

Glenmont Fire Station #18, 12210 Georgia Avenue, Preliminary Forest Conservation Plan, MR2014009



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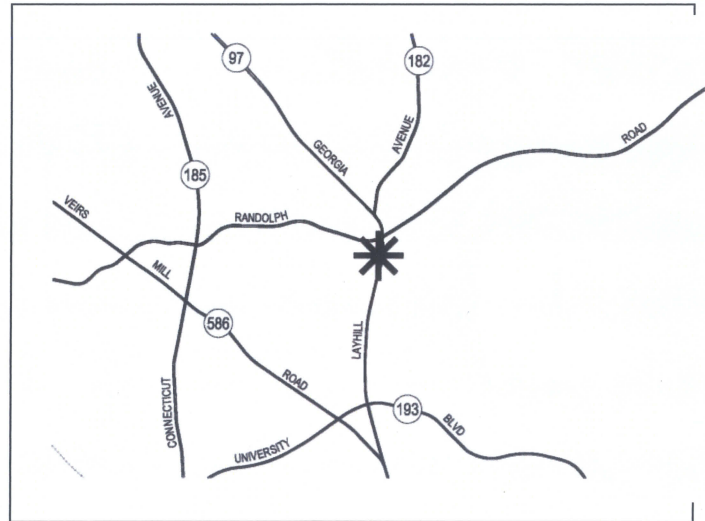


Glenn Kreger, Chief, Area 2 Planning Division, glenn.kreger@montgomeryplanning.org, 301.495.4653

Completed: 10/25/13

Description

- 12210 Georgia Avenue
- 5.66 acres, R-60 Zone
- 1997 Approved and Adopted *Sector Plan for the Glenmont Transit Impact Area and Vicinity*
- Preliminary Forest Conservation Plan for the development of Kensington Fire Station #18
- Filing date: 9/10/2013



Summary

- Staff recommends approval with conditions.
- A variance request is part of this application. Staff does not support variance request for two of the four impacted trees.
- No community correspondence has been received on this application.

Conditions

1. Revise the Preliminary Forest Conservation Plan and variance request to remove all impacts from trees #3 (37" white ash) and #5 (31" red maple).
2. Final Forest Conservation Plan must reflect development staging and match sediment control measures.
3. Final Forest Conservation Plan must include details on trees planted for mitigation of the removal of two specimen trees.

Pursuant to Chapter 22A of the County Code, the Board's actions on Forest Conservation Plans are regulatory and binding.

Project Description

The 5.66-acre site was previously developed as the Glenmont Elementary School and has also been used as a staging area by the Maryland State Highway Administration (SHA) for the construction of the Georgia Avenue Randolph Road interchange project. The proposed plan shows the development of a single-story fire station and associated circulation and stormwater management facilities on approximately 3 acres of the site. The remaining portion of the site may be used for recreation or other community facility uses as proposed in the 1997 Glenmont Sector Plan.

Analysis

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #4201311200) for the Property on April 22, 2013. The Property has no forest, streams, wetlands or associated environmental buffers. The Property is in the Josephs Branch subwatershed of the Rock Creek watershed; a Use I watershed. The proposed plan is in compliance with the *Environmental Guidelines*.

Forest Conservation

This Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). While there is no forest on the Property, there is a 0.86-acre afforestation requirement. The Preliminary Forest Conservation Plan (Attachment 1) proposes to meet this 0.86-acre afforestation requirement through offsite banking or payment of fee-in-lieu.

The proposed plan is currently showing limits of disturbance (LOD) that exclude the construction of the entrance apron on Georgia Avenue, as this will be constructed by SHA. But according to SHA's Georgia Avenue at Randolph Road interchange plans, this entrance will not be constructed until Phase 2 of the grade separated interchange construction while the existing Glenmont Fire Station at the southeast corner of Georgia Avenue and Randolph Road will be demolished in Phase 1. The phasing of development (described in more detail in a separate but related mandatory referral review report) must be reflected on the Final Forest Conservation Plan to ensure appropriate tree protection measures for the trees on-site.



