



Chartered 1708

City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

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May 21, 2019

MEMORANDUM

To: Planning Commission *SNW*
From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning
Re: Ordinance O-18-19: Department of the Environment
Encl: Sections of O-18-19

Purpose

The purpose of Ordinance O-18-19 is primarily to establish a new title in the City Code—Title 19: Environment. This new title creates a new Department of the Environment and moves the regulations in Title 14, Title 17, and Title 21 related to Forest Conservation Act review, environmental compliance, and stormwater management to the new department from the Department of Planning and Zoning and the Department of Public Works.

Analysis

In July of 2016, the Department of Neighborhood and Environmental Programs was reorganized so that the inspection and permitting functions were transferred to Planning and Zoning, along with the regulatory authority for Forest Conservation Act review. Environmental compliance and stormwater management functions were transferred to the Department of Public Works. A new office was formed, the Office of Environmental Policy. This office is responsible for the protecting the environment by implementing policies and programs such as grants, policy development, public education and outreach, and watershed improvement, among others.

The Department of Planning and Zoning has adjusted to the new structure since 2016, and anticipates few projects in the future with substantial Forest Conservation Act review. Additionally, approximately 75% of the City is located in the Chesapeake Bay Critical Area, which is not subject to Forest Conservation Act requirements, as this property is subject to the state law pertaining to Critical Areas.

Report Prepared by

Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning



1 **..Title**

2 **Department of the Environment** – For the purpose of creating a Department of the Environment,
3 dissolving the Office of Environmental Policy; transferring regulatory authority for Forest
4 Conservation from the Department of Planning and Zoning to the Department of the Environment;
5 consolidating environmental compliance, and inspection responsibilities, under the Department of
6 the Environment; transferring the stormwater management program to the Department of the
7 Environment; assigning the liaison for the Annapolis Conservancy Board to the Department of the
8 Environment; assigning consideration of Title 19 matters to the Environmental Matters
9 Committee; making technical corrections; and generally relating to the Department of the
10 Environment.

11 **..Body**

12 **CITY COUNCIL OF THE**
13 **City of Annapolis**

14 **Ordinance 18-19**

15 **Introduced by: Alderman Savidge**

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18
19 **Referred to**
20 **Planning Commission**
21 **Economic Matters Committee**
22 **Environmental Matters Committee**
23 **Finance Committee**
24 **Housing and Human Welfare Committee**
25 **Rules and City Government Committee**
26 **Transportation Committee**

27
28
29 **AN ORDINANCE** concerning

30
31 **Department of the Environment**

32
33 **FOR** the purpose of creating a Department of the Environment; dissolving the Office of
34 Environmental Policy; transferring regulatory authority for Forest Conservation from the
35 Department of Planning and Zoning to the Department of the Environment; consolidating
36 environmental compliance, and inspection responsibilities, under the Department of the
37 Environment; transferring the stormwater management program to the Department of the
38 Environment; assigning the liaison for the Annapolis Conservancy Board to the
39 Department of the Environment; assigning consideration of Title 19 matters to the
40 Environmental Matters Committee; making technical corrections; and generally relating to
41 the Department of the Environment.

1 **BY** repealing and re-enacting with amendments the following portions of the Code of the City
2 of Annapolis, 2019 Edition
3 2.12.080
4 2.16.190
5 2.48.350
6 2.50.020
7 3.08.010
8 3.08.030
9 6.29.010
10 10.12.140
11 10.36.010
12 17.11.010
13 17.11.300
14 17.11.350
15 17.11.720
16 17.11.730
17 17.12.050
18 17.12.052
19 21.24.090
20 21.54.060
21 21.54.080
22 21.54.090
23 21.54.170
24 22.63.030
25 21.63.080
26 22.24.040

27
28
29 **BY** repealing the following portions of the Code of the City of Annapolis, 2019 Edition
30 Chapter 14.12 - TREES
31 Sections 14.12.010 through 14.12.210
32
33 Chapter 17.04 – DEFINITIONS
34 Sections 17.04.010 through 17.04.1010
35
36 Chapter 17.08 – GRADING, EROSION AND SEDIMENT CONTROL
37 Sections 17.08.010 through 17.08.295
38
39 Chapter 17.09 – TREES IN DEVELOPMENT AREAS
40 Sections 17.09.010 through 17.09.140
41
42 Chapter 17.10 – STORMWATER MANAGEMENT
43 Sections 17.10.010 through 17.10.240
44
45 Chapter 21.71 – FOREST CONSERVATION

1 Sections 21.71.010 through 21.71.200
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4 **BY** adding the following portions to the Code of the City of Annapolis, 2019 Edition

