



## **REVISED STAFF REPORT ON PROPOSED LEGISLATION**

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To: Mayor Gavin Buckley

From: Teresa Sutherland, City Manager *T. Sutherland*

Date: October 2, 2019

Subject: O-18-19: Department of the Environment

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This ordinance establishes Title 19, Environment. It is a companion ordinance to CA-6-19, which creates a Department of the Environment.

Under the proposed reorganization, the Department of Environment would take over the responsibility for administering the regulations governing trees in public and private spaces; trees in development, limited development, resource conservation, and critical areas, including landscape plan approvals; Forest Stand Delineation and Forest Conservation Act (FCA) requirements; grading, erosion, and sediment control; floodplain administration; and stormwater management. Specifically, the proposed ordinance:

- Dissolves the Office of Environmental Policy (OEP) by repealing Section 2.12.080 of the City Code.
- Removes the requirement for the Environmental Matters standing committee to review amendments to Title 14 (Streets, Sidewalks, and Public Places) and adds a requirement that the Environmental Matters standing committee review amendments to Title 19 (Environment).
- Adds the Director of the Environment to the Environmental Review Committee established under Section 2.48.350 of the Code and removes the Director of the Office of Environmental Policy from the committee. The Director of the Environment would be the chair of the committee.
- Adds a requirement for the Department of the Environment to provide a staff liaison to the Annapolis Conservancy Board and removes the requirement for the Departments of Public Works (DPW), Planning and Zoning (P&Z), and Recreation and Parks to provide a staff liaison to the board.
- Amends Section 3.08.010, positions in the exempt service, to include the Director of the Department of the Environment.

- Amends 3.08.030.A to add the Director of the Office of the Environment to the pay scales as a grade A20 and removes the Director of the Office of Environmental Policy, grade A20, from the pay scale.
- Removes the Director of the Office of Environmental Policy from the list of positions in Section 3.08.030.E whose initial appointment is confirmed by the City Council and adds the Director of the Department of the Environment.
- Amends Section 6.29.010 to provide that the Director of the Department of the Environment, not the Director of the Office of Environmental Policy, is responsible for determining all policies governing the management of the Clean Energy Loan Program in conjunction with the Finance Director.
- Amends Section 10.12.140 to provide that the administration of Section 10.12.060 (polystyrene ban) shall be administered and enforced by the Director of the Office of the Environment, not the Director of the Office of Environmental Policy.
- Amends Section 10.36.010 to provide the Department of the Environment, not OEP, will gather and provide information on clean air vehicles to those licensed by the City.
- Moves all regulations in Chapter 14.12 (Trees) to Title 19.
- Moves all regulations in Chapter 17.08 (Grading, Erosion, and Sediment Control) to Title 19.
- Moves all regulations in Chapter 17.09 (Trees in Development Areas) to Title 19.
- Moves all regulations in Chapter 17.10 (Stormwater Management) to Title 19.
- Amends Section 17.11.300 to provide the Director of the Department of the Environment is designated as Floodplain Administrator responsible for administering the provisions of Chapter 17.11, Floodplain Administration. However, while the ordinance designates the Director of the Department of the Environment as the Floodplain Administrator, the ordinance does not move the provisions of Chapter 17.11, Floodplain Management, to the new Chapter 19. The ordinance amends only these other provisions of 17.11:
  - Amends Section 17.11.050 to provide that the Department of the Environment, not the Office of Environmental Policy, will be responsible for retaining and making available to the public the Flood Insurance Study and Flood Insurance Rate Maps.
  - Amends Section 17.11.350 to provide that the Floodplain Administrator will review applications for development in flood zones for compliance with grading, erosion, and sediment control regulations moved from Chapter 17.08 to Chapter 19.40.
  - Amends Section 17.11.720 to provide the Department of the Environment, not OEP, shall consider variance applications.

