



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

October 19, 2023

Attn: Michelle Simms Israel
Chaberton Solar Lime Kiln, LLC.
1601 Wewatta St., Ste. 700
Denver, CO 80202
Via email: msimms@pivotenergy.net

RE: WP-24-030 Chaberton Solar Lime Kiln

Dear Ms. Israel:

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 October 19, 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 16.156(l) and Section 16.156(m)** of the Subdivision and Land Development Regulations for a 180-day extension to the October 15, 2023 deadline date for the completion of the developer's agreement, payment of fees, and submission of the site development plan originals for signature.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.156(l) and Section 16.156(m) 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.

The applicant is requesting relief from the milestone requirements of the Subdivision and Land Development regulations. Completion of the developer's agreement and posting of fees have been delayed due to future road improvements along Lime Kiln Road. There is an active Capital Project (J4251, Phase 1 and 2) for a portion of the property's frontage. The applicant has agreed to pay a fee-in-lieu for road improvements for both Phase 1 and 2 of the Capital Project. After further discussion with DPW, it was agreed that the fee-in-lieu could be reduced with the right-of-way dedication provided for each phase of the Capital Project. Coordination between the applicant and DPW is still in process. The applicant is requesting additional time to complete the required documents for the right-of-way dedication and finalize the coordination with DPW before completing all financial obligations, prior to submission of the site development plan. Strict compliance with the regulations would be an unreasonable hardship and require the applicant to resubmit a new site development, which has completed the review process and has been granted technical completion on April 18, 2023. Approval of the alternative compliance promotes efficiency of the plan review process, as all SRC comments have been addressed on the current site development plan.

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

1. The developer's agreement and payment of fees for the site development plan (SDP-23-002) must be completed **on or before April 12, 2024.**

2. The original plans for the site development plan (SDP-23-002) must be submitted for signature **on or before April 12, 2024**.

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:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
Century Engineering LLC, Jennifer Anderson: janderson@klinfelder.com
Janet Srock: jmsrockpiw@aol.com



ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Chaberton Solar Lime Kiln / Proposed Solar Array Facility

Subdivision Name/Property Identification: Tax Acct No. 05-370817

Location of property: 11959 Lime Kiln Road, Fulton, MD

Existing Use: Open/Forested Land **Proposed Use:** Open/Forested Land/Solar Facility

Tax Map: 46 **Grid:** **Parcel No:** 102 **Election District:** 5

Zoning District: RR-DEO **Total site area:** 57.3

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:

Current Development Cases: BA-21-040C / ECP-22-058 / SDP-23-002

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
16.156 (l) / (m)	The Applicant is requesting relief from the referenced section of the County Subdivision and Land Development Regulations which requires posting of all financial obligations and submission of original plans for signature within 180 days of SDP plan approval. A requirement of the SDP approval is to pay a fee-in-lieu of road improvements for a new 8-ft bike lane along the entire frontage. There is an active Capital Project (J4251, Phase 1) that had been in process/under construction along a portion of the subject property's frontage. Based on previous coordination with DPW, it was agreed that the fee-in-lieu of road improvements would be reduced with the right-of-way dedication to be provided for phase 1 and phase 2 of the referenced Capital Project (J4251). Coordination efforts with DPW are still on-going at this time, with respect to the Capital Project, phase 2, right-of-way dedication. Strict compliance with this regulation will result in insufficient information for record documents. With that being said, we request a 180-day extension to finalize the remaining required information to complete all financial obligations, prior to submitting original plans for signature.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: Jonathan Sullivan **Date:** September 18, 2023

Signature of Petitioner Preparer:  **Date:** 9-22-23

Name of Property Owner: Chaberton Solar Lime Kiln, LLC (Applicant & Authorized Agent) **Name of Petition Preparer:** Century Engineering LLC (Consultant)

Address: 1601 Wewatta St, Suite 700 **Address:** 16901 Melford Blvd, Suite 130

City, State, Zip: Denver, CO 80202 **City, State, Zip:** Bowie, MD 20715

E-Mail: msimms@pivotenergy.net **E-Mail:** janderson@kleinfelder.com

Phone No.: 612-619-9474 **Phone No.:** 443-589-2400

Contact Person: Michelle Simms Israel **Contact Person:** Jennifer Anderson (Agent)

Owner's Authorization Attached