Forest Conservation Variance

Section 22A-12(b) (3) of County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree’s Critical Root Zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that:

- a. measure 30 inches or greater diameter at breast height (DBH);
- b. are part of a historic site or designated with a historic structure; or
- c. are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species, or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Specimen Tree Impacts Summary 30" +							
Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Tree Condition	Comments	CRZ % Impacts	Disposition
2	ACER RUBRUM	RED MAPLE	38	FAIR	EXPOSED ROOTS/INCLUDED BARK/BROKEN LIMBS/ <u>PERMISSION TO REMOVE IF TREE BEGINS TO DECLINE OR BECOMES UNSTABLE</u>	29%	SAVE & PROTECT
3	FRAXINUS AMERICANA	WHITE ASH	37	GOOD	BROKEN LIMBS	100%	TO BE REMOVED
5	ACER RUBRUM	RED MAPLE	31	GOOD	CONSTRUCTION DEBRIS AT BASE/BROKEN LIMBS	14%	SAVE & PROTECT
18	QUERCUS PALUSTRIS	PIN OAK	30	FAIR	OFFSITE/EXPOSED&DAMAGED&GIRDLED ROOTS/IRREGULAR ATTACHEMENTS/DEAD&BROKEN LIMBS	25%	TO BE REMOVED

The Applicant submitted a variance request on 9/10/2013 for the impacts to trees with the proposed layout (Attachment 2). The Applicant proposes to remove two trees (#3 and #18 in the illustration on the next page), potentially remove one other tree (#2), and impact, but not remove, a fourth tree (#5). All four trees are considered high priority for retention under Section 22A-12 (b) (3) of the County code. While detailed and specific protection measures are proposed for the “potential removal” tree, the Applicant is requesting a variance to remove this tree if it becomes necessary.

Unwarranted Hardship - As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The Applicant has stated that the variance is necessary because of the close proximity of the trees to the proposed facility lay out and the need for easy ingress/egress from the site. Staff does not agree with the Applicant that the impacts shown to trees #3 and #5 cannot be avoided.

Figure 1 below indicates the location of the four specimen trees that are impacted by this development. Of the four trees shown as impacted, staff agrees that the impacts to two of these trees, #2 and #18, are unavoidable due to their locations within the right-of-way. However, the impacts to trees #3 and #5 could be avoided by minimizing the development footprint in several different ways. For example, a two-story fire station would have a smaller footprint and reduced site impacts. Also, the Applicant could potentially reduce the development footprint by using a vegetated roof, which can reduce the need for bioretention facilities on the site. Another potential technique would be to reduce the amount of grading by using retaining walls. As the Applicant has a number of options to minimize the impacts to trees #3 and #5 and has not demonstrated that these impacts are unavoidable and necessary, staff cannot support the variance application for trees #3 and #5. Staff recommends that the Applicant revise the Preliminary Forest Conservation Plan to remove all impacts to these trees and remove these trees from the variance application.

