



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 23, 2018

Williams Transcontinental Gas Pipe Line, LLC.
c/o Joseph Dean
2800 Post Oak Boulevard
Huston, Texas 77046

Building Infrastructure & Advanced Facilities
c/o Meredith Neely
1100 Wayne Avenue, Suite 1150
Silver Spring, Maryland 20910

RE: WP-19-003 Williams Transcontinental Gas
Pipe Line Co.

Dear Mr. Dean:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director **approved** your request for an alternative compliance for the following sections:

Section 16.155.(a)(1)(i), Site Development Plan Applicability: A site development plan, approved by the Department of Planning and Zoning, is required for a new or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities, but excluding road, water, sewer or drainage improvements and development associated with a use permit approved by the Department in accordance with section 128 of the zoning regulations.

Section 16.155.(c), Prohibitions of Use of Floodplain Land: (1) A person shall not store materials of any kind in a floodplain either temporarily or permanently. Accordingly, building materials and other debris shall not be stored or discarded in floodplains. **(2)** No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning upon the advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code.

Section 16.116.(a), Protection of Streams and Wetlands: (1) Grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 25 feet of a wetland in any zoning district. **(2)(iii)** Grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within one hundred feet of perennial stream bank for Use III and IV streams.

Approval is subject to the following conditions:

1. Compliance with applicable County and State Regulations and obtain all necessary permits for the Department of Inspection, Licenses and Permits prior to initiating development on site.
2. In accordance with the Howard County Subdivision and Land Development Regulations, no grading, removal of vegetative cover or trees, paving and new structures shall be permitted within the 100-year floodplain, wetland, and streams, except as permitted as essential disturbances in accordance with Sections 16.115(c)(2) and 16.116(c)(1) of the Subdivision and Land Development Regulations.
3. The Alternative Compliance shall apply only to the uses and structures described and as shown on the exhibit and not to any other activities, uses, structures, or additions to this property.

4. The applicant is required to obtain all required MDE and Army Corp of Engineers permits and approvals for any disturbance within wetland, streams, and required buffers.

Our Decision Was Made Based on the Following:

Extraordinary Hardship or Practical Difficulties: The purpose of the proposed project is for compliance with the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration standards for ongoing integrity and maintenance of existing pipelines. The proposed improvements would allow for more advanced integrity testing of the existing pipeline by use of inspection tools. The areas of excavation are limited to sections of existing pipeline and associated facilities within previously disturbed Transco right-of-way and Transco property. Requiring a full site development plan process will extend the time required to complete the project, effecting the timeline of Transco's completion of the integrity and maintenance upgrade.

Alternative Proposal: Alternatively, the Alternative Compliance exhibit, showing the proposed LOD and improvements, could be used and retained by the County for the purpose of reviewing the design in accordance with the County's Regulations. The submitted Alternative Compliance plan exhibit can be used for future reference before acquiring permits for the work to be initiated.

Not Detrimental to the Public Interest: Approval of this Alternative Compliance request would not be detrimental to public interest as a pipeline is currently existing within a maintained easement. The proposed area of work is mostly within previously disturbed areas. No new development is proposed. Improvements are to increase the ability of Transco to maintain and inspect the integrity of the pipeline.

Will Not Nullify the Intent or Purpose of the Regulations: The intent and purpose of the regulations will not be nullified by the approval of this Alternative Compliance. The modifications and improvements do not establish a new use or a change in use on the property. The areas of excavation are limited to sections of existing pipeline and associated facilities within previously disturbed Transco right-of-way and Transco property. Any impacts to floodplains and wetlands will be temporary and will be returned to their original conditions once the project is completed. These impacts are necessary to provide sufficient workspace so that the work can be completed safely. There will be no stockpiling within the wetland buffer areas and no in-stream work, wetland impacts or tree clearing is anticipated during construction. Workspaces inside the 25-foot wetland buffer and the 100-year are being permitted concurrently via the Joint Federal/State Application package for the Alteration of any Floodplain, Waterway, Tidal or Non-Tidal Wetland in Maryland. Best management practices will be implemented, in accordance with MDE standards.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/ktb

cc: Research
DED
Real Estate Services