5 TITLE 19 – ENVIRONMENT

6 Chapter 19.04 – DEFINITIONS

7 Sections 19.04.010 through 19-04-1010
8

9 Chapter 19.10 – POLICY

10 Sections 19.10.010 through 19.10.210
11

12 Chapter 19.20 – TREES IN DEVELOPMENT AREAS

13 Sections 19.20.010 through 19.20.140
14

15 Chapter 19.30 – FOREST CONSERVATION

16 Sections 19.30.010 through 19.30.200
17

18 Chapter 19.40 – GRADING, EROSION AND SEDIMENT CONTROL

19 Sections 19.40.010 through 19.40.295
20

21 Chapter 19.50 – STORMWATER MANAGEMENT

22 Sections 19.50.010 through 19.50.240
23
24

25 **WHEREAS**, we want greater innovation and creativity on environmental initiatives that is
26 achieved by ensuring we have a Department with a dedicated mindset focusing on
27 environmental initiatives and policies, and

28 **WHEREAS**, maintaining focus on and preeminence of environmental initiatives in the City is
29 best accomplished with a dedicated Environmental Department with staff, and,

30 **WHEREAS**, we want the City Code to be fully utilized to achieve maximum environmental
31 benefits, and hereby restore Title 19 to centralize our core environmental programs,
32 and,

33 **WHEREAS**, the Forest Conservation program would be best served being implemented by a
34 dedicated environmental department as the City did for over a decade in the past
35 with the Department of Neighborhood & Environmental Programs (DNEP), and

36 **WHEREAS**, the Stormwater Management program would be best served being implemented by
37 a dedicated environmental department as the City did for over a decade in the past
38 with the Department of Neighborhood & Environmental Programs (DNEP), and

39 **WHEREAS**, restoring regulatory authority to an Environmental Department for these programs
40 will allow them to have direct authority to enact the policies and changes we pass,
41 and

42 **WHEREAS**, changing the name from “Office of Environmental Policy” to “Department of the
43 Environment” signifies the enhancement of our environmental focus to be more
44 than simply policy, to include enforcement and review.
45

1
2 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
3 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
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6 **Title 2 - ADMINISTRATION**

7 **Chapter 2.12 – MAYOR**

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9 **2.12.080 - [~~Office of Environmental Policy~~.RESERVED]**
10

11 ~~A. The City of Annapolis shall have an Office of Environmental Policy~~
12 ~~DEPARTMENT OF THE ENVIRONMENT, and the following programs and activities shall be~~
13 ~~the responsibility of that office:~~
14

- 15 1. ~~Urban forestry;~~
- 16 2. ~~Sustainability;~~
- 17 3. ~~Land trust conservancy board;~~
- 18 4. ~~NPDES/MS4/TMDL compliance coordination;~~
- 19 5. ~~Environmental grants;~~
- 20 6. ~~Environmental policy development/initiatives;~~
- 21 7. ~~Activities impacting upon sewer pretreatment, stormwater management and sediment~~
22 ~~and erosion control; and~~
- 23 8. ~~To educate and inform the public concerning environmental protection, urban forestry~~
24 ~~and related subjects.~~
- 25 9. ~~TO REVIEW AND COMMENT ON DEVELOPMENT PROJECTS FOR~~
26 ~~ENVIRONMENTAL COMPLIANCE~~

27
28 ~~B. In addition to the activities and responsibilities set forth in this section, the Office of~~
29 ~~Environmental Policy shall administer other duties and responsibilities, as necessary, consistent~~
30 ~~with the Annapolis Charter and Code.~~
31

32 **Chapter 2.16 – CITY COUNCIL**

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34 **2.16.190 - Standing committees.**
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36 A. There are designated the following standing committees of the City Council, which shall
37 review and make recommendations with regard to matters referred to them and shall
38 perform other general duties and responsibilities:
39

- 40 1. Finance Committee. The Finance Committee shall handle all matters relating to the
41 review of the budget and continuous surveillance of the budget. The Finance Committee
42 shall have power to review and make recommendations with regard to the Mayor's annual
43 operating budget and shall submit recommendations with regard to the budget to the City
44 Council not later than the second Monday in May of each year. The Finance Committee
45 shall review all proposed amendments to Title 6 (Revenue and Finance) of this Code.