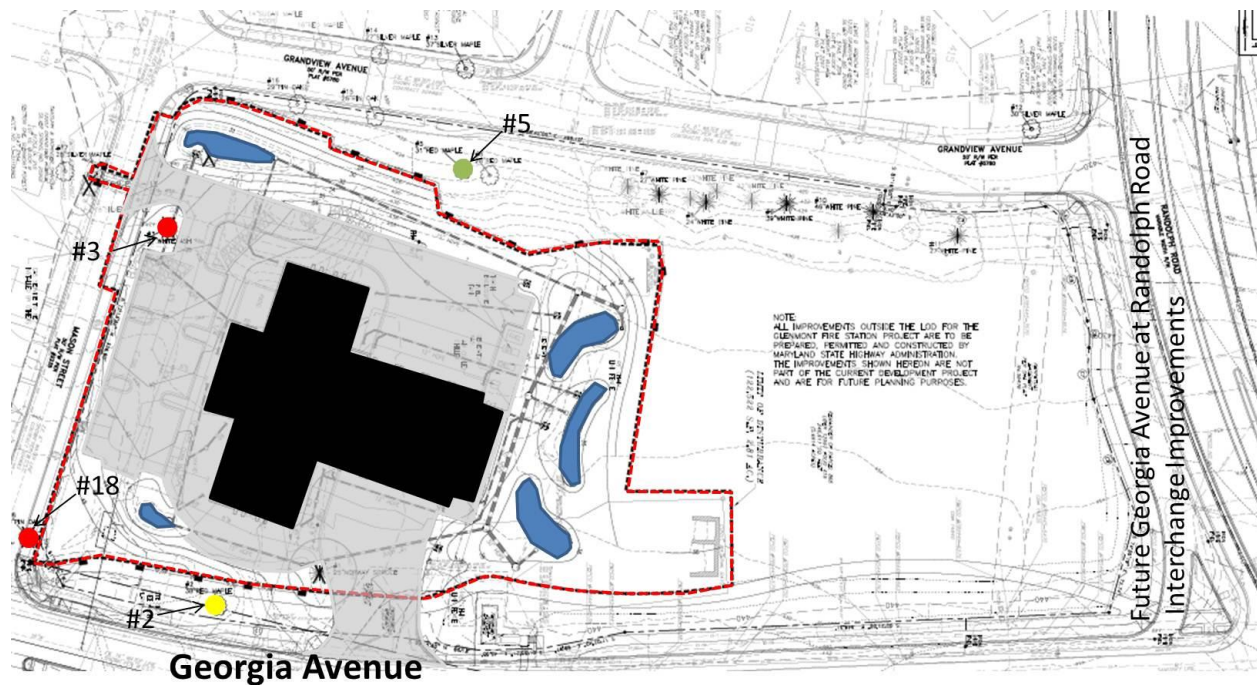


Figure: 1 Location of impacted trees

Variance Findings - Based on the review of the variance request and the proposed Preliminary Forest Conservation Plan, staff makes the following findings:

1. *Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.*

The disturbance and/or removal of trees #3 and #5 have not been shown to be necessary and unavoidable. Therefore, staff believes that granting the variance for impacts to trees #3 and #5 would be a special privilege that would be denied to other applicants.

2. *The need for the variance is not based on conditions or circumstances which are the result of the actions by the applicant.*

The requested variance, as written, is based on conditions or circumstances which are the result of actions by the Applicant. The proposed site plan is designed in such a way that it creates avoidable impacts to the two trees in question. The requested variance for trees #2 and #18 is based on the locations of the trees within the right-of-way. However, the Applicant has not demonstrated that impacts to trees #3 and #5 are necessary and unavoidable. Therefore, staff believes that the need for the variance to trees #3 and #5 is based on conditions and circumstances which are the result of the actions by the Applicant.

3. *The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed layout of the facility on the Subject Property and not a result of land or building use on a neighboring property.

4. *Granting the variance will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The impacted trees are not within a stream buffer, wetland, or a special protection area. The proposed mitigation will be at a rate that approximates the form and function of the Protected Trees to be removed, thereby offsetting the loss of the water quality benefits of the individual trees removed.

Mitigation for Trees Subject to the Variance Provisions – The Planning Board has been consistent in requiring mitigation for the loss of any specimen trees that are not within existing forest. The Applicant has proposed to mitigate for the removal of three trees. Generally, mitigation is not recommended for trees impacted but retained. The Applicant has proposed to plant nine native canopy trees, with a minimum size of 3” caliper each, with details to be provided on the Final Forest Conservation Plan submission. These proposed native trees mitigate for the loss of trees #2, #3, and #18 at the rate of 1” caliper replaced for every 4” DBH removed, using a minimum 3” caliper tree. With the exclusion of tree #3 from the variance, the Applicant will need to plant six native canopy trees, with a minimum size of 3” caliper to mitigate for the losses of trees #2 and #18.

County Arborist’s Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. Staff forwarded the request to the County Arborist on 9/20/2013. The County Arborist has reviewed the variance request and recommended partial approval (Attachment 3).

