



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

April 16, 2018

Albert Edwards
The Columbia Association
6310 Hillside Court, Suite 100
Columbia, MD 21046

RE: WP-18-090, Downtown Columbia, Crescent
Neighborhood, Open Space Lot 2

Dear Mr. Edwards:

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 the following Subdivision and Land Development Code Sections:

- **Section 16.115(c)(1):** A person shall not store materials of any kind in a floodplain either temporarily or permanently. Accordingly, building materials and other debris shall not be stored or discarded in floodplain.
- **Section 16.115(c)(2):** No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of planning and Zoning upon the advice on the Department of Inspections Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District or the Maryland Department of the Environment. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code.
- **Section 16.116(a)(1):** Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 25' of a wetland in any zoning district.
- **Section 16.116(a)(2)(iv):** Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 50 feet of a perennial streambank in nonresidential zoning districts.

Approval is subject to the following conditions:

1. Boardwalk construction must stay within the boundaries shown on the alternative compliance exhibit and meet all requirements/hold any restrictions specified within MDE/Corps Permit #14-NT-3189/201461063.
2. A redline to F-15-106 to show the boardwalk must reflect the disturbances shown on the alternative compliance exhibit.
3. No other stream, wetland or floodplain disturbance or disturbances of any stream or wetland buffers within Lot 2 or the other open space lots within Crescent Neighborhood is permitted without additional review.
4. Notation of this approval and conditions of WP-18-090 should be added on F-15-106.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: Strict compliance to the regulations would create a practical hardship because the Final Development Plan for the Downtown Crescent Neighborhood envisions pathways that meandered through the restored environmental areas in a minimally invasive fashion, including on Open Space Lot 2, to increase connectivity between the isolated development pods and to serve as part of the Downtown Community Commons requirement. Without this approval, connectivity within the neighborhood would be limited and a previously planned amenity for the community would not be realized, which would trigger an amendment to the FDP to find another alternative to meet the FDP's Downtown Community Commons obligation.

Alternative Proposal: Approval of this request meets the intent of the regulations by a greater extent by creating a walkable, bikeable community, and to provide an additional amenity through a natural area in Downtown Columbia with minimal impacts to the environmental resources that the path and boardwalk will cross.

Not Detrimental to the Public Interest: The design of the boardwalk and path follows the location of an old access road that will be removed and incorporated into the proposed stream and wetland improvements. Impacts to existing vegetation is minimal and the stream and wetland flow and natural processes will not be inhibited with this proposal. In fact, the overall condition of the resources will be improved with the overall project.

Will not nullify the intent or purpose of the regulations: The proposed pathway is minimally invasive to environmental resources. The footprint of the boardwalk is extremely limited and only the screw pile foundations remain as the only encroachment affixed to the land. The boardwalk is designed to be high enough to permit vegetative growth, allow the movement of wildlife, and create minimal restrictions of flow during flood events.

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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF 

cc: Research
DED
Real Estate Services
Greg Fitchitt, Howard Research and Development
Mike Trappen, GLW
Todd Brown