



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 12, 2019

Toll MD Atlantic LP Company
250 Gibraltar Road
Horsham, PA 19044

RE: WP-20-004, Willowshire
Alternative Compliance Request

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 16.1202.(a)**, which requires any person or unit of local government developing land 40,000 square feet or greater in area to file a forest conservation plan with the Department.

Approval is subject to the following conditions:

1. All forest conservation obligations, specimen tree removal, and specimen tree mitigation requirements must be satisfied with the final plan F-18-086, Willowshire, as approved under that plan.
2. All specimen trees located on proposed Lot 1 (per F-18-086, Willowshire) must be removed, and the developer must provide evidence that those specimen trees have been removed, prior to a building permit being issued for Parcel 34.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from not allowing the applicant to defer the forest conservation obligation, specimen tree removal, and specimen tree mitigation for this project since a final plan that addresses forest conservation requirements has already been approved for this project. Requiring the applicant to address their forest conservation obligations at this time would require a new forest conservation plan when they already have an approved forest conservation plan for the site, causing an extraordinary hardship on the applicant.

Alternative Proposal

The alternative proposal would require the applicant to address their forest conservation obligations at this time. However, that would require a new forest conservation plan when they already have an approved forest conservation plan for the site, causing an extraordinary hardship on the applicant. Therefore, in this situation, it is reasonable to allow the applicant to defer the forest conservation obligation, specimen tree removal, and specimen tree mitigation for this project.

Not Detrimental to the Public Interest

The alternative compliance request to defer the forest conservation obligation, specimen tree removal, and specimen tree mitigation for this project will not be detrimental to the public interest since the applicant will still

be required to address these obligations. The applicant is proposing to defer these requirements until the development associated with F-18-086 is constructed.

Will not nullify the intent or purpose of the regulations

The alternative compliance request to defer the forest conservation obligation, specimen tree removal, and specimen tree mitigation for this project will not nullify the intent or purpose of the regulations since the applicant will still be required to address these obligations. The applicant is proposing to defer these requirements until the development associated with F-18-086 is constructed.

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 JJ Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Real Estate Services
Bohler Engineering, Attn: Brandon Rowe
F-18-086