Please note that the City Code currently places floodplain administration under OEP, but in practice, the Chief of Code Enforcement in P&Z and the Environmental Programs Coordinator in OEP split some of the tasks. Per the attached memo from the Environmental Programs

Coordinator in which she describes that the bulk of the floodplain management duties are performed by P&Z staff.

- Amends Section 17.12.050 (Building Permit Application) to provide that no building permit may be issued prior to the issuance of a grading permit, where applicable under the new Section 19.40. Under the proposed ordinance, the Department of the Environment, not P&Z, would be responsible for the review and approval of grading permits.
- Amends Section 17.12.052 (Building permit – Plans and specifications) to provide that building permit applications shall include the plans and specifications as required in Section 19.40.060, which is currently codified in 17.08.060. Under the proposed ordinance, the Department of the Environment, not P&Z, would be responsible for the review and approval of erosion and sediment control plans.
- Establishes Title 19, Environment. Under Title 19, the Department of the Environment would be responsible for:

- 19.10: Trees in Public Spaces:

The Department of the Environment, not P&Z, will be responsible for the reviewing and approving all applications and ensuring compliance with the regulations governing trees and shrubs planted in or adjacent to public areas and those planted on private property that endanger the life, health, or safety of persons or property.

- 19.20: Trees in Development Areas:

The Department of the Environment, not P&Z, will be responsible for reviewing and approving all applications and ensuring compliance with the regulations governing trees in development, limited development, resource conservation, and critical areas, including the review and approval of landscape plans and tree replacement requirements and fees in lieu of mitigation.

While trees in the critical area would fall under the new department, all other critical area regulations in Title 21 would continue to fall under P&Z.

- 19.30: Forest Conservation Act:

The Department of the Environment, not P&Z, will be responsible for the review and approval of Forest Stand Delineation and Forest Conservation Act applications and related inspections and enforcement, as well as the review and approval of applications to establish forest mitigation banks.

- 19.40: Grading, Erosion, and Sediment Control:

The Department of the Environment, not P&Z, will be responsible for accepting applications for grading permits and erosion and sediment control plans, reviewing and approving the applications, allowing any variances to the grading, erosion, and sediment

control regulations, issuing applicable permits, processing bonds, and related inspections and enforcement.

- 19.50: Stormwater Management:

The Department of the Environment, not the DPW, will be responsible for administering the City's stormwater management regulations, including the accepting, reviewing, and approving all stormwater management plans and related inspections and enforcement. The Department of the Environment also would administer the Watershed Restoration Fund.

- Amends references in Title 21 (Planning and Zoning) to reflect the moves from Titles 14 and 17 to Title 19.
- Moves all regulations Chapter 21.71 (Forest Conservation) to Title 19.
- Amends reference in Section 22.24.040 (standards for review criteria for adequacy of public facilities for stormwater) from Chapter 17.10 to Chapter 19.50.

## OPERATIONAL IMPACTS

### *Positions*

The Department of the Environment would be headed by a Department Director, grade A20. The Department of the Office of Environmental Policy position, also grade A20, would be eliminated.

The following positions would transfer to the Department of the Environment from OEP and DPW.

POSITION	TRANSFER FROM
Environmentalist	Office of Environmental Policy
Environmental Programs Coordinator	Office of Environmental Policy
Stormwater Management Engineers (2 positions)	DPW
Environmental Compliance Inspector	DPW

### *Trees in Public Spaces and on Private Property*

Currently, the Environmentalist in OEP performs the duties pertaining to trees in public places and trees on private property. He would continue to do so if his position is transferred to the Department of the Environment.

### *Trees in Development, Limited Development, Resource Conservation, and Critical Areas and Forest Delineation and Forest Conservation Act Requirements*

Currently the Chief of Current Planning in P&Z reviews and approves landscape plans and forest stand delineation and Forest Conservation Act submittals, and critical area plans, including trees, are currently reviewed by a Planner in P&Z.

