



Committee: TE
Committee Review: Completed
Staff: Christine Wellons, Chief Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #4A
March 3, 2026
Action

SUBJECTS

Bill 34-25, Legislative Process – Climate Assessments - Amendments

Lead Sponsors: Council Vice President Balcombe and Councilmember Luedtke

Co-Sponsor: then-Councilmember Albornoz

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Transportation and Environment (TE) Committee recommended (3-0) the enactment of Bill 34-25 with amendments.

DESCRIPTION/ISSUE

Bill 34-25 would:

- (1) amend the contents of climate assessments required for bills of the County Council and zoning text amendments of the District Council; and
- (2) generally amend the law regarding impact statements for County legislation.

SUMMARY OF KEY DISCUSSION POINTS

- The Committee adopted (3-0) amendments recommended by the Planning Board to:
 - define the terms: “greenhouse gas emissions”; “sequestration”; and “carbon drawdown”; and
 - permit the Planning Board to delegate to its staff the responsibility to transmit climate assessments to the Council.

This report contains:

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MEMORANDUM

February 26, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Bill 34-25, Legislative Process – Climate Assessments – Amendments

PURPOSE: Action – roll call vote expected

Committee Recommendation: The Transportation and Environment (TE) Committee recommended (3-0) the enactment of Bill 34-25 with amendments.

Bill 34-25, Legislative Process – Climate Assessments - Amendments, was introduced on November 4, 2025. The Lead Sponsors are Council Vice President Balcombe and Councilmember Ludetke, and Co-Sponsor then-Councilmember Alborno. A public hearing on the bill occurred on December 2.

A worksession of the TE Committee took place on February 5. The Committee voted (3-0) to recommend the enactment of the bill with amendments recommended by the Planning Board.

Bill 34-25 would:

- (1) amend the contents of climate assessments required for bills of the County Council and zoning text amendments of the District Council; and
- (2) generally amend the law regarding impact statements for County legislation.

BACKGROUND

Under Section 2-81D of the County Code, the Office of Legislative Oversight (OLO) is required to provide a climate assessment for each bill under consideration by the Council. Similarly, the Planning Board must provide a climate assessment for each zoning text amendment, master plan, and master plan amendment pending before the District Council.

Among other requirements, each Climate Assessment must include evaluations of the identified effects of the bill “upon community resilience and adaptative capacity.” In addition,

each 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.”

The purpose of Bill 34-25 is to bring additional clarity and consistency to the required evaluation of “community resilience” because, in practice, OLO and the Planning Board have been using similar but slightly different definitions of “community resilience”, a/k/a “community climate resilience.”

BILL SPECIFICS

Bill 34-25 would define “community climate 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 term “climate hazard” would mean “a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts.”

In addition to defining these terms, the bill would delete from the legislation the term “adaptive capacity” as duplicative because, in practice, “adaptive capacity” is considered to be a subset of “community climate resilience.”

SUMMARY OF IMPACT STATEMENTS

Fiscal Impact. The Office of Management and Budget determined that Bill 34-25 “is not expected to impact County revenues or expenditures nor impact staff time.” Bill 34-25 clarifies and standardizes definitions used in climate assessments by defining “community climate resilience” and “climate hazard” and removing “adaptive capacity” from the County Code. These changes are intended to improve consistency in evaluations without creating new costs or operational impacts. No actuarial, IT, or future spending implications are anticipated.

The Office of Legislative Oversight determined, due to its responsibility for preparing climate assessments, that it could not independently evaluate the **economic, racial equity, or climate** impacts for Bill 34-25.

PUBLIC TESTIMONY

Mr. Berbert testified that the Montgomery County Planning Board met on November 20, 2025, and voted to support Bill 34-25 with amendments (which are discussed below).

SUMMARY OF THE COMMITTEE WORKSESSION

Participating in the worksession were Aron Trombka, Senior Legislative Analyst, Office of Legislative Oversight (OLO); Kaitlyn Simmons, Performance Management and Data Analyst,

OLO; and Benjamin Berbert, Planner III - Zoning Coordinator, Design, Placemaking, and Policy, Montgomery County Planning Department.

The Committee discussed, and voted (3-0) to adopt, the following amendments, which the Planning Board requested.

1. Definition of Terms

The Planning Board testified that it “appreciates the clarity Bill 34-25 adds to the climate assessment process, ensuring that the Board and OLO are producing climate assessments with the same understanding of what constitutes community climate resilience. To that end, the Board further recommends the Council consider adding the following definitions for the remaining three elements that must be analyzed with each climate assessment, from the Intergovernmental Panel on Climate Change, modified slightly for brevity:

“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.”

The Committee unanimously approved the definitions of terms recommended by the Planning Board.