Variance Recommendation - Staff recommends the variance be granted for impacts to trees #2 and #18 but denied for impacts to trees #3 and #5.

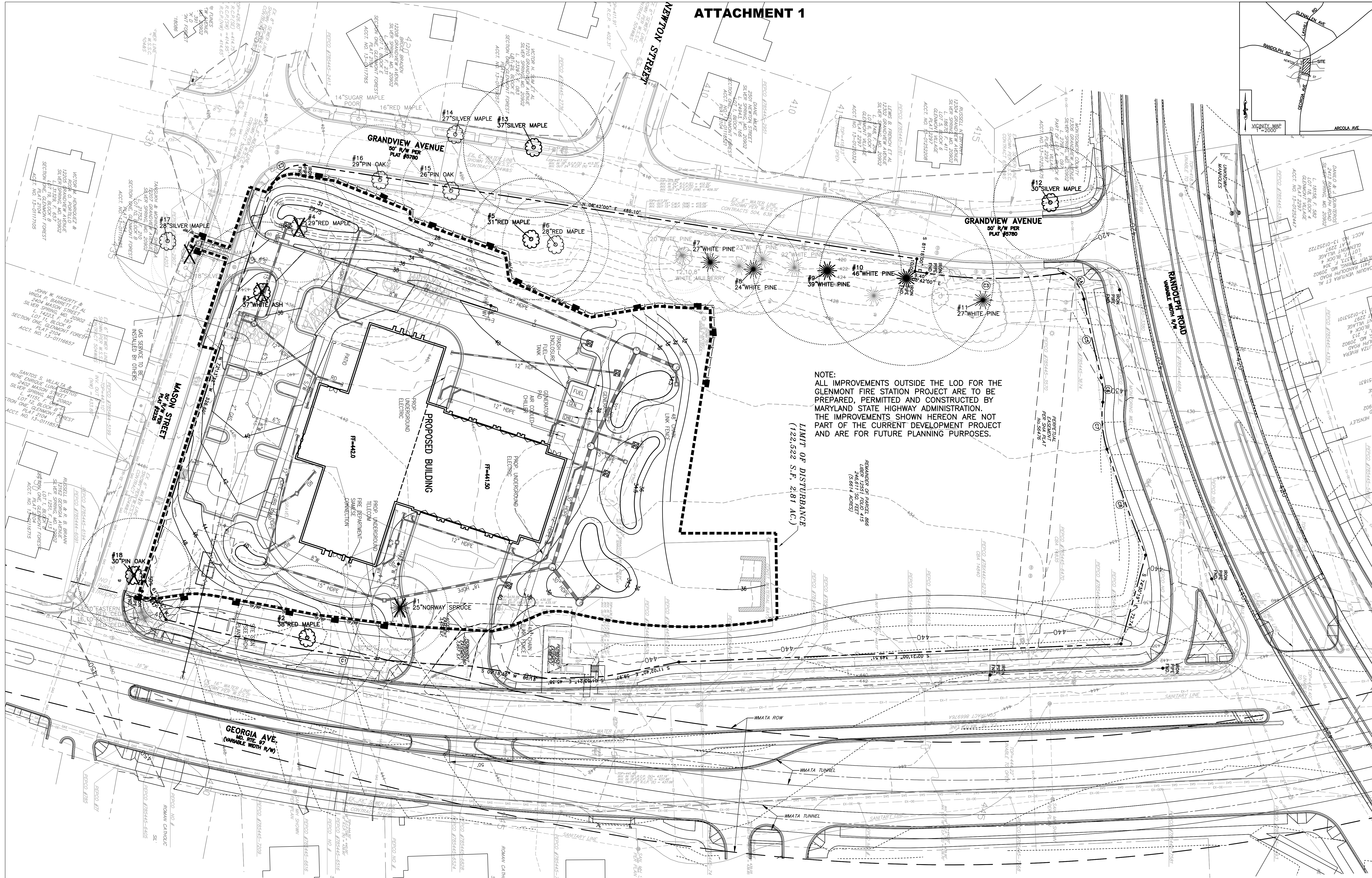
Conclusion

Staff recommends that the Planning Board approve the Preliminary Forest Conservation Plan with the conditions cited in this staff report. The variance approval is assumed into the Planning Board’s approval of the Preliminary Forest Conservation Plan.