Under the proposed reorganization, the Environmentalist would perform these duties that are currently interwoven into P&Z's planning and permit review processes. For example, only trees in the critical area would fall under the purview of the new department while all other critical area reviews would remain under P&Z pursuant to Title 21. Likewise, while FCA and landscape plan reviews would become the responsibility of the new department, these plans are integral to the site development review process that would remain under the Chief of Current Planning and his staff. Please see the attached email from Tom Smith, Chief of Current Planning, that outlines the division of duties and those that would require dual agency approval under the proposed ordinance.

The Acting Director of Planning and Zoning does not believe P&Z would be able to transfer any positions to the new Department of the Environment because no one on her staff has duties that fall only under the regulations governing landscape plans in development, limited development, resource conservation, and critical areas, or Forest Stand Delineation and Forest Conservation Act matters. All of these matters are interwoven with other duties that would continue to be the responsibility of P&Z.

The Director of the Office of Environmental Policy believes the Environmentalist position could absorb the additional workload of performing the duties related to trees in development, limited development, resource conservation, and critical areas, including the review and approval of landscape plans, and duties related to the review, approval, and enforcement of Forest Stand Delineation and Forest Conservation Act regulations. However, while the City's Environmentalist will complete classes to become a "qualified professional" under State law, he currently does not possess the certification required to approve Forest Stand Delineation of FCA matters. State law requires FSD and FCA review and approval by a licensed landscape architect, a registered forester, or someone who has completed the DNR approved forest conservation course and meets certain educational and experience requirements.

### ***Floodplain Administration***

Currently, both the Environmental Programs Coordinator in OEP and the Chief of Code Enforcement in P&Z are Certified Floodplain Managers, and they work collaboratively on floodplain management issues. However, while the City Code currently designates the Director of OEP as the City's Floodplain Administrator, in practice, the Floodplain Administrator duties are primarily handled by the Chief of Code Enforcement who manages staff in P&Z as part of the inspection and permitting processes.

I have attached a memo from the Environmental Programs Coordinator outlining the Floodplain Administrator duties and who currently performs which duties. The Environmental Programs Coordinator does not believe she would be able to do everything the Chief of Code Enforcement currently does because the Chief of Code Enforcement supervises the Architectural Plans Reviewer and inspectors in P&Z who are an integral part of the process.

The Environmental Programs Coordinator estimates the additional Floodplain Administrator duties would consume approximately 30% of her time, and the Director of OEP does not believe the Environmental Programs Coordinator could absorb this additional workload. If the Environmental Programs Coordinator performed these duties, then approximately 30% of her salary and benefits could not be charged to the Watershed Restoration Fund, which would impact General Fund expenditures by approximately \$24,500, as described in the Finance Director's Fiscal Note.

If the new Department of the Environment took over these duties, the City would need to overhaul the permitting process, and the Environmental Programs Coordinator would need access to the inspectors who report to the Chief of Code Enforcement.

As City Manager, I can ensure P&Z inspectors work collaboratively with the Department of the Environment's Floodplain Administrator. However, this new structure would remove the supervisory relationship between the inspectors and the Floodplain Administrator. Also, unless existing staff could absorb some of the duties currently performed by the Environmental Programs Coordinator to free up her time for floodplain management, the new department would have to hire additional staff. For these reasons, it is not clear to me what operating effectiveness is gained by moving floodplain management to the Department of the Environment.

### ***Stormwater Management and Grading, Erosion, and Sediment Control***

All duties related to stormwater management are handled by the Stormwater Management Engineers and Environmental Compliance Inspector positions that would transfer to the new department. Most, but not all, duties related to the review, approval, inspection, and enforcement of grading, erosion, and sediment control matters are also handled by these three positions.

While the Stormwater Management Engineers that would transfer to the new department would retain the review of grading permits as they pertain to sediment and erosion control, another DPW engineer currently reviews grading permits as they relate to streets, sidewalks, utilities, and other infrastructure. These duties, which comprise approximately 20% of the DPW engineer's work, would remain under DPW because the City Code gives responsibility for infrastructure and public improvements to DPW. Consequently, reviews for grading and sediment and erosion control would be split between two departments.

