



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

HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD

July 22, 2019

Staff Report

- Owner:** Natalie C. Ziegler and the Ziegler Family Irrevocable Trust for the benefit of Alexandra N. Zirschky and J. Christian Zirschky
c/o Natalie Ziegler
4288 Manor Lane
Ellicott City, MD 21042
- Farm Location:** West side of Manor Lane
Tax Map 23, Parcel 130, PAR B, 350.5 +/- acres
- Easement Designation:** Howard County easement #HO-96-05-E
- Request:** Creation of a wetland mitigation area
- Recommendation:** Approval to create a wetland mitigation area

Summary:

Ms. Ziegler is part owner, and her sister, Jessica, is trustee of the trust, that currently owns the easement property, which was placed in the Howard County Agricultural Land Preservation Program on October 30, 1996 by the Ziegler and Carroll cousins, who jointly owned the farm at the time. Of the 350 acres that comprise the farm, approximately 204 acres are currently being utilized as crop land. The request is to create a wetland mitigation easement area, totaling 1.5 acres, in the southwest corner of the property that will include wetland enhancement and creation. The project area occurs within a field typically used to produce row crops, but a portion of this field has been impacted by wet soils for many years. According to Ms. Ziegler, the extent of the limitation varies each year and within the season, but has been a long-term issue for farming operations. The proposed project will expand on existing wetland resources and will be contiguous with forested stream valley that is within an existing Forest Conservation easement.

Staff Analysis:

The property was evaluated by John Canoles with Eco-Science Professionals and John Carney with Benchmark Engineering for its suitability for wetland enhancement and creation. According to Mr. Canoles, the Ziegler mitigation site and the Kings Forest impact area are within a mile of each other in the Patuxent River watershed. The mitigation site will expand upon a farmed non-tidal wetland by grading the field to increase the area of active hydrology. Once excavated, the wetland will be planted with a mix of native trees, shrubs and herbaceous plants to create a diverse wetland community.

A portion of the area to be converted to wetland is currently seasonally wet cropland that has been problematic in terms of farming activity/access and crop yield. Eco-Science is proposing to design the wetland to be a functional system that will

provide aesthetic and water quality benefit while minimizing impact to the active farming operation. The proposed mitigation plan will create a 1.5-acre wetland easement area that consists of 9,950 square feet of enhancement of farmed wetlands and 24,500 square feet of creation of new wetlands. The total area of land to be utilized for grading and eventual recordation of a perpetual conservation easement for the wetlands and 25-foot buffer will encumber approximately 64,555 square feet, or 1.5 acres. The initial limit of the easement area featured irregular boundary lines that would have presented a challenge for farming. At the request of Ricky Bauer, the Ziegler property farmer, the corners of the easement have been squared so that it's easy to maneuver the tractor around the boundary.

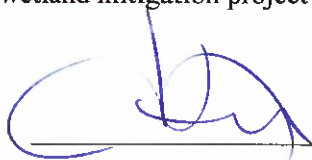
As part of the review for the proposed project, a wetland delineation was recently performed on site with representatives from the Maryland Department of the Environment and the Army Corp of Engineers, who concluded that approximately 9,950 square feet of the field are defined as a regulated wetland. According to Ms. Ziegler, additional areas outside the jurisdictional wetland were not farmable this year due to soil moisture.

The Board's Wetland Mitigation policy (attached) regarding the creation of wetland areas on land that is encumbered with an ALPP easement requires that any proposal be reviewed by the Soil Conservation District (SCD) to make sure that the amount of land suitable for pasture or cropping is kept to a minimum, and is justifiable based on sound management practices. Michael Calkins with SCD reviewed the Board's policy and the proposed plan, and has given his approval. According to Mr. Calkins, this project is a good example of using the current soil structure, which has a high-water table and is hard to farm, and creating a Best Management Practice that will help runoff and will provide a wetland area for aquatic life to thrive.

Staff Recommendation:

Based on the proposal being consistent with Howard County's Wetland Mitigation policy, staff recommends approval of the proposed wetland mitigation project on the Ziegler property.

Prepared by:



