



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

January 29, 2024

Howard County Department of Recreation & Parks
Attn: Bob Linz
7120 Oakland Mills Road
Columbia, MD 21046
Email: blinz@howardcountymd.gov

RE: WP-24-033 Font Hill Park Stream Restoration

Dear Mr. Linz:

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 November 21, 2023 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(1), (a)(2), and (b)(1)** of the Subdivision and Land Development Regulations to improve water quality by reducing erosion rates and pollutant runoffs into the unnamed tributary of the Little Patuxent River. Please see the attached Final Decision Action Report for more information.

On November 20, 2023 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to substitute the alternative compliance exhibit for the site development plan.

The Division of Land Development recommends **NO ACTION** for alternative compliance of **Section 16.115(c)(2)** of the Subdivision of Land Development Regulations. The Regulations allow DPZ, upon advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment, to permit clearing, excavating, filing, altering drainage, or impervious paving to occur on land located in a floodplain. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code. This request is being sought by the Howard County Department of Recreation and Parks and DPZ has support of this request from Howard County Soil Conservation and the Department of Public Works. A separate approval through the alternative compliance process is not necessary.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting and construction. The purpose of the project is the stabilize the stream banks by installing imbricated walls to prevent further erosion and loss of sediment into an unnamed tributary of the Little Patuxent River. All applicable permits will be obtained from the MD Department of Environment (MDE) and the Howard Soil Conservation District (HSCD). Approval of the alternative compliance promotes efficiency of the plan review process as the alternative compliance drawings include all relevant information needed for this project's improvements.

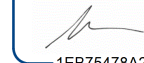
Approval of this Alternative Compliance is subject to the following conditions:

1. The encroachment is limited to the LOD as shown on the alternative compliance exhibit. Once the proposed project is completed, the LOD shall be restored to its previous condition through stabilization.
2. All encroachment and grading within the floodplain must be designed to have no net loss of floodplain storage volume.
3. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
4. Compliance with all applicable County and State Regulations and obtaining all necessary permits are required before initiation of the stream restoration project.
5. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the 1.52-acre limit of distribution as shown on the alternative compliance exhibit titled Font Hill Park Stabilization Plan

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 Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
Ecotone, Sarah Fellerman – sfellerman@ecotoneinc.com



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: **WP-23-033 Font Hill Park Stream Restoration**
Request for an alternative compliance to Section 16.115(c)(2), Section 16.116(a)(1), (a)(2), and (b)(1), and Section 16.155(a)(1)(i) of the Subdivision and Land Development Regulations.

Applicant: Howard County Department of Recreation & Parks
Attn: Bob Linz
7120 Oakland Mills Road
Columbia, MD 21046
Email: blinz@howardcountymd.gov

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works 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)(1), (a)(2), and (b)(1)** of the Subdivision and Land Development Regulations. The purpose is to stabilize the stream bank by installing imbricated wall to reduce erosion and loss of sediment. The project aims to improve water quality by reducing erosion rates and pollutant runoffs into the unnamed tributary of the Little Patuxent River. The Directors deliberated the application in a meeting on November 21, 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.

The proposed project is to stabilize the stream banks by installing imbricated walls to prevent further erosion and loss of sediment into an unnamed tributary of the Little Patuxent River. The project will prevent further erosion and loss of sediment. Strict conformance with the regulations will deprive the applicant the ability to reduce further erosion and protect the vegetated and forested area in Font Hill Park. This project strives to ultimately protect the public land and long-term public safety.

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 proposed restoration project is to restore the eroding stream and will require impacts to the stream, stream bank, and wetland buffer. The project will require grading, installation of imbricated walls, and selective removal of vegetation. The proposed impacts are temporary and once completed the project will enhance the stream by

reducing erosion. Strict adherence to the regulations would not permit the stream restoration or meet design goals.

