

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.

Completed: 2.17.2022

MCPB
Item No. 8
2.24.2022

Montgomery County
Planning Board
2425 Reedy Drive,
Floor 14
Wheaton, MD 20902

Planning Staff

TS

Tanya Stern, Deputy Planning Director, tanya.stern@montgomeryplanning.org, 301-495-4508

LOCATION/ADDRESS

N/A

MASTER PLAN

N/A

ZONE

N/A

PROPERTY SIZE

N/A

APPLICANT

N/A

ACCEPTANCE DATE

N/A

REVIEW BASIS

N/A



Summary:

- The Montgomery County Council introduced Bill 3-22, Legislative Branch – Climate Assessments – Required on February 1, 2022.
- Bill 3-22 would: (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment; (2) specify the required contents of a climate assessment; and (3) require an annual report on the previous year's assessments.
- The County Council will hold a public hearing on Bill 3-22 on March 1, 2022.
- Planning staff requests the Planning Board to provide any comments prior to the public hearing to inform County Council consideration of this bill.

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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](#)



Committee: T&E
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #ClimateImpactStudy

AGENDA ITEM #9
February 1, 2022
Introduction

SUBJECT

Bill 3-22, Legislative Branch – Climate Assessments – Required

Lead Sponsors: Councilmember Hucker and Council President Albornoz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Council Bill 3-22 would

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

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 3-22
LRR

Pages 1-2
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© 5

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M E M O R A N D U M

January 27, 2022

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 3-22, Legislative Branch – Climate Assessments – Required

PURPOSE: Introduction – no Council votes required

Bill 3-22, Legislative Branch – Climate Assessments - Required, sponsored by Lead Sponsors Councilmember Huckler and Council President Albornoz, is scheduled to be introduced on February 1, 2022. A public hearing is tentatively scheduled for March 1, 2022.

The bill would:

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

BACKGROUND

In 2017, the Council approved Resolution 18-974 to:

1. declare a climate emergency; and
2. support the goals of reducing greenhouse gas emissions by 80% by 2027 and reaching 100% elimination by 2035, and initiating large-scale efforts to remove excess carbon from the atmosphere.

The purpose of Bill 3-22 is to facilitate the County's climate goals by requiring climate assessments for each bill, zoning text amendment, master plan, and master plan amendment pending before the Council.

BILL SPECIFICS

Bill 3-22 would require the Office of Legislative Oversight (OLO) to provide the Council with a “climate assessment” for each bill, zoning text amendment, master plan, and master plan amendment under consideration by the Council.

The climate assessment would consist of:

- the potential positive or negative effects, if any, of the bill, zoning text amendment, master plan, or master plan amendment upon climate change, including greenhouse gas emissions, sequestration, and carbon drawdown;
- quantitative or qualitative evaluations of the of the identified effects upon community resilience and adaptative capacity; and
- recommendations regarding amendments or other measures to mitigate any negative climate impacts.

This packet contains:

Bill 3-22

LRR

Circle #

1

5

Bill No. 3-22
Concerning: Legislative Branch – Climate
Assessments - Required
Revised: 1/27/2022 Draft No. 3
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Hucker and Council President Albornoz

AN ACT to:

- (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment;
- (2) specify the required contents of a climate assessment;
- (3) require an annual report regarding climate assessments; and
- (4) generally amend the law governing the enactment of legislation.

By adding

Montgomery County Code
Chapter 2, Administration
Section 2-81D

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 2-81D is added as follows:**

2 **Sec. 2-81D. Climate Assessments.**

3 (a) Definitions. In this Section, *Director* means the Director of the Office of
 4 Legislative Oversight or the Director's designee.

5 (b) Climate assessments required. The Director must submit an assessment
 6 to the Council describing the climate impact, if any, of each bill, zoning
 7 text amendment, master plan, and master plan amendment under
 8 consideration by the Council.

9 (c) Time for submission.

10 (1) A climate assessment should be submitted to the Council no more
 11 than 21 days after a bill, zoning text amendment, master plan, or
 12 master plan amendment is introduced.

13 (2) If the Director is unable to submit the assessment within the time
 14 required by paragraph (1), the Director must notify the Council
 15 President in writing of the delay, the reason for the delay, and the
 16 revised delivery date.

17 (3) If the Council President finds that the revised delivery date is
 18 unreasonable, the Council President may set a different delivery
 19 date.

20 (d) Contents of climate assessment.

21 (1) Each climate assessment must include:

22 (A) the sources of information, assumptions, and methodologies
 23 used;

24 (B) a description of variables that could affect the assessment;
 25 and

(C) if a bill, zoning text amendment, master plan, or master plan amendment is likely to have no climate impact, why that is the case.

(2) Each climate assessment must include:

(A) the potential positive or negative effects, if any, of the bill, zoning text amendment, master plan, or master plan amendment upon climate change, including greenhouse gas emissions, sequestration, and carbon drawdown; and

(B) quantitative or qualitative evaluations of the of the identified effects upon community resilience and adaptative capacity.

(3) Each climate assessment must identify amendments or other recommendations, if any, that would reduce or eliminate any anticipated negative effects of the bill, zoning text amendment, master plan, or master plan amendment upon carbon dioxide removal, sequestration, drawdown, community climate resilience, and adaptive capacity.

(e) Compliance. Council action on a bill, zoning text amendment, master plan, or master plan amendment that is otherwise valid is not invalid because of any failure to follow the requirements of this Section.

(f) Annual report.

(1) The Director annually must submit to the Council a report that compiles and analyzes the climate assessments provided during the preceding year.

(2) The annual report must include findings and recommendations of the Director regarding the climate impacts of enacted or pending

51 bills, zoning texts amendments, master plans, and master plan
52 amendments.

LEGISLATIVE REQUEST REPORT

Bill 3-22

Legislative Branch – Climate Assessments - Required

DESCRIPTION:	Bill -21 would require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill and zoning text amendment.
PROBLEM:	The Council needs more complete analysis of the potential climate impacts of proposed legislation.
GOALS AND OBJECTIVES:	The goal is to increase the Council's understanding of the likely climate impacts of proposed legislation.
COORDINATION:	Office of Legislative Oversight (OLO)
FISCAL IMPACT:	To be provided
ECONOMIC IMPACT:	To be provided
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To be provided
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be provided
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A

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