



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

February 22, 2019

Columbia Gas Transmission Line

1700 MacCorkle Avenue SE
Charleston, WV 25314

RE: WP-19-069 Lords Swamp
Approved with Conditions & Comments

Dear Sir or Madam:

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 of **Section 16.155(a)(1) Site Development Plan and Sections 16.116 (a)(1) and (a)(2) Streams and Wetlands Impact**.

Approval is subject to the following conditions:

1. Approval from the Howard Soil Conservation District and the Department of Inspections, Licenses and Permits is required for the associated plan exhibit prior to the issuance of any required permits. This Alternative Compliance approval applies only to the limit of disturbance shown on the application plan exhibits.
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, streams and their buffers, except as permitted by this alternative compliance petition.
3. Compliance with all applicable County and State Regulations and obtaining all necessary permits from the Department of Inspections, Licenses and Permits, MDE, the Army Corps of Engineers and any applicable agencies prior to initiating work.
4. Applicant will obtain all requisite permissions to cross private property to access easements.
5. Any expansion to the scope of work beyond what is shown on the plan exhibits will require additional evaluation from Howard County review agencies.
6. The approval of this Alternative Compliance application shall only apply to the work described here and as shown on the plan exhibits and not to any other activities, uses, structure or additions to this property.
7. All disturbed area will be returned to original condition and contour upon completion of the project.
8. The applicant shall update the plan exhibits per the attached comments from the Division of Land Development and submit a copy of the updated plans for the file.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

This project is not proposing new or expanded nonresidential development and does not include new easements or right-of-way. Work will take place within the existing, maintained pipeline right-of-way. The proposed work is mandated by the US Department of Transportation (DOT) Pipeline and Hazardous materials Safety Administration (PHMSA) guidance DOT CFR 192 Regulations (§192.455 & §192.463) which mandates that all existing pipelines have cathodic inspection installed. Completion of the Site Development Plan (SDP) process would have timing impacts that go beyond a reasonable expectation for this type of work and will delay the pipelines compliance with Federal mandates. Completing the SDP process would add time to the process and the County would not gain benefit for a lengthier review. The additional review time represents an extraordinary hardship and unnecessary practical difficulties.

Alternative Proposal:

The alternative is to process the application in a timely manner and require the applicant to provide an exhibit that certifies that all work will remain within the existing easement and all required permits, licenses, easements and permission to access will be obtained by the applicant. All disturbed area will be returned to original condition and contour upon completion of the project.

Not Detrimental to the Public Interest:

The proposed project does not include any buildings, impervious area, or change in grade. The purpose is to install cathodic protection as mandated by DOT PHMSA guidance DOT CFR 192 Regulations. The proposed testing station disturbances are considered necessary and essential by DPZ for the utility line to remain in compliance with State and Federal Regulations. It is in the public's best interest to allow the applicant to proceed forward in a timely manner.

Will not nullify the intent or purpose of the regulations:

The intent of the wetland and stream protection regulations will not be nullified because impacts to wetlands, wetland buffers, and streams will be minimized to the greatest extent practicable by use of temporary timber mats in all areas of equipment movement that impact the stream, wetland and buffers. A Maryland Department of the Environment (MDE) Joint Permit Application is being submitted by the applicant. The intent of requirements for an SDP will not be nullified because no new buildings, impervious area, or changes to existing grades are being proposed. The plans would show very little that would need further review and approval of the County.

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 Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JM/DD

Attachment: Plan Exhibit Comments

- cc: Research
- DED
- Real Estate Services
- Johnson, Mirmiran and Thompson