



City of Annapolis
Planning Commission
Department of Planning & Zoning
145 Gorman Street, 3rd Floor
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • www.annapolis.gov
Deaf, hard of hearing or speech disability - use MD Relay or 711

January 08, 2017

To: Annapolis City Council
From: Planning Commission
Re: Findings for O-38-16: Forest Conservation Act amendments

SUMMARY

The purpose of Ordinance 38-16 is to prohibit certain developments projects from cutting or clearing certain forests within the City of Annapolis unless the applicant offsets that loss with newly planted acreage. The ordinance also includes a section clarifying the appeal process for projects that were previously approved under Title 17.

BACKGROUND AND ANALYSIS

The proposed ordinance amends the current Forest Conservation Act by establishing the concept of a "No Net Loss" for tree conservation. The concept allows for the removal of forested acreage however, it would require the applicant to fully offset the area of forest that is cleared above the established threshold. The ordinance amends the reforestation requirements from a ratio of .25 an acre for every acre removed above the threshold to 1 acre for every 1 acre of area removed above the threshold. In addition to this modification, any credit for existing forest that is retained above the threshold is eliminated. As denoted in the City Council staff report there were differing opinions regarding this statute and it appears to require some justification by the Department of Natural Resources as to how this amendment is consistent with the intent, requirements and standards of the State's Forest Conservation Act.

This ordinance also adds a paragraph under Section 21.71.070 A.(2) to clarify the appeals process for Forest Conservation Plans that were previously approved under Title 17. The ordinance clarifies that any Forest Conservation Plans that were approved under Title 17 would be appealed to the Building Board of Appeals and from there, if further appealed, continue on to the Circuit Court for Anne Arundel County. This clarification was required since Forest Conservation Plans were previously approved by the Department of Neighborhood and Environmental Programs, which was eliminated with the City reorganization.

PUBLIC HEARING AND DELIBERATION

On December 8, 2016 and January 5, 2017 the Planning Commission held a public hearing on O-38-16. Various persons spoke. Additional written comments were received.

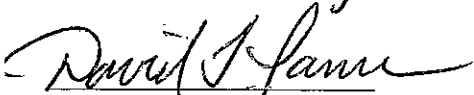
RECOMMENDATION

The Planning Commission moved to recommend to the City Council that O-38-16 should be enacted with certain amendments. The specific recommendations are:

1. The City should promptly initiate compilation of a Reforestation Master Plan under supervision of the Director of Environmental Policy. That Plan must include:
 - a. A survey of ALL potential tree planting sites including, but not limited to, property owned by the City, Anne Arundel County Public Schools, non-profit organizations such as colleges and stadiums, current developments, and private persons;
 - b. An analysis of steps to be taken to obtain permission from the property owners and to enforce maintenance agreements;
 - c. A conclusion regarding long-term feasibility of requiring in-City reforestation.
2. The Council should either delete completely the reforestation credits or significantly minimize those credits.
3. The Council should raise the reforestation thresholds for Mixed Use and Planned Unit developments.

The motion passed 5-0.

Adopted this 18 day of January 2017



David Iams, Chair