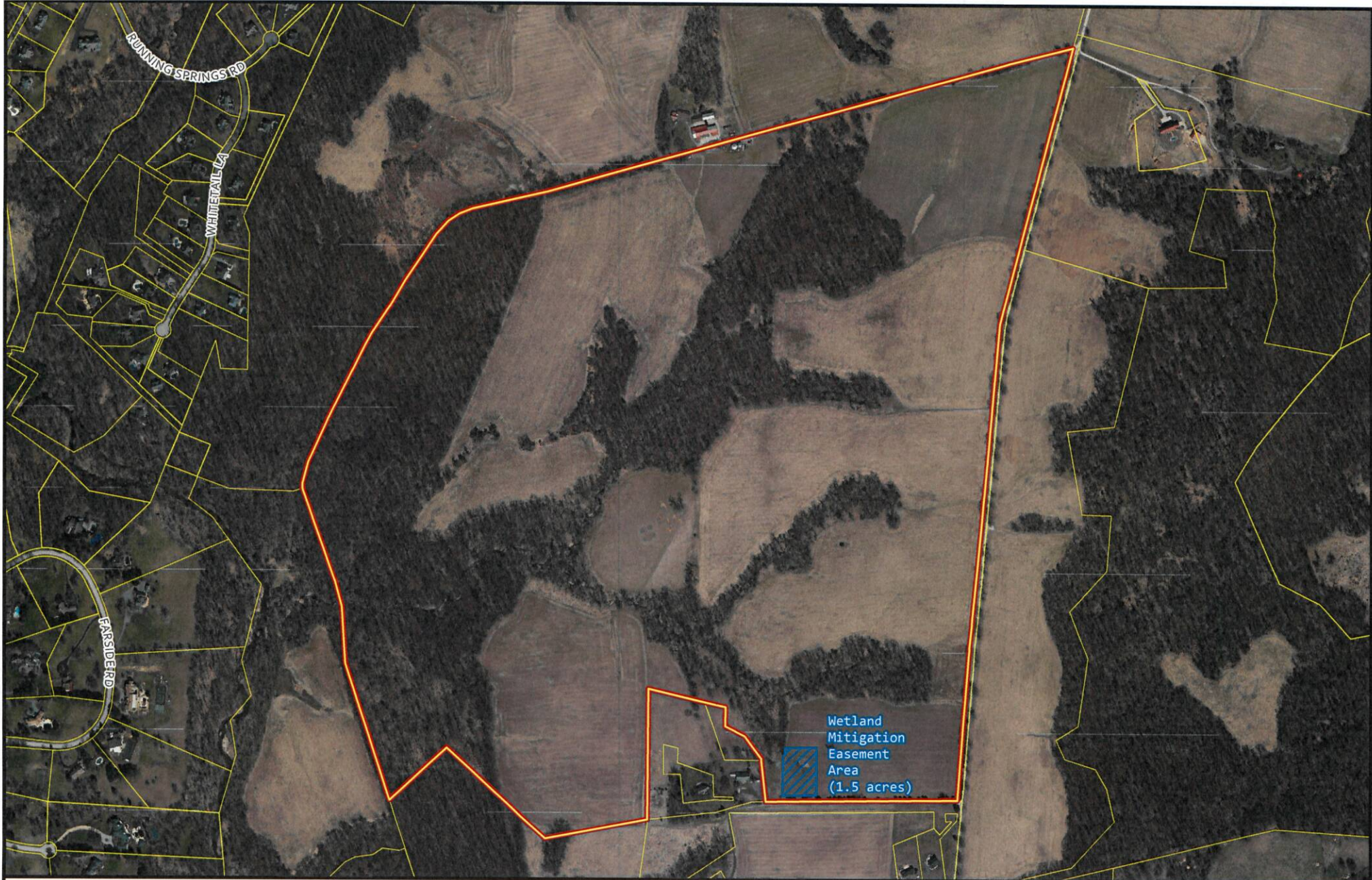
Date:

7/17/19

Joy Levy, Administrator
Agricultural Land Preservation Program

Attachments:

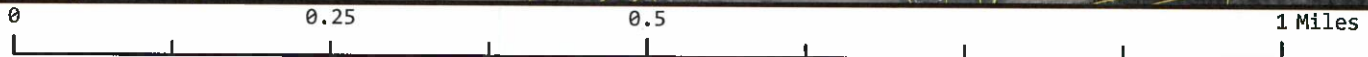
- Aerial Photo
- Preservation Map
- Soils Map
- Request letter from Natalie Ziegler
- Summary of Mitigation Concept Plan by John Canoles, including maps
- Email and updated map from John Carney
- Letter from Michael Calkins, SCD
- Wetland Mitigation policy



Aerial Overview

Ziegler,
Natalie C.

Manor Ln.
Ellicott City, MD 21042



Tax Map: 0020
Parcel(s): 0130
Lot: PAR B

Howard County Department of Planning & Zoning
Resource Conservation Division
Division of Research
July 16, 2019



Aerial imagery covers only Howard County and terminates just beyond the county boundary



Protected Lands

- Non-County Open Space
- County Open Space
- Conservation Easement
- Environmental Preservation Parcels
- Howard County Agricultural Preservation Parcels
- Howard County Purchased Easements
- Maryland Agricultural Land Preservation Easements
- Maryland Environmental Trust Easement
- Maryland Historic Trust Easements
- Forest Conservation Easements



Protected Lands
 Ziegler,
 Natalie C.
 Manor Ln.
 Ellicott City, MD 21042

Tax Map: 0020
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 July 16, 2019



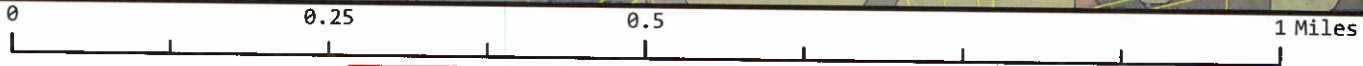
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Soils Overview

Ziegler,
Natalie C.

Manor Ln.
Ellicott City, MD 21042



Tax Map: 0020
Parcel(s): 0130
Lot: PAR B

Howard County Department of Planning & Zoning
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June 26, 2019

Ms. Joy Levy
Agricultural Land Preservation Program
Department of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043

RE: Ziegler Property
Manor Lane, Ellicott City

Dear Ms. Levy,

We would like to request consideration by the Howard County Agricultural Preservation Board to permit a wetland enhancement/creation project be performed on the our farm property. The project will involve the enhancement and expansion of an existing farmed non-tidal wetland to address a wetland mitigation obligation for an offsite project. The subject property is 350.5 acres and is shown on County tax map 23 parcel 130 Parcel B. Approximately 204 acres of the site area is currently being utilized as crop land.

