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Parkeside Preserve Emergency Action for the purpose of addressing the development of Lennar at Parkeside Preserve and its impact on Quiet Waters Park.

**CITY COUNCIL OF THE
City of Annapolis**

Resolution 49-22

**Introduced by: Alderman Savidge
Co-sponsored by:**

A RESOLUTION concerning

Parkeside Preserve Emergency Action

FOR the purpose of addressing the development of Lennar at Parkeside Preserve and its impact on Quiet Waters Park.

WHEREAS, stormwater from Parkeside Preserve, a townhome development currently under construction, discharges through two outfalls that drain into an ephemeral stream through Quiet Waters Park; an ephemeral stream is defined in the City Code as 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; and

WHEREAS, photographs and site visits currently show the ephemeral stream degrading and unraveling, causing leaves, topsoil, and forest debris to be washed away, exposing tree roots, creating erosive head-cuts, and creating a stream bed with a bank; and

WHEREAS, §17.10.010 states that the City of Annapolis code is to " protect and promote the public health, safety and general welfare through the management of stormwater, to protect public and private property from damage, to reduce the effects of land use changes on stream channel erosion, to maintain and assist in the improvement of water quality, and to preserve and enhance the environmental quality of streams and stream valleys."; and

WHEREAS, §17.08.010 states that the City of Annapolis code is aimed at reducing "the negative impacts of land development on water resources, maintaining the chemical, physical, and biological integrity of streams, and minimizing damage to public and private property" and further, to " protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with land disturbances. The goal is to minimize soil erosion and prevent off-site sedimentation by using soil erosion and sediment control practices designed in accordance with the Code of Maryland Regulations"; and

WHEREAS, there have been adverse impacts, including sedimentation and erosion, and the failure to maintain the physical and biological integrity of the receiving stream, in violation of City Code §17.08.010; and

WHEREAS, §17.08.260 allows for remedial action to be taken for any violation of Chapter 17.08; and

WHEREAS, §17.08.110 B states, "failure of the Director or his or her designee to observe or recognize hazardous conditions or failure to deny the grading permit shall not relieve the owner or the owner's agent from responsibility for the conditions or damages resulting from the failures, and shall not result in the City or its officers or agents being responsible for the damages resulting from the failures."; and

WHEREAS, §17.08.120 (as well as §17.10.220) allows for the suspension or revocation of a permit, "The Director may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons: A. Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permits; B. Noncompliance with violation notice(s) or stop work order(s); C. Changes in site characteristics upon which plan approval and permit issuance were based; or D. Any violation(s) of this chapter or any rules and regulations adopted under it. E. Any violation(s) of the procedures set forth in the standards and specifications."; and

WHEREAS, §17.08.260 authorizes a stop work order as an enforcement tool, and that "K. [at] Any step in the enforcement process can be taken at any time, depending on the severity of the violation"; and

WHEREAS, §17.10.220 authorizes emergency authority, "If the Director of Public Works determines that the condition of any stormwater management facility, storm drainage system or drainage way presents an immediate danger to the public health or safety, the Director of Public Works may take any action to protect the public."

NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the developer of the Lennar at Parkeside Preserve project be required, per §17.08.260, to take immediate steps to reduce the volume of stormwater leaving the site, to strictly adhere to the MDE standards and specification for sediment control and stabilize their heavily used areas such as travel lanes and staging areas as well as other areas

specified by the Department, and to stabilize the eroding stream on Quiet Waters Park property.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the developer be required, per §17.08.260, to remediate the receiving waters through restoration, enhancement, and stabilization, once the grading phase of the project is completed.

AND BE IT EVEN FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the stormwater management permit be reviewed to determine if greater water quantity/volume control can be achieved in order to protect the receiving waters in Quiet Waters Park.

AND BE IT FINALLY RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the performance bond, per §17.10.160, be held for a period of at least two years to ensure that the receiving waters are not negatively impacted in violation of §17.10.010.

EXPLANATION

Underlining indicates matter added.
[~~Strikethrough~~] indicates matter stricken.