



May 15, 2023

Howard County Dept of Recreation and Parks
c/o Jason Thompson
7120 Oakland Mills Road
Columbia, MD 21046
Sent via email to jthompson@howardcountymd.gov

RE: WP-22-099 Blandair Park Phase 6

Dear Mr. Thompson:

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 May 11, 2023 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(a)(2)(iii)** of the Subdivision and Land Development Regulations to pave a parking lot, repave an existing pathway, and construct utilities and storm drain outfalls within the 100-foot stream bank buffer. Please see the attached Final Decision Action Report for more information.

On May 11, 2023 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1202(a)** of the Subdivision and Land Development Regulations to defer recordation of the forest conservation easements until the final phase of the Blandair Park development rather than with each phased SDP. 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 Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DLD - Julia Sauer
Anne Gilbert- DNR anne.gilbert@maryland.gov
WRA



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
 3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
 Mary Kendall, Acting Director FAX 410-313-3467

**ALTERNATIVE COMPLIANCE
 FINAL DECISION ACTION REPORT**

DEPARTMENT OF PLANNING AND ZONING
 DEPARTMENT OF RECREATION AND PARKS
 OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-22-099 Blandair Regional Park, Phase 6**
Request for an alternative compliance to Sections 16.116(a)(2)(iii) and 16.1202(a) of the Subdivision and Land Development Regulations.

Applicant: Howard County Recreation and Parks

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(a)(2)(iii)** of the Subdivision and Land Development Regulations. The purpose is to pave a parking lot, repave an existing pathway, and construct utilities and storm drain outfalls within the 100-foot stream bank buffer. The Directors deliberated the application in a meeting on May 11, 2023.

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.

Blandair Regional Park is a 300-acre park that adopted a Master Plan in August 2003, which resulted in a multi-phase development to be constructed as funding is allocated. The park is bisected by Maryland Route 175. Today the southern portion of the park has been developed with 3 multipurpose fields, 2 baseball fields, 5 tennis courts, a central plaza, a challenge course, 2 playgrounds, 4 pavilions, a 10,000 square foot lawn area, 3 bocce courts, 2 croquet courts, 2 horseshoe pitches, a park maintenance building, parking lots, restroom facilities, and a pedestrian pathway. The northern portion of the park will be developed in future phases.

The Blandair Regional Park Phase 6 is the last phase in the southern portion of the park and is planned for 2 basketball courts, 6 pickleball courts, a skate park, and a parking lot. There is a perennial stream that bisects the southern portion of the park, between Phase 3 and Phases 1 & 6. When the Master Plan was created and Phases 1 & 3 were developed, the stream was classified as a Use I stream with a 75-foot stream bank buffer. Since then, the Maryland Department of the Environment reclassified the stream to a Use IV stream and requires a 100-foot stream bank buffer. As a result, the proposed parking lot that was contemplated with the Master Plan development encroaches approximately 10 feet into the 100-foot stream bank buffer. Most of the impacts to the buffer are for utilities, storm drain outfalls and modifications to an existing asphalt pathway, all of which are

typically determined as necessary or essential for reasonable development of the property. Strict conformance to the requirements would require the applicant to redesign the facilities proposed with this phase of development and would result in a hardship as the other phases adjacent to this stream were developed with respect to a 75-foot stream bank buffer.

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.

The southern portion of the park is bisected by a perennial stream. Phases 1 & 3 were developed adjacent to the same stream and were regulated by a 75-foot stream bank buffer. The change in stream classification resulted in the parking lot being within the 100-foot stream bank buffer and would result in an unreasonable hardship if the project would require redesign.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

The variance would not confer the applicant a special privilege that would be denied to other applicants. Other alternative compliance applications have been approved for properties where stream use classifications have changed and resulted in impacts to existing developments. Development of the park for public use would not be considered a special privilege.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

