

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

RE: Heights at Hunt Valley  
180 Sparks Valley Road  
Forest Buffer Variance  
(Tracking # 03-24-4173)

Dear Henry Leskinen:

A request for a variance from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains (i.e., Forest Buffer Law) was received by the Department of Environmental Protection and Sustainability (DEPS) on August 13, 2024. If granted, the variance would allow postponement of full compliance with this Law until an offsite Forest Buffer mitigation bank becomes available so that the Planned Unit Development project may receive grading permit approval, which includes constructing a 5,803-sf ADA-compliant macadam pedestrian loop trail through the Forest Buffer Easement (FBE).

The proposed trail, the alignment of which has been field-located in accordance with the approved Alternatives Analysis (AA) of October 28, 2022, extends through a previously recorded Forest Conservation Easement and FBE. No canopy clearing is proposed as part of the trail design. However, the original AA was approved based on a FBE impact of 2,678 sf. A later plan submitted for the development shows the trail impacts to be 5,803 sf. As a condition of AA approval, the applicant was required to mitigate at 2:1 for impacts to the FBE. The original mitigation total was 5,952-sf but has been updated to 11,606-sf. The FBE is fully forested and with no other planting areas available on site, the mitigation must be satisfied through the purchase of offsite forest buffer bank credits. However, as of the date of this letter no Forest Buffer mitigation banks are currently available.

The DEPS Director may grant a variance to the Forest Buffer Law in accordance with Section 33-3-106 of the Code, specifically, that a practical difficulty or unreasonable hardship would result from strict compliance with the law and no significant impacts to water quality would occur should the variance be granted.

Based on our review, this Department finds that, in this case, the withholding of the grading permit for the project due to the lack of viable onsite planting area and the shortage of offsite Forest Buffer mitigation banks meets the variance criteria. Therefore, the variance is hereby approved in accordance with Section 33-3-106 (a)(1) of the Baltimore County Code with the following conditions:

1. EIR will approve the grading permit for the project in order to allow the project to proceed. However, no building permits will be approved until the project is in compliance with mitigation requirements through the purchase of 11,606-sf of Forest Buffer mitigation credits from an EPS-approved offsite Forest Buffer mitigation bank.
2. Failure to secure banking credits, as required above, or provide a suitable offsite alternate location within one year of this variance approval will result in an enforcement action being taken by DEPS in accordance with Sections 33-3-115 through 33-3-120 of the Forest Buffer Law.
3. All other conditions enumerated in the Forest Buffer AA, dated October 28, 2022, remain in effect and shall be satisfied prior to grading permit approval (See Enclosed).
4. The following note on all subsequent plans and plats for any development on this property:
  - “A variance from the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains (Tracking Number 03-24-4173) was granted by Baltimore County Department of Environmental Protection and Sustainability to allow postponement of 11,606 sf of Forest Buffer mitigation for the impacts associated with construction of the ADA-complaint loop trail until offsite bank credits become available. Conditions were placed on this variance to ensure future compliance with the Forest Buffer Law. No building permit may be issued until Forest Buffer mitigation obligations are satisfied.”

This variance is approved by the Director of the Department of Environmental Protection and Sustainability on \_\_\_\_\_. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have both the owner and contract purchaser sign the statement on the following page and return a signed copy of this letter to this Department. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans and permits for this project.

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If you have any questions regarding this correspondence, please contact Michael S. Kulis at (410) 887-3980.

Sincerely yours,

Horacio Tablada  
Director

HT/msk

Enclosure

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I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Contract Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name