



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

April 5, 2017

Dorsey's Ridge, LLC
308 Magothy Road
Severna Park, MD 21146

RE: WP-17-084, Dorsey's Ridge
Alternative Compliance Approval

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 alternative compliance request for **Section 16.1205(a)(7)** to allow the removal of two (2) specimen trees 30" in diameter or greater. The Planning Director also **approved** your alternative compliance request for **Section 16.120(b)(9)(i)** to allow a 20-foot minimum distance between an easement for high tension power lines and the proposed dwelling units.

Approval is subject to the following conditions:

1. Removal of the two (2) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each specimen tree removed (four trees total). The mitigation planting can be provided as part of the required perimeter landscaping for this project. You must address this alternative landscape mitigation requirement with the Site Development Plan for this property.
2. Specimen Trees ST-13, ST-14, ST-15, and ST-16 must be protected during construction. A registered arborist must inspect the trees and implement recommendations for professional pruning of roots and foliage. All pruning must be performed by a Maryland licensed tree expert. Tree protection fencing must be installed around the entire perimeter of Specimen Trees ST-13, ST-14, ST-15, and ST-16 to prevent root and foliage damage during construction.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the specimen trees located on the property due to the location of the trees in relation to the Concept Plan approved by the Zoning Board. Because of this, it is not possible to retain the two (2) specimen trees and still adhere to the Concept Plan approved by the Zoning Board. The retention of the specimen trees cannot be accomplished without drastically redesigning the Concept Plan approved by the Zoning Board. Additionally, extraordinary hardships or practical difficulties would arise from requiring a 30-foot minimum distance between an easement for high tension power lines and any proposed dwelling units since significant time and effort has already gone into getting the proposed development approved by the Zoning Board.

Alternative Proposal

The alternative proposal would require the applicant to retain all specimen trees on the parcel. However, due to the location of the trees in relation to the Concept Plan approved by the Zoning Board, the retention of the specimen trees cannot be accomplished without drastically redesigning the Concept Plan approved by the Zoning Board. Therefore, in this situation, it is reasonable to allow the applicant to remove the two (2) specimen trees and permit alternative compliance with replacement mitigation planting for the removed specimen trees. Additionally, an alternative proposal would require the applicant to adhere to a 30-foot minimum distance between an easement for high tension power lines and any proposed dwelling units. However, since the proposed plan has already been approved by the Zoning Board, requiring a 30-foot minimum distance between an easement for high tension power lines and any proposed dwelling units is not recommended by this Division.

Not Detrimental to the Public Interest

The alternative compliance request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the two specimen trees. Additionally, one of the requirements of approving the rezoning of a property to CEF is that it be beneficial to the public. Therefore, since the plan was approved by the Zoning Board showing a 20 foot setback from the high tension power line easement, the Zoning Board has determined that not requiring a 30-foot minimum distance between an easement for high tension power lines and any proposed dwelling units will not be detrimental to public interest.

Will not nullify the intent or purpose of the regulations

Approval of this alternative compliance request will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, "planting in an alternate location," if it is deemed to have a "greater environmental benefit." This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a "greater environmental benefit" than retention of the specimen trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the two specimen trees. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit. Additionally, since the proposed plan allowing a 20 foot distance between an easement for high tension power lines and any proposed dwelling units has already been approved by the Zoning Board, it does not nullify the intent or purpose 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 requested alternative compliance will remain valid for one year from the date of this letter or as long as the subdivision plan and/or SDP remain in active processing.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Fisher, Collins, and Carter
DPZ File #'s WP-17-084 & S-17-006
Marian Honeczy, DNR
Forest Conservation Coordinator