



Civil & Environmental Consultants, Inc.

August 30, 2023

Mr. Joseph Shook
Assistant Manager
West Deer Township
109 East Union Road
Cheswick, Pennsylvania 15024

Dear Mr. Shook:

Subject: Land Development and Conditional Use Applications
Tyche Well Pad and Associated Pipeline
West Deer Township, Allegheny County, Pennsylvania
Olympus Energy LLC
CEC Project 317-141

Civil & Environmental Consultants, Inc. (CEC), on behalf of Olympus Energy LLC (Olympus), is submitting revised project narratives for the Land Development and Conditional Use Applications for the Tyche Well Pad and Associated Pipeline project located in West Deer Township, Allegheny County, Pennsylvania. The revised project narratives are being submitted due to an increase in the number of planned wells from 12 to 14, and to include a second gas pipeline within the same right-of-way between the Tyche Well Pad and the Leto Well Pad.

The following revised documents are attached to this letter:

- Attachment A – Revised Conditional Use Project Narrative; and
- Attachment B – Revised Land Development Project Narrative.

Should you have questions regarding this revision, please do not hesitate to contact us at (724) 327-5200.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Jessie M. Durso
Project Consultant

Ryan B. Dailey, P.E.
Senior Project Manager

JMD:RBD/jg
Attachments

cc: Brian Dilleuth, Olympus (PDF)

L-317141.Aug30/P

ATTACHMENT A

REVISED CONDITIONAL USE PROJECT NARRATIVE

**CONDITIONAL USE PROJECT NARRATIVE
OLYMPUS ENERGY LLC/HYPERION MIDSTREAM LLC
TYCHE WELL PAD AND ASSOCIATED PIPELINE
WEST DEER TOWNSHIP,
ALLEGHENY COUNTY, PENNSYLVANIA**

Olympus Energy LLC (Olympus)/Hyperion Midstream LLC (Hyperion) proposes to construct and operate the Tyche Well Pad and associated pipeline. The proposed well pad will be located on property owned by Donald J Podczerwinski (Parcel 1835-G-000216-0000-00) and accessed from Bairdford Road. The proposed site improvements will include an approximately 690-foot long by 260-foot wide gravel well pad with associated gravel access road and post-construction stormwater management (PCSM) facilities. Construction of the proposed well pad and access road will require approximately 12 acres of earth disturbance. The existing use of the property includes a residential dwelling and meadow field. The proposed land use generally remains the same as the current land use except for the proposed access road and well pad.

Additionally, two (2) 12-inch diameter steel natural gas pipelines will be constructed within a 50-foot wide permanent right-of-way (ROW) connecting between the proposed Tyche Well Pad and the Leto Well Pad (under separate plan and permits) on properties owned by Donald J Podczerwinski (Parcels 1835-G-000216-0000-00 and 1835-G-00216-0000-00), Ralph T. & Berdella M. Williams (Parcel 1835-L-00179-0000-00), and Tricia L. Gizienski (Parcel 1668-R-00091-0000-00). The proposed pipelines will be constructed and operated by Hyperion. Hyperion is a wholly owned subsidiary of Olympus. Disturbed areas along the pipeline ROW will be restored to meadow-good condition.

Olympus/Hyperion is committed to health and safety. To this end, Olympus/Hyperion will provide the Township's first responders with appropriate training, including a site orientation, prior to operations at the well pad site. Additionally, an Olympus/Hyperion 24-hour hotline number (412-357-4100) has been established.

Olympus/Hyperion hereby requests conditional use approval for construction and operation of the well pad and associated pipeline. The following is a summary of the applicable West Deer

Township Zoning Ordinance (Zoning Ordinance) express standards and criteria for granting conditional use approval for oil and gas development, along with an explanation as to how this project complies with the standards and criteria.

In accordance with Zoning Ordinance §220-120 Conditional Use Standards and Criteria:

§ 210-120.A.(21) Gas and Oil Production

(a) Classifications.

[1] A deep well site which would be placed more than 650 feet from any preexisting building located off the property where the deep well site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3 and I Zoning Districts, provided such property upon which the oil and gas well site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.

The proposed project is located within the Rural Residential (R-1) zoning district, and the property is approximately 52 acres in size. The edge of the proposed well pad is approximately 830 feet from the nearest preexisting building.

[2] A shallow well site which would be placed more than 100 feet from any preexisting building located off the property where the shallow well site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3, R-4, C-2, S-U, and I Zoning Districts, provided such property upon which the oil and gas well site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.

The proposed project does not include any shallow wells. Therefore, the project does not meet the definition of shallow well site.

