



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 25, 2019

Ms. Silver Chai  
Howard County Utility Design Division  
9250 Bendix Road  
Columbia, MD 21045

Dear Ms. Chai:

RE: WP-19-065, Deep Run Sewer Interceptor,  
Associated Capital Project S-6284, CORRECTION  
LETTER

Purpose: To clarify approval does not expire as long as an SDP, subdivision plan, capital project plan, building or grading permit are in active processing.

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 16.1202, Applicability: Exemptions and Declaration of Intent, which the applicant is requesting that the Forest Conservation net tract area be based on the limit of disturbance (minus the floodplain) instead of the gross sum of the 35 parcels; Section 16.1205(a)(7) for the removal of 16 specimen trees; and Section 16.155(a)(1)(ii) requiring the submission of the Site Development Plan.

Approval is subject to the following conditions:

1. No disturbance is permitted beyond the limit of disturbance shown on the alternative compliance plan exhibit.
2. Any required State or Federal MDE and USACOE permits must be received prior to the submission of the grading permit application.
3. Any temporary disturbance to an existing Forest Conservation Easement must be restored in accordance with the approved Forest Conservation Plan for that specific parcel.
4. All areas which are not part of the permanent sewer easement must be replaced and stabilized within 6 months after completion of the project.
5. Prior to the commencement of the proposed sewer easement project, the Department of Public Works shall pay a fee-in-lieu in the amount of \$49,005.00 for the afforestation and reforestation obligations totaling 1.5 acres. The payment shall be made through the transfer of funds to SAP Account 2060000000-3000-3000000000-PWPZ000000000000-432521. A copy of the transfer receipt shall be submitted to DPZ-Division of Land Development.
6. A plat of revision for the Whalen Properties, Kit Kat Road, Potomac Abatement, Music Fair Road, Oaks at Waters Edge, and Blue Stream subdivisions must be submitted for all changes to existing and proposed forest conservation easements and sewer easements. As part of the plat of revisions, the fee-in-lieu for forest conservation easement abandonment must be paid and any necessary Deeds must be amended.
7. The planting of 32 3-inch caliper native trees must be planted as mitigation for the removal of the 16 specimen trees.

8. On the final plans and all subsequent plans and/or plats, provide a brief description of alternative compliance, WP-19-065 as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

**Extraordinary Hardship or Practical Difficulty** – If the alternative compliance request is not granted, the applicant will be required to address forest conservation on approximately 127.48 acres, instead of the area of the limit of disturbance which require additional funding and would push this project beyond the funding provided by the Capital Project. The petitioner has prepared a forest stand delineation/forest conservation plan which identifies the limit of disturbance and provides sediment control devices, in addition to the restabilization of non-easement area. The new sewer easement will be established by plats of revision for those parcels which were previously platted. There are 248 specimen trees near the proposed sewer upgrades. To install the sewer line and maintain the necessary easements, the removal of 16 specimen trees are required. An attempt has been made to minimize the limit of disturbance to the maximum extent possible and to avoid damaging specimen trees. However, due to the slope and length of the run required for this project and the need for the width of the easement, the removal of some specimen trees was unavoidable. The 16 specimen trees will be replaced through on-site plantings of 32 3-inch caliper native trees.

Strict compliance with the regulations would require additional time, effort, costs and would expend the design team's resources to prepare a formal site development plan. This would not improve the final design or construction of the project and would take away valuable funds from the implementation of the project. The alternative compliance exhibits adequately replaces the site development plan.

**Not Detrimental to the Public Interest** – Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Allowing the net tract area to be based on the limit of disturbance will not be detrimental to the public because the forest conservation obligation will be satisfied based on the limit of disturbance required for the sewer interceptor. Approval of this alternative compliance request will not be detrimental to the public interest. The goal of the request is not intended to exempt the project from the County regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations. By completing the project in a quick and efficient manner, taxpayer money will be conserved. Additionally, improvements to the sewer easement, and repair/stabilization of the stream will benefit the property owners impacted by the sewer expansion and will improve sewer service to the residents within the Deep Run corridor. As part of the improvements to the sewer infrastructure, 16 specimen trees require removal. Mitigation will be provided for the removal of these trees (32 3" caliper native trees). In addition, the alternative compliance exhibit adequately serves as the site development plan thus allowing funds that would be used for professional plan design to be used for the implementation of the sewer expansion.

**Will Not Nullify the Intent or Purpose of the Regulations** – Approval of this request will not nullify the intent or purpose of the regulations. The project is being done to repair deficiencies in the sewer easement. The work proposed by this project is in conformance to County policy and regulations. The Alternative Compliance approval is necessary to expedite the time-sensitive project and to conserve valuable funds for the construction and implementation of the project. Allowing the petitioner to base the forest conservation obligation on the limit of disturbance instead of the total acreage of all the parcels will allow the sewer repair/expansion to stay within the budgeted funds. In addition, allowing the alternative compliance exhibit to serve as the site development plan will allow the allotted funds to be spent on the implementation of the sewer expansion. The removal of the 16 specimen trees will be mitigated with the planting of 32 native trees (3" caliper in size). The forest conservation obligation will be based on the limit of disturbance thus satisfying the intent of the regulations.

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, capital project plan, building or grading permit or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Marion Honecny, DNR  
Forest Conservation Coordinator