With respect to moving the two Stormwater Management Engineer positions into the Department of the Environment, the Director of Public Works has testified that he believes there is an advantage to having the Stormwater Management Engineers be part of the larger engineering group in DPW that provides support, backup, supervision, and guidance. While DPW would continue to work collaboratively with the Stormwater Management Engineers if they were moved to the new department, the new department will not have a supervisor level engineer overseeing the Stormwater Management Engineers, and the Stormwater Management Engineers might receive less support, backup, and guidance than they currently do as part of the engineering group in DPW.

### ***Administrative Support***

The Director of OEP has also opined that she believes the new department can function without an administrative office support position. However, as City Manager, I am skeptical that this new department can function properly without administrative support.

This new department will be accepting applications and the related fees for grading and landscape plan applications, creating files, sending applications to other departments for agency reviews and coordinating comments, ordering and posting signs and notifications, processing and releasing bonds, etc., in addition to clerical duties such as processing payroll and procurements. In my opinion, that will be difficult to do without administrative office support position, and neither the Director of Public Works and nor the Acting Director of Planning and Zoning believe the workloads of their staff are such that an administrative office support position could be transferred from their departments to the new department.

The Human Resources Manager has advised me that if a department the size of the proposed Department of the Environment had an administrative office support position, she anticipates it would be a grade A7, Office Support Assistant IV. However, she would have to determine the appropriate title and grade once the department was formed and the administrative duties were identified. The Finance Director's Fiscal Note identifies a cost of approximately \$71,000 - \$103,000 for an Office Support Assistant IV, grade A7, with benefits, which would be a cost born by the General Fund.

### ***Conclusion***

As City Manager, I am concerned that the proposed ordinance does not allow for an orderly movement of positions and duties from P&Z and DPW to the new Department of the Environment. Rather, review of landscape plans, critical area matters, grading permits, and floodplain administration would be interwoven among three departments, requiring a revamping of the permitting process and potentially moving the City away from the efficiencies of the "one-stop shop" permitting process the City put in place when DNEP was disestablished.

*Prepared by Teresa Sutherland, City Manager, with the assistance of David Jarrell, Director of Public Works; Sally Nash, Acting Director of Planning and Zoning; Tom Smith, Chief of Current Planning; Jackie Guild, Director of the Office of Environmental Policy; Raycine Hodo, Environmental Programs Coordinator; and Brian Adams, Environmentalist, and Tricia Hopkins, HR Manager? Jodee Dickenson, Finance Director*

## SUGGESTED AMENDMENTS

I recommend the following amendments to the ordinance to correct drafting errors and ensure the ordinance takes effect on the same day the proposed charter amendment (CA-6-19) that establishes the Department of the Environment would take effect.

