

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for**

**MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850**

<https://www.montgomerycountymd.gov/ozah/index.html>

Phone: (240) 777-6660; Fax (240) 777-6665

APPLICATION NO. CU 23-05

FREE REIN SOLAR FARM, LLC

**ORDER GRANTING POSTPONEMENT
AND NOTICE OF RESCHEDULED HEARING DATE**

On November 14, 2022, the Free Rein Solar Farm, LLC filed an application for a conditional use to permit a *Solar Collection System* under Section 59-3.7.2.B.2 of the Montgomery County Zoning Ordinance.

The subject property, located at 5011 Riggs Road, Gaithersburg, MD in the AR Zone (Tax Account Number 01-00004532)

On January 31, 2023 the Hearing Examiner received a request from the Applicant's attorney to postpone the hearing, currently scheduled for **Monday, March 13, 2023** to submit revised plans required from Staff. The Hearing Examiner grants this request and reschedules the public hearing to **Friday, April 28, 2023, at 9:30 a.m.**

PLEASE NOTE: This hearing will be held remotely via Microsoft Teams. You do not need to sign up in advance to testify or view the hearing. You do not need a subscription to Microsoft Teams to join the hearing. Instructions to access the public hearing may be found under the link "Public Hearing Remote Access and Exhibits" and the Hearing Calendar on OZAH's website at least two days before the public hearing.

Exhibits filed in the case will be available to view via the link "Public Hearing Remote Access and Exhibits" on OZAH's website at least two days before the public hearing. EXHIBITS NOT RECEIVED BY OZAH AT LEAST TWO BUSINESS DAYS BEFORE THE HEARING MAY NOT BE POSTED ON THE WEBSITE. Exhibits are removed the day after the public hearing so that staff can prepare for the next hearing. If you wish to download any of the exhibits, you should do so no later than 5:00 p.m. the day of the hearing.

OZAH is now operating remotely to the extent possible. You may review the application online at the [Planning Department's Development Activity Information Counter](#) (DAIC) website under application number CU202305. If you wish to review the full record (all submissions in the case) or have other questions, please contact Nana Johnson at (240) 777-6663 or nana.johnson@montgomerycountymd.gov.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, *or* (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH's Amended Land Use Rules of Procedure. These Rules may be found on OZAH's website listed above. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing. Deadlines for submissions are the close of business (5:00 p.m.) on the date due. If the County is not open on the due date, the deadline is 5:00 p.m. on the next business day.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes amended filings.

In compliance with Maryland law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination.)

Nothing in this notice is intended to limit the rights of individuals to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you a party of record. Applicants and members of the public who testify at the OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See, OZAH Rule 3.1.*

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling (240) 777-6660 (TTY 240-777-7914) or emailing use at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format with large print upon request, via the same phone numbers and email address.

So Ordered and Notices forwarded this 7th day of February, 2023.

Office of Zoning and Administrative Hearings



Kathleen Byrne
Hearing Examiner

Order and Notices sent to:

Michael Chapman, Applicant
Soo Lee-Cho, Esq., Attorney for Applicant
Mark Beall, MNCPPC
Patrick Butler, Montgomery County Park & Planning
Cliff Royalty, Esquire, Associate County Attorney
Department of Permitting Services Greg Nichols, Manager, SPES at DPS
Michael Coveyou, Director, Finance Department
Washington Suburban Sanitary Commission
Montgomery County Public Schools
Abutting and Confronting Property Owners
(or a condominium's council of unit owners or renters, if applicable) Civic, Renters' and
Homeowners' Associations within a half mile of the site and Any Municipality within a half mile
of the site.