



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 13, 2020

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

RE: WP-20-061, Woodcrest Drive Stream Rehabilitation

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.

On February 4, 2020, the Planning Director **approved** your request for an alternative compliance of **Section 16.155(a)(1)(i) Applicability, Section 16.1201(n) Definitions, Section 16.1205(a)(7) On-site Forest Retention.**

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 4.66 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. This alternative compliance request is only for the removal of the specified 32" poplar as shown on sheet 20 of the submitted exhibit. If additional trees are requested to need removal an additional alternative compliance request will need to be submitted.
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 rehabilitate 3,637 linear feet of stream is severely degraded and is threatening existing infrastructure, natural resources, and private residential properties, and County property. Strict compliance with 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 and the expenditure of the design team's resources would not improve the final design or construction of the project and would significantly extend the time before maintenance efforts could take place on the severely eroded channel. Capital 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. The removal of the 32" poplar tree will be necessary as the tree is in very poor condition and could potentially destabilize the streambank when it does fall.

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 could 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. Maintenance efforts to the project site could so be affected much sooner, stabilizing the stream channel at an earlier date.

Not Detrimental to the Public Interest:

Approval of the Alternative Compliance Request will not have a negative impact on the public interest. The existing stream is currently downcutting and widening, causing channel degradation, stream bank erosion, and loss of trees and vegetation. The loss of vegetation also increases the amount of bank erosion. 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 efforts will protect existing sewer infrastructure, natural resources, and stop deterioration of private and County property. The project will also encompass the replacement of a bridge for pedestrians utilizing the walking trail. 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 stabilizing the eroding stream banks and protecting the existing infrastructure and resources.

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) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,


Anthony Cataldo, Chief
Division of Land Development

AC/JM/NH

cc: Research
DED
Real Estate Services
Marian Honeczy- DNR (if waiver to forest conservation sections)

Alternative Compliance Request

***Department of Planning and Zoning
Division of Land Development***

Nicholas Haines – nhaines@howardcountymd.gov – 410-313-4333

COMMENTS

**RE: WP-20-061, Woodcrest Drive Stream Rehabilitation Project
January 20, 2020**

Comment 1:

Originals of the alternative compliance exhibit shall be submitted in place of the SDP to be retained on file. The submitted exhibit shall have all the necessary and pertinent information as required with the submission of an SDP. All necessary information required per the Howard County SDP checklist should be included.

Comment 2:

Please make the following updates to the general notes on sheet 1:

1. Add a note to the general notes stating "The subject property is zoned R-SC in accordance with the October 6, 2013 Comprehensive Zoning Regulations."
2. Expand upon general note number 3 to note, "No structures or subdivisions are proposed; therefore this project is not required to meet the provisions of Section 16.124 of the Howard County Code and the Landscape Manual."
3. Provide a note specifying what the forest conservation requirements will be for the project and how those requirements are being met.

Comment 3:

Include a site data analysis chart on sheet 1 with the necessary project information as per SDP checklist item

Comment 4:

Include a specimen tree chart with all trees specimen trees located in the project area. All specimen trees should be labeled on the plans with a tag that corresponds to the specimen tree chart.

If you have any questions, please contact Nicholas Haines at (410) 313-4333.