- The language in the proposed bill for Sections 3.08.010 and 3.08.030 are outdated and do not reflect the amendments enacted via O-12-19. I recommend amending the ordinance to start with the existing code provisions found in 3.08.010 and 3.08.030, then amending those provisions as appropriate to remove the Director of the Office of Environmental Policy and add the Director of the Department of the Environment.
- This ordinance amends Section 22.24.040 to provide that adequacy of public facilities for stormwater management facilities shall include compliance with the new Chapter 19.50. However, it fails to amend Section 22.24.010 to say the Director of the Department of the Environment is responsible for determining a development meets adequacy of public facilities for stormwater management. Under the bill as proposed, the Director of Public Works would still be responsible for determining APF for stormwater, while DPW would no longer have the responsibility to administer any stormwater regulations. I recommend amending the ordinance on page 2 to say the bill repeals and re-enacts Section 22.24.010 of the City Code, followed by an amendment to strike “Director of Public Works” and substitute “Director of the Department of the Environment” in Section 22.24.010.
- On page 2, line 12, the bill says it repeals and re-enacts with amendment Section 17.11.010 (Floodplain Management, Definitions) of the Code. However, the text of the bill does not include any repeal or reenactment of this section. I have asked the bill’s sponsors whether it is their intent to repeal and re-enact section 17.11.010. If it is not, then the bill should be amended to strike page 2, line 12. If it is the sponsors’ intent, the text of the bill should be amended to actually strike and re-enact with amendment the referenced code section.
- On page 2, line 24, “22.63.030” should be “21.62.030.”
- On page 2, line 25, “21.63.080” should be “21.62.080.”
- The bill repeals and reenacts with amendment Sections 17.11.050 and 21.62.030 of the Code, but these sections are erroneously missing from the Code sections listed on page 2, lines 1-26. I recommend adding Sections 17.11.050 and 21.62.030 to the sections listed as repealed and re-enacted on page 2, lines 1-26.
- There is a typographical error on page 3, line 7. “19-04-1010” should be “19.04.1010.
- On page 2, lines 33-34, the bill says it repeals Chapter 17.04 (Buildings and Construction, Definitions) of the Code. However, the repeal of Chapter 17.04 is not included in the text of the ordinance. I have asked the bill’s sponsors to clarify whether they intend to repeal Chapter 17.04. If they do, the bill should be amendment to repeal the referenced section. If they don’t, the bill should amended to strike page 2, lines 33-34.



- On page 78, line 14, “19.04.040 – AGRICULTURAL LAND MANAGEMENT PRACTICES” should be in bold font.
- On page 84, line 26, there should be no “:” before the section number.
- On page 90, line 27, Chapter 19.10 is labeled “Trees in Public Places,” but lines 40-43 it says this chapter applies to trees and shrubs in public areas “and to all trees and shrubs planted in or upon any private premises which endanger the life, health, or safety of persons or property. The regulations that follow include regulations pertaining to trees and shrubs on private property.” Since this chapter does not apply only to trees in public places, I recommend amending the title of this section to simply “Trees,” the title of the section currently found in Chapter 14.12 where these regulations are currently codified.
- On page 120, line 17, “NONTIDAL WETLANDS” should be in quotation marks.
- On page 124, line 5, “VARIANCE” should be in quotation marks.
- There should be blank lines between each definition found on pages 115-124.

Finally, I recommend amending O-18-19 to provide it will take effect when CA-6-19 takes effect, which would be 50 days after CA-6-19 passes.

- If O-18-19 took effect before CA-6-19, regulations in Titles 14, 17, and 21 would be removed from the Departments of Planning and Zoning and Public Works before the Department of the Environment existed to assume those duties under Title 19.
- If CA-6-19 passed, but O-18-19 did not, the City would have created a department with no duties.

*Prepared by Teresa Sutherland, City Manager*

**EMAIL FROM DIRECTOR OF OFFICE OF ENVIRONMENTAL  
POLICY AND MEMO FROM ENVIRONMENTAL  
PROGRAMS COORDINATOR REGARDING FLOODPLAIN  
ADMINISTRATOR DUTIES**



Teresa Sutherland <tsutherland@annapolis.gov>

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**Re: Please look at 19.40 of O-18-19 and give me your input.**

1 message

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Jacqueline Guild <jsguild@annapolis.gov>

Mon, Oct 7, 2019 at 3:34 PM

To: Teresa Sutherland <tsutherland@annapolis.gov>

Cc: Sally Nash <snash@annapolis.gov>, David Jarrell <dajarrell@annapolis.gov>



**Jacqueline Sincore Guild**

Director

**Office of Environmental Policy**

161 Duke of Gloucester Street

Annapolis MD 21401

tel: 410.260.3411 ext. 7788

Please see the memorandum prepared by Raycine that goes through all the floodplain administrator duties and staff addressing them. Raycine and John split some of the tasks for purposes of the CAV due to the volume of tasks, but John handles the bulk of the duties and staff in PZ support these efforts.

