



**City of Annapolis**  
Planning Commission  
Department of Planning & Zoning  
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October 4, 2018

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for O-27-18: Forest Conservation**

**SUMMARY**

The purpose of Ordinance 27-18 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 requires any application submitted but has yet to receive an approval of the Forest Conservation Plan must comply with the new regulation.

**PUBLIC HEARING AND DELIBERATION**

The Commission heard testimony from staff in the Department of Planning & Zoning and the Office of Environmental Policy, Aldermen Savidge and Arnett, Alan Hyatt, Elaine Lutz of the Chesapeake Bay Foundation, Diane Butler and Jacqueline Bohannon of the Annapolis Environmental Commission and others. Written testimony was submitted and included in the record. Several facts became clear.

1. Trees are essential to the healthy life of the citizens of Annapolis and to all citizens within the Chesapeake Bay watershed.
2. Trees are necessary for the City to reach its federally-mandated requirements. Otherwise, the City faces serious financial consequences.
3. Trees are necessary for the continued functioning of the stormwater management system; the more trees, the less stress on the system.
4. Trees create value and are an investment in the Annapolis lifestyle.
5. The No Net Loss mandated by this amendment/ordinance can be accomplished if and only if there are places in which to plant trees.
6. It is decidedly less expensive for a development applicant to plant trees than to pay the fee-in-lieu.
7. Annapolis has actually been losing tree coverage, and stands to lose more as the economy permits development pressures to increase.

8. While there are few if no opportunities for tree planting on City-owned property, there are many acres of institutional, governmental, commercial, nonprofit, and private residential opportunities potentially available. An inventory must be completed.
9. If the City identifies those opportunities, provides incentives to owners if necessary, provides the necessary legal mechanisms, and communicates those opportunities to developers, then this program will work.
10. The City needs to act as a broker. A committee under staff leadership with knowledgeable stakeholders can engineer such a system in a short period of time. The expenses to the City are negligible. The benefits, while they may take years to realize, may be enormous.

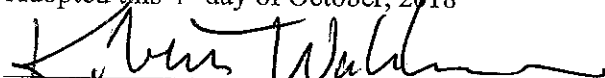
### RECOMMENDATION

The Commission voted to recommend APPROVAL if and only if the following recommendations are communicated to the City Council.

1. The Mayor shall immediately convene a committee composed of City staff, citizens, representatives of the development community, and representatives of the environmental community whose duty shall be to solve the issues involved in providing forestation opportunities on non-City-owned properties within the City. It is suggested that tax incentives for property owners who agree to planting trees on their property be considered.
2. The Mayor and City Council shall immediately seek funds for an inventory of tree planting opportunities on all properties throughout the City and see to it that such an inventory be promptly completed.
3. The City Council, with the advice of the aforesaid committee, shall consider permitting forestation mitigation outside the City and the Department of Planning & Zoning and Office of Environmental Policy shall pursue permission to allow in limited circumstances forestation mitigation within Critical Areas.
4. The City Council, in consultation with the aforesaid committee, may consider lowering the costs of fee-in-lieu of forestation to a point where it remains both as an inducement to reforest and as a choice where forest mitigation is impossible. The fee-in-lieu cost must greatly exceed the costs of forest mitigation.
5. The City shall require applicants obliged to mitigate under the Forest Conservation Act to inform the City Forester of the location, species, date of planting, and maintenance contracts of each tree planted and the City shall empower the City Forester to monitor and enforce the tree maintenance agreements as required under the Act.
6. The City Council may consider a grace period against retroactive action for applications submitted before this ordinance takes effect.

With these conditions, the Planning Commission's approval is unanimous.

Adopted this 4<sup>th</sup> day of October, 2018

  
Robert Waldman, Chair