

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

CASE NO. CU 24-13(a) and (b)

APPLICATION OF TERRA ENERGY, LLC

ORDER POSTPONING PUBLIC HEARING INDEFINITELY

The above-captioned application (CU 24-13(a) & CU 24-13(b)) is for Conditional Use pursuant to Section 59-3.3.6.7.E & 59-3.5.2.A of the Zoning Ordinance, to operate a *Public Utility and Cable Communication System*. The subject property, located at on Martinsburg Road in Dickerson, MD is in the IH & AR Zones (Tax Account Numbers 03-03853280 & 03-03853291).

On May 2, 2024, the Office of Zoning and Administrative Hearings (OZAH) issued notice of a public hearing in this case to be held on July 1, 2024. Exhibit 22. Subsequently, Staff requested that the hearing be postponed indefinitely to address issues raised by the Montgomery County Planning Department. Exhibit 23.

Based on this request, the Hearing Examiner hereby **postpones the public hearing on this case indefinitely**. Additional notice will be sent of any new hearing date.

*OZAH staff work a hybrid schedule of remote and in office days.* You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202413. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or [nana.johnson@montgomerycountymd.gov](mailto:nana.johnson@montgomerycountymd.gov).

The Planning Board will hold a public meeting on the conditional use application prior to OZAH's public hearing. The date of the Planning Board's public meeting is listed on their agenda at <https://montgomeryplanningboard.org/agendas/>. You may check the agenda or contact Staff of the Planning Department at (301) 495-4610 to determine when the Board will conduct its meeting or to speak with Planning Staff.

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 Rules 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 close of business (5:00 p.m.) on the date due. If the County is not open on the date due, 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 all amended filings.

In compliance with Maryland requirements regarding the practice of 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 individual members of the public 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 an 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 us at [ozah@montgomerycountymd.gov](mailto: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 such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 13<sup>th</sup> day of June, 2024, to:

Robert Harris, Esq.

Attorney for the Applicant

Mark Beall, MNCPPC

Patrick Butler, MNCPPC

Department of Permitting Services Greg Nichols, Manager, SPES at DPS

James Babb, Division Chief, Treasury Division

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.

Office of Zoning and Administrative Hearings

A handwritten signature in blue ink, appearing to read 'KB', with a long horizontal flourish extending to the right.

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Kathleen Byrne  
Hearing Examiner