The modification is not detrimental to the public health, safety or welfare, or injurious to other properties. The applicant states there is no adverse impacts to the flow rate downstream of this project and all impacts will be kept within the property limits. The overall onsite stream buffer will maintain its original character while allowing the public to enjoy utilizing the area in a non-intrusive manner.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

The total anticipated stream buffer impacts are 13,725 square feet, of which 4,634 square feet will be covered by impervious surface for the parking lot and pedestrian pathway. The remaining portion of the impacts will be planted with native species.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

The stream buffer area not impacted by the parking lot, pathway or utilities will be replanted and placed in a permanent forest conservation easement. The parking spaces encroaching within the 100-foot stream bank buffer will be constructed with permeable pavers to minimize adverse impacts.

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 total anticipated stream buffer impacts are 13,725 square feet, of which 4,634 square feet will be covered by impervious surface for the parking lot and pedestrian pathway. The remaining portion of the impacts will be planted with native species. This is the minimum necessary to accommodate the parking lot design requirements and provide a multi-use pathway for pedestrian circulation.

Directors Action: Approval of alternative compliance of Section 16.116(a)(2)(iii) is subject to the following condition:

1. Disturbance should be only for the minimum necessary to pave a parking lot, repave an existing pathway and construct utilities, and the necessary grading shown in the limits of disturbance on the site development plan, SDP-23-016.

2. Recommendation - Park maintenance and operation should take reasonable measures and use best management practices to ensure the parking lot permeable pavers are maintained to industry standards. If possible, operations should limit or avoid salt treatment of the permeable pavers during winter storm events, especially given the proximity to the stream.

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Mary Kendall

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Mary Kendall, Acting Director
Department of Planning and Zoning

Recused – Capital Project

Yosef Kebede, Director
Department of Public Works

DocuSigned by:
Lindsay DeMarzo

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Lindsay DeMarzo, Acting Administrator
Office of Community Sustainability

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1202(a)** of the Forest Conservation Regulations. The regulations require a forest conservation plan to be submitted with each respective phase’s site development plan. Those Forest Conservation plans shall depict the forest conservation areas being proposed to satisfy the obligation for that phase of the Blandair Regional Park. The applicant is requesting to defer recordation of the forest conservation easements until the final phase of the Blandair Park development rather than with each phased SDP. The Directors deliberated the application in a meeting on May 11, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the six (6) items the applicant was required to address, pursuant to Section 16.1216:

1. **Describe the special conditions peculiar to the property which would cause the unwarranted hardship.**

Blandair Regional Park is a 300-acre park that adopted a Master Plan in August 2003, which resulted in a multi-phase development to be constructed as funding is allocated. With Phase 1, the Department of Planning and Zoning approved an alternative compliance request to defer the recordation of the forest conservation easements until the final phase of the Blandair Regional Park development. In 2020, the Forest Conservation Act was repealed and reenacted. Although a Master Plan was created for the overall property, the Subdivision and Land Development Regulations did not require a sketch plan to be approved for the entire development. As such, each phase is processed by a separate site development plan, which requires signature approval in order to be

grandfathered to previous regulations. In order to continue to defer the recording of the forest conservation easement plat, a new alternative compliance request is required to comply with current law.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas.

The Forest Conservation Manual permits multi-phased major subdivisions to phase the forest conservation obligation with each phase of development. Since this project does not require subdivision, the forest conservation obligation will be fulfilled with each phase's site development plan. Approval of the alternative compliance will allow the recordation of the forest conservation easement plat to occur at the final phase of development.

3. Verify that the granting of a variance will not adversely affect water quality.

There is no evidence that the granting of a variance will adversely affect water quality. Deferral of the recordation of the forest conservation easement plat is a procedural request and does not impact the requirement to retain and plant forest as required by the Forest Conservation Act. The development is subject to the current Environmental Site Design criteria, which include stormwater management bioretention facilities to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants.