Attachments

1. Preliminary Forest Conservation Plan
2. Variance application
3. Letter from County Arborist

ATTACHMENT 1



NOTE:
ALL IMPROVEMENTS OUTSIDE THE LOD FOR THE
GLENMONT FIRE STATION PROJECT ARE TO BE
PREPARED, PERMITTED AND CONSTRUCTED BY
MARYLAND STATE HIGHWAY ADMINISTRATION.
THE IMPROVEMENTS SHOWN HEREON ARE NOT
PART OF THE CURRENT DEVELOPMENT PROJECT
AND ARE FOR FUTURE PLANNING PURPOSES.

LIMIT OF DISTURBANCE
(122,522 S.F., 2.81 AC.)

LEGEND

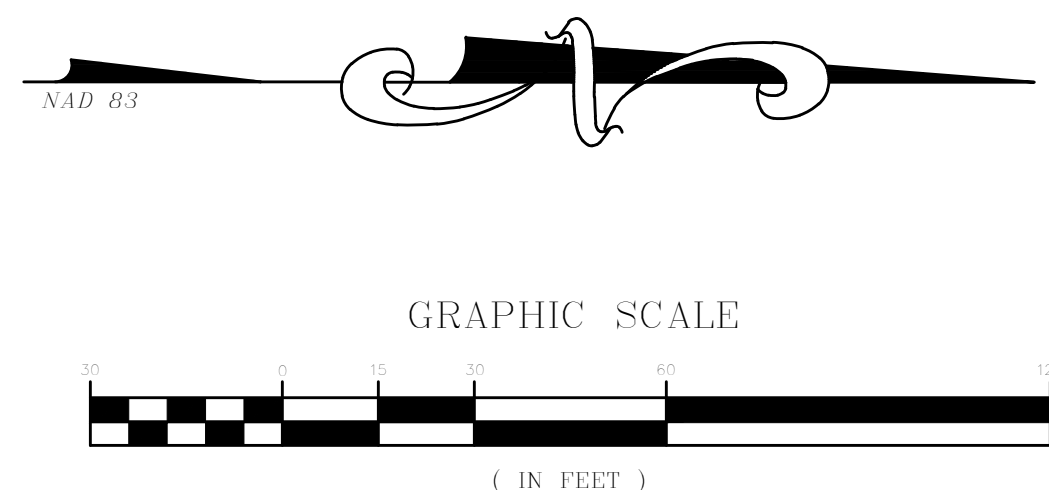
- | | | | | | |
|--|----------------|---|--|----------------|--|
| | 14" RED OAK | EXISTING TREE <24" DBH | | 14" RED OAK | EXISTING TREE <24" DBH |
| | #1 26" RED OAK | EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER | | #1 26" RED OAK | EXISTING SIGNIFICANT TREE >24" AND <30" DBH WITH TAG NUMBER |
| | #1 32" RED OAK | EXISTING SPECIMEN TREE >30" DBH WITH TAG NUMBER | | #1 32" RED OAK | EXISTING SPECIMEN TREE >30" DBH WITH TAG NUMBER |
| | | SCRUB AREA/NON-FOREST CANOPY | | | LIMITS OF DISTURBANCE |
| | | SURVEY TOPO | | | COMBINED ROOT PRUNE TRENCH/TREE PROTECTION FENCE (TEMPORARY) |
| | | MNCPPC TOPO | | | TREE PROTECTION FENCE (TEMPORARY) |
| | | PROPERTY BOUNDARY | | | TEMPORARY TREE PROTECTION SIGNAGE (APPROX. 50' O.C.) |

GENERAL FCP NOTES:

- ROOT PRUNE TRENCH IS NOT TO IMPACT UTILITIES.
- THE EXTENT OF ROOT PRUNING IS TO BE DETERMINED AT THE PRECONSTRUCTION MEETING.
- NO CLEARING IS TO TAKE PLACE OUTSIDE OF THE LIMITS OF DISTURBANCE.
- AREAS SHOWN TO BE CLEARED OUTSIDE OF THE LIMITS OF DISTURBANCE ARE FOR CALCULATIONS ONLY.

