


MEMORANDUM

October 24, 2017

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz,  Senior Legislative Analyst

SUBJECT: Worksession 2 – Bill 24-17, Land Use Information – Burial Sites; and
SRA 17-01, Approval Procedures – Burial Sites

Summary of Outstanding Issues from the October 16 Committee Worksession

Archaeological best practices

As introduced, under Subdivision Regulation Amendment (SRA) 17-01, the subdivision applicant with land that includes a burial site on the burial site inventory “must use historical and archeological best practices” to establish the location of the burial site. The Committee requested a more precise requirement for the work an applicant must do other than “best practices”. Planning staff recommends allowing the Department to produce guidelines that detail the requirement. Staff recommends using State guidelines (see page 3).

Planning Board discretion for allowing relocation

The Committee requested Planning staff’s recommendation to allow the Planning Board more discretion to allow the relocation of graves. Planning staff provided text that would grant the Planning Board a great deal of discretion. The Committee may or may not wish to grant the Board as much discretion as Planning staff recommended (see page 4).

Effective Date

The Committee did not come to any conclusion on the effective date of the Bill or SRA. There is work to do before the Bill and SRA go into effect. The inventory currently available on the Planning Board’s website needs to be updated. There are sites found after 2009 that should be included in the inventory. The base map needs work to allow it to be used as a regulatory tool.¹ Some Planning Board guidelines

¹ Staff does not wish to intentionally break anyone’s heart in making this comment, but the existing on-line maps lack the precision to be a regulatory tool.

need to be developed, at least for site maintenance and preservation. (See page 5.) Staff recommends an April 2 effective date for the Bill and SRA.

Detailed Changes and Comments

Bill 24-17

Resolved issues from October 16

Bill 24-17 was also introduced on June 27. It would require the Planning Board to establish and maintain an inventory of burial sites. Under Bill 24-17, the Planning Board would be required to revise that inventory annually as research reveals additional sites or errors in prior research. The inventory excluded municipalities that have their own planning and zoning authority.

On October 16, the Committee (3-0) tentatively recommended approval of Bill 24-17 with the following amendments to Section 33A-17(d)2 and 3 that: 1) expand the scope of the inventory to the entire county²; 2) allow updates as information becomes available; and 3) specifically allow inclusions and exclusions in the updating process.

These recommendations would revise Section 33A-17(d)2, at line 36, to read as follows:

- (2) The Planning Board must maintain, and revise as appropriate, an inventory of burial sites located in the County. The inventory must:
 - (A) include a map and a description of each burial site, including ownership information when available;
 - (B) be made available to the public electronically; and
 - (C) be updated at least annually or as information becomes available.
- (3) The Planning Board must establish a procedure for additions or exclusions to the burial site inventory. The procedures must include an outreach program.

Subdivision Regulation Amendment 17-01

SRA 17-01 would require burial sites identified in the inventory to be respected in the subdivision approval process. Although there are State requirements for the removal of human remains and for registered cemeteries, currently there are no specific references in County code dealing with cemeteries or burial sites. There are no obligations for developers to do archaeological research on their sites based on County law.

Resolved issues from October 16

The Committee (3-0) tentatively recommended approval of SRA 17-01 with amendments. The Committee recommended requiring protection of any burial sites known to the applicant without regard to the burial site inventory. To that end, the Committee tentatively endorsed the following revisions:

² The Planning Board has no authority in municipalities that have their own zone but, under this direction, the burial site inventory may include sites in municipalities.

Line 37 - location of any burial sites of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory.

Line 54 - any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M; and

Line 66 - When a proposed preliminary plan includes a burial site of which the applicant has actual notice or constructive notice or that is identified on the Montgomery County Cemetery Inventory within the site, the applicant must satisfy the following requirements:

The Committee agreed that there may be some circumstances where staking a burial site is unwise:

Line 73 - ~~[[The]] Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. [[The]] If required, the stakes must be maintained by the applicant until preliminary plan approval.~~

The Committee agreed to greater specificity for the developer-produced on-site inventory. To that end, the following revision was recommended:

Line 79 - An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones, grave locations, and tombstones) and their condition must be submitted as part of the preliminary plan application.