- 3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.**
Approval of the request will not grant a special privilege to the applicant that would be denied to others as the goal of the project is to restore the eroding stream buffer and reduce the sediment deposited into the unnamed tributary of the Little Patuxent River.
- 4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.**
The project is not detrimental to the public health; safety or welfare, or injurious to other properties as the goal of the project is to repair an actively eroding stream system. The project will improve the surrounding environmental features and benefit downstream health through reduced erosion and sedimentation runoff.
- 5. Any area of disturbance is returned to its natural condition to the greatest extent possible.**
The goal of the project is to improve the existing conditions of the environmental features, stabilize the eroding stream bank and reduce sediment runoff. All forested areas will be replanted with native vegetation. Upon completion of the project all impacted areas will be restored to a more stable environment.
- 6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.**
The project aims to improve water quality and improve habitat by eliminating erosion and reducing sediment and pollution runoff into the unnamed tributary. Erosion and sediment control fencing will be utilized to minimize impacts to water quality and fish, wildlife, and vegetative habitat. Native plants will be used to replant disturbed areas, which will improve the vegetative habitats.
- 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 project is an ecological restoration project that is intended to improve water quality and improve the existing environmental features of Font Hill Park. All best management practices will be followed and all applicable permits from MDE, USACE, and HSCD will be acquired prior to construction. The limit of disturbance is the minimum necessary to successfully complete the project while limiting impact to the surrounding environmental features. Areas outside of the LOD will not be disturbed and disturbed areas will be replanted with native vegetation.

Directors Action: Approval of alternative compliance of Section 16.116(a)(1), (a)(2), and (b)(1) is subject to the following conditions:

1. The encroachment is limited to the LOD as shown on the alternative compliance exhibit. Once the proposed project is completed, the LOD shall be restored to its previous condition through stabilization.
2. All encroachment and grading within the floodplain must be designed to have no net loss of floodplain storage volume.
3. The applicant shall comply with all grading permit requirements from the Department of Inspections, Licenses & Permits and Howard Soil Conservation District.
4. Compliance with all applicable County and State Regulations and obtaining all necessary permits are required before initiation of the stream restoration project.

DocuSigned by:

Lynda Eisenberg

4220B635863942E...

Lynda Eisenberg, AICP, Director
Department of Planning and Zoning

DocuSigned by:

Yosef Kebede

7436E469C7B24F6...

Yosef Kebede, Director
Department of Public Works

DocuSigned by:

Timothy Lattimer

AEB60003A0F04A0...

Timothy Lattimer, Administrator
Office of Community Sustainability

cc: Research
OCS
DPW
Ecotone, Sarah Fellerman – sfellerman@ecotoneinc.com



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: Font Hill Park

Subdivision Name/Property Identification: Howard County Maryland Recreation and Parks

Location of property: Font Hill Drive, Ellicott City, MD 21042

Existing Use: Exempt **Proposed Use:** Exempt

Tax Map: 0024 **Grid:** 0007 **Parcel No:** 1091 **Election District:** 02

Zoning District: R-20 **Total site area:** 24.2 Acres

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:

The site is a Howard County Department of Recreation and Parks property located between Font Hill Drive and Centennial Lane and among residential houses. A similar stream restoration was conducted within the park downstream of proposed site in 2019 (DPZ file number WP-19-115).

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
Sec. 16.155(a)(i)	Site Development plan is needed for nonresidential development
Sec. 16.115 (c)(2)	Floodplain preservation; minimize excavating, clearing, filling, alternative drainage, etc. within the 100-year floodplain.

Section Reference No.	Brief Summary of Request
Sec. 16.116 (c)	Protection of wetlands, streams, and steep slopes.
Sec. 16.1201 (n)	Forest Conservation, net tract area

Signature of Property Owner: *Robert E. Jones* Date: 9-11-2023

Signature of Petitioner Preparer: _____ Date: _____

Name of Property Owner: Howard County Dept of Rec & Parks Name of Petition Preparer: Ecotone, LLC

Address: 7120 Oakland Mills Road Address: 129 Industry Lane

City, State, Zip: Columbia, MD 21046 City, State, Zip: Forest Hill, MD 20150

E-Mail: blinz@howardcountymd.gov E-Mail: sfellerman@ecotoneinc.com

Phone No.: 410-313-4709 Phone No.: 410-420-2600

Contact Person: Bob Linz Contact Person: Sarah Fellerman

Owner's Authorization Attached