The project area occurs within a crop field that is located along a gentle to moderate slope in the southwest corner of the subject property. The field is typically used to produce row crops but a portion of this field has been impacted by wet soils for many years. The wet soils typically limit access and use of a portion of the field. The extend of this use limitation varies each year and within the season but has been a long-term issue for farming operations.

As part of the review for the requested wetland creation project, a wetland delineation was recently performed on the site with representatives of the Maryland Department of Environment and the U.S Army Corps of Engineers. The vegetated portions of the wet soil area were dominated by blunt spike rush, an obligate wetland plant. Adjacent unvegetated areas also showed indication of long term saturation and met the hydric soil parameter of the wetland delineation manual. As such, approximately 9,950 sq.ft. of the field was defined as a regulated wetland. Additional areas outside the jurisdictional wetland were un-farmable this year due to soil moisture.


We would like to put this portion of the farm to a better use by enhancing and expanding the wetland within the field. The proposed project will enhance the 9,950 sq.ft. of existing wetland and expand the total wetland area to be approximately 34,450 sq.ft. The total area of land to be utilized for grading and eventual recordation of a perpetual conservation easement for the wetlands and 25-foot buffer will encumber approximately 62,635 sq.ft. This represents less than 1 percent of the total farmed area of the site. Further, the proposed wetland creation project will be located adjacent to an existing access road and in the corner of an existing field. As such, the exclusion of this portion of the field for farming practices will not adversely impact the farming operation or result in secondary impacts. The proposed wetland creation project will expand on

existing wetland resources and will be contiguous with forested stream valley that is within an existing Forest Conservation Easement.

Attached, please find figures showing the overall property and the proposed wetland creation. We would greatly appreciate your consideration and approval of this request as we feel that this project will provide valuable enhancement of the natural resources of the property without adversely impacting the farming operation as supported by the Agricultural Preservation Board.

Thank you for your time and efforts in this matter. Please do not hesitate to contact me or my representatives for this matter, John Canoles, Eco-Science Professionals, Inc. (410) 683-7840 (espjic@aol.com).