STAFF REPORT AND FISCAL IMPACT NOTE

Ordinance: O-18-19

Title: Department of the Environment

Date: April 21, 2019

STAFF REPORT

This ordinance establishes Title 19, Environment and moves the regulations in Title 14, Title 17, and Title 21 related to forest conservation, reforestation and afforestation, critical areas, grading, erosion, sediment control, and floodplain management to Title 19. Under the proposed reorganization, the Department of Planning and Zoning would no longer be responsible for regulations pertaining to forestation conservation, reforestation and afforestation, critical areas, or floodplain management, and the Department of Public Works would no longer be responsible for regulations pertaining to stormwater.

This ordinance also amends Section 22.24.040 to provide that adequacy of public facilities for stormwater management facilities shall include compliance with the new Section 19.50 of the City Code, which is moved from Section 17.10 of the existing code. However, it does not amend Section 22.24.010. Consequently, the responsibility of determining whether a development meets adequacy of public facilities for stormwater management would remain with the Director of Public Works.

We recommend amendment 22.24.010 to require the Director of the Department of the Environment to make the APF determination for stormwater management if all stormwater management regulations are moved under the Department of the Environment.

According to Alderman Savidge, who drafted the ordinance and sent it to the Office of Law for formatting, this ordinance reassigns existing Code provisions that currently fall under the Departments of Planning and Zoning and Public Works to the Department of the Environment. It does not substantively modify the provisions of the City Code or any environmental policy already adopted by ordinance.

Prepared by Teresa Sutherland, City Manager

FISCAL IMPACT

When compared to the Mayor's proposed FY2020 budget, creating a Department of the Environment will result in \$9,000 of additional expenses in the General Fund for which the City Council will have to increase revenue or make a commensurate cut in some other General Fund appropriation. The \$9,000 is the difference in the cost for the grade A20 Director position proposed in this ordinance and the grade A17 Environmental Policy Advisor, grade A17 position included in the Mayor's proposed budget.

Other than the Director position, staffing for the new department is not included in this proposed ordinance. However, there are budget implications for the staffing as envisioned by Alderman Savidge, who drafted the ordinance, as described below.

- The Mayor's proposed budget includes a second Stormwater Management Engineer, grade A15 position, funded in the Watershed Restoration Fund for \$90,270. At this time, Alderman Savidge has advised us he is not proposing to include this position in the budget.
- Alderman Savidge is proposing to modify the duties of the existing Environmental Programs Coordinator position (grade A13 in the Mayor's proposed budget) to establish an Environmental Programs Manager position. The manager would supervise the employees who have forest conservation, reforestation and afforestation, erosion control, grading, and stormwater management duties, including the City Forester, the Stormwater Management Engineer, and the Environmental Compliance Inspector.

According to Alderman Savidge, creating a manager position will help achieve the Mayor's goal of freeing up more of the Director's time to work on the development of environmental policy.

The appropriate grade for the Environmental Programs Manager position has not yet been determined, but it likely would be grade A16 or higher because the stormwater management engineer position that would report to the manager is a grade A15.

The proposed salary range for a grade A16 is \$73,702 - \$124,244, while the proposed salary range for the grade A13 Environmental Programs Coordinator position is \$59,327 - \$100,011. Therefore, the cost of the Environmental Programs Manager position will likely be \$17,250 - \$29,080 more than the Environmental Programs Coordinator position proposed by the Mayor, including benefits.

- The Environmental Programs Coordinator position has only stormwater management duties in the Mayor's proposed budget, as does the Environmental Compliance Inspector position. Therefore, both are appropriately funded in the Watershed Restoration Fund (\$82,600 for the Environmental Programs Coordinator position and \$98,000 for the Environmental Compliance Inspector position).

Alderman Savidge is proposing that the Environmental Compliance Inspector provide inspection and field support for forest conservation and other programs, in addition to stormwater, as the Department of Neighborhood and Environmental Programs (DNEP) did.

To the extent the Environmental Programs Manager and Environmental Compliance Inspector spend time performing duties unrelated to stormwater management, those duties would not meet the restricted purposes for which the fund may be used. Therefore, the portion of their salaries and benefits administering programs other than stormwater management may not be charged to the Watershed Restoration Fund, which would further increase General Fund expenses.

We cannot determine the how much of the cost for these two positions could be allocated to the Watershed Restoration Fund and how much must be allocated to the General Fund until (1) the duties of the Environmental Programs Manager position are established, (2) Human Resources has determined the appropriate grade for the manager position, and (3) we can establish a basis for allocating the costs of the two positions between the Watershed Restoration Fund for stormwater duties and the General Fund for all other duties. We do, however, know that if these positions have duties other than stormwater management, General Fund expenses will increase, and Watershed Restoration Fund expenses will decrease. Any increase in General Fund expenses requires the City Council to raise revenue or make a commensurate cut in some other General Fund appropriation.

Prepared by Jodee Dickinson, Finance Director