2. Planning Board’s Preparation of Climate Assessments - Workflow

The Planning Department requested an amendment to allow the Board to delegate to staff the responsibility to transmit climate assessments to the Council.

Specifically, the Board asked the Council to amend the definition of the Planning Board to include a Board designee. The Board explained: “Adding the option for a Board designee to transmit climate assessments associated with zoning text amendments (ZTAs) on behalf of the Board would improve workflows at the Planning Department and extend the time Planning Staff have to coordinate recommendations for ZTAs without changing the requirement to transmit a climate assessment seven or more days before the Council public hearing on a ZTA. This change would also be consistent with OLO, where Director is defined as the Director or the Director’s designee.”

The Committee unanimously approved the Planning Board’s requested amendment to allow the Board to delegate the responsibility of transmitting climate assessments to the Council. **NEXT STEP:** Roll call vote on whether to enact Bill 34-25 with amendments, as unanimously recommended by the TE Committee.

<u>This packet contains:</u>	<u>Circle #</u>
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Bill No. 34-25
Concerning: Legislative Process –
Climate Assessments - Amendments
Revised: 2/5/2026 Draft No. 3
Introduced: November 4, 2025
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council Vice President Balcombe and Councilmember Luedtke
Co-Sponsor: then-Councilmember Albornoz

AN ACT to:

- (1) amend the contents of climate assessments required for bills of the County Council and zoning text amendments of the District Council; and
- (2) generally amend the law regarding impact statements for County legislation.

By amending

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 amended as follows:**

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

3 (a) *Definitions.* In this Section, the following terms have the meanings
4 indicated.

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

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

11 *Carbon drawdown* means anthropogenic activities removing carbon
12 dioxide from the atmosphere and durably storing it in geological,
13 terrestrial, or ocean reservoirs, or in products. It includes existing and
14 potential anthropogenic enhancement of biological or geochemical
15 carbon sinks, and direct air capture and storage.

16 *Director* means the Director of the Office of Legislative Oversight or
17 the Director's designee.

18 *Greenhouse gas emissions* mean emissions of greenhouse gases,
19 precursors of greenhouse gases, and aerosols caused by human
20 activities. These activities include the burning of fossil fuels,
21 deforestation, land use and land use changes, livestock and fertilizer
22 production, waste management, and industrial processes.

23 *Planning Board* means the Montgomery County Planning Board or the
24 Planning Board's designee.

25 *Sequestration* means the natural process of uptake and storage of carbon
26 in a carbon pool.

27 (b) *Climate assessments required.*

28 (1) The Director must submit an assessment to the Council
29 describing the climate impact, if any, of each bill under
30 consideration by the Council.

31 (2) The Planning Board must submit an assessment to the District
32 Council describing the climate impact, if any, of each zoning text
33 amendment, master plan, and master plan amendment under
34 consideration by the District Council.

35 (c) *Time for submission.*

36 * * *

37 (d) *Contents of climate assessment.*

38 (1) Each climate assessment must include:

39 (A) the sources of information, assumptions, and
40 methodologies used;

41 (B) a description of variables that could affect the assessment;
42 and

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

46 (2) Each climate assessment must include:

47 (A) the potential positive or negative effects, if any, of the bill,
48 zoning text amendment, master plan, or master plan
49 amendment upon climate change;

50 (B) quantitative or qualitative evaluations of the identified
51 effects upon greenhouse gas emissions, sequestration, and
52 carbon drawdown; and

53 (C) quantitative or qualitative evaluations of the identified
54 effects upon community climate resilience [and adaptive
55 capacity].

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

62 * * *

Economic Impact Statement

Montgomery County, Maryland

Bill 34-25 – Legislative Process – Climate Assessments – Amendments

Summary

Bill 34-24 would revise requirements for Climate Assessments on Bills and Zoning Text Amendments by modifying the definitions of "community climate resilience" and "climate hazard," and removing the term "adaptive capacity" from the legislation. As required by Section 2-81B of the Montgomery County Code, OLO must prepare economic impact statement for every Bill introduced by the Council. However, since OLO is responsible for preparing climate assessments, the office cannot provide an independent assessment of the Bill in terms of its economic impacts.