Sincerely yours,

Natalie 

Natalie Ziegler

4288 Manor Lane

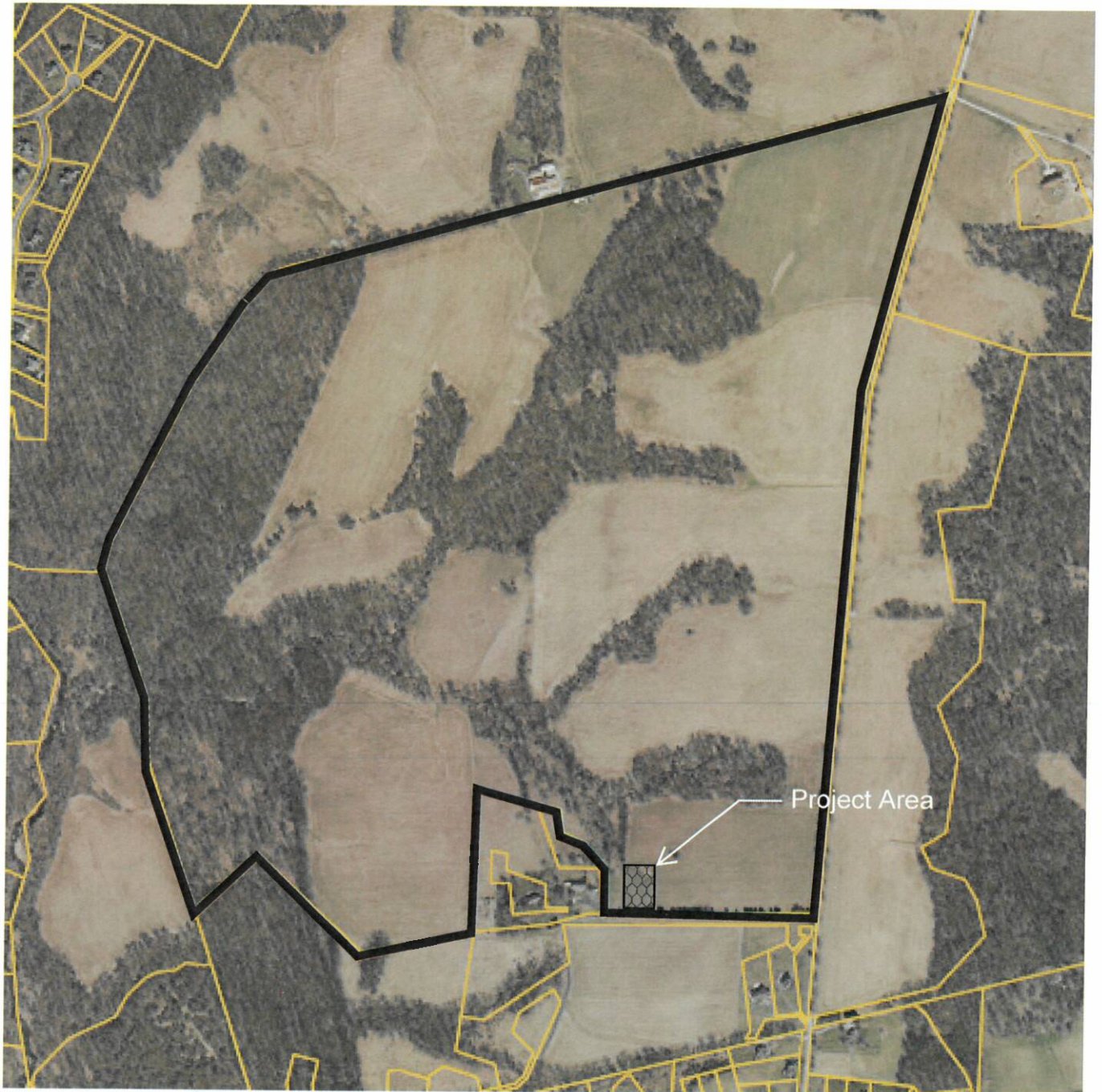
Ellicott City, MD 21042

Kings Forest Offsite Wetland Mitigation Overview

This mitigation site has been selected to address the non-tidal wetland mitigation requirements for the Kings Forest project (18-NT-3339/201862004). The mitigation requirement will include 1:1 replacement of emergent wetlands and 2:1 replacement of forested wetlands. This project will result in impacts to 9,010 sq.ft. of forested wetlands and 9,649 sq.ft. of emergent wetlands. Using the 2:1 requirement for forested wetlands the total mitigation requirement will be 27,669 sq.ft.

The proposed wetland mitigation will be performed in an active crop field located approximately 1 mile west of the proposed impact area. The mitigation site and impact area are within the Patuxent River (02-13-11) watershed. The mitigation site will expand upon a farmed non-tidal wetland area by grading the field to expand the area of active hydrology. Once excavated the wetland will be planted with mix of native trees, shrubs and herbaceous plants to create a diverse wetland community.

Given the existing source of hydrology and the low adjacent grades, this site provides an excellent opportunity to create new wetland resources which will replace the lost function and values of the wetlands to be impacted. The construction of the mitigation area will not impact any forest and will require minimal grading and has limited exposure to invasive species colonization. The mitigation area will drain to an existing stream/wetland complex.

