



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

October 10, 2018

LRP, LLC
7350 Grace Drive, Ste. B
Columbia, MD 21044

RE: WP-19-022, Baughan Property (F-19-0²³~~32~~)

Dear Sir or Madam:

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)** Forest Retention Priorities subject to the following conditions.

1. Add the Alternative Compliance Petition WP-19-022, on F-19-023, Baughan Property as a general note stating the request, the approval date and conditions.
2. Show the 2-specimen trees being removed and labeled per WP-19-022 on the supplemental plan. The specimen tree removal will be mitigated by the 2 to 1 planting of 4 perimeter landscape trees of 2 1/2" to 3" caliper native trees.
3. The applicant shall take the necessary steps to protect the three remaining specimen trees during the construction activity to protect them and their critical root zones.

Extraordinary hardship or practical difficulties - The petitioner would incur extraordinary hardship and practical difficulties if they are required to comply strictly with the regulations and modify the plan to protect all specimen trees found within the proposed development limits. There are 5 specimen trees located on the proposed 3 lots of Baughan Property and the property owner is proposing to preserve three of the specimen trees. Specimen Trees "B" and "C" are in a location that requires their removal for the development of the 3 lots to proceed to allow grading and construction for new houses. Should the regulations be strictly enforced, and the plan altered to save the 2 specimen trees, the site cannot be developed as proposed.

Not Detrimental to the public interest - The approval of the alternative compliance will not have any detrimental impacts to the public interest. Protective measures are being proposed to save three of the five existing specimen trees. The removal of the trees will not impact water quality or habitat value/function. The removal of the trees may be noticed by neighbors from an aesthetic standpoint, but this impact will be mitigated by proposed landscaping. The owner is not circumventing the intent of the forest preservation regulations but is attempting to reasonably develop the subject lots with adequate and safe lot design and conditions for the new homeowners

Will not nullify intent or purpose of the regulations - Approval of this alternative compliance based on the petition, in conjunction with adherence to the conditions enclosed, will not be detrimental to the public interest. Reasonable efforts were made to preserve the trees but given the limitations of the site, house locations and grading and the locations of the trees would not be practical. The applicant will be providing 4 native trees as mitigation for the two-specimen tree removals. Therefore, approval meets the intent of the alternative compliance process component 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 or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw
cc: Research
DED
Real Estate Services
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