SITE PLANTING NOTE:

- TREES AND SHRUBS TO BE PLANTED OUTSIDE OF L.O.D. ARE TO BE DUG WITH HAND EQUIPMENT ONLY. NO MACHINERY IS TO GO OUTSIDE OF L.O.D. PLANTS ARE TO BE INSTALLED AND STABILIZED SAME DAY.



CERTIFICATION OF QUALIFIED PROFESSIONAL

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE, MNC&PC AND MONTGOMERY COUNTY FOREST CONSERVATION LAWS.

DATE: _____
MICHAEL A. NORTON
MONTGOMERY COUNTY REGISTERED PROFESSIONAL
LANDSCAPE ARCHITECT

NORTON LAND DESIGN
LANDSCAPE ARCHITECTURE + ENVIRONMENTAL PLANNING
17630 NEW HAMPSHIRE AVENUE, SUITE 101 ASHTON, MD 20861
P: 240.342.2329 F: 240.342.2632 WWW.NORTONLANDDESIGN.COM

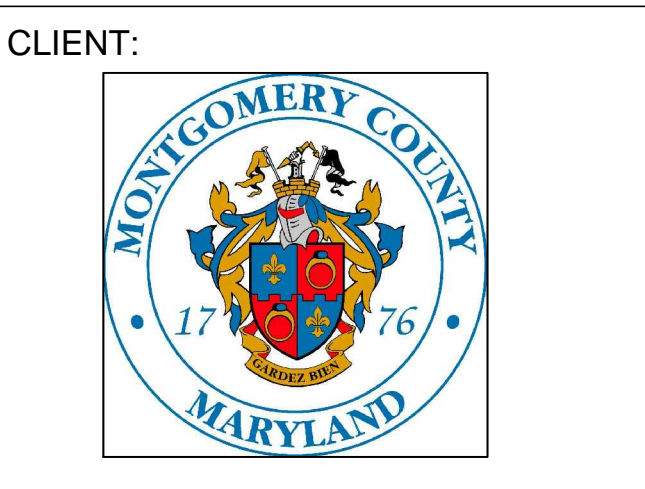
PROJECT: TRISTAR TO ROCK CREEK
SHEET: 216NW02
DATE: 08-19-2013

DEVELOPER'S CERTIFICATE
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. MR-13-0125222 including, financial bonding, forest planting, maintenance, and all other applicable agreements.

Developer's Name: MONTGOMERY COUNTY DEPARTMENT OF GENERAL SERVICES
Contact Person or Owner: CHARLES EDWARDS, CAPITAL PROJECTS MANAGER
Address: 101 MONROE STREET, 11TH FLOOR, ROCKVILLE, MD 20850
Phone and Email: 240-777-6070, charles.edwards@montgomerycountymd.gov

ARCHITECT:
HG
HUGHES GROUP ARCHITECTS
22630 DAVIS DRIVE, SUITE 175
STERLING, VIRGINIA 20164
703.437.8600

CONSULTANT:
ADTEK
CIVIL, STRUCTURAL, SPECIALTY ENGINEERING & LANDSCAPE ARCHITECTURE
3251 Old Lee Highway, Suite 405
Fairfax, Virginia 22030
Phone: 703-691-4040 Fax: 703-691-4056
www.adtekengeers.com



MONTGOMERY COUNTY MARYLAND
DEPARTMENT OF GENERAL SERVICES
OFFICE OF PLANNING & DEVELOPMENT
101 MONROE STREET
11TH FLOOR
ROCKVILLE, MARYLAND 20850