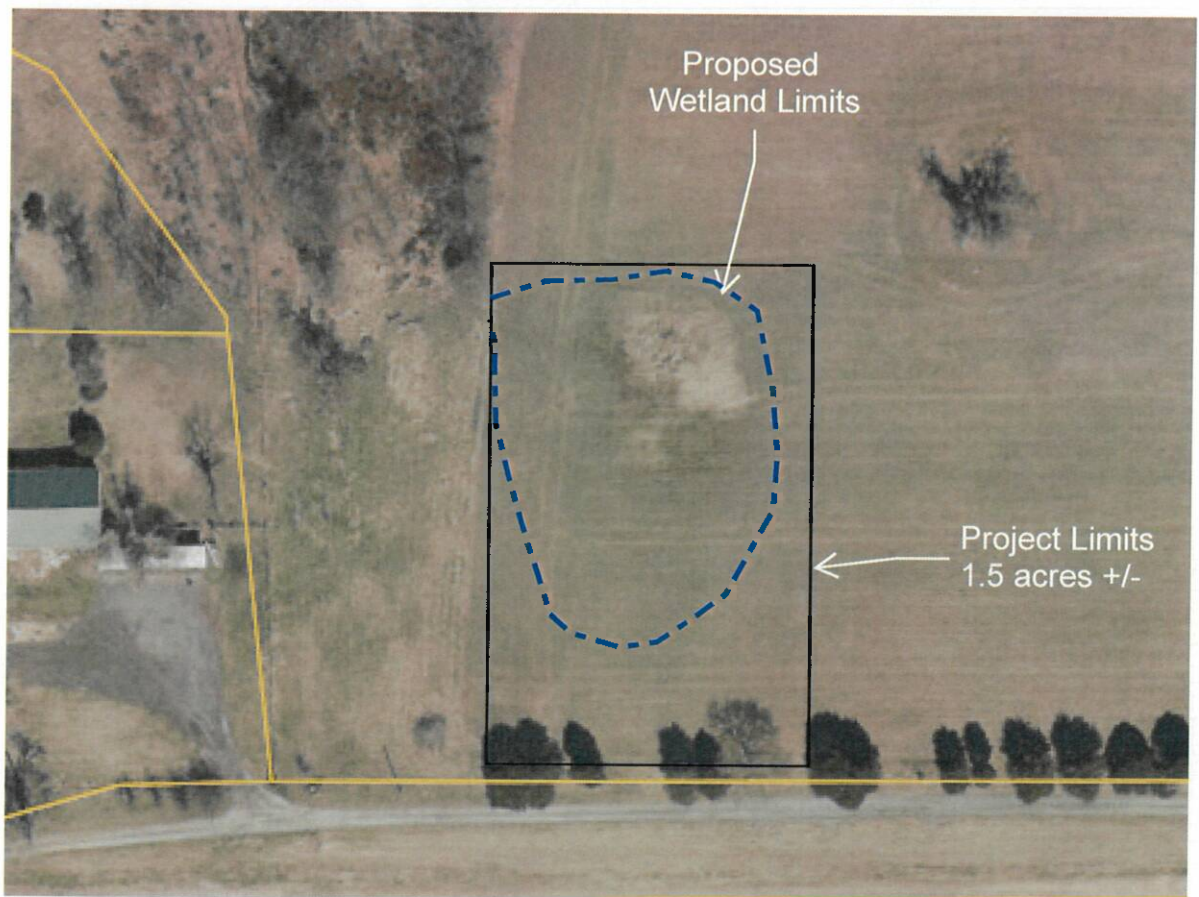
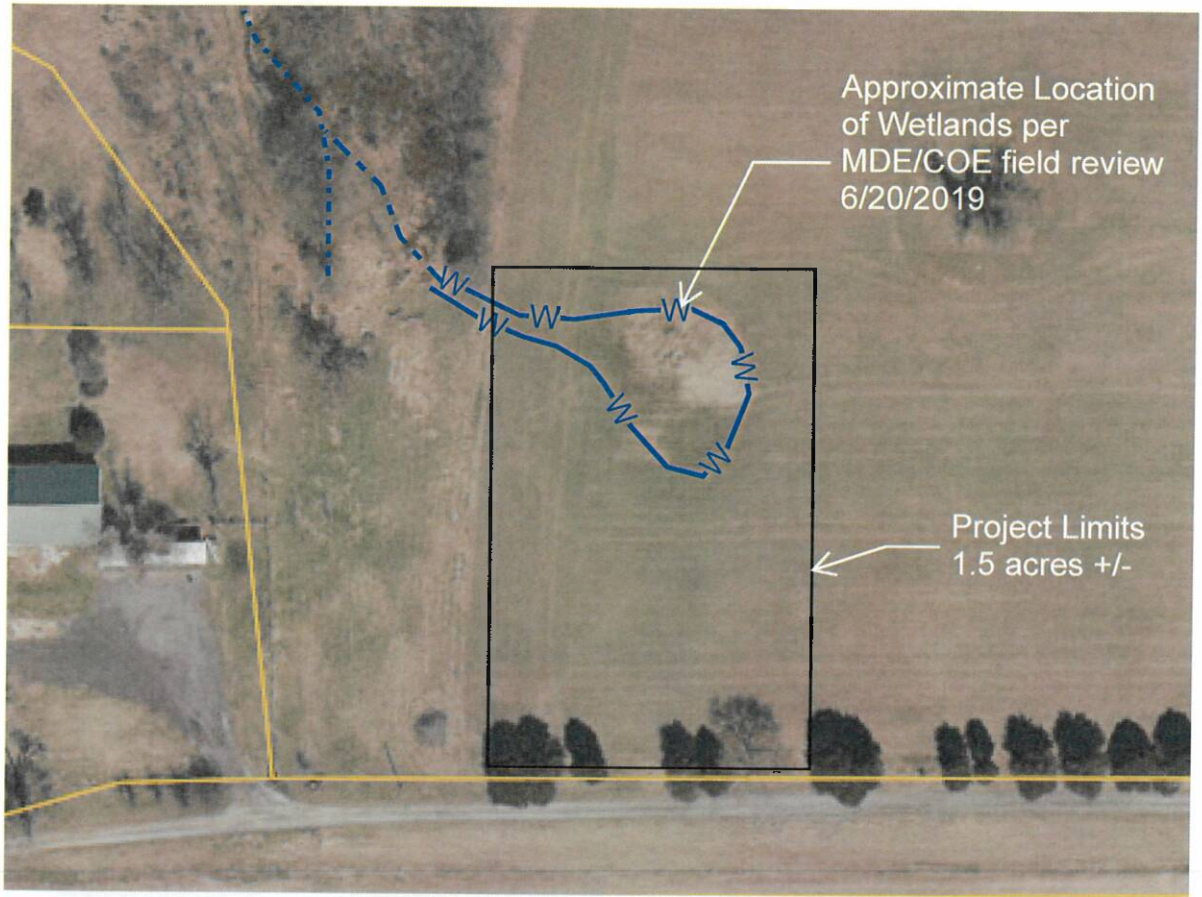


Ziegler Property
Manor Lane

Tax map 23 Parcel 130 parcel B

350.5 +/- acres
204 +/- acres farmed

Wetland Creation Area 1.5 acres +/-



Levy, Joy

From: John Carney <jcarney@bei-civilengineering.com>
Sent: Monday, July 15, 2019 4:11 PM
To: Levy, Joy
Subject: FW: Kings Forest
Attachments: Mitigation Grading Plan.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Joy, attached is the plan that we discussed. We have squared off the corners of the easement area in response to Ricky Bauer's review of the 56,800 SF easement area. Natalie Forwarded this: *"I spoke to our farmer, Ricky Bauer, about the proposed wetland mitigation site, and his request was that the lines be straight rather than wiggly so that it's easy to understand and drive a tractor around."* This revision does not change the wetland area, it is only meant to make the mitigation easement area easier to farm near.