Background and Purpose of Bill 34-25

Under Section 2-81D of the County Code, OLO must prepare a climate assessment for every Bill introduced by the Council. Likewise, the Planning Board is responsible for providing a climate assessment for each Zoning Text Amendment (ZTA), master plan, and master plan amendment considered by the District Council.¹

Each climate assessment must include an analysis of how the proposal would affect "community resilience and adaptive capacity" and recommend any amendments or actions that could mitigate negative climate impacts of the Bill or ZTA.²

Bill 34-24 would modify the contents of climate assessments required for Bills and ZTAs. Specifically, the Bill would:

- Define "community climate resilience" as "the sustained ability of a network of people to use available resources to withstand, respond, recover, and adapt to future climate hazards."
- Define "climate hazard" as "a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts."
- Delete from legislation the term "adaptive capacity" on grounds that is a subset of "community climate resilience."³

The Council introduced Bill 34-25 on November 4, 2025.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the impacts of Bills on residents and private organizations, using the Council's priority economic indicators as the measure. In doing so, it examines whether Bills would have a net positive or negative impact on overall economic conditions in the County.¹ However, analysis of bills affecting OLO's work program is not undertaken as part of this evaluation's responsibilities.

¹ Montgomery County Code, "[Sec. 2-81B, Economic Impact Statements](#)."

Variables

Not applicable

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Residents

Not applicable

Businesses, Non-Profits, Other Private Organizations

Not applicable

Net Impact

Not applicable

Discussion Items

Not applicable

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.

Climate Assessment

Office of Legislative Oversight

BILL 34-25: LEGISLATIVE PROCESS – CLIMATE ASSESSMENTS - AMENDMENTS

SUMMARY

Under Section 2-81D of the County Code, the Office of Legislative Oversight (OLO) must prepare a climate assessment for every Bill introduced by the Council. Bill 34-25 proposes changes to climate assessments. Since OLO is responsible for preparing climate assessments, the office cannot provide an independent assessment of Bill 34-25.

BACKGROUND AND PURPOSE OF BILL 34-25

Under Section 2-81D of the County Code, OLO must prepare a climate assessment for every Bill introduced by the Council. Likewise, the Planning Board is responsible for providing a climate assessment for each Zoning Text Amendment (ZTA), master plan, and master plan amendment considered by the District Council.¹

Each climate assessment must include an analysis of how the proposal would affect “community resilience and adaptive capacity” and recommend any amendments or actions that could mitigate negative climate impacts of the Bill or ZTA.²

Bill 34-25 would modify the contents of climate assessments required for Bills and ZTAs. Specifically, the Bill would:

- Define “community climate resilience” as “the sustained ability of a network of people to use available resources to withstand, respond, recover, and adapt to future climate hazards.”
- Define “climate hazard” as “a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts.”
- Delete from the legislation the term “adaptive capacity” on grounds that is a subset of “community climate resilience.”³

The Council introduced Bill 34-25 on November 4, 2025.

ANTICIPATED IMPACTS

Under Section 2-81D of the County Code, the Office of Legislative Oversight (OLO) must prepare a climate assessment for every Bill introduced by the Council. Bill 34-25 would revise requirements for Climate Assessments on Bills and ZTAs by modifying the definitions of "community climate resilience" and "climate hazard," and removing the term "adaptive capacity" from the legislation. Since OLO is responsible for preparing climate assessments, the office cannot provide an independent assessment of Bill 34-25.

RECOMMENDED AMENDMENTS

Not applicable

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help improve the County's adaptive capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County Bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ Christine Wellons to County Council, "Bill 34-25, Legislative Process – Climate Assessments – Amendments," memorandum, October 30, 2025 in [Introduction Staff Report](#).

² Ibid.

³ Montgomery County Council, Bill 34-25, Legislative Process – Climate Assessments – Amendments, introduced November 4, 2025, in [Introduction Staff Report](#).



Fiscal Impact Statement

Office of Management and Budget

Bill 34-25

Legislative Process - Climate Assessments - Amendments

Bill Summary

Bill 34-25 amends the contents of Climate Assessments required for bills of the County Council and zoning text amendments (ZTA) of the District Council by defining "community climate resilience." This change is meant to bring consistency and clarity to the evaluations of climate resilience required to be included in each bill and ZTA. The bill also deletes the term "adaptive capacity" from Montgomery County Code Section 2-81D because in practice this term is considered a sub-set of "community climate resilience."

Fiscal Impact Summary

The bill is not expected to impact County revenues or expenditures nor impact staff time.

Fiscal Impact Analysis

This bill provides additional clarity and consistency to the evaluation of "community resilience" required by County Code for Climate Assessments because, in practice, the Office of Legislative Oversight and the Planning Board have been using similar but slightly different definitions of "community resilience." The new definition for "community climate resilience" would be "the sustained ability of a network of people to use available resources to withstand, respond, recover, and adapt to future climate hazards." The term "climate hazard" would mean "a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts." In addition to defining these terms, the bill would delete the term "adaptive capacity" from the Montgomery County Code because this term is considered to be a subset of "community climate resilience."

Staff Impact

The bill is not expected to impact staff time or duties.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The bill does not authorize future spending.