The Committee wanted to allow the Planning Board more discretion on how to maintain and preserve burial sites during and after development.

Line 85 - Delete subsection d:

[An appropriate fence or wall must be maintained or provided to delineate the burial site. The design of the proposed enclosure and a construction schedule must be approved by the Planning Board, before the approval of a record plat.]

(The issue is addressed in the following provisions.)

Unresolved issues from October 16

Archeological best practices

The Committee wanted greater specificity on “historical and archeological best practices. To that end, Staff recommends the following revision:

Line 70 - ~~[[If there is no surface evidence of the burial site, the]]~~ The applicant must use historical and archeological best practices as established by Maryland Historical Trust’s guidelines to establish the location of the burial site.

Planning staff recommends that archeological best practice be defined in a new guideline to be called the “Montgomery County Planning Board Guidelines for Burial Sites”. To Staff, this looks like reinventing the wheel.³ It is odd for the County to have a different “best practice” than other Counties. The Maryland

³ “The guy who invented the first wheel was an idiot. The guy who invented the other three, he was a genius.” Sid Caesar.

Historic Trust establishes a benchmark for archaeological reviews. Planning staff should explain why a State benchmark is insufficient.⁴ If the Council agrees that it should have its own guidelines, Staff recommends deleting the phrase “historic and archeological best practices”.⁵

Planning Board discretion for grave relocation

There is a provision in SRA 17-01, as introduced, for very limited Planning Board discretion, to allow State law to regulate the removal of human remains:

Without regard to Subsection 2, if the Planning Board determines that an accommodation of the burial site with the development cannot be accomplished without denying the property owner reasonable use of their entire property, then the Planning Board may approve a plan for development with the appropriate treatment of the burial site under State law.⁶

This provision mirrors a similar provision in the Howard County Code. It allows a burial site relocation only when to do otherwise would result in the public “taking” of the property from the owner.

The Committee wanted to allow additional Planning Board discretion to allow the relocation of a burial site. Planning staff recommended the following provision to replace Section 4.3.M.3, starting at line 100:

3. Except under circumstances identified in Subsection 4, a burial site and graves must remain where they are found.
4. The Planning Board may determine that it is necessary to allow the relocation of a burial site if:
 - a. the retention of the burial site would result in denying the property owner reasonable use of their property;
 - b. the location of necessary infrastructure cannot be achieved; or
 - c. a change in the character of the area makes the relocation appropriate.
5. Any Planning Board approval to allow the relocation of remains is conditioned on the State Attorney’s approval to allow the relocation under State law.

This proposed amendment would maximize the Planning Board’s discretion. It would be rare to find that the “character of the area” around a burial site has **not** changed. Some burial sites were established in the 1700’s.

If the Council wants less Planning Board discretion than proposed by Planning staff, it may limit relocation to “extraordinary” circumstances and replace Subsection 4.c with “the possible improvements to the visibility and accessibility of the site by the relocation of graves make the relocation appropriate.”

Effective Date

There is work to do before the Bill and SRA go into effect. The existing inventory needs to be updated. There are burial sites found in the historic record after 2009 that should be included in the inventory. The

⁴ Full disclosure is in order. The author is a Park and Planning retiree. To the extent that Planning staff is gainfully employed, the author’s pension is more secure. In this instance, the author is suggesting less work for Planning staff.

⁵ Staff would want to avoid an argument that the archaeological best practice is something different from the Planning Board’s guidelines.

⁶ Lines 95-100.

base map needs work to allow it to be used as a regulatory tool.⁷ Some Planning Board guidelines need to be developed.

The Committee asked for a Staff recommendation on an effective date. The Planning Director is concerned about the Council funding the additional workload and the timing of an appropriation request.