Granting of a variance does not confer a special privilege to the applicant that others would be denied. The development will be required to address the forest conservation requirement with each site development plan phase and will not relieve the applicant from meeting the requirements of the Forest Conservation Act. Allowing the applicant relief to the processing of the final forest conservation easement does not eliminate the requirement of the Forest Conservation Act it simply allows for an adjustment to the timeline for processing the recordation of the easement.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant.

The variance request is not based on conditions or circumstances which are the result of actions by the applicant. The Forest Conservation Regulations were repealed and reenacting, which require reapplication of the phasing request under the current regulations.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property.

Directors Action: Approval of alternative compliance of Section 16.1202(a) is subject to the following conditions:

1. The total forest conservation obligation for the entire Blandair Regional Park development shall be included in a forest conservation plan submitted with each phase site development plan. The forest conservation plan submitted with each respective phase site development plan shall depict the forest conservation areas being proposed to satisfy the forest conservation obligation for the Blandair Regional Park development given the obligation as a result of that phase.

- The applicant shall submit a final plan application to include a plat of all forest conservation easement areas concurrently with the submission of the site development plan for the final phase of Blandair Regional Park. The forest conservation easement areas depicted on the plat shall include those approved on prior site development plan phases and those areas proposed on the final phase site development plan.

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Mary Kendall

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Mary Kendall, Acting Director
Department of Planning and Zoning

DocuSigned by:
Nicola Morgal

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Nicola Morgal, Acting Director
Department of Recreation and Parks

DocuSigned by:
Lindsay DeMarzo

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Lindsay DeMarzo, Acting Administrator
Office of Community Sustainability

cc: Research
OCS
DPW
DRP



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 9, 2023

Howard County Dept of Recreation and Parks
c/o Jason Thompson
7120 Oakland Mills Road
Columbia, MD 21046

Sent via email to jthompson@howardcountymd.gov

RE: SDP-23-016 Blandair Park Phase 6

Dear Mr. Thompson:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments have been addressed, and the following additional information is provided.

Two copies of the exhibit/plan and the supplemental information and a response letter to the comments for each agency should be submitted to this Division.

The requested information and revised plans must be submitted within **45 days** of the date of this letter (**on or before March 26, 2023***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.


Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building.

If you have any questions, please contact Julia Sauer at (410) 313-2350 or email at jsauer@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/js

cc: Research
DLD - Julia Sauer
WRA



DPZ Office Use only: File No. Date Filed
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ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Blandair Park Phase 6	
Subdivision Name/Property Identification: Blandair Park Phase 6	
Location of property: Oakland Mills Road	
Existing Use: Open Space	Proposed Use: County Park
Tax Map: 36	Grid: 5
Parcel No.: 3/72	Election District: 3/7
Zoning District: RC-DEO	Total site area: 298.08 Ac. (overall park area) 7.48 Ac. (Phase 6)

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:

ECP-14-091; SDP-15-050; ECP-11-023; SDP-10-007; WP-10-013; SDP-12-063, ECP-22-025

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
Section 16.116(a)(2) (iii)	The development of Blandair Phase 6 will have grading and pavement within the 100 foot perennial stream bank buffer. The stream buffer was 75' when the master plan for the entire site was developed. An ECP for this phase was approved back in 2015 when the stream buffer was 75'. We would like to request that grading will be allowed within the 100' buffer so that the site does not lose a substantial amount of parking (19 spaces), trail connections and storm outfalls. (see attached justification)

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 3-18-22

Signature of Petitioner Preparer:  Date: 3-18-22

Name of Property Owner: Bob Linz, Howard County Parks & Recreation Dept. Name of Petition Preparer: Anthony Olsen, Whitman Requardt & Associates, LLP.

Address: 7120 Oakland Mills Road Address: 801 South Caroline Street

City, State, Zip: Columbia, MD 21046 City, State, Zip: Baltimore, MD 21231

E-Mail: blinz@howardcountymd.gov E-Mail: bjones@wrallp.com

Phone No.: 410-977-7744 Phone No.: 443-235-3450

Contact Person: Bob Linz Contact Person: Brad Jones

Owner's Authorization Attached