



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

November 3, 2021

Sharon Walsh
Howard County Department of Public Works
9200 Berger Road
Columbia, MD 21046

Sent via email to swalsh@howardcountymd.gov

RE: WP-22-011 James N. Robey Public Safety Training Center
Capital Project C-0366

Dear Ms. Walsh:


This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On October 26, 2021 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations to disturb man-made steep slopes for the remediation of lead contaminated soils and reconstruct the firing range berm to mitigate the risk of errant rounds exiting the range. Please see the attached Final Decision Action Report for more information.

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 Justin Schleicher at (410) 313-2350 or email at j Schleicher@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js
cc: Research
DED
DLD - Julia Sauer
Charles Mitchell, RK&K (cmitchell@rkk.com)



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-011 James N. Robey Public Safety Training Center**
Request for an alternative compliance to Section 16.116(b)(1) of the Subdivision and Land Development Regulations.

Applicant: Department of Public Works
Attn: Sharon Walsh
9200 Berger Road
Columbia, MD 21046

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(b)(1)** of the Subdivision and Land Development Regulations. The purpose is to disturb man-made steep slopes for the remediation of lead contaminated soils and reconstruct the firing range berm to mitigate the risk of errant rounds exiting the range. The Directors deliberated the application in a meeting on October 26, 2021.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.

The James Robey Public Safety Training Center is the only site in Howard County that is dedicated to the training of police officers and fire fighters. The firing range exists on-site. The firing range is required for police officers to safely discharge their firearms and learn techniques that may be needed in hazardous situations should one arise in the County. Lead remediation of the existing man-made slopes is needed and following the remediation, the slopes are to be reconstructed in order to meet current safety codes. The existing steep slopes are man-made, this is the only facility of its kind in the County and strict conformance with the requirements will deprive the County the ability to safely train officers as is required.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

Section 16.116(b) of the Subdivision and Land Development Regulations protects steep slopes as a sensitive environmental feature. However, the slopes on this property are unique since they were made a result of previous development activity on the site and are not naturally occurring. The existing firing range contains hazardous lead

contamination from years of lead bullets entering the berm and decomposing. In order to safely remediate the lead, the existing man-made steep slopes must be disturbed to remove the contaminated dirt. Once completed, a new berm will be constructed in its place, which better meets the intent of the regulations since leaving the contaminated soils would create an environmental hazard.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**
This variance will not confer on the applicant a special privilege as this is the only police shooting range in the County. The firing range is required for County officers to receive proper gun training in a safe area for both officers and nearby residents.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**
This modification is intended to remediate lead contaminated soils which could impact neighboring properties and waterways if not safely removed. Construction of the new berm will prevent stray bullets from leaving the firing range and potentially traveling off-site, creating a significant safety hazard. Approval of this variance is not detrimental to the public health; safety or welfare, or injurious to other properties.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**
The proposed disturbance is to the existing man-made steep slopes which were created for the original firing range berm. Once the lead remediation is completed, a new berm will be constructed in its place to provide adequate protection for discharged ammunition.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**
The project includes appropriate erosion sediment control measures to minimize adverse impacts to water quality, fish, wildlife and vegetative habitat. Also, as part of this project, contaminated soils are being removed which will prevent lead contamination within the surrounding soils and water resources.
- 7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.**
The grading, removal of vegetative cover, trees and construction are the minimum necessary to remediate the lead contamination and improve the safety of the range berm. No other feasible alternatives exist to mitigate the lead contamination and improve the safety of the range other than to disturb the man-made steep slopes.

Directors Action: Approval of alternative compliance of Section 16.116(b)(1) is subject to the following conditions:

1. The applicant shall comply with all applicable County and State regulations and obtain all necessary permits for lead remediation and construction.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

Recused – DPW Capital Project

Thomas Meunier, Director
Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DPW, Thomas Meunier



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: James N. Robey Public Safety Training Center

Subdivision Name/Property Identification:

Location of property: 2200 Scott Wheeler Dr, Marriottsville, MD 21104

Existing Use: Police/Fire/Rescue Training **Proposed Use:** Police/Fire/Rescue Training

Tax Map: 16 **Grid:** 0008 **Parcel No.:** 0253 **Election District:** 3

Zoning District: RC-DEO **Total site area:** 38.23 AC

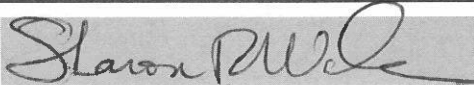

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

SDP-06-110
 SDP-03-036
 WP-06-126
 See SDP-06-110, Sheet C0.02 for a detailed permitting history of the property.

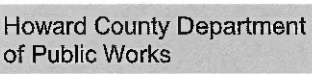
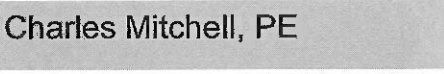
In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

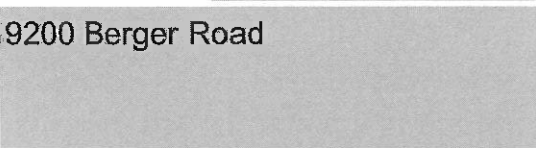

Section Reference No.	Brief Summary of Request
16.116	Protection of steep slopes: Requesting a waiver of section 16.116 to disturb man-made steep slopes greater than 25% in a contiguous area larger than 20,000 SF. Disturbance is for Howard County capital project (#C-0366) will facilitate safety improvements to the existing firing range. Urgent improvements will include remediation of lead contaminated soils and reconstruction of the existing earth berm to mitigate risks of errant rounds escaping the range. The current range was constructed based upon approximately half the number of sworn officers. Demand currently exceeds available capacity & presents operational liabilities with potential for errant rounds to escape the insufficient containment berm & travel to significant population centers in proximity.

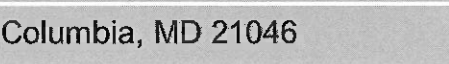
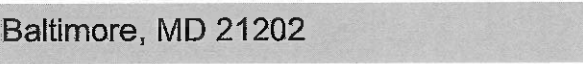
Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date:  07/29/2021

Signature of Petitioner Preparer:  Date:  07/22/2021

Name of Property Owner:  Howard County Department of Public Works Name of Petition Preparer:  Charles Mitchell, PE

Address:  9200 Berger Road Address:  RK&K
700 East Pratt Street
Suite 500

City, State, Zip:  Columbia, MD 21046 City, State, Zip:  Baltimore, MD 21202

E-Mail:  swalsh@howardcountymd.gov E-Mail:  cmitchell@rkk.com

Phone No.:  410-313-5386 Phone No.:  410.462.9307

Contact Person:  Sharon Walsh Contact Person:  Charles Mitchell

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request