



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

August 19, 2019

Mr. Kin Siew, Howard County DPW
9250 Bendix Road
Columbia, MD 21045

RE: WP-19-094 Shallow Run Interceptor Improvement
Capital Project CP-S6284
Corrected September 24, 2019
Corrected September 25, 2019

Purpose: to correct account number for mitigation fee in Condition number 5 to 5034.
To clarify approval does not expire as long as an SDP, subdivision plan, capital project plan, building or grading permit are in active processing.

Dear Mr. Siew:

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 16.155(a)(1)(i)** which requires a site development plan for new or expanded non-residential development including utility development and other public facilities, but excluding road, water, sewer or drainage improvements associated with a permit approved by DPZ.

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 1.76 acre limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
2. A revised exhibit will be submitted that addresses the following comments:
 - a. Please use The Site Analysis Data Chart approved by e-mail with the DLD reviewer.
 - b. Update the fees in the notes and chart to reflect DRP calculation of the open space mitigation fee of \$11,783.60.
 - c. Please add to the notes on Sheet 2: "A restoration planting plan will be submitted by KCI Technologies and DPW as part of Capital Project #S-6284, Shallow Run Interceptor Improvements." Note – Please confirm project number with KCI and DPW.
 - d. Sheet 2, Planting Note 5, please add "Department of Recreation and Parks" to the agency reference "Natural and Historic Resources Division".
 - e. Sheet 1 – Existing Sewer Easement is shown as white. Please add a hatch or shading to differentiate it from the rest of the plan.
 - f. Update any area calculations on Sheet 1 to correspond with revised Site Analysis Data Chart on Sheet 2.
 - g. Sheet 1 – show location of Tree Protection Fence on plan and in legend.

3. The construction of the sewer interceptor and associated utility easement will impact approximately 0.22 square feet of existing forest conservation easement on Tax Map 37 Parcel 104 Lot 27 (owned by Howard County, Maryland). A revision plat will be required to abandon the portion of forest conservation easement which will be impacted by the project. The revision plat must be submitted to DPZ and recorded in Land Records prior to submission of building or grading permits to initiate construction. The creation of the sewer and utility easements should be included on the revision plat for this parcel.
4. Prior to the application of the building or grading permits, the Department of Public Works shall pay a fee-in-lieu in the amount of \$11,753.75 for the reforestation obligation of 0.22 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 and a completed Forest Conservation Summary Chart shall be submitted to DPZ- Division of Land Development once completed.
5. Prior to the application of the building or grading permits, the Department of Public Works shall pay an Open Space Mitigation fee in the amount of \$11,783.60 for habitat loss of 9,403 square feet. The payment shall be made through a journal transfer of \$11,783.60 to the following account: Business area: 5034, Cost Center: 503400000000, Fund: 2050070000, GL 439990. A copy of the transfer receipt shall be submitted to DPZ- Division of Land Development once completed.
6. The applicant shall coordinate with DPW- Real Estate Services Division to record Grant of Easement Plats for the proposed sewer and utility easements as shown on the plan exhibit. The Grant of Easement Plats must be recorded prior to submission of building or grading permits to initiate construction.
7. The removal of any specimen trees is not permitted under this alternative compliance request. All efforts shall be made to reduce impacts to specimen trees during construction, including utilizing tree protection fencing or similar measures as detailed on the plan exhibit.
8. Once the proposed interceptor improvements project is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
9. The applicant shall obtain authorization from the Maryland Department of the Environment and U.S. Army Corps of Engineers for activities in regulated areas prior to submission of the building or grading permit applications. Reference the applicable MDE or USACE permits or tracking numbers on any associated building or grading permits.
10. Disturbances to the wetlands, 25' wetland buffer, stream and 75' stream buffer are subject to approval of necessary disturbance per Section 16.116(c) of the Subdivision and Land Development Regulations.
11. Per DED comments, approval is subject to completion of a redline revision to F-13-042 to show the changes to the utility easement.
12. Per SHA comments: Please contact MDOT SHA District 7 Utilities at 301-624-8115 to determine if permitting is required for work within I-95 right-of-way.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project is needed to address upgrades to the existing sewer system to accommodate future growth. Strict compliance to the Regulations would require additional time, effort and cost to assess a large amount of land

that is not affected by the proposed project. This would not improve the final design or construction and would take away valuable funds necessary for implementation of the project. Performing this extra work would also lengthen the schedule for this time-sensitive project.

Alternative Proposal:

The applicant submitted a plan exhibit as a substitute for a site development plan. The plan exhibit includes all details to verify compliance with the applicable regulations including structural details, erosion and sediment control and forest restoration plans. The plan exhibit has been reviewed by all subdivision review committee agencies. The project will be designed to minimize impacts to forests and wetlands. The LOD has been minimized to only that area necessary for constructing the project and will utilize existing easements and access roads where possible. Forested areas that are temporarily disturbed will be replanted. The restoration plans consist of native forest and shrub plantings including wetland and riparian species. The applicant is proposing to coordinate with DPW- Real Estate Services Division to record Grant of Easement plats in Land Records for the proposed utility easements.

Not Detrimental to the Public Interest:

The Alternative Compliance request is not intended to exempt the project from County regulations. The alternative proposal will allow the applicant to more efficiently utilize the project's resources. The project will not change the character of surrounding areas since the sewer interceptor will be constructed parallel to the existing interceptor pipe. The improvements are necessary to maintain sewer service for County residents.

Will not Nullify the Intent or Purpose of the Regulations:

The purpose of the project is to ensure adequate sewer amenities for current residents and to accommodate future growth. The Limit of Disturbance has been minimized where possible and disturbed areas will be stabilized and replanted. The project has been reviewed by all applicable public review agencies including the MD Dept. of the Environment, Army Corps of Engineers and all subdivision review committee agencies. The alternative proposal will not nullify the intent or purpose 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 an SDP, subdivision plan, capital project plan, building or grading permit are in active processing in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/DD

Enclosures: Comments from - DED, DLD & DRP

cc: Research
Real Estate Services
RK&K