



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 30, 2019

Howard County DPW
9801 Broken Land Parkway
Columbia, MD 21046
Attn: Radhika Wijetunge

RE: WP-20-018 Cherrytree Farm Stream Restoration Project

Dear Ms. Wijetunge:

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)** and **Section 16.1201(n)**.

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 1.53-acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. 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 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 measures as detailed on the plan exhibit shall be utilized as necessary.
3. The proposed disturbance to the existing Forest Conservation Easements on Parcel 56 shall be replanted on-site within the easements per Howard County Recreation & Parks standards. Any permanent impacts to the existing Forest Conservation Easements may require additional planting and recordation of a revised easement. The applicant shall coordinate all proposed impacts and planting with the Department of Recreation & Parks.
4. Prior to the commencement of the proposed stream restoration project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$6,534.00 for the reforestation obligation totaling 0.2 acres. The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPZ0000000000-432521. A copy of the transfer receipt shall be submitted to DPZ- Division of Land Development.
5. 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.
6. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers (if applicable) for disturbances within the floodplain, streams, wetlands and their buffers. Reference the applicable MDE or USACE permits or tracking numbers on all building or grading permits.

7. Prior to the commencement of this restoration project, the Department of Public Works shall forward all right-of-entry documents for the parcels owned by the Washington Suburban Sanitary Commission to the Department of Planning & Zoning- Division of Land Development.
8. Compliance with comments from the Division of Land Development dated September 26, 2019.

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 restore an unnamed tributary to the Rocky Gorge Reservoir. 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. 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 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 restoration project will improve water quality in the Rocky Gorge Dam and Patuxent River watersheds.

Will Not Nullify the Intent or Purpose of the Regulations:

The approval of this alternative compliance request will not nullify the intent of the regulations. The project was designed to reduce erosion within the waterway. The limit of disturbance will be minimized to only that area necessary for constructing the project and will be replanted once construction is complete. The alternative compliance plan exhibit has been reviewed by the Subdivision Review Committee agencies and is a suitable substitute for a site development plan.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, grading permits and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a capital project plan or 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
Brenda Luber, DLD
Marian Honeczy, MD DNR
Century Engineering