Staff recommends an April 2, 2017 effective date. In the absence of a specific effective date, the effective date of a Bill is 90 days after the Bill becomes law. Assuming an Executive signature 10 days after an October 31 approval, the Bill's effective date would be about February 10 in the absence of a specific effective date provision. Because SRA 17-01 requires the use of a Planning Board approved inventory, the effective date of Bill 24-17 must be before or on the same date that SRA 17-01 becomes effective.

This packet contains:

Bill 24-17
Legislative Request Report
Fiscal and Economic Impact Statement
SRA 17-01

Circle #

1 – 4
5
6 – 9
10 – 17

F:\Land Use\SRAs\2017 SRAs\SRA 17-01 Burial Sites\PHED Memo 10-26-17.docx

⁷ Staff does not wish to intentionally break anyone's heart by making this comment. The existing map is not sufficient to identify specific parcels or lots. It is presented in a .pdf format, not a GIS layer.

Bill No. 24-17
Concerning: Land Use Information -
Burial sites
Revised: 10-17-17 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

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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:

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

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

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

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

[[B)] include a map and a description of each burial site, including ownership information when available;

[[C)](B) be made available to the public electronically; and

[[D)](C) be updated at least annually or as information becomes available.

(3) The Planning Board must establish a procedure for [[a person to request the addition of a]] additions or exclusions to the burial site [[to the]] inventory. The procedures must include [[a]]an outreach program.

Sec. 2. Effective Date

This Bill becomes effective on April 2, 2018.

Approved:

55

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57 Roger Berliner, President, County Council Date

58 *Approved:*

59

60

61 Isiah Leggett, County Executive Date

62 *This is a correct copy of Council action.*

63

64

65 Linda M. Lauer, Clerk of the 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

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

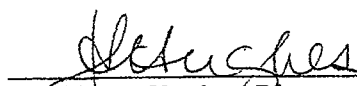
Diane Jones, DPS

Greg Ossont, DGS

Emil Wolanin, DOT

Timothy Goetzinger, DHCA

Jennifer Nordin, OMB


Jennifer A. Hughes, Director
Office of Management and Budget

7/17/17
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.

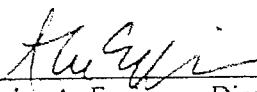
3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.

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

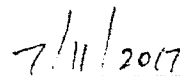
4. If a Bill is likely to have no economic impact, why is that the case?

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

Subdivision Regulation Amendment No.: 17-01
Concerning: Approval Procedures – Burial sites
Draft No. & Date: 5 – 10/20/17
Introduced: June 27, 2017
Public Hearing: September 12, 2017
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmember Rice, Council President Berliner, and
Councilmember Leventhal
Co-sponsors: Councilmembers Navarro, Hucker, and Elrich

AN AMENDMENT to:

- 1) define burial sites;
- 2) require the identification of burial sites on preliminary plan applications;
- 3) require approved preliminary plans to appropriately preserve burial sites; and
- 4) generally add provisions to protect and preserve burial sites in the subdivision approval process.

By amending

Montgomery County Code
Chapter 50 “Subdivision of Land”
Section 50.2 “Interpretations and Defined Terms”
Section 50.4 “Preliminary Plan”

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

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

Sec. 1. Chapter 50 is amended as follows.

* * *

Division 50.2. Interpretation and Defined Terms

* * *

Section 2.2. Definitions

All terms used in this Chapter that are defined in Chapter 59 or Chapter 49 have the same meanings as the definitions in those Chapters, unless otherwise defined here. In this Chapter, the following words and phrases have the meanings indicated.

* * *

B.

* * *

Block: Land area bounded by roads, other rights-of-way, unsubdivided acreage, natural barriers, and any other barrier to the continuity of development.

Burial site: A physical location where human remains were buried in the earth, or entombed in a mausoleum or columbarium. A burial site includes a cemetery, but does not include the sprinkling of ashes from cremated remains.

