

BILL 34-25

LEGISLATIVE PROCESS – CLIMATE ASSESSMENTS - AMENDMENTS

Description

Bill 24-25 would amend the contents of Climate Assessments performed for Bills and Zoning Text Amendments by defining two new terms: Community Climate Resilience and Climate Hazard, and combining the elements of Community Resilience and Adaptive Capacity into Community Climate Resilience.

Bill 34-25
Completed: 11-14-25

MCPB
Item No. 11
11-20-25

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ZTA SPONSORS

Sponsors:
Councilmembers Balcombe and Luedtke

Cosponsor:
Councilmember Alborno

INTRODUCTION DATE

November 4, 2025

COUNCIL PUBLIC HEARING DATE

December 2, 2025

REVIEW BASIS

Chapter 2-81D

Summary

- The Office of Legislative Oversight (OLO) is responsible for preparing climate assessments for all introduced Bills, and the Planning Board is responsible for preparing climate assessments for all introduced ZTAs, Master Plans, and Master Plan Amendments.
- Code Section 2-81D that requires climate assessments does not define certain key terms, including adaptive capacity and community resilience. Therefore, OLO and the Planning Board have been using slightly different definitions for analyzing these factors.
- Bill 34-25 combines climate resilience and adaptive capacity into one new term, community climate resilience, and includes a definition.

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SECTION 1 – BACKGROUND

Rationale For Introduction

Bill 34-25, Legislative Process – Climate Assessments – Amendments, was introduced on November 4, 2025, by Councilmembers Balcombe and Luedtke, and cosponsored by Councilmember Alborno (Attachment A). The Bill is scheduled for a County Council Public Hearing on December 2, 2025.

When County Code section 2-81D, Climate Assessments, was added by Bill 3-22 (enacted July 12, 2022) (Attachment B), the Bill required the preparation of climate assessments for Bills, ZTA's, and Master Plans and included certain items that must be included, such as the quantitative or qualitative evaluation of the effects if any on greenhouse gas emissions, sequestration and drawdown, community resilience, and adaptive capacity. The code section, however, does not define these elements, and the definitions adopted by OLO and Montgomery Planning around community resilience and adaptive capacity were similar but different. OLO's definition of community climate resilience included a measure of the community to **adapt and bounce back** from a natural disaster or other emergency caused by climate change, whereas the Planning Board defined community resilience as the sustained ability of a network of people to use available resources to **withstand, respond, recover, and adapt** to future climate hazards.

The sponsors of Bill 34-25 further identified that without clear guidance, the analysis of adaptive capacity and community resilience has expanded beyond a focus on climate, and has included statements on economic sustainability, housing availability, infrastructure, and institutional impacts. The goal of Bill 34-25 is to create clear definitions and to focus the analysis on climate related issues.

The changes proposed in this Bill will likely require an update to the checklists and methodology that Montgomery Planning Staff use to conduct climate assessments, including the documentation published on our [Climate Assessment website](#). These updates will be brought before the Board at a future session once this bill is passed, codifying the new requirements.

SECTION 2 – BILL 34-25 ANALYSIS AND RECOMMENDATIONS

Bill 34-25 As Introduced

Bill 34-25 proposes multiple changes to Section 2-81D. Climate Assessments, of the County Code, are discussed in more detail below.

2-81D(A) DEFINITIONS

The first section of Bill 34-25 amends the definitions section for climate assessments. The current code only defines two terms: *Director* – the Director of OLO or the Director's designee, and *Planning Board* – the Montgomery County Planning Board. Lines 5-10 of the Bill add two new defined terms as follows.

Climate hazard means a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts.

Community climate resilience means the sustained ability of a network of people to use available resources to withstand, respond, recover, and adapt to future climate hazards.

The definition proposed for community climate resilience was taken from the Planning Board's definition for community resilience, which was generated as part of the Planning Department's work with our hired consultant, ICF, when initially developing the methodology for assessing climate assessments. The Bill adds the definition for climate hazard to provide clarity on what it is that OLO and Montgomery Planning should be basing their analysis around. Planning Staff appreciates the clarity these changes will add to the process and supports the proposed definitions.

Recommendation: support creating definitions for climate hazard and for community climate resilience.

(B) CONTENT OF CLIMATE ASSESSMENTS

The other amendment proposed in Bill 34-25 would remove reference to including analysis specific to adaptive capacity (lines 41-42, 47-48) and replace the requirement to analyze community resilience with an analysis of community climate resilience. The sponsors of the Bill noted that adaptive capacity is better thought of as a part of community climate resilience rather than its own factor. As a matter of practice, many of the elements currently reviewed as adaptive capacity by Environmental Planning Staff will remain in future climate assessments, packaged under the community climate resilience analysis.

Planning Staff note where the change is made on line 41 of the Bill, the word climate is added; however, on line 47, the existing code already includes the word climate.

Recommendation: Support renaming community resilience to community climate resilience and removing the term adaptive capacity.

