

City of Annapolis

*160 Duke Of Gloucester Street
Annapolis, MD 21401*



Standing Committee Minutes

Wednesday, November 20, 2019

3:00 PM

**Mayor John T. Chambers, Jr.
City Council Chambers**

Environmental Matters Committee

1. Call To Order

Chairman Savidge called the meeting to order at 3:07 p.m.

2. Roll Call

Present: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

3. Approval of Agenda (any changes to the agenda should be made here)

Alderman Arnett moved to adopt the Regular Meeting Agenda. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

4. Business before Committee

a. Approval of Minutes

[ENV10.16.19](#) Approval of Minutes for the Regular Meeting

Alderman Arnett moved to approve. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

[ENV10.20.19](#) Approval of Minutes for the Regular Meeting
[SPECIAL](#)

Alderman Tierney moved to approve. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

5. Legislation before Committee

[O-27-19](#)

Ordinance 27-19 as Amended on Second Reading

Critical Area Overlay - For the purpose of updating and amending the City of Annapolis critical area overlay district code provisions in accordance with State law; streamlining enforcement provisions and appeal procedures; relocating and updating definitions; adding reasonable accommodations provisions for the needs of disabled citizens pursuant to State law; adding Buffer Management Plan and Buffer Exemption Area policies; adding references to the Critical Area 10 percent Rule Guidance Manual, adding lot coverage percentages for certain zoning districts; adding lot consolidation provisions; consolidating grandfathering provisions; adding applicability and identification of water-dependent facilities; and making certain stylistic changes.

Amendment #2

On page 9, in line 16 strike “and”

On page 9, in line 17 strike “Minimize” and substitute “Avoid” and after “stormwater” strike the “period” and substitute a “colon” and insert “and”

On page 9, after line 17, insert “5. Avoid impacts to steep slopes and highly erodible soils, unless performing restoration activities.”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #4

[This amendment adds new requirements for Intense Development Areas]

On page 11, after line 9, insert: “Development requirements on lots larger than 40,000 square feet

1. Wildlife Corridors.

a. If a development site contains a natural area, which might be used as a wildlife corridor or is designated as a greenway by a City or County plan, and there are such areas adjacent, then a development proposal shall incorporate the wildlife corridor and greenway into the site design.

b. ~~The developer shall incorporate a wildlife corridor system into the site.~~ The wildlife corridor incorporated into the site should connect the largest undeveloped, or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with off-site habitats.

c. The developer shall grant a conservation easement to the City or establish a landscape maintenance agreement to ensure that the wildlife corridor is maintained.

2. Forests and Developed Woodlands.

a. Forests and developed woodlands are to be maintained in accordance with Section 17.09.080 and within planting guidelines as determined by the Department.

b. Tree replacement and fees in lieu of tree replacement shall be allowed in accordance with the provisions of Section 17.09.070.

c. All forests designated on development plans shall be maintained to the extent practicable, through conservation easements, restrictive covenants, or other protective instruments.

d. The afforested area shall be maintained as forest cover through easements, restrictive covenants, or other protective instruments.

e. An applicant may not clear more than thirty percent of a forest or developed woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of three times the areal extent of the forest or developed woodlands cleared.

f. The developer shall protect any habitat protection areas located in forests, developed woodlands, or undeveloped open space.

3. Streams and their buffers.

a. If the project involves development activities which would cross or affect streams (perennial; ~~AND~~ intermittent ~~STREAMS ON ALL SITES, or INCLUDING~~ ephemeral ~~ON SITES LARGER THAN 40,000 SF~~), the developer shall identify any such stream and ~~its 50-foot buffer~~ ~~THEIR BUFFERS (100' FOR PERENNIAL AND INTERMITTENT, 25' FOR EPHEMERAL)~~ in the project area, including those off-site, which might be affected by the project.

b. The developer shall show, as part of the site plan review requirements, that the development will:

(1) Not cause increases in the frequency and severity of floods;

(2). Retain existing tree canopy within ~~50 feet of the stream~~ ~~THE STREAM BUFFERS~~;

(3). Provide for the retention of the natural substrate for streambeds; and

(4). Minimize adverse impacts to water quality and stormwater run-off.

4. Steep Slopes. Development is not permitted on slopes greater than twenty-five percent that are highly erodible soils or have highly erodible soils immediately downslope, unless it can be shown that such development is the only effective way to maintain or improve the stability of the slope.

5. Soils with Development Constraints. Development is discouraged on soils with development constraints. Development may be allowed by the Department of Public Works if adequate mitigation measures are implemented to address the identified constraints and if the

development will not adversely affect water quality or plant, fish, and wildlife habitat.

6. Stormwater Management. Stormwater management technologies shall be required to minimize adverse water quality impacts caused by stormwater run-off in accordance with Chapter 17.10.”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #5

On page 11, after line 25 insert "1. A developer shall protect any habitat protection area located in forests, developed woodlands, or undeveloped open space."

