


MEMORANDUM

June 23, 2017

TO: County Council
FROM: Jeffry L. Zyontz,  Senior Legislative Analyst
SUBJECT: **Introduction:** Bill 24-17, Land Use Information – Burial Sites

Bill 24-17, Land Use Information – Burial Sites, sponsored by Lead Sponsors Councilmember Rice, Council President Berliner and Councilmember Leventhal, is scheduled to be introduced on June 27. A public hearing will be scheduled at a later date.

Bill 24-17 would require the Planning Board to establish and maintain an inventory of burial sites in the County. Subdivision Regulation 17-01 would require burial sites identified in the inventory to be respected in the subdivision approval process.

This packet contains:	<u>Circle #</u>
Bill 24-17	1
Legislative Request Report	4

Bill No. 24-17
Concerning: Land Use Information -
Burial sites
Revised: June 20, 2017 Draft No: 5
Introduced: June 27, 2017
Expires: December 27, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Rice, Council President Berliner and Councilmember Leventhal

AN ACT to:

- (1) require the Planning Board to establish and maintain an inventory of burial sites in the County; and
- (2) generally amend the law relating to land use information function of the Planning Department.

By amending

Montgomery County Code
Chapter 33A, Planning Procedures
Sections 33A-17

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:

Sec. 1. Section 33A-17 is amended as follows:

Article 4. Land Use information functions

33A-17. [Land use information functions] Information and referral services.

(a) The Planning Board must provide ~~[[informational]]~~ information and referral services on County land use and related regulatory functions to interested members of the public. The services to be provided include technical assistance and information on:

- (1) master plans, including pending amendments;
- (2) zoning, including pending cases and pending text amendments;
- (3) subdivision control, including pending applications and amendments to Chapter 50;
- (4) growth policy and related regulatory requirements;
- (5) federal, state, and local environmental regulations; and
- (6) related administrative, regulatory, or legislative procedures applicable to the Planning Board, Office of Zoning and Administrative Hearings, Historic Preservation Commission, Board of Appeals, other County regulatory agencies, Washington Suburban Sanitary Commission, and County Council.

(b) A resource library must be maintained that contains:

- (1) relevant laws, regulations, and administrative procedures;
- (2) appropriate zoning and other maps;
- (3) administrative and legislative hearing schedules;
- (4) significant administrative and judicial land use decision; and
- (5) master plans, policy documents, planning studies, and other appropriate reference materials.

(c) All County departments, offices, and agencies must provide the planning department with:

- 28 (1) requested materials (other than confidential documents) to ensure
- 29 the availability to the public of current information[,]; and
- 30 (2) the location and telephone number of the person or persons to
- 31 whom inquiries may be referred.

32 (d) (1) In this subsection, a *burial site* means a physical location where
 33 human remains were buried in the earth, or entombed in a
 34 mausoleum or columbarium. A burial site includes a cemetery, but
 35 does not include the sprinkling of ashes from cremated remains.

36 (2) The Planning Board must maintain, and revise as appropriate, an
 37 inventory of burial sites located in the County. The inventory
 38 must:

39 (A) include each burial site located in an area of the County
 40 where the Planning Board is authorized to approve a
 41 subdivision;

42 (B) include a map and a description of each burial site including
 43 ownership information when available;

44 (C) be made available to the public electronically; and

45 (D) be updated annually.

46 (3) The Planning Board must establish a procedure for a person to
 47 request the addition of a burial site to the inventory. The
 48 procedures must include a outreach program.

50 *Approved:*

51

52

53 Roger Berliner, President, County Council

Date

LEGISLATIVE REQUEST REPORT

Bill 24-17

Land Use Information – Burial Sites

DESCRIPTION: The Bill would require the Planning Board to establish and periodically update an inventory of burial sites.

PROBLEM: In the absence of an inventory land disturbances may unknowingly violate burial sites.

GOALS AND OBJECTIVES: Provide an inventory of burial sites with an opportunity to update information. The Bill is a companion to Subdivision Regulation 17-01 which accommodates burial sites in the subdivision process.

COORDINATION: Planning Department

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Jeff Zyontz, Senior Legislative Analyst, 240-777-7896

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Not applicable