The attached plan shows the larger area in a bold line and has the notation of being 64,555 SF. The prior delineated easement area (56,800 SF denoted by the thinner orange line) is still shown on the plan and this would be the minimum necessary to provide the required mitigation area and grading. At this point, in response to Ricky Bauer's comment, we are proposing the larger easement area (64,555 SF).

Please let me know if there is anything else you need. Also, the developer just asked to confirm that we are on the July 22 agenda when you know for sure. Thanks, John

From: John Canoles <espjic@aol.com>
Sent: Monday, July 15, 2019 1:16 PM
To: jcarney@bei-civilengineering.com
Subject: Kings Forest

John

Here is an example of a more squared off easement. As long it is encompasses the wetland and the 25 foot wetland MDE/COE will be happy.

Thanks

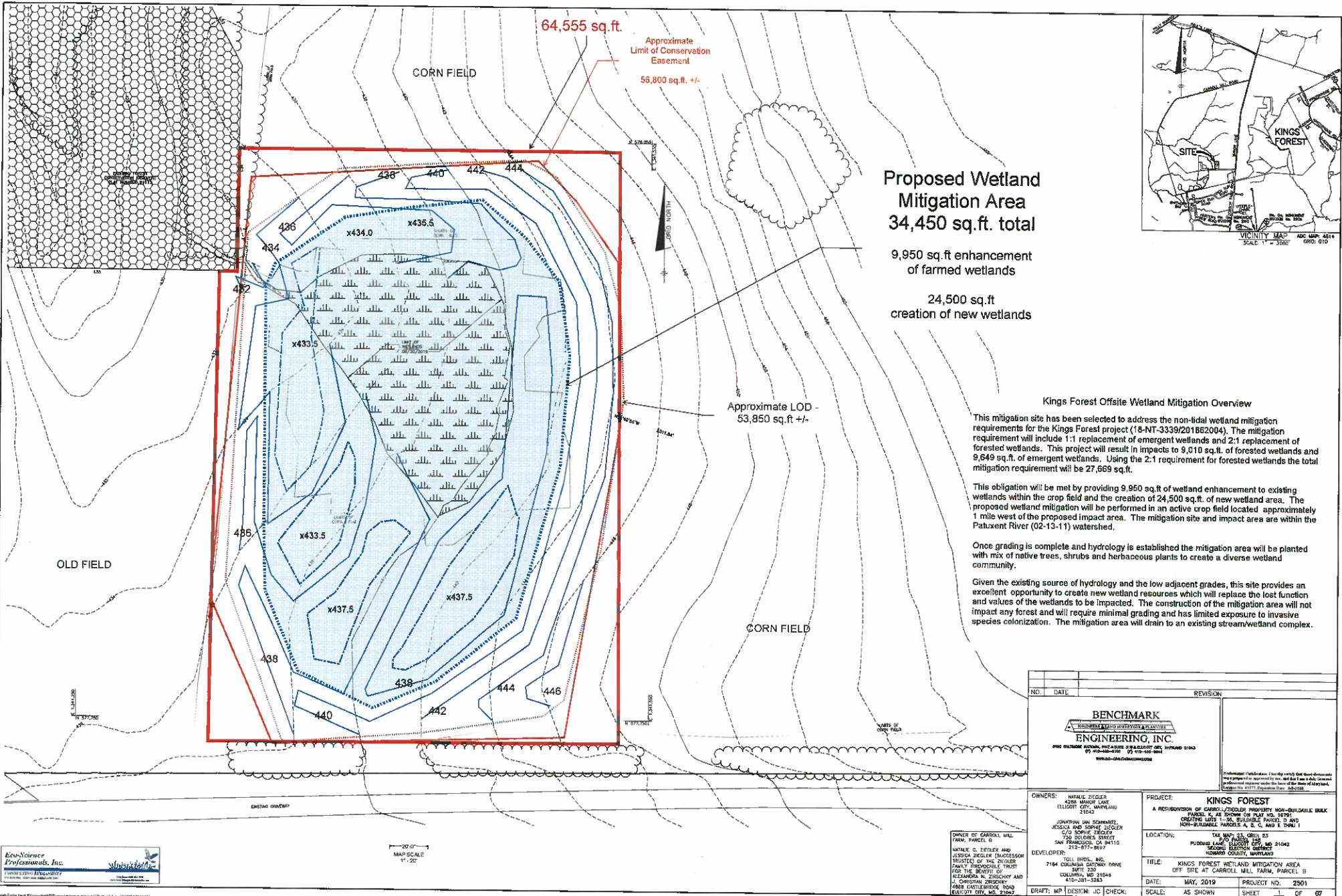
John

John Canoles

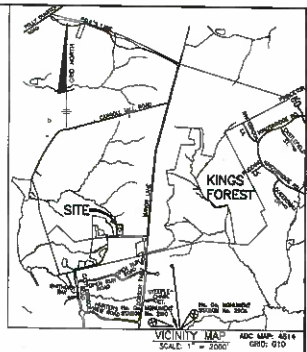
Eco-Science Professionals, Inc.
P.O. Box 5006 Glen Arm, MD 21057

www.ecoscienceprofessionalsinc.com

Phone (410) 683-7840
Fax (410) 683-7817



Proposed Wetland Mitigation Area
34,450 sq. ft. total
 9,950 sq. ft. enhancement of farmed wetlands
 24,500 sq. ft. creation of new wetlands



Kings Forest Offsite Wetland Mitigation Overview

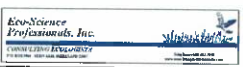
This mitigation site has been selected to address the non-tidal wetland mitigation requirements for the Kings Forest project (18-NIT-3339/201862004). The mitigation requirement will include 1:1 replacement of emergent wetlands and 2:1 replacement of forested wetlands. This project will result in impacts to 9,010 sq. ft. of forested wetlands and 9,649 sq. ft. of emergent wetlands. Using the 2:1 requirement for forested wetlands the total mitigation requirement will be 27,669 sq. ft.