Contributors

Blaise DeFazio, Office of Legislative Oversight
Sarah Kogel-Smucker, Climate Change Officer
Vicky Wan, Department of Environmental Protection
Payne Tarkenton, Office of Management and Budget.



Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 34-25: LEGISLATIVE PROCESS - CLIMATE ASSESSMENTS - AMENDMENTS

SUMMARY

Under Section 2-81D of the County Code, the Office of Legislative Oversight (OLO) must prepare a climate assessment for every Bill introduced by the Council. Bill 34-25 proposes changes to climate assessments. Since OLO is responsible for preparing climate assessments, the office cannot provide an independent assessment of Bill 34-25.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 34-25

Under Section 2-81D of the County Code, OLO must prepare a climate assessment for every Bill introduced by the Council. Likewise, the Planning Board is responsible for providing a climate assessment for each Zoning Text Amendment (ZTA), master plan, and master plan amendment considered by the District Council.³

Each climate assessment must include an analysis of how the proposal would affect “community resilience and adaptive capacity” and recommend any amendments or actions that could mitigate negative climate impacts of the Bill or ZTA.⁴

Bill 34-25 would modify the contents of climate assessments required for Bills and ZTAs. Specifically, the Bill would:⁵

- Define “community climate resilience” as “the sustained ability of a network of people to use available resources to withstand, respond, recover, and adapt to future climate hazards.”
- Define “climate hazard” as “a natural disaster or environmental consequence of climate change, such as flooding, extreme temperatures, severe storms, heavy winds, or droughts.”
- Delete from the legislation the term “adaptive capacity” on the grounds that is a subset of “community climate resilience.”

The Council introduced Bill 34-25 on November 4, 2025.

ANTICIPATED RESJ IMPACTS

Under Section 2-81D of the County Code, the Office of Legislative Oversight (OLO) must prepare a climate assessment for every Bill introduced by the Council. Bill 34-25 would revise requirements for Climate Assessments on Bills and ZTAs by modifying the definitions of “community climate resilience” and “climate hazard,” and removing the term “adaptive capacity” from the legislation. Since OLO is responsible for preparing climate assessments, the office cannot provide an independent assessment of Bill 34-25.

RESJ Impact Statement

Bill 34-25

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁶ OLO cannot provide an independent assessment of Bill 34-25. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World](#) and [Racial Equity Tools](#).

² Ibid.

³ [Introduction Staff Report for Bill 34-25, Montgomery County Council, Introduced November 4, 2025](#).

⁴ Ibid.

⁵ Bill 34-25, Introduction Staff Report for Bill 34-25.

⁶ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council](#).

December 1, 2025

The Honorable Kate Stewart

President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

Subject: Bill 34-25, Legislative Process – Climate Assessments – Amendments

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on November 20, 2025, and by a vote of 3:0 (Chair Harris and Vice Chair Linden necessarily absent) supported Bill 34-25 with amendments. This Bill amends Section 2-81D of the County Code concerning climate assessments by defining climate hazard, and community climate resilience, and removing adaptive capacity. These changes are intended to provide consistency between the Planning Board and the Office of Legislative Oversight (OLO) when performing climate assessments.

The Planning Board appreciates the clarity Bill 34-25 adds to the climate assessment process, ensuring that the Board and OLO are producing climate assessments with the same understanding of what constitutes community climate resilience. To that end, the Board further recommends the Council consider adding the following definitions for the remaining three elements that must be analyzed with each climate assessment, from the Intergovernmental Panel on Climate Change, modified slightly for brevity:

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.

It is the Board's experience that the terms sequestration and carbon drawdown are often confused and used interchangeably, which these definitions would prevent. Having definitions for each element required to be assessed in a climate assessment will also help reduce ambiguity with how the public, Council, or new OLO and Planning Staff would interpret the required elements of climate assessments in the future.

The Planning Board has an additional recommendation for Bill 34-25: to amend the definition of the Planning Board to include a Board designee. Adding the option for a Board designee to transmit climate assessments associated with zoning text amendments (ZTAs) on behalf of the Board would improve workflows at the Planning Department and extend the time Planning Staff have to coordinate recommendations for ZTAs without changing the requirement to transmit a climate assessment seven or more days before the Council public hearing on a ZTA. This change would also be consistent with OLO, where Director is defined as the Director or the Director's designee.

The Planning Board appreciates the opportunity to review and provide comments on Bill 34-25, and recommends support for the Bill, with the amendment discussed. Planning Staff are available to answer any questions or provide further guidance as the Bill is considered by the Council.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, November 20, 2025.



Artie L. Harris
Chair

Attachment: A – Planning Board Staff Report

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.