

February 10, 2006

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**FROM:** Gwen Wright, Historic Preservation Supervisor  
Countywide Planning Division

**VIA:** Jeff Zyontz, Chief  
Countywide Planning Division

**SUBJECT:** Continuation of Planning Board Worksession and Action – Public Hearing  
(Preliminary) Draft Amendment to the *Master Plan for Historic Preservation*: COMSAT Laboratories, 22300 Comsat Drive, Clarksburg

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**BACKGROUND**

The Planning Board held a public hearing and worksession, on May 26, 2005, and July 7, 2005 respectively, on a Public Hearing (Preliminary) Draft Amendment to the *Master Plan for Historic Preservation*. This amendment considered whether to designate the COMSAT Laboratories at 22300 Comsat Drive in Clarksburg on the *Master Plan for Historic Preservation*, with an environmental setting of 33.47 acres. At the end of the worksession on July 7, the Planning Board voted 4 to 1 (with Commissioner Wellington dissenting) to reject the COMSAT designation.

After the Planning Board vote, staff asked the Board whether its vote on the COMSAT designation was going to be forwarded to the District Council as a Planning Board (Final) Draft Amendment to the *Master Plan for Historic Preservation*. No decision was made by the Planning Board on transmitting the Planning Board's recommendation at that time.

Since the code provisions do not provide a time limit in which to send the Planning Board (Final) Draft Amendment to the District Council, the issue of sending the amendment forward is still pending and needs to be resolved.

The Planning Board should be aware that proponents of the designation have filed two cases against the Planning Board in the Montgomery County Circuit Court. One of the cases seeks judicial review of the Planning Board's decision not to designate COMSAT Laboratories on the *Master Plan for Historic Preservation* and the other case seeks, among other things, a Court order requiring the Planning Board to forward its decision to the District Council for its consideration.

## **DISCUSSION**

In making a decision on sending this specific amendment forward, staff believes that the Board is guided by the provisions of Chapter 33A of the Montgomery County Code. The overall practice of the Planning Board for the last 27 years (since the *Master Plan for Historic Preservation* was adopted) has been to follow the provisions of Chapter 33A in making changes to the *Master Plan for Historic Preservation*. In keeping with this practice, staff prepared a Public Hearing Draft of the COMSAT amendment as required by Chapter 33A and noticed the Planning Board hearing in accordance with the provisions of Chapter 33A. The provisions of Chapter 33A of the Montgomery County Code clearly contemplate final action by the District Council on all amendments. Thus, in accordance with the provisions of Chapter 33A and the Planning Board's past practice, the Planning Board "must prepare and submit to the District Council a Planning Board draft" of the amendment, "incorporating appropriate revisions and modifications to the public hearing draft."

## **CONCLUSION**

With the Planning Board's concurrence, staff will immediately prepare, for transmittal to the District Council, a letter and attachments – including a Planning Board (Final) Draft Amendment - for the Chairman's signature indicating the Planning Board's recommendation not to designate the COMSAT Laboratories to the *Master Plan for Historic Preservation*.