



## Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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December 23, 2011

John L. Vos, Trustee  
8830 Corridor Road  
Annapolis Junction, MD 20701-1159

RE: **WP-12-088 Vermeer Sales and Service**  
**(SDP-88-199)**

Dear Mr. Vos:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved your** request to waive the following two (2) sections of the Subdivision and Land Development Regulations:

**Section 16.1201(n)** – “Net tract area” means the total area to the nearest 1/10 acre, whether forested or not, of a proposed development, exclusive of any 100-year floodplain, utility transmission line easements, or preservation parcel as referenced in the zoning regulations. Net tract area is to be used in calculating any reforestation or afforestation obligations that may be created by the proposed development.

**Section 16.1204(d)(1)** – State the net tract area, area of forest conservation required and the area of forest conservation proposed on-site and/or off-site.

**Approval is subject to the following seven (7) conditions:**

1. The Division recommends that a forest conservation easement for on-site forest retention of 0.26 acres (a retention rate of 2:1 for “off-site” retention [ $0.13 \times 2 = 0.26$  acres]) must be recorded on the forthcoming Duinker Subdivision plat of revision (considered off-site because it’s beyond the net tract area). The existing forested area (0.26 acres) at the rear of Lot 4 should be protected by this easement and this easement shall also include the existing wetland area and its buffer (priority areas). If a forest retention easement is not provided, the applicant is required to pay a fee-in-lieu in the amount of \$4,247.10 for the afforestation obligation of 0.13 acres calculated at the rate of \$0.75 per square foot as part of the red-line revision approval process.
2. This site’s forest conservation obligation must be addressed on the redline revision to SDP-88-199 and shall include a forest conservation plan if on-site mitigation is provided as recommended in condition no. 1 with a forest conservation worksheet\* and applicable forest notes. (\* The land use category for the worksheet should be *commercial and industrial use* “CIA”).

3. No disturbance is permitted beyond the limit of disturbance (0.86 acres) as shown on the amended waiver petition exhibit dated December 21, 2011.
4. Any future site expansion or additional development will require the owner/developer to address forest conservation on the remaining area of the site that is beyond the LOD of 0.86 acres proposed under the red-line revision for SDP-88-199.
5. On the redline revision to SDP-88-199 and the plat of revision, provide a brief description of the waiver petition (WP-12-088), as a general note to include request(s), section(s) of the regulations, action and date.
6. The applicant shall submit a completed forest conservation data summary to DPZ, DLD, attn: Derrick Jones.
7. Subject to compliance with the attached DED comments dated 12/20/2011.

**The decision of this waiver petition is based on the following justification:**

Extraordinary Hardship or Practical Difficulty

If the waiver petition is not granted, the applicant is required to address forest conservation on the entire gross site area. This requirement would reduce the flexibility of future site expansion/usage and would add to the cost of this project. Addressing forest conservation on the entire 5.94 acres would require the preparation of a formal forest stand delineation and forest conservation plan, which shall include additional mapping, computations, reports and exhibits. These additional plans and reports would be unnecessary since all planned improvements will only occur within the 0.86 acres that is defined on the accompanying waiver exhibit.

Implementation of an Alternative Proposal

The petitioner has demonstrated that approval of this waiver is a reasonable alternative to imposing the requirement of the total site area for calculating forest conservation obligations. The waiver petition's plan exhibit provides all relevant information and details to adequately evaluate the site's capacity to meet the forest conservation program objectives. The petitioner's proposal to address forest conservation, in proportion to the impacts associated with the project, represents an acceptable alternative to using the entire site area. A forest retention easement of 0.26 acres will be required within the existing forested area, further protecting the wetlands that exist at the rear of the lot or a fee-in-lieu will be provided to satisfy the forest obligation for this red-line revision.

Not detrimental to public interest

Approval of the waiver, based on the petition submitted, will not alter the industrial character of the area and will not substantially impair the appropriate use or development of the surrounding industrial and commerce properties. Allowing the net tract area to be based on the limit of disturbance will not be detrimental to the public because the scope of the planned work will only occur within those limits and the existing forest (located at the rear of the site) shall remain undisturbed.

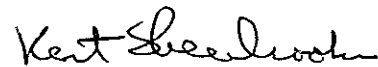
Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations. The forest conservation obligation will be computed based on the relevant area affected by this project. The waiver exhibit and redline revision to SDP-88-199 includes site details and a simplified forest conservation delineation/plan that represents a suitable substitute for determining the obligation for forest conservation, thus fulfilling the intent of the regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all future DPZ plans and building permits. **This requested waiver will remain valid for one year from the date of this letter or as long as the red-line revision to SDP-88-199 remain in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/dj  
Enc: DLD, DED  
cc: Research  
DED  
Forest Conservation Coordinator  
F.C.C.