



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

August 2, 2016

Leon Chen & Amy Li
6236 Welcome Home Drive
Columbia, MD 21045

RE: WP-17-006 Tall Trees Lot 3

Dear Mr. Chen & Ms. Li:

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)**, and **Section 16.120(b)(4)(iii)(b)** of the Howard County Subdivision and Land Development Regulations. **Section 16.1205(a)(7)** of the Howard County Subdivision and Land Development Regulations requires that State champion trees, trees 75% of the diameter of State champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County. **Section 16.120(b)(4)(iii)(b)** of the Howard County Subdivision and Land Development Regulation states that for a lot or buildable preservation parcel of ten acres or greater in size, floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features provided that a deck may project ten feet beyond the building envelope.

Approval is subject to the following conditions:

1. The applicant shall mitigate removal of the 2 specimen trees by installing no fewer than 4 native species shade trees found on the approved landscape plant list. Landscaping surety in the amount of \$300.00 per tree shall be provided with the applicant's grading permit application. The caliper of the tree shall be no less than 3", the trees shall be identified on the Simplified Environment Concept Plan that is to be resubmitted to DLD before applying for building permits (condition that was contingent on approval). The replacement trees should be planted **outside** of the forest conservation easement, and the private sewerage easement areas.
2. Add a general note to the Simplified Environment Concept Plan, and the Final Plat Original's Only Request to show the following:
 - ✦ The assigned Alternative Compliance Petition file number, WP-17-006
 - ✦ Alternative Compliance Request Sections- Section 16.1205(a)(7) & Section 16.120(b)(4)(iii)(b)
 - ✦ Date of approval
 - ✦ Conditions of approval.
3. The applicant shall comply with the SRC comments regarding the Simplified Environmental Concept Plan, and the Final Plat Originals Only Request.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties:

As stated above, there are a total of eight specimen trees located on site, but only two are to be removed. Two specimen trees (both in poor condition) are proposed to be removed due to their location being in the prime buildable area of the property in the highest location on a sloping lot with a significant amount of moderate steep slopes (15%-24.9%). Since this lot has environmental features (heavily wooded, wetlands, wetland buffer, stream, stream buffer, and floodplain) on site, approval of this forest conservation easement (retention) over would protect the natural features of this lot. A 35' environmental setback will be added to the plat to provide an adequate buffer between the new house that will be on the lot and the environmental features.

Implementation of Alternative Proposal:

Six of the eight specimen trees located on site will be retained and four new shade trees will be planted to replace the two specimen trees to be removed. As mentioned above, the two trees are in poor condition, and could become a potential hazard for the applicant.

Although the intent of the regulations is to not include environmental features on lots less than 10 acres, the lot already exists as 3 acres in size, and already contains existing environmental features other than the proposed forest conservation easement. There is ability to protect these environmental features on the lot and still have reasonable use of the lot. As stated above, a 35- foot environmental setback for structures will be maintained from the environmental features, therefore there will be no impact to them. Through utilization of the environmental setback as well as the placement of existing forest within a public forest conservation easement, the environmental features will be afforded protection.

Approval will not be Detrimental to the Public Interest:

The trees that are to be removed are internal to the site among the existing forest so is not individually visible to the neighboring properties due to the other existing forested areas that will be placed in the proposed forest conservation easement.

This alternative compliance request will not be detrimental to the public interest since the environmental features will be protected on the lot within the Forest Conservation Easement.

Approval will not nullify the Intent of the Regulations:

As stated above, the intent of the regulations is better served since a 35-foot environmental setback for structures will be maintained by providing additional protection through the inclusion of the forested areas, wetlands, wetland buffer, floodplain, stream, stream buffer within a public forest conservation easement as an alternative compliance.

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 building permit remains in active processing.

If you have any questions, please contact Rashidi Jackson at (410) 313-2350 or email at rjackson@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/RJ

cc: Research
DED
Real Estate Services
Fisher, Collins, & Carter Inc.