



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 5, 2016

Simpson Oaks CRP3, LLC
4750 Owings Mills Boulevard
Owings Mills, Maryland 21117

RE: WP-16-038 Simpson Oaks

Dear Owner:

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 16.1205(a)(7)&(10)** of the Subdivision and Land Development Regulations, which requires the retention of state champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger. The applicant is requesting to remove 41 specimen trees.

Approval is subject to the following conditions:

1. Approval is to remove 41 specimen trees identified on the alternative compliance exhibit. A separate alternative compliance request must be submitted and approved by the Department of Planning and Zoning for any other specimen tree to be removed, unless otherwise noted in these conditions of approval.
2. Specimen trees where the critical root zone is impacted by the limit of disturbance will require pre-, during, and post-construction practices and measures to minimize impact to the trees. These specific practices will be identified within the final subdivision plan and shall be implemented and/or supervised in the field by a certified arborist.
3. Specimen trees where the critical root zone is impacted by the limit of disturbance, and indicated in the alternative compliance exhibit to be in poor or fair condition, may be removed under this alternative compliance request if a certified arborist determines survival of the tree is improbable or the tree may be a potential hazard to the development. Prior to removing the tree, the applicant shall submit a report from the certified arborist to the Department of Planning and Zoning detailing the trees condition, the practices examined to save the tree, and the reasoning for the tree's removal.
4. Removal of the 41 specimen trees will require mitigation as additional landscape plantings or 1" caliper forest conservation plantings, or a combination thereof. Mitigation will be determined by the Department of Planning and Zoning during the review of the preliminary plan or final plan when site design is further engineered.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

A practical difficulty exists in preserving all specimen trees while providing a sustainable subdivision design at the allotted density. The density was approved by the Zoning Board during the rezoning case and the petitioner has redesigned the approved layout per the Subdivision Review Committee's request. Further redesign to save all specimen trees would result in a loss of density, which would provide a hardship on the petitioner.

Alternative Proposal Will Serve the Regulations to a Greater Extent

The original subdivision has been redesigned per the Subdivision Review Committee's request. As a result, the reoriented layout and grading scheme reduced specimen tree removal from 56 to 41.

Not Detrimental to the Public Interest

Approval of the alternative compliance request will not adversely affect the public interest, safety or welfare. Removal of the 41 specimen trees will require appropriate mitigation.

Will not Nullify the Intent or Purpose of the Regulations

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas, via alternative compliance, if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The applicant has demonstrated to the Department of Planning and Zoning that the subdivision and community enhancements have been designed to provide the least amount of tree removal while providing the approved density.

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 requested alternative compliance will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
Marian Honecny
Vogel Engineering
Susan Smith