



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

August 23, 2018

Michele Monde
Mark Richmond
Howard County SWMD
6751 Columbia Gateway Drive, Suite 514
Columbia, MD 21046

RE: WP-18-107 Willow Bend Stream Restoration Project
Reconsideration request to revise LOD

Dear Sir/Madam:

The Director of the Department of Planning and Zoning considered your request for reconsideration of alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your reconsideration request for an alternative compliance of **Section 16.155(a)(1)(ii)** and **Section 16.1201(n)**. The reconsideration request is to revise the proposed Limit of Disturbance from 1.63 acres to 1.74 acres.

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 1.74-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. Prior to the commencement of Capital Project D-1158, the Department of Public Works shall pay a fee-in-lieu in the amount of \$19,602.00 for the reforestation obligation of 0.6 acres. The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPZ000000000000-432521. A copy of the transfer receipt shall be submitted to DPZ- Division of Land Development for file retention records.
3. The removal of state champion trees, trees 75% of the diameter of state champion trees or trees 30" in diameter or larger is not permitted under this alternative compliance request. Any removal of these specimen trees will require alternative compliance to Section 16.1205(a)(7) of the Subdivision and Land Development Regulations. All efforts shall be made to reduce impacts to specimen trees during construction. Tree protection fencing and root pruning as detailed on the plan exhibit shall be utilized as necessary.
4. Once the proposed stream restoration work is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources as detailed on the plan exhibit.
5. 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, streams, wetlands and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on any building or grading permits.
6. Compliance with the Department of Recreation & Parks comments dated April 30, 2018. All trees shall be a minimum of 6'-7' tall in a 5-7 gallon container. The proposed shrubs should be replaced with tree species

due to the over-population of deer. Acceptable species would include Paw Paw, River Birch, Swamp White Oak and Black Willow.

7. Compliance with Development Engineering Division comments dated April 26, 2018. Please ensure that all required approvals have been obtained from Colonial Pipeline.
8. Compliance with Division of Land Development comments dated August 23, 2018. Revise the Alternative Compliance plan exhibit accordingly and submit a revised paper copy of Sheet 1 and Sheet 26 to DPZ- Eric Buschman.
9. Prior to the commencement of this restoration project, the Department of Public Works shall forward all right-of-entry documents for the three privately-owned lots to the Department of Planning & Zoning- Division of Land Development.

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 an eroding stream system that is negatively impacting water quality in the Little Patuxent River watershed. 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 and plan exhibits. Full compliance with the Regulations would result in the expenditure of the design team's resources and would not improve the final design or construction of the project. Performing this additional work would take away valuable funds from the project and would lengthen the schedule for completion of the time-sensitive restoration work.

Not Detrimental to the Public Interest:

The approval of this alternative compliance request will not be detrimental to the public interest. The project is being done to stabilize eroding stream banks. Continued erosion will cause the loss of stream buffer vegetation and falling trees can pose a safety hazard for residents. It is important to public safety and to the environment that the project gets completed in a timely manner.

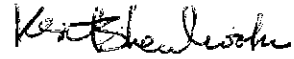
Will not nullify the intent or purpose of the regulations:

The existing stream is currently eroding which results in the 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 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. 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. The very nature of this project is to protect the environment by reducing erosion and sediment transport downstream and to provide a stable stream system. The SWMD is working closely with the Department of Recreation and Parks to selectively remove only those trees necessary to accomplish the project, instead of simply clearing out a large area for the contractor to work. Efforts will be made to beneficially re-use removed trees onsite, particularly live cuttings of willows for use in bioengineering.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related building and grading permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a grading plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
Marian Honeczy, MD DNR