This obligation will be met by providing 9,950 sq. ft. of wetland enhancement to existing wetlands within the crop field and the creation of 24,500 sq. ft. of new wetland area. The proposed wetland mitigation will be performed in an active crop field located approximately 1 mile west of the proposed impact area. The mitigation site and impact area are within the Patuxent River (02-13-1) watershed.

Once grading is complete and hydrology is established the mitigation area will be planted with mix of native trees, shrubs and herbaceous plants to create a diverse wetland community.

Given the existing source of hydrology and the low adjacent grades, this site provides an excellent opportunity to create new wetland resources which will replace the lost function and values of the wetlands to be impacted. The construction of the mitigation area will not impact any forest and will require minimal grading and has limited exposure to invasive species colonization. The mitigation area will drain to an existing stream/wetland complex.

NO.	DATE	REVISION
 BENCHMARK ENGINEERING, INC. 400 EASTCOTE AVENUE, SUITE 200, WASHINGTON, MD 20786 301-424-1100 301-424-1101 301-424-1102		
OWNERS: NATALIE ZIEGLER 4208 MARION LANE ELLEGGOTT CRY, MARYLAND 21042		PROJECT: KINGS FOREST A REDEVELOPMENT OF CARROLL/ZIEGLER PROPERTY NON-BUILDABLE BRK PARCEL 2, AS SHOWN ON PLAN NO. 18291 CREEPER LOTS 1-36, BULLHOLE PARCELS 2 AND NON-BUILDABLE PARCELS A, B, C, AND E (2011)
DESIGNER: JONATHAN DAN SCHWARTZ JESSICA AND SOPHIE ZIEGLER C/O SOPHIE ZIEGLER 700 DOLORES STREET SAN FRANCISCO, CA 94110 415-777-8687		LOCATION: THE MARK 21, LOTS 33 PUDGING LANE, LOT 128 SECOND ELECTION DISTRICT HOWARD COUNTY, MARYLAND
DEVELOPER: TOLL BROOK, INC. 7164 COLUMBIAN GARDENS DRIVE SUITE 220 COLUMBIA, MD 21046 410-381-3283		TITLE: KINGS FOREST WETLAND MITIGATION AREA OFF SITE AT CARROLL MILL FARM, PARCEL 9
OWNER OF CARROLL MILL FARM, PARCEL 9: NATALIE G. ZIEGLER AND JESSICA ZIEGLER TRUSTEES OF THE ZIEGLER FAMILY PROBUCIBLE TRUST FOR THE BENEFIT OF: REBECCA M. ZUSCHOW AND J. CHRISTIAN ZIEGLER; FARM SETTLEMENT ROAD ELLEGGOTT CRY, MD 21042		DATE: MAY, 2019 PROJECT NO.: 2501 SCALE: AS SHOWN SHEET: 1 OF 67
DRAFT: MP DESIGN: JC CHECK:		DRAFT: MP DESIGN: JC CHECK:



MAP SCALE: 1" = 20'



Howard Soil Conservation District
14735 Frederick Road, Cooksville, MD 21723
Phone (410) 313-0680 FAX (410) 489-5674

Joy Levy
ALPP Administrator
3430 Court House Drive
Ellicott City, Maryland 21043
410-313-5407

Ms. Levy,

I am writing this letter in response to the Ziegler family request to do a wetland mitigation area on their property at 4288 Manor Lane Ellicott City, Maryland 21042. The Howard Soil Conservation District (HSCD) looked at the site-specific soils and the hydrology features. The site is made up of Gledstone loam GbC, 8 to 15 percent slopes, Glenville silt loam GmB 3 to 8 percent slopes. Of these soils the GmB is soil in the county that are considered prime farmland. As for GbC this is considered farmland of statewide importance. This mitigation will include +/-1.5 acres of wetland construction on non-prime and prime farm land soil according to the 2003 USDA NRCS soil survey. This wetland mitigation projects will not create issue with the farming operation as it is in the corner of the field that has been wet for a long time because of a seasonal high water table as evidence of being wet shows up in the 1952 aerial imagery from the county. The plan is to lower portions of the area to align with the current wetland area that is already present. This entire project will be accessible from the owner's driveway and the barn yard for storage of material if needed. Travel around this area will not change as it's in the corner of a field and away from the major part of the field. This proposal has gone to great lengths to describe to SCD staff the suitability of this area in question. All the farmland around this area will still be farmed and will have little to no impact on the farmability of the land adjacent to this project.