* * *

Article II. Subdivision Plans

Division 50.4. Preliminary Plan

Except for an administrative or minor subdivision submitted under Divisions 50.6 and 50.7, the subdivider must submit a proposed subdivision to the Board for

approval in the form of a preliminary plan before the submission of a plat. The plan must show graphically, and supporting documents must demonstrate, the data needed for the Board to make the findings required by this Article.

Section 4.1. Filing and Specifications

* * *

B. *The drawing.* The subdivider must submit a preliminary plan drawing in a form required by regulations of the Board. Details and information must include:

* * *

7. graphic representation of the proposed subdivision, including:

* * *

j. lines showing the limits of each zone, if the property is located in more than one zone; [and]

k. all existing topography, structures, and paving on adjoining properties within 100 feet[.]; and

l. location of any burial sites of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory.

* * *

Section 4.2. Approval Procedure

* * *

D. *Required Findings.* To approve a preliminary plan, the Board must find that:

1. the layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59;
2. the preliminary plan substantially conforms to the master plan;
3. public facilities will be adequate to support and service the area of the subdivision;
4. all Forest Conservation Law, Chapter 22A requirements are satisfied;
5. all stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied; [and]
6. any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M; and
- [6]7. any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied.

* * *

Section 4.3. Technical Review

In making the findings under Section 4.2.D, the Board must consider the following aspects of the application.

* * *

M. Burial sites

1. When a proposed preliminary plan includes a burial site of which the applicant has actual notice or constructive notice or that is identified on the Montgomery County Cemetery Inventory within the site, the applicant must satisfy the following requirements:

a. [[If there is no surface evidence of the burial site, the]] The applicant must use historical and archeological best practices as established by Maryland Historical Trust's guidelines to establish the location of the burial site. [[The]] Unless Planning Department Staff believes that vandalism concerns dictate otherwise, the corners of the burial site must be staked in the field before preliminary plan submittal. [[The]] If required, the stakes must be maintained by the applicant until preliminary plan approval.

b. An inventory, that may include photographs, of existing burial site elements (such as walls, fences, gates, landscape features, fieldstones, grave locations, and tombstones) and their condition must be submitted as part of the preliminary plan application.

c. The placement of lot lines must promote long-term maintenance of the burial site and protection of existing elements.

d. [[An appropriate fence or wall must be maintained or provided to delineate the burial site. The design of the proposed enclosure and a construction schedule must be approved by the Planning Board, before the approval of a record plat.]]

89 [[e.]] The burial site must be protected by arrangements sufficient to
90 assure the Planning Board of its future maintenance and
91 preservation, as specified in the Montgomery County Planning
92 Board's guidelines for burial sites.

93 2. The Planning Board must require appropriate measures to protect the
94 burial site during the development process.

95 3. [[Without regard to Subsection 2, if the Planning Board determines that
96 an accommodation of the burial site with the development cannot be
97 accomplished without denying the property owner reasonable use of
98 their entire property, then the Planning Board may approve a plan for
99 development with the appropriate treatment of the burial site under
100 State law.]] Except under circumstances identified in Subsection 4, a
101 burial site and graves must remain where they are found.

102 4. The Planning Board may determine that it is necessary to allow the
103 relocation of a burial site if:

104 a. the retention of the burial site would result in denying the
105 property owner reasonable use of their property;

106 b. the location of necessary infrastructure cannot be achieved; or

107 c. a change in the character of the area makes the relocation
108 appropriate.

109 5. Any Planning Board approval to allow the relocation of remains is
110 conditioned on the State Attorney's approval to allow the relocation
111 under State law.

112

* * *

113

Sec. 3. Effective Date. This amendment takes effect on April 2, 2018.

114

115 *Approved:*

116

117

118 _____
Isiah Leggett, County Executive

Date

119 *This is a correct copy of Council action.*

120

Linda M. Lauer, Clerk of the Council

Date