Staff estimate that approximately 50 projects per year require some level of flood plain analysis, but not many require a great deal of time. Raycine estimates that handling floodplain related issues would consume 30 percent of her time. I do not believe that she can fit in another 30 percent to her existing duties. There is also the problem that OEP does not include the staff that John utilizes from PZ.

Raycine and John were certified around the same time when I became aware that the city had no certified floodplain manager and the city code states that the Director of OEP is the floodplain manager but may delegate that task to other staff. I found the dates for the certification and circulated it to all city staff. John was certified first and followed by Raycine shortly thereafter.



*City of Annapolis*  
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# Memo

To: Jacqueline S. Guild  
From: Raycine Hodo  
Date: October 7, 2019  
Re: Floodplain Administrator Duties Explained

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Currently, the City's Floodplain Administrator duties are being handled in Planning and Zoning by John Menassa. John manages Ryan Blomeley and the building inspectors, who are part of the permitting process and who are responsible for inspections. Most of the Administrator duties are tied to the City's permitting process. This means that if the Office of Environmental Policy (OEP) were to take over these duties, it would require changing the permit review process to incorporate OEP.

John and I are both recently certified as Floodplain Managers and have been working together on floodplain related issues. I would not be able to do everything that John does because he manages many of those involved with the permitting process. In order for me to take over, the City would need to overhaul the permitting process and I would need to have access to the inspectors, who currently report to John. While it may not be necessary for me to manage those involved with the permitting process, it would be necessary for me to have access to work with Ryan and the building inspectors.

Please see below. I show the duties of the Floodplain Administrator and I list who is in charge of each duty currently.

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

(A)

Review applications for permits to determine whether proposed activities will be located in flood hazard areas. Refer all applicants within the coastal a zone to the Chief of Historic Preservation for a determination of: (i) historic structure status as defined in Section 17.11.209; and (ii) any applicable tax credits pursuant to Section 6.04.230. - Ryan

(B)

Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.  
John/Raycine

(C)

Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of this chapter. Ryan?

(D)

Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from MDE for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one hundred-year frequency floodplain of free-flowing nontidal waters of the state. Matt?

(E)

Verify that applicants proposing an alteration of a watercourse have notified adjacent communities and MDE (NFIP State Coordinator), and have submitted copies of such notifications to FEMA. John/Raycine

(F)

Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal Flood Insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA). N/A to Annapolis

(G)

Approve applications and issue permits to develop in flood hazard areas if the provisions of this chapter have been met, or disapprove applications if the provisions of this chapter have not been met. John

(H)

Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with this chapter or to determine if non-compliance has occurred or violations have been committed. John/Raycine – not being done currently

(I)

Review elevation certificates and require incomplete or deficient certificates to be corrected.

(J)

Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the City of Annapolis, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations or boundaries. John/Raycine

(K)

Maintain and permanently keep records that are necessary for the administration of this chapter, including:

(1)

Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and John/Raycine (maps available in PW)

(2)

Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of this chapter. John/Raycine

(L)

Enforce the provisions of this chapter, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action. P&Z inspectors - John



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(M)

Reserved.

(N)

Administer the requirements related to proposed work on existing buildings: Ryan

(1)

Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged. John/Ryan

(2)

Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage. John/Raycine

(O)

Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: Issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage under NFIP Flood Insurance Policies. Department Director

(P)

Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Annapolis have been modified and: John/Raycine

(1)

Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to this chapter has either been assumed or relinquished through annexation John/Raycine; and

(2)

If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in this chapter, prepare amendments to this chapter to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation and a copy of the amended chapter shall be provided to MDE (NFIP State Coordinator) and FEMA. John/Raycine

(Q)

Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA. John/Raycine

The floodplain administrator shall make interpretations, where needed, as to the exact location of Special Flood Hazard Areas, Floodplain Boundaries, and Floodway Boundaries. John/Raycine