[3] A natural gas compressor station or any similar facilities performing the equivalent functions which would be located more than 1,200 feet from any preexisting building located off the property where the natural gas compressor station or similar facility is located may be permitted as a conditional use in the R, R-1, S-U and I Zoning Districts. Otherwise, such use shall be prohibited in the residential and commercial zone not otherwise permitted above.

No compression of gas or similar functions are proposed at this site. Therefore, the project does not meet the definition of a compressor station.

[4] A natural gas processing plant or any similar facilities performing the equivalent functions which would be located more than 1,000 feet from any preexisting building located off the property where the natural gas processing plant or similar facility is located may be permitted as a conditional use in the I Zoning District. Otherwise, such use shall be prohibited in the residential and commercial zone not otherwise permitted above.

According to the definition of “natural gas processing plant”, facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas stream are specifically excluded from the definition of “natural gas processing plant”. Since the proposed processes at the well pad will be designed and constructed to primarily remove water and water vapor from the gas stream, this project does not meet the definition of a processing plant.

(b) Applicability.

[1] This Chapter applies to all oil and gas development, oil and gas well sites, natural gas compressor stations, and natural gas processing plants that will be approved or constructed after the effective date of this Chapter.

Since the project falls under the definitions of “oil and gas development” and “oil and gas well site”, the project will conform to the requirements of this ordinance.

[2] Oil and gas development, oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this Chapter shall not be required to meet the requirements of this Chapter; provided that any modification to an existing or permitted oil and gas development, oil, gas well site, natural gas compression station, or natural gas processing plant that occurs after the effective date of this Chapter and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with a conditional use approval under this Chapter.

Since the project is a new project, the project will conform to the requirements of this ordinance.

[3] Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

This is understood.

(c) Application criteria.

[1] No oil and gas development, oil or gas well site, natural gas compressor station, or natural gas processing plant or an addition to an existing oil or gas well site, natural gas compressor station, or natural gas processing plant shall be constructed or located within the Township unless an application for conditional use has been approved by the Township approving the construction or preparation of the site for oil or gas

development or construction of natural gas compressor stations or natural gas processing plants.

This is understood.

[2] The conditional use application, shall be accompanied by a fee as established in the Township's schedule of fees. In addition, any direct costs associated with the review of an application or related studies will be paid by the applicant. This includes any direct costs associated with hiring a third party to assist in the review of the application and related documents. Unpaid costs will be a basis for the Township to deny future applications for that well operator.

This is understood.

[3] Any modification to an existing and approved oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing natural gas compressor station or natural gas processing plant shall require a modification of the conditional use application required under this Chapter. Like-kind replacements shall not require a conditional use approval modification.

This is understood.

(d) Preapplication conferences.

[1] Before submitting an application the applicant is strongly encouraged to meet with the Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the applicant to obtain necessary information and guidance from the Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation.

Olympus/Hyperion met with the Township on July 12, 2023 to discuss the project and timing of the application.

[2] A preapplication conference is voluntary on the part of the applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The preapplication conferences are intended for the benefit of the applicant in order to address the required permit submittals and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

This is understood.

(e) Conditional use application.

[1] The applicant shall provide to the Township at the time of submitting its conditional use application:

[a] A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.

The total disturbance for the well pad will be approximately 12 acres. Olympus currently intends to drill up to 14 unconventional deep gas wells over the course of two (2) trips as part of this project. Olympus will provide the township with copies of the approved drill permits prior to commencing drilling operations. Conceptual facility layout plans are provided with this application, which depict the approximate locations of planned wells and other equipment on the pad.

[b] A narrative describing an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[c] The address of the oil or gas well site, natural gas compressor station or natural gas processing plant as determined by the Township or county.

Olympus has requested an address assignment for the proposed well pad, which has yet to be issued. The address of the property is 201 Bairdford Road, Gibsonia, Pennsylvania 15044.

[d] The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all emergency providers.

Olympus/Hyperion has established a 24-hour hotline number (412-357-4100) to contact in the event of an emergency. The Township and first responders may also contact Ms. Jennifer Hoffman, VP-EHSR & Communications (717-215-7281). Olympus/Hyperion also recommends individuals contact 911 in the event of an emergency. Olympus/Hyperion will maintain an up-to-date list of the appropriate emergency contacts with the Township and first responders.

[e] A location map of the oil or gas well site showing the location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation

of personnel and/or development and use of the site. Such location shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.

The proposed site location map and well pad facilities plan show the proposed locations of the derrick, drill rig, equipment, structures, and all permanent improvements to site is provided with this application.

[f] A location map of the natural gas compressor station or natural gas processing plant including any equipment and structures and all permanent improvements to the site.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[g] A narrative and map describing the manner and routes for the transportation, delivery and removal of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

The proposed Haul Route Map is provided with this application.

