

BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND

Office of Zoning and Administrative Hearings
 Stella Werner Office Building
 100 Maryland Avenue, Room 200
 Rockville, Maryland 20850

IN THE MATTER OF:)
)
 Terra Innovations)
 Applicant.)
)
) Conditional Use Application No. 24-13
)
)
)
 Robert R. Harris, Esquire)
)
 Attorney for the Applicant.)

APPLICANT'S PRE-HEARING STATEMENT

In accordance with the provisions of Rule 3.4 of the Rules of Procedure for Conditional Use Cases, the Applicant, Terra Innovations, submits this Pre-Hearing Statement (“Statement”) in connection with Conditional Use Case Number 24-13 (“Conditional Use”). The Applicant hereby incorporates by reference the attached Statement of Justification as amended May 31, 2024.

I. Statement of Grounds upon Which Case Is Based.

This case involves the Applicant’s request for approval of two conditional uses (public utility structure and cable communication system) for property located west of Martinsburg Road (Maryland Route 28) in the Dickerson area of the County. Based on prior determinations by the Montgomery County Department of Permitting Services, Applicant requires these two conditional uses to operate a proposed data center and supporting battery storage facility. As noted in the

Revised Statement of Justification (attached as Attachment 1), the site presents an ideal opportunity for the proposed uses.

The evidence to be presented at the hearing will demonstrate: (1) that the conditional use application satisfies applicable development standards of the IH zone; (2) that the conditional use application satisfies applicable use standards for the two conditional uses; (3) that the available public facilities and services will be adequate to serve the proposed development; (4) that the conditional uses substantially conform with the recommendations of the master plan; and (5) that approval of the conditional uses will comply with the required findings contained in the zoning ordinance.

II. Reports Intended to be Introduced at the Hearing.

The Applicant and its experts rely on the materials already submitted in connection with the application, and the amended application statement/exhibits. Some of these materials have been updated since the filing of the application to reflect adjustments and refinements resulting from the Planning Department development review process. In addition, applicant is submitting additional reports along with this Pre-Hearing Statement. As discussed below, applicant also intends to have various witnesses, including experts, testify on all relevant topics.

III. Summary of Testimony.

At the present time, the Applicant intends to call the following witnesses to testify in support of the conditional use application: Mr. Jeff Ferrell, on behalf of the Applicant will testify with regard to the proposed uses including operational details. Mr. Kyle Soltesz of Soltesz Engineering will provide testimony regarding various engineering issues such as stormwater management, forest conservation, grading and other development features. Mr. Paul Hayden of

Geo-Technology Associates, Inc. will provide testimony regarding the environmental conditions of the site and the relationship of the proposed uses. Mr. Scott Schwartz, Mr. Chuck McBride and Mr. Mark Anderson will provide testimony regarding operating issues including power use and water use, Mr. Justin Milne will testify regarding fire safety, and Mr. Mike Lenhart will testify regarding traffic. The resumes of these witnesses are attached. Applicant reserves the right to call additional witnesses as may be necessary.

IV. Estimated Time Required for Presentation.

Applicant anticipates that, excluding questions or cross examination, the presentation of its case in chief for the proposed conditional uses will take approximately 4 hours.

This submission is intended to satisfy the requirement of the rules of procedure for zoning cases. If it is subsequently determined that new or supplemental information is necessary, the Applicant will make a supplemental submission in a timely fashion.

September 3, 2024

Respectfully submitted:



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