



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 23, 2019

Mr. Kin Siew
Howard County Utility Design Division
7125 Riverwood Drive, Suite B
Columbia, MD 21046

RE: WP-20-012 Shallow Run Sewer Interceptor
Capital Project S-6284
Corrected September 25, 2019

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.

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 **Sections: 16.155(a)(1)(ii)** A site development plan, approved by the Department of Planning and Zoning, is required, **16.1201(n)** Net tract area and **16.1205(a)(7)** On-site Forest Retention of specimen trees.

Approval is subject to the following conditions:

1. Any work within the MDOT SHA right of way will require permitting. Please contact MDOT SHA District 7 Utilities at 301-624-8115 for permitting information.
2. Approval is subject to compliance with the essential and necessary disturbance approval letter from DPZ dated September 4, 2019.
3. The alternative compliance plan exhibit shall serve as the substitute for a site development plan for development. No disturbance is permitted beyond the limit of disturbance as shown on the alternative compliance exhibit unless it can be sufficiently demonstrated by the applicant to be justified.
4. Compliance with the conditions of approval of Alternative Compliance WP-19-094. Approval letter dated August 19, 2019 attached.
5. Once Capital Project S-6284 is complete, the Limit of Disturbance shall be restored to its previous condition through stabilization and replanting of forest resources.
6. The applicant shall obtain all required authorizations and permits from the Maryland Department of the Environment and U.S. Army Corps of Engineers for disturbances within the floodplain, wetlands, streams and their buffers. Reference the applicable MDE or USACOE permits or tracking numbers on the alternative compliance plan exhibit and any building or grading permits.
7. Approval subject to compliance with comments from Howard County Recreation and Parks Memo dated September 17, 2019. Memo attached.

8. Compliance with Division of Land Development Plan comments dated September 18, 2019. Comments attached.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The project is needed to replace and upgrade the Shallow Run Sewer Interceptor to meet projected capacity needs in the sewershed. Strict compliance to the sections noted above would require additional time, effort and cost to the County to address a large area of land that is not affected by the project. Strict compliance to the regulations would not improve the design or construction of the project and will lengthen the time line.

Alternative Proposal:

A key to the project is a swift and efficient processing of the design plans and construction of the project. The regulations are meant to assure that development occurs according to County requirements and that environmental criteria are met, including protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site per the forest conservation worksheet. The project will be designed to conform to the forest conservation regulations. The limit of disturbance will be minimized to only that area necessary for constructing the project. Designers and Natural Resource Scientists are working to avoid large trees and minimal specimen tree removal.

Not Detrimental to the Public Interest:

Approval of this Alternative Compliance Application will not have a negative effect on public interests. It is in the public interest to upgrade the County infrastructure in a timely and efficient manner. The ultimate use of the land is similar to the current use. The project will not change the nature and character of the surrounding areas.

Will Not Nullify the Intent or Purpose of the Regulations:

The Alternative Compliance Request is not intended to exempt the project from County regulations. The request strives to match the goals and resources of the project to the overall intent of the regulations. The projects purpose is to provide adequate sewer amenities for current and future growth within the sewershed. The LOD is minimized where possible and existing access roads and easements will be used. Areas temporarily disturbed will be replanted. Forest Conservation easements permanently disturbed will be properly and legally abandoned and mitigated as required. No work is being proposed in contradiction to County 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/JM/DD

cc: Research
DED
Real Estate Services