



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 3, 2020

Mr. Dennis Matthey
Columbia Association
9450 Gerwig Lane
Columbia, MD 21046

Lorin Lewis
5131 Eliots Oak Road
Columbia, MD 21044

Dear Messrs. Matthey and Lewis:

RE: WP-19-124, Tributaries to Little Patuxent
River Stream Restoration

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)- which requires a site development plan for non-residential development and for disturbance greater than 5,000 square feet.

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 16.9-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 proposed project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources in accordance with the alternative compliance Planting Plan exhibit.
3. 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 wetland buffers. Reference the applicable MDE or USACE permits numbers on any building or grading permits.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Strict compliance with the Regulations would limit the development of this stream restoration project, which is being constructed to improve habitat and water quality, and to secure TMDL credits for the State. Full sets of stream design and sediment/erosion control plans have been submitted to the Subdivision Review Committee agencies for review. A planting and live staking plan has also been provided, which will establish a riparian forest along the stream and stabilize the stream banks after the restoration is complete. Strict compliance with the Regulations would be a hardship for the applicant since the preparation and review of a Site Development Plan would delay this time-sensitive project. The alternative compliance plan exhibit is a suitable substitute for a site development plan.

Not Detrimental to the Public Interest

The approval of this alternative compliance petition will not be detrimental to the public interest. The proposed stream restoration project will improve water quality, stabilize eroding stream banks and promote aquatic habitat. Therefore, the goal of this petition is to appropriately permit the project in a timely fashion. This project will benefit the public by reducing water pollution downstream and by helping the State meet its TMDL requirements.

Will Not Nullify the Intent or Purpose of the Regulations

The alternative compliance request is not intended to nullify the intent of the Regulations. Rather, the intent is to stabilize and enhance a currently degraded natural stream system. The approval of this request will more appropriately match the goals and resources of the project to the overall intent of the Regulations. The project will re-establish forested riparian buffers, create forested wetlands and restore aquatic habitat. The project will also reduce sediment and nutrient pollution to downstream waters. The Limit of Disturbance has been minimized to only the areas necessary for construction and access.

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 Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



J. Mark
Acting Chief

BL
cc: Research
DED
Real Estate Services
Ecotone, Inc.