[h] A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township Roadway Maintenance and Repair Agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.

This is understood. Olympus/Hyperion will obtain the necessary permits and bonding agreements from Allegheny County and the Pennsylvania Department of Transportation (PennDOT) prior to construction of the site.

[i] A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Township streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

No Township roadways are proposed to be used for access to the well pad site or pipeline. Olympus/Hyperion will maintain appropriate Erosion and Sediment Control (E&S) Best Management Practices (BMPs) during construction to ensure the roadways remain free of dirt, mud, or other construction debris.

[j] Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan (the "PPC") has been provided to the Township and all emergency responders. The PPC shall be in compliance with the Pennsylvania Department of Environmental Protection Guidelines for the Development and Implementation of Environmental Response Plans.

The draft Preparedness, Prevention, and Contingency Plan (PPC Plan) is provided with this application. In accordance with the Pennsylvania Department of Environmental Protection (PADEP) guidelines, a final PPC Plan is not required until the project commences. Olympus/Hyperion will provide the Township and first responders with a final copy prior to beginning operations at the site.

[k] A statement that the applicant, upon changes occurring to the operation's PPC, will provide to the Township and all emergency responders the dated revised copy of the PPC while drilling activities are taking place at the oil or gas well site.

Olympus/Hyperion will maintain an up-to-date copy of the PPC Plan with the Township and first responders.

[l] Assurance that, at least 30 days prior to drilling, the applicant shall provide an appropriate site orientation and training course of the PPC for all emergency responders.

Olympus/Hyperion will provide the Township and first responders with the appropriate training and site orientation prior to drilling at the well pad site.

[m] A copy of the documents submitted to the DEP, or if no document has been submitted to the DEP, a narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts.

The ESCGP-3 submitted to the PADEP contains an E&S Narrative and a PCSM Narrative, which provide a description of the project's impact on the environment and the measures taken to maintain compliance with the state and local regulations. A copy of Olympus' ESCGP-3 application for the Tyche Well Pad is provided with this application. Additionally, Hyperion has submitted ESCGP-3 and Chapter 105 General Permit applications to PADEP for the Tyche Pipeline, copies of which are provided with this application.

[n] A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements.

Olympus/Hyperion will provide the Township with copies of all PADEP and Allegheny County approvals prior to construction of the project.

[o] A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.

Olympus and Hyperion have applied to the PADEP for the applicable ESCGP-3 and Chapter 105 General Permits. Copies of those applications are provided with this application. Olympus and Hyperion will apply for Highway Occupancy Permits from Allegheny County for the proposed well pad driveway and pipeline crossing of Bairdford Road. Olympus will provide the Township with these permit approvals prior to construction of the project.

[p] A stormwater management plan for any access road constructed by the well owner/well operator providing for the regulation of surface water drainage consistent with any Township Stormwater Management Ordinance in effect at the time such access road constructed. Such stormwater management plan shall be reviewed and approved by the Township Engineer prior to the approval of any conditional use application for oil gas development.

A copy of the PCSM Narrative for the Tyche Well Pad is included in the ESCGP-3 application provided with this application. Additionally, the Site Restoration (SR) Narrative for the Tyche Pipeline is included in the ESCGP-3 application provided with this application.

[q] A copy of a water quality test on all water wells, developed springs and surface waters establishing the base chemical composition of all well and surface water supplies within 1,000 feet of any oil and gas well site prior to construction of any oil and gas development. At a minimum, such tests shall be conducted to establish

the presence and levels of bacteria/coli form, salt, brine, sulfur, hydro-carbons, including halogenated hydrocarbons, heavy metals and/or other contaminants commonly associated with oil and gas drilling operations.

Sections 3211(m) and 3218 of Act 13, among others, regulate the protection of water supplies and impose requirements on oil and gas operators as to the use of and effect of oil and gas operations on certain water supplies. Additionally, Chapter 78a of PADEP's regulations contains performance standards for the protection of water supplies (specifically, 25 Pa. Code §§ 78a.51, 78a.60). Olympus water quality testing program complies with PADEP's standards and provides for water quality testing to all relevant property owners within 3,100 feet of the center of the well pad. Olympus will comply with this section, to the extent it is not preempted by applicable law. Olympus cannot provide information regarding the water quality tests of private water wells without the permission of the landowner. However, Olympus is willing to provide copies of the green certified mail return receipt cards upon request once water tests are offered in accordance with PADEP requirements. In addition, private property owners, if they wish, are free to provide the results of the water quality tests for their properties to the Township.