PROJECT:
GLENMONT FIRE STATION #18
12210 GEORGIA AVENUE
SILVER SPRING MD 20902

SEAL

NO.	ISSUE DESCRIPTION	DATE

PROJECT NUMBER: 0702
DRAWN BY: MES
CHECKED BY: MAN

KEY PLAN

SHEET TITLE
PRELIMINARY FOREST CONSERVATION PLAN

SHEET NUMBER
L-1.1



September 6, 2013

Mr. Mark Pfefferle
Environmental Planning Division
Maryland National Capital Park and Planning Commission (M-NCPPC)
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Glenmont Fire Station
Request for Specimen Tree Variance
MNCPPC NRI# 420131120

Dear Mr. Pfefferle:

On behalf of the Montgomery County, Department of General Services, Division of Building Design & Construction and pursuant to Section 22A-21 *Variance provisions* of the Montgomery County Forest Conservation Ordinance and recent revisions to the State Forest Conservation Law enacted by S.B. 666, we are writing to request a variance(s) to allow impacts to or the removal of the following trees identified on the approved Natural Resource Inventory/Forest Stand Delineation for the above-named County construction project:

Project Description:

The existing site for the proposed Glenmont Fire Station is located to the southwest of the intersection of Georgia Avenue and Randolph Road in Silver Spring, Montgomery County, Maryland. The site is approximately 5.66 acres and is comprised of one parcel owned by Montgomery County. The site currently hosts minimal development. There are a few areas of pavement and gravel. There are remnants of some rough grading such as silt fence and riprap. The area appears to be lightly used for maintenance activities. There are a few trees onsite and a canopy area that does not qualify as forest. The site is surrounded by residential properties to the north, west and south. Properties owned by organizations exist to the east across Georgia Avenue.

Proposed construction consists of a fire station facility and associated parking, circulation and stormwater management.

Requirements for Justification of Variance:

Section 22A-21(b) *Application requirements* states that the applicant must:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;
- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance; and
- (4) Provide any other information appropriate to support the request.

Justification of Variance:

- (1) Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

Response: As part of the program, the task was to provide the County Fire Department with an updated facility that accommodates a modern, safe and functional response team. Efforts have been made to impact the site as little as possible.

The area on which to locate the building is restricted to the south of the site. The congestion of the intersection of Georgia and Randolph would prevent ease of ingress/egress for the fire trucks and would negatively affect traffic. The majority of impacts to specimen trees is due to grading and vehicle circulation.

This work will require disturbance of the root zones of a total of four (4) specimen trees. Three (2) of the four (4) impacted trees will be required to be removed. It should be noted that the trees which require removal are isolated and not a part of an environmentally sensitive forest. If we are not allowed to impact or remove these trees, there would not be adequate room for the development program.

If Montgomery County DGS is not allowed to impact the trees, the fire station facility will not be able to be updated due to the close proximity of specimen trees to the proposed fire department building. As such, this would cause an *unwarranted hardship* to the community that it serves.

- (2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

Response: If the County is required to keep all improvements outside the root zones of the specimen trees, the building would fail to be built due to the close proximity of specimen trees.

- (3) Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance;

Response: Tree removals have been minimized by confining the development to only a portion of the site. In addition, this property will be developed in accordance with the latest Maryland Department of the Environment criteria for stormwater management. This includes Environmental Site Design to provide for protecting the natural resources to the Maximum Extent Practicable. This includes limiting the impervious areas and providing on-site stormwater management systems. A Stormwater Management Concept is currently under review by the Montgomery County Department of Permitting Services to ensure that this criterion is enforced. Therefore, the proposed activity will not degrade the water quality of the downstream areas and will not result in *measurable degradation in water quality*.

- (4) Provide any other information appropriate to support the request.

Response: The canopy area onsite will be preserved through construction to encourage ecological habitat. Mitigation plantings for the removal of specimen trees will be provided onsite.

As further basis for its variance request, the applicant can demonstrate that it meets the Section 22A-21(d) *Minimum criteria*, which states that a variance must not be granted if granting the request:

- Will confer on the applicant a special privilege that would be denied to other applicants;

Response: The Glenmont Fire Station development is in conformance with the County's General plan. As such, this is not a *special privilege* to be conferred on the applicant.

