

**BEFORE THE HEARING EXAMINER FOR MONTGOMERY COUNTY, MARYLAND**

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

IN THE MATTER OF:	)	
DAVIS HILL DEVELOPMENT, LLC	)	Conditional Use Application
IN RE MOUNTAIN VALE SOLAR PROJECT	)	No. CU 25-07
Applicant	)	
	)	
	)	
Soo Lee-Cho, Esquire	)	
Attorney for the Applicant	)	

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**APPLICANT’S PRE-HEARING SUBMISSION**

In accordance with Section 3.4 of the Rules of Procedure of the Office of Zoning and Administrative Hearings, this Pre-Hearing Submission is submitted on behalf of the Applicant, Davis Hill Development, LLC (the “Applicant”) in support of the Mountain Vale Solar Project. The Applicant seeks a Conditional Use to operate a less than 2-megawatt photovoltaic solar collection system on an 11.23-acre portion of property located at 17700 Barnesville Road, Barnesville, in the AR zone (the “Property”).

The Property consists of a total of 109.52 acres of land in the Agricultural Reserve known as Parcel P020 on Tax Map CV62 and is located on the south side of Barnesville Road, between Old Hundred Road and Conoy Road. The proposed solar collection system will be located on an 11.23-acre portion of the Property that is delineated as the “Conditional Use Area” on Conditional Use Site Plan(s) submitted in support of this Application.

**I. Statement of Grounds in Support of the Application**

- A. The proposal conforms with the applicable requirements of the Zoning Ordinance for the conditional use, in particular Section 3.7.2.B.2, Solar Collection System in the AR Zone.
- B. The proposal conforms with the recommendations, goals and objectives of the applicable master plan.
- C. The proposal is harmonious with and will not alter the character of the surrounding neighborhood.
- D. The proposal will not increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.
- E. The proposal will be served by adequate public services and facilities, as applicable, including fire protection and public roads.
- F. The proposal will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone, or the combination of an inherent and a non-inherent adverse effect in any of the following categories:
  - 1. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood; or
  - 2. traffic, noise, odors, dust, illumination, or a lack of parking; or
  - 3. the health, safety, or welfare of neighboring residents, visitors, or employees.

**II. Reports – The Applicant intends to rely on the following reports (as needed) included in the record of this case:**

- Montgomery County Planning Board/Department Staff Report and Recommendation
- Traffic Statement (Applicant’s Table of Contents, Item #6)

**III. Experts - The Applicant intends to present the following expert witnesses:**

- **Gregg D. Eberly**, PLA, ISA TRAQ, ASCA TPAQ, CBLP, Registered Landscape Architect, will testify regarding the existing conditions on the Subject Property and in

the surrounding neighborhood, the Site Plan, compatibility with the surrounding area as well as compliance with forest conservation requirements. See resume attached to Applicant's Statement of Justification and Summary of Proof, as Exhibit D.

- **Brad Glatfelter**, PE, Professional Civil Engineer, will testify as needed regarding technical matters such as utility connections and compliance with stormwater management. See resume attached to Applicant's Statement of Justification and Summary of Proof, as Exhibit D.

**IV. Witnesses** - The Applicant intends to present the following witnesses:

- **Tory Hanna**, AICP, Vice President of Business Development, Davis Hill Development LLC, 1616 16<sup>th</sup> Avenue South, Nashville, TN 37212.
- **Will Thurman**, Development Manager, Davis Hill Development LLC, 1616 16<sup>th</sup> Avenue South, Nashville, TN 37212.

**V. Estimated Time for Presentation**

The Applicant estimates that presentation of its case in chief will require approximately 3-4 hours.

**VI. Reservation of Right to Supplement** – This submission is intended to satisfy the requirements of the Code and the Rules of Procedures for Zoning Cases. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:

  
Soo Lee-Cho

7315 Wisconsin Avenue, Ste. 800 West  
Bethesda, MD 20814  
301-656-2707

Attorney for the Applicant