliance would not have been detrimental to the public interest as the proposed improvements would benefit the existing environment in the degraded stream channel as well as promote success of neighboring areas and projects. Approval would also eliminate the need to use additional county time and resources to review full plans, which would not relay any greater information than what is currently being provided.

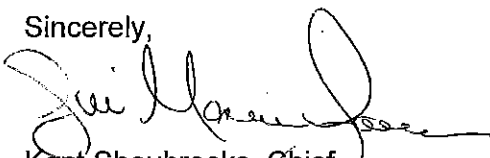
Will not nullify the intent or purpose of the regulations:

Approval of the Alternative Compliance Request would not nullify the intent of the regulations. The alternative compliance request is not intended to be exempt 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 project will be designed to minimize disturbance to environmental areas and forest resources. The intent of the project is to protect the environment by providing a stable stream system and reduce erosion and sediment transport downstream. These improvements will also help prevent potential problems with the structural integrity and safety of Park Drive

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,


for Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Century Engineering
DPW

Alternative Compliance Request

***Department of Planning and Zoning
Division of Land Development***

Nicholas Haines – nhaines@howardcountymd.gov – 410-313-4333

COMMENTS

**RE: WP-18-073, Park Drive Stream Stabilization Project
February 16, 2018**

Comment 1:

Please make the following updates to the general notes on sheet 1:

1. An existing forest conservation easement is located on Parcel 330 Open Space Lot 17. Include a note in the general notes referencing the area of existing forest conservation easement to be disturbed. Be sure to state that all forest conservation easement areas will be replanted in coordination with the Department of Recreation and Parks.
2. Add a note to the general notes stating "The subject property is zoned R-ED in accordance with the October 6, 2013 Comprehensive Zoning Regulations."
3. Add a note stating "No structures or subdivisions are proposed; therefore this project is not required to meet the provisions of Section 16.124 of the Howard County Code and the Landscape Manual."
4. Add a note specifying that no specimen trees are proposed to be removed as part of this alternative compliance request.
5. Provide a note specifying how forest conservation requirements are being met.

If you have any questions, please contact Nicholas Haines at (410) 313-4333.