- (2) Is based on conditions or circumstances which are the result of the actions by the applicant;

Response: Montgomery County, Department of General Services has taken no *actions leading to the conditions or circumstances that are the subject of this variance request*.

- (3) Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or

Response: The surrounding land uses (residences/organizations) do not have any inherent characteristics or conditions that have created or contributed to this particular need for a variance.

- (4) Will violate State water quality standards or cause measurable degradation in water quality.

Response: Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality.

Specimen Tree Impacts Summary 0"

Tree #	Species (Scientific Name)	Species (Common Name)	D.B.H (inches)	Tree Condition	Comments	CRZ % Impacts	Disposition
2	ACER RUBRUM	RED MAPLE	38	FAIR	EXPOSED ROOTS/INCLUDED BARK/BROKEN LIMBS/ <u>PERMISSION TO REMOVE IF TREE BEGINS TO DECLINE OR BECOMES UNSTABLE</u>	29%	SAVE & PROTECT
3	FRAXINUS AMERICANA	WHITE ASH	37	GOOD	BROKEN LIMBS	100%	TO BE REMOVED
5	ACER RUBRUM	RED MAPLE	31	GOOD	CONSTRUCTION DEBRIS AT BASE/BROKEN LIMBS	14%	SAVE & PROTECT
18	QUERCUS PALUSTRIS	PIN OAK	30	FAIR	OFFSITE/EXPOSED&DAMAGED&GIRDLED ROOTS/IRREGULAR ATTACHEMENTS/DEAD&BROKEN LIMBS	25%	TO BE REMOVED

Conclusion:

For the above reasons, the applicant respectfully requests that the Planning Board APPROVE its request for a variance from the provisions of Section 22A of the Montgomery County Forest Conservation Ordinance, and thereby, GRANTS permission to impact/remove the specimen trees in order to allow the construction of this vital project.

The recommendations in this report are based on tree conditions noted at the time the NRI/FSD field work was conducted. Tree condition can be influenced by many environmental factors, such as wind, ice and heavy snow, drought conditions, heavy rainfall, rapid or prolonged freezing temperatures, and insect/disease infestation. Therefore, tree conditions are subject to change without notice.

The site plans and plotting of tree locations were furnished for the purpose of creating a detailed Tree Protection Plan. All information is true and accurate to the best of my knowledge and experience. All conclusions are based on professional opinion and were not influenced by any other party.

Sincerely,



Michael Norton

Copy to:

Mr. Charles Edwards, Montgomery County, DGS

Mr. Jason Fritz, Adtek Engineers



ATTACHMENT 3

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

October 18, 2013

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Glenmont Fire Station, DAIC 120130170, NRI/FSD application accepted on 1/31/2013

Dear Ms. Carrier:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance cannot be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

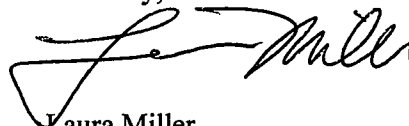
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant does not qualify for a variance. Based on careful consideration of the documents provided with the application, as well as discussions with Planning Department staff, the applicant does not meet the minimum criteria required in Section 22A-21(d)(1) and would be granted special privileges denied to other similarly-situated applicants for impacts to trees subject to the variance provisions on the property. The applicant has not described special conditions peculiar to this property which would cause unwarranted hardship nor how the landowner would be deprived of rights commonly enjoyed by others in similar situations, as required by Sections 22A-21(b)(1-2), if other configurations for development would be required. In other words, the applicant did not justify why alternative designs that would greatly reduce disturbance to nearly all trees would be unreasonable given the size of the parcel and the location of the existing trees.

Given that the applicant has submitted one variance request that includes all trees subject to Section 22A-21, I must recommend denial of the entire package on the grounds that it would confer special privileges that would be denied other similarly-situated applicants.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Amy Lindsey, Senior Planner