Bill 34-25 Additional Recommendations

DEFINITIONS – REQUIRED CONTENT

In addition to adding an operational definition for community climate resilience as discussed above, Planning Staff recommends adding definitions for the other required elements of climate assessments: Greenhouse gas emissions, sequestration, and carbon drawdown. Being consistent and providing legislative clarity to all required elements of climate assessments would be beneficial to current and future staff preparing these assessments, particularly around the terms sequestration and carbon drawdown, as these two terms are often used interchangeably, but have slightly different meanings. Planning Staff proposes the following definitions be added to Bill 34-25, based on

definitions from the International Panel on Climate Change, slightly modified by Planning Staff for clarity:

Greenhouse Gas Emissions – Emissions of greenhouse gases, precursors of greenhouse gases, and aerosols caused by human activities. These activities include the burning of fossil fuels, deforestation, land use and land use changes, livestock and fertilizer production, waste management, and industrial processes.

Sequestration – The natural process of uptake and storage of carbon in a carbon pool

Carbon Drawdown – Anthropogenic activities removing carbon dioxide from the atmosphere and durably storing it in geological, terrestrial, or ocean reservoirs, or in products. It includes existing and potential anthropogenic enhancement of biological or geochemical carbon sinks, and direct air capture and storage.

Recommendation: support adding definitions for greenhouse gas emissions, sequestration, and carbon drawdown.

DEFINITIONS – PLANNING BOARD

Planning Staff also recommends a change to the existing definition of Planning Board under Section 2-81D(a), shown on line 13 of the Bill. Currently, the Board is defined to mean “the Montgomery County Planning Board”, without any provisions for the Board selecting a designee to act on its behalf. However, the definition of Director, which pertains to OLO, states that Director can mean “the Director of OLO, or a Director’s designee”. Planning Staff recommends that the definition of The Board be similarly updated, to be defined as The Montgomery County Planning Board, or the Planning Board’s designee.

Planning Staff recommends this change largely because of the time and coordination required to complete Climate Assessments and the technical analysis for ZTAs, coupled with the required deadline for submitting a climate assessment for ZTAs to the District Council. County Code Section 2-81D(c) Time For Submission states that “A climate assessment should be submitted to the Council, or the District Council, at least 7 days prior to a public hearing on a bill, zoning text amendment, master plan, or master plan amendment.” For master plans and master plan amendments, this deadline is typically not an issue because there are months of lead time to prepare the assessments. For ZTAs, the public hearings at the District Council are often as soon as five weeks after the introduction of a ZTA. This leaves Planning Staff as little as two weeks to prepare the climate assessment and review the ZTA for technical comments before having to post the reports on the Board’s website one week prior to the Board’s hearing on these matters (See Attachment C, example hearing schedule). In effect, the climate assessment and analysis for the ZTA must be completed and published 19 days prior to the District Council public hearing. This tight turnaround is necessary for Planning Staff to meet the code-

required seven-day minimum for posting staff reports prior to the Board holding a meeting on a ZTA¹. Additionally, the Board meeting needs to occur sufficiently early (12 days prior to the District Council public hearing), providing enough time to draft and send the final transmittal recommendation of the Board at least 7 days prior to the District Council public hearing².

If climate assessments for ZTAs were allowed to be transmitted to the District Council from a Board designee (the Planning Director), it could provide up to an additional week of time for Planning Staff to prepare the climate assessment and recommendations on the ZTA itself³. The Planning Director would transmit the climate assessment to the District Council 12 days prior to the District Council public hearing, which is the same new date Planning Staff would post the climate assessment and a staff report for the ZTA to the Planning Board's website. As part of the hearing with the Board, Planning Staff would discuss both the ZTA and the transmitted climate assessment. The Board would have the opportunity, as part of its comments on the ZTA, to also provide comments on the climate assessment Planning Staff had prepared.

Recommendation: Amend the definition of Planning Board to include or the Planning Board's designee.

SECTION 3 – CONCLUSION

Planning Staff recommends the Planning Board support Bill 34-25 with the discussed amendments adding definitions for greenhouse gas emissions, sequestration, and carbon drawdown, and adding the option for a Planning Board designee to transmit the climate assessments from the Planning Board. These clarifications will make the preparation of future climate assessments by both Montgomery Planning, and OLO, more consistent and straightforward.

SECTION 4 – ATTACHMENTS

Attachment A: Bill 34-25 Introduction Packet

Attachment B: Bill 3-22 as adopted

Attachment C: Typical hypothetical timeline for reviewing ZTAs and Climate Assessments

¹ [Section 59-7.2.4.C.1.](#) requires the Planning Director to publish a report and recommendation a minimum of 7 days before the Planning Board public meeting.

² [Section 2-81D\(c\)\(1\)](#) requires a climate assessment be submitted to the District Council at least 7 days prior to a public hearing on a bill, zoning text amendment, master plan, or master plan amendment.

³ Under [Section 59-7.2.4.C.2.b.](#) the Planning Board must submit a recommendation on the ZTA to the District Council before the District Council Hearing, without providing a definite definition on how long before the District Council Hearing, providing an additional week to make that transmittal.