

## MONTGOMERY COUNTY COUNCIL BILL 3-22, LEGISLATIVE BRANCH – CLIMATE ASSESSMENTS - REQUIRED

### Description

Council Bill 3-22, Legislative Branch – Climate Assessments – Required would require the Director of the Office of Legislative Oversight (OLO) to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment. The bill also specifies the required contents of a climate assessment and directs OLO to prepare an annual report. Planning Staff requests the Planning Board provide comments on Bill 3-22 prior to the Council public hearing on March 1, 2022.

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Montgomery County  
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## TABLE OF CONTENTS

SECTION 1: SUMMARY .....	3
BILL SUMMARY .....	3
SECTION 2: BACKGROUND.....	4
CARBON FOOTPRINT ANALYSIS REQUIREMENT FOR MASTER PLANS .....	4
MONTGOMERY PLANNING SUPPORT FOR CLIMATE ACTION PLAN .....	4
SECTION 3: NEXT STEPS AND CONCLUSION.....	5
FEEDBACK ON BILL 3-22 .....	5
ATTACHMENTS .....	5

## SECTION 1: SUMMARY

### BILL SUMMARY

On February 1, 2022, Councilmember Tom Hucker and Council President Gabe Albornoz introduced Council Bill 3-22, Legislative Branch – Climate Assessments – Required. Bill 3-22 would:

- 1) require the Director of the Office of Legislative Oversight (OLO) to prepare a climate assessment for each bill, zoning text amendment (ZTA), master plan, and master plan amendment;
- 2) specify the required contents of a climate assessment; and
- 3) require an annual report.

The stated intent of the bill is to increase the Council’s understanding of the likely climate impacts of proposed legislation.

Bill 3-22 specifies that the climate assessment must include:

- the sources of information, assumptions, and methodologies used;
- a description of variables that could affect the assessment;
- if a bill, ZTA, master plan, or master plan amendment is likely to have no climate impact, why that is the case;
- the potential positive or negative effects, if any, of the bill, ZTA, master plan, or master plan amendment upon climate change, including greenhouse gas emissions, sequestration, and carbon drawdown;
- quantitative or qualitative evaluations of the identified effects upon community resilience and adaptive capacity; and
- amendments or other recommendations to reduce or eliminate any anticipated negative effects of the bill, ZTA, master plan or master plan amendment upon carbon dioxide removal, sequestration, drawdown, community climate resilience and adaptive capacity.

OLO would have to submit a climate assessment to the Council no more than 21 days after a bill, ZTA, master plan or master plan amendment is introduced. Additionally, OLO would be required to submit to the Council an annual report compiling and analyzing climate assessments produced during the previous year. This report must include OLO’s findings and recommendations regarding the climate impacts of enacted or pending bills, ZTAs, master plans, and master plan amendments.

Given that this bill would create a new requirement for ZTAs, master plans and master plan amendments, which fall under the Planning Board’s review as land use advisors to the Council, Planning staff recommends the Planning Board provide comments on Bill 3-22 to the Council in time for the public hearing on March 1, 2022.

## SECTION 2: BACKGROUND

### CARBON FOOTPRINT ANALYSIS REQUIREMENT FOR MASTER PLANS

While Bill 3-22 would create a new requirement for OLO to produce climate assessments for master plans and ZTAs, Montgomery Planning already has an existing requirement to produce a carbon footprint analysis for master plans. This analysis is transmitted to the County Council at the same time as the Planning Board Draft Plan.

Chapter 33A of the Montgomery County Code establishes requirements for Planning Procedures for County Master Plans. Section 33A-14, titled Greenhouse Gas Emissions and Racial Equity and Social Justice, requires the Planning Board to assess the Plan's potential impact on greenhouse gas emissions in the County, including a carbon footprint analysis; to consider ways to reduce vehicle miles (VMT) traveled in the County; to consider options that would minimize greenhouse gas (GHG) emissions; and to consider the impact of the plan on racial equity and social justice in the County, as defined in Section 2-64A.

The greenhouse gas emissions requirement and related requirements to reduce VMT and GHG emissions in master plans have been in place since 2008. Since the requirement was established, the Planning Board has performed a carbon footprint analysis and included recommendations for reducing VMT and GHG emissions in each of its master plans.

Planning staff perform the carbon footprint analysis using a GHG emissions modeling spreadsheet first created by King County, Washington, and adjusted for use in Montgomery County. The model estimates GHG emissions from embodied energy, building energy use, and transportation used by residents and workers in the master plan area. It compares the estimated emissions from the master plan recommendations for land use, zoning, development density, and transportation systems against a baseline estimate using existing conditions.

### MONTGOMERY PLANNING SUPPORT FOR CLIMATE ACTION PLAN

Lastly, Planning staff reminds the Board that Montgomery Planning has been an active partner in the development and implementation of Montgomery County's Climate Action Plan (CAP) completed in 2021. We have continued collaborating with the Department of Environmental Protection (DEP) and other agency partners to advance the CAP's recommendations in our master plans, regulatory reviews and other planning initiatives and through multi-agency initiatives exploring new tools and strategies to reduce various climate change impacts. Montgomery Planning also provides quarterly reporting on our progress accomplishing FY22 Climate Work Plan action items under our purview.

## SECTION 3: NEXT STEPS AND CONCLUSION

### FEEDBACK ON BILL 3-22

The discussion on Bill 3-22 with the Board is to ensure the Board is aware of this proposed requirement for new ZTAs, master plans and master plan amendments and have the opportunity to provide any comments to inform the County Council's consideration of this bill. Planning staff do not have any specific recommendations for changes to the bill at this time. However, Planning staff would like to have a clearer understanding of how the proposed OLO climate assessment process would intersect with the existing carbon footprint analysis Montgomery Planning is required to produce for master plans. Additionally, Staff would like to understand how this new requirement would relate to the Climate Action Plan and related implementation efforts.

### ATTACHMENTS

*Attachment:* [Montgomery County Council Staff Report on Bill 3-22](#)