**EMAIL FROM CHIEF OF CURRENT PLANNING  
REGARDING DIVISION OF DUTIES FOR CRITICAL AREA  
COMPLIANCE; GRADING, EROSION, AND SEDIMENT  
CONTROL; AND SITE DESIGN UNDER THE O-18-19**





Teresa Sutherland &lt;tsutherland@annapolis.gov&gt;

## Re: My draft staff report - feel free to edit as you see fit.

1 message

Thomas Smith &lt;ets@annapolis.gov&gt;

Tue, Oct 8, 2019 at 1:53 PM

To: Teresa Sutherland &lt;tsutherland@annapolis.gov&gt;

Cc: David Jarrell &lt;dajarrell@annapolis.gov&gt;, Sally Nash &lt;snash@annapolis.gov&gt;

Teresa,

After meeting with staff this morning I offer the following regarding O-18-19, specifically the transfer of 17.08, 17.09 and 21.71 to the proposed Title 19:

1. Moving 17.09, Trees in Development Areas, transfers responsibility for Critical Area compliance governing trees to the proposed Dept. of the Environment. However, it leaves the following Critical Area compliance responsibilities with Planning and Zoning:

- Lot coverage (impervious surface),
- 10% Rule (pollutant reduction),
- Buffer Management Plan,
- Variances & Administrative Variances,
- Enforcement,
- Consistency Reports and Conditional Approval of public projects (i.e. Truxon Pool),
- Liaison to C.A.C.,
- State Code updates/changes,
- Grant processing,
- Semi-annual C.A. report,
- Quarterly C.A. meetings,
- Point source for calls and meetings with public regarding C.A. regulations,

The City spent decades creating the "one stop shop" and removing dual agency and redundant reviews for public benefit.

2. Moving 17.08, Grading, Erosion & Sediment Control, transfers grading permit responsibilities to the Dept. of the Environment. This leaves Port Wardens review with Planning and Zoning and transfers a grading permit associated with a Port Wardens application to Dept. of the Env. Currently P&Z reviews both Port Wardens applications and grading permits associated with a Port Wardens application together. A future application will require dual agency approval.

3. Moving 21.71, 17.08 & 17.09 still leaves the following Site Design compliance responsibilities with Planning and Zoning:

- Proposed development shall respect proposed building locations on open spaces & landscape elements,
- Proposed development results in minimal modification of existing geological & topographical features,
- Proposed development minimizes degradation of unique or sensitive lands, such as steep slopes or highly erodible soils,
- Proposed development shall minimize adverse impacts to resources in the Critical Area, such as streams, wetlands, mature tree stands, etc.,
- Proposed development shall relate to appropriately to natural and artificial screening,
- Proposed development shall minimize disturbance to existing vegetation, topography and soils,
- Proposed development shall be made to preserve street trees, mature trees, trees of a diameter of 4", trees of unique varieties,
- If development necessitates the removal of established trees, special attention shall be given to planting, replacement and landscape treatment,
- All sites shall be designed to with appropriate buffers to provide shade, reduce heat, screen adverse impacts and preserve natural buffers,
- Proposed development shall consider dedicating open space in furtherance of the goals of the Comprehensive Plan, Critical Area Plan & Parks Plan,
- Proposed development shall consider promote the goals & purpose of the Annapolis Conservancy Board,
- Proposed development shall integrate existing trees, natural vegetation & site planting to the maximum extent possible-- lawn shall be minimized,
- Proposed development shall determine the location & installation of street trees,
- Proposed development shall give special attention to planting of transitional yards and screening,
- Proposed development shall be designed for proper surface water management and drainage systems, preserving existing natural drainage patterns,

10/8/2019

Annapolis.gov Mail - Re: My draft staff report - feel free to edit as you see fit.

-Proposed development shall submit a stormwater management to the Director of Planning & Zoning for review and approval under Chapter 17.10,

Thank you,  
Tom

**E. Thomas Smith, Jr., RLA**  
Chief of Current Planning  
City of Annapolis  
Department of Planning & Zoning  
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