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #6

[This amendment re-incorporates language in current code and expands to ephemeral streams]

On page 13, after line 41, insert

“J. Streams and their buffers.

a. If any project involves development activities which would cross or affect streams (perennial or intermittent), the developer shall identify any such stream and its 50-foot buffer in the project area, including those off-site, which might be affected by the project. On sites larger than 40,000 square feet, ephemeral channels located on-site shall also be identified.

b. The developer shall show, as part of the site plan review requirements, that the development will:

(1) Not cause increases in the frequency and severity of floods;

(2). Retain existing tree canopy within ~~at least 50 feet of the stream~~ THE STREAM BUFFERS;

(3). Provide for the retention of the natural substrate for streambeds; and

(4). Minimize adverse impacts to water quality and

stormwater run-off.”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #7

On page 15, in line 2 strike the “semicolon” and substitute a “colon” and after line 2 insert “i. On land greater than 40,000 square feet, the buffer shall be expanded to at least 25-feet at the top of 25% slopes, and on 15% slopes that also have highly erodible soils within or immediately downslope; ii. On land less than 40,000 square feet the buffer shall be expanded to at least 5-feet **at the top of slopes.**”

On page 15, after line 8 insert “e. and other sensitive areas as may be determined by Planning & Zoning.”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #8

On page 20, line 11, after “wetlands,” insert “**perennial** and **intermittent** streams on all sites, and ephemeral streams on sites larger than 40,000 square feet,”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #9

[This amendment makes this section consistent with the definition as written by P&Z and the Md. State code]

On page 25, in line 29 strike “and”

On page 25, in line 30 strike the “period”

On page 25, after line 30, insert

“9. Non-tidal wetlands and associated 25-foot buffers; and

10. Any perennial or intermittent streams, and on sites larger than 40,000 square feet any ephemeral streams.”

Amendment #9

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #10

On page 29, in line 42, after “the” insert “Environmental Commission for sites greater than 40,000 square feet and the”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #11

On page 32, in lines 21-22 strike “through appropriate measures” and substitute “by a conservation easement granted to the City or a landscape maintenance agreement”.

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #12

On page 42, after line 15 insert ““Ephemeral stream" means a stream that flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow or ice, and which has a channel bottom that is always above the local water table.”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #13

On page 45, in line 42 strike “COMAR 26.24.01.02B” and substitute “COMAR 26.23.01.01”

On page 45, after line 42, insert “c. Streams (perennial, intermittent, and on sites larger than 40,000 square feet ephemeral);” and re-alphabetize the definitions in lines 43 down through page 46 line 2.

On page 45, in lines 43 through 46 and on page 46 in lines 1 and 2 strike “A” from the COMAR citations.

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Amendment #14

On page 65, in line 21, after “wildlife” insert “, or any area identified as a greenway in a City or County plan”

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Planning and Zoning Acting Director Nash, Office of Environmental Policy Guild, Cynthia Gudenius, and Tom Smith were present and answered questions from the committee.

Alderman Arnett moved to recommend with amendments. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

R-36-19

Critical Area Overlay Fees - For the purpose of amending the Fiscal Year 2020 Fees Schedule for fee-in-lieu of planting in accordance with Sections 17.09.070 and 21.54.105 of the Code of the City of Annapolis.

Amendment #1

17.09.070 Fee-in-lieu of planting - outside the Critical Areal (Development less than 40,000 square feet) \$1,250/tree

Fee-in-lieu of planting - outside the Critical Area (Development greater than 40,000 square feet) \$2,000/tree

17.09.070 Fee-in-lieu of planting - inside the Critical Area but not in the 1-foot Critical Area buffer (Development less than 40,000 square feet) \$1,250/tree

Fee-in-lieu of planting - inside the Critical Area but not in the 100-foot Critical Area buffer (Development greater than 40,000 square feet) \$2,000/tree

21.54.105 Fee-in-lieu of planting - inside the Critical Area buffer (Development less than 40,000 square feet) \$6.25/square foot

Fee-in-lieu of planting - inside the Critical Area buffer (Development greater than 40,000 square feet) \$10.00/square foot

Alderman Arnett moved to Recommend Favorably-Amendment. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

Planning and Zoning Acting Director Nash, Cynthia Gudenius, Tom Smith

Alderman Arnett moved to recommend with amendments. Seconded. A roll call vote was taken. The motion CARRIED by the following vote:

Aye: 3 - Alderman Savidge, Alderman Tierney and Alderman Arnett

6. General Discussion

Michael Gibbling, Environmental Commission was present and addressed the committee regarding the City's Comprehensive plan.

Planning and Zoning Acting Director Nash and Office of Environmental Policy Director Guild were present and answered questions from the committee.

Update from the Office of Environmental Policy

7. Adjournment

Upon motion duly made, seconded and adopted, the meeting was adjourned at 5:32 p.m.

**Teekia Green
City Council Associate**