



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

June 26, 2019

Howard County Department of Recreation and Parks
7120 Oakland Mills Road
Columbia, MD 21046

RE: WP-19-106, Bramhope Lane Stream Repair

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)(i) Applicability, Section 16.115(c)(2) Floodplain Preservation, Section 16.116(c) Protection of wetlands, streams, and steep slopes, and Section 16.1201(n) Definitions.**

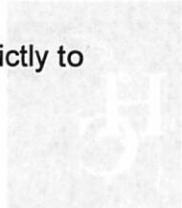
Approval is subject to the following conditions:

1. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 0.58 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. 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.
4. Compliance with the attached comments from DPZ- Division of Land Development. Submit a revised exhibit plan for file retention records.
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, 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
6. Include the alternative compliance request number, description, and decision on all associated plans, plats, and any permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project is needed to stabilize the previous stream restoration work that is negatively impacting the County owned open space. 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 take away valuable funds and resources from the implementation of the project construction. Performing this extra work would also have lengthened the schedule for this project.



project funds can also be used more effectively by limiting the net tract area for forest conservation strictly to the LOD as opposed to the total area of all impacted lots.

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. The proposed disturbances would be limited only to the LOD area necessary for construction. Any disturbed areas shall be restored to their previous condition through stabilization and replanting of forest resources.

Not Detrimental to the Public Interest:

Approval of the Alternative Compliance Request would not have had a negative impact on the public interest. The intention of the alternative compliance request is to more appropriately match the goals and resources of the project to the intent of the regulations. The restoration work will only occur within the stream and floodplain area to stabilize the previous stream restoration work performed on site. 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 pollutants transported downstream.

Will Not Nullify the Intent or Purpose of the Regulations:

Approval of the alternative compliance would not have nullified 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 in an efficient manner. 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 pollutants transported downstream.

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 haines@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

S/NH
cc: Research
DED
Real Estate Services
Ecotone