

MEMORANDUM

September 8, 2017

TO: County Council

FROM: Jeffry L. Zyontz, Senior Legislative Analyst

SUBJECT: **Public Hearing:** 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 and Co-Sponsors Councilmembers Katz, Navarro, Council Vice-President Riemer and Councilmember Elrich, was introduced on June 27. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for October 16 at 2:00 p.m.

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> |
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| Bill 24-17 | 1 |
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Bill No. 24-17
Concerning: Land Use Information -
Burial sites
Revised: June 27, 2017 Draft No: 6
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
Co-Sponsors: Councilmembers Katz, Navarro, Council Vice-President Riemer and Councilmember
Elrich

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:

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

2 **Article 4. Land Use information functions**

3 **33A-17. [Land use information functions] Information and referral services.**

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

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

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

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

26 (c) All County departments, offices, and agencies must provide the planning
27 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



ROCKVILLE, MARYLAND

MEMORANDUM

July 17, 2017

TO: Roger Berliner, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Alexandre A. Espinosa, Director, Department of Finance

SUBJECT: FEIS for Bill 24-17, Land Use Information - Burial Sites

Handwritten note:
Please find attached the fiscal and economic impact statements for the above-referenced legislations.
for Alexandre Espinosa

Please find attached the fiscal and economic impact statements for the above-referenced legislations.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
David Platt, Department of Finance
Dennis Hetman, Department of Finance
Jennifer Nordin, Office of Management and Budget
Felicia Zhang, Office of Management and Budget

Fiscal Impact Statement
BILL 24-17, Land Use Information – Burial Sites

1. Bill Summary

Bill 24-17 requires the Maryland National Capital Park and Planning Commission (M-NCPPC) Planning Board to create and maintain an inventory of burial sites in Montgomery County. This Bill is a companion to Subdivision Regulation 17-01 which includes burial sites in the subdivision approval process.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact to revenues.

M-NCPPC estimates ongoing expenditures for one new Planner Coordinator position (\$118,300) and first year expenditures for supplies (\$36,000); however, the Office of Management and Budget (OMB) believes the upfront workload to create an inventory can be completed by a contractor and the ongoing workload is manageable through existing staffing levels.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact to revenues.

M-NCPPC estimates ongoing expenditures for one full-time staff position and first year expenditures for supplies (vehicle, computer, furniture).

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Personnel Costs | \$118,300 | \$118,300 | \$118,300 | \$118,300 | \$118,300 | \$118,300 |
| Operating Expenses | \$36,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

Alternatively, OMB estimates the upfront workload can be completed in the first year by a contractor (\$156,000 - \$260,000 based on an hourly rate of \$75-\$125) and the ongoing workload can be absorbed by existing staff.

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|--------------------|-----------------------|--------|--------|--------|--------|--------|
| Personnel Costs | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Operating Expenses | \$156,000- 260,000 | \$0 | \$0 | \$0 | \$0 | \$0 |

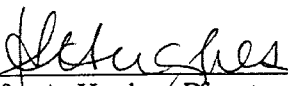
4. An actuarial analysis through the entire amortization period for each bill/regulation that would affect retiree pension or group insurance costs.

Not applicable.

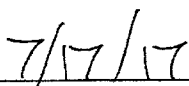
5. Later actions that may affect future revenue and expenditures if the bill/regulation authorizes future spending.

Not applicable.

6. An estimate of the staff time needed to implement the bill/regulation.
M-NCPPC estimates one new position is needed to complete information assessments, fieldwork, mapping; and evaluations of development applications.
Alternatively, OMB estimates the upfront workload can be completed by a contractor and the ongoing workload can be absorbed by existing staff.
7. An explanation of how the addition of new staff responsibilities would affect other duties.
M-NCPPC estimates one new position will complete the workload and existing staff duties will not be affected.
Alternatively, OMB estimates the upfront workload can be completed by a contractor and the ongoing workload can be absorbed by existing staff.
8. An estimate of costs when an additional appropriation is needed.
Not applicable.
9. A description of any variable that could affect revenue and cost estimates.
Not applicable.
10. Ranges of revenue or expenditures that are uncertain or difficult to project.
Not applicable.
11. If a Bill is likely to have no fiscal impact, why that is the case.
Not applicable.
12. Other fiscal impacts or comments.
Not applicable.
13. The following contributed to and concurred with this analysis,
Karen Warnick, MNCPPC
Diane Jones, DPS
Greg Ossont, DGS
Emil Wolanin, DOT
Timothy Goetzinger, DHCA
Jennifer Nordin, OMB



Jennifer A. Hughes, Director
Office of Management and Budget



Date

Economic Impact Statement
Bill 24-17, Land Use Information – Burial Sites

Background:

This legislation would require the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission to establish and maintain an inventory of burial sites in the County. Subdivision Regulation 17-01 would require that such burial sites identified in the inventory be respected in the subdivision approval process.

1. The sources of information, assumptions, and methodologies used.

There are no sources of information, assumptions, or methodologies used in the preparation of the economic impact statement.

2. A description of any variable that could affect the economic impact estimates.

Not applicable.

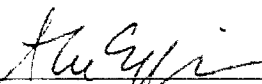
3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

Bill 24-17 would have no economic impact on employment, spending, savings, investment, incomes, and property values in the County.

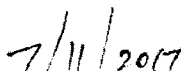
4. If a Bill is likely to have no economic impact, why is that the case?

Bill 24-17 would have no economic impact because it establishes and maintains an inventory of burial sites which does not have an impact on employment, spending, savings, investment, incomes property values.

5. The following contributed to or concurred with this analysis: David Platt and Robert Hagedoorn, Finance.



Alexandre A. Espinosa, Director
Department of Finance



Date