As for the SC&WQ plan, I will be incorporating this project into the Ziegler plan so that it matches what is going to be going on. From the minimal land coming out of production to the land going into wetland mitigation. This is a simple land swap out of crop production to wetland creation.

This wetland mitigation project is a good example of using the current soil structure that has a high-water table and hard to farm into a Best Management Practice (BMP) that helps runoff and the creation of wetland for aquatic life to thrive. Please feel free to contact me with any questions or concerns.

Sincerely

Michael Calkins
Howard Soil Conservation District
Conservation Planner



Agricultural Land Preservation Program Howard County, Maryland



NONTIDAL WETLAND MITIGATION

The purpose of this policy is to allow for the enhancement of environmental conditions on preserved farmland while protecting the intent of the agricultural easement. This policy was approved by the Agricultural Land Preservation Board (ALPB) on February 16, 2010.

POLICY: Nontidal wetland (NTW) mitigation is the creation, restoration or enhancement of nontidal wetlands that were, or will be, lost due to regulated urban or agricultural activities. Under certain conditions, properties encumbered by an agricultural land preservation easement may be allowed to establish wetland mitigation areas, including off-site mitigation for a single site or banking for multiple sites. *To avoid incursions onto productive land, wetland restoration and/or enhancement projects would generally be appropriate and wetland creation projects would not.* Due to the complexity and site specific nature of wetland mitigation, this policy is meant to provide guidelines so that each request can be adequately evaluated on its own merits.

A complete Soil Conservation and Water Quality (SC&WQ) Plan, prepared by the Soil Conservation District (SCD), is required on any agricultural easement farm proposing to establish a wetland mitigation area. The ALPB will consider mitigation requests only after the SCD has had the opportunity to review a proposal and ensure that it is consistent with the SC&WQ Plan. Upon submission of the proposal, SCD staff will validate the proposed wetland boundary, determine whether conditions on the mitigation site are suitable and opine as to whether there is any negative impact on the farming operation.

The SCD will consider issues such as mitigation boundaries and access to farmable land in their review. A mitigation project boundary should be kept as straight as possible to allow for the fencing of livestock and for the efficient operation of farm machinery. This may necessitate allowing wetland creation on adjacent, relatively well-drained soils. The amount of land suitable for pasture or cropping that is included in a wetland mitigation plan should be kept to a minimum, and should be justifiable based on sound management practices.

Wetland mitigation projects should not create isolated pockets of crop or pasture land that are cut off from the remainder of the farm. In its review of any mitigation proposal, the SCD will ensure that all farmable areas of the property have sufficient access for farm equipment across, around or through the mitigation area. If this is not possible, the applicant will have to reconfigure the mitigation area to provide sufficient access.

Once the SCD has completed its review and determined that the project is consistent with the SC&WQ Plan, comments will be provided to the ALPP Administrator, who will then present the project to the ALPB for consideration. The ALPP Administrator will work with the applicant and the SCD to resolve any issues prior to ALPB review.

The following procedures and criteria shall be used:

1. A complete wetland evaluation will be submitted to the SCD for review, and the evaluation will include site specific soil and hydrology features, and a plan showing proposed boundaries. Proposed mitigation sites will be evaluated for the absence of wetland criteria, and the proposal should specify the actions to be taken to restore those deficiencies. As part of the evaluation process, the anticipated limit of the restored wetland shall be delineated in the field by the applicant, and the proposal should provide the basis for the delineation.
2. Projects should not alter hydrology in a way that diverts water from pasture, cropland or other farm water resources. Hydrology sources shall be consistent with, and limited to, the prior undisturbed condition of the original natural wetland.

3. Mandated wetland buffers that adjoin open pasture or cropland shall be confined to within the project boundary. With the exception of the situations detailed in #4 below, no soils outside of the wetland boundary can be retired from use by the creation of a wetland buffer. If the project becomes subject to the Howard County Subdivision and Land Development Regulations, a 25-foot wetland buffer may be required; in such case, the project limit shall be revised so that the buffer does not encroach into pasture or cropland.
4. Wetland creation may only be considered to expand wetland restoration areas in order to straighten field boundary lines or to avoid creation of isolated non-NTW pockets.
5. Small, isolated non-mitigation areas that adjoin woodland or natural stream channels may qualify to be reforested, and may, where appropriate, be used to provide a buffer, if consistent with the ALPB reforestation policy.
6. All wetlands to be protected from future pasturing shall be fenced at time of project implementation.
7. Adjustments to farm road elevations or locations may be required to address proposed changes in groundwater elevations.
8. Stream restoration or other mitigating riparian actions required to raise groundwater levels to previous levels are permitted under this policy.
9. All work shall have authorization of all regulating agencies, and no lands outside of the approved proposal delineation may be encumbered by any regulation specific to this activity.

This Policy applies to County agricultural easement properties. For all properties in the State agricultural preservation program, approval of a wetland mitigation proposal is required by the Maryland Agricultural Land Preservation Foundation (MALPF). MALPF has its own policy regarding wetland mitigation projects, which requires review by the County Agricultural Land Advisory Board (APAB). The APAB will forward the proposal to MALPF for review only if all County requirements are met.

For More Information

Joy Levy, Agricultural Land Preservation Program Administrator
Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043
410-313-5407