[2] Within 15 business days after receipt of a conditional use application and the required fee, the Township will determine whether the application is complete and adequate and advise the applicant accordingly.

This is understood.

[3] Within 30 days following the approval of any conditional use application for oil and gas development by the Township, as contemplated herein, the applicant shall execute the repair agreement described in Subsection A(21)(f)[1] hereof. Failure to execute the required repair agreement shall constitute a violation hereof and the respective

conditional use approval and shall constitute an automatic revocation of any approval hereunder.

This is understood.

(f) Conditions and standards.

[1] The well operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for development activities. For state and county roads located within the Township, the well operator shall provide a copy of the highway occupancy permit for overweight vehicles to the Township. The well operator shall provide a transportation route map which depicts the roads to be utilized in the Township. The well operator shall inventory the condition of the roads and provide video and photo documentation to the Township. The well operator shall also submit at the time of application a road restoration plan that indicates how the well operator plans to address damage to Township roads during construction and after construction is complete. Within 30 days following the approval of a conditional use application for oil and gas development by the Township, and in any event, prior to the commencement of any activity at the approved oil and gas well site, the applicant shall enter into a Township roadway maintenance and repair agreement (the "repair agreement") with the Township, in a form acceptable to the Township, regarding maintenance, repair and bonding of Township roads that are to be used by vehicles for oil and gas development activities. Without limiting the generality of the foregoing, the repair agreement shall address the bonding requirements to be imposed against the applicant, in the Township's sole reasonable discretion, and shall identify the responsibilities of the applicant to prepare, maintain, and repair Township roads, before, during, and immediately after drilling operations associated with oil and gas development. Corrective action shall be taken by the well operator as and when directed by the Township.

The proposed Haul Route Map is provided with this application. No Township roadways are proposed to be used for access to the well pad or pipeline. Olympus/Hyperion will execute the necessary roadway agreements and post required security with PennDOT or Allegheny County, as appropriate for the proposed roads to be used.

[2] The well operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities and shall ensure such roads are promptly (within 24 hours) swept or cleaned of dirt, mud and debris. Ingress and egress points shall be located to comply with 67 Pa.Code, Chapter 441, PennDOT Design Manual 2, and shall meet transition grades, turning radii, and accommodate traffic capacity to provide for efficient movement.

Olympus/Hyperion will maintain appropriate E&S BMPs during construction to ensure the roadways remain free of dirt, mud, or other construction debris.

[3] The well operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, well operator shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

Olympus/Hyperion will implement signage and/or flagging, as necessary, to ensure the safety of traffic during construction and operation of the well pad and pipeline.

[4] The well operator shall not clear brush or trees by way of burning. However, well operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been

removed from the ground and collected into a pile or piles on the properties where the well operator is engaging in development.

Olympus/Hyperion will not clear brush or trees by burning.

[5] Before any oil and gas development activities, the Township shall ascertain whether the Township's Police and Fire Departments have secured adequate information and training to deal with any potential dangerous conditions that may result due to development activities. Emergency responders shall, upon request from the Township and at the well operators sole cost and expense, have on-site training orientation with respect to the PPC and providing adequate awareness information prior to drilling of an oil and gas well. The well operator will provide at least 15 days' notice of on-site training and orientation. Such site orientation shall also be made available immediately after any substantial modification to the development or well site, or not less than annually during the period when the well operator anticipates drilling activities in the Township.

Olympus/Hyperion will provide the Township and first responders with the appropriate training and site orientation prior to drilling at the well pad, and at agreed upon intervals thereafter.

[6] The well operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place.

Olympus/Hyperion will implement dust control measures, as necessary and as approved by the PADEP, during construction and operation of the well pad and pipeline.

[7] Recognizing that the specific location of equipment and facilities is an important and integral part of oil and gas development, as part of the planning process, well operator shall consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their

property and future Township development activities. The Township Engineer will review the site plan with consideration of private property usage and future development.

This is understood. The locations of the well pad and pipeline have been approved by the landowners. Copies of the memoranda of surface use and pipeline easement agreements are provided with this application.

[8] At least 10 days prior to commencement of drilling, the well operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). Revocation of any federal, state, municipal, or other required approvals applicable to the use shall constitute an automatic revocation of the conditional use approval.

Copies of the approved drill permits will be provided to the Township at least 10 days prior to any drilling operations.

(g) Design and installation.

[1] Access.

[a] Whenever possible, access to any oil or gas well site should be from a collector street.

The proposed well pad will be accessed from Bairdford Road. The definition of collector street is, "a public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets." Bairdford Road would be classified as a collector street by definition. In any event, Bairdford Road is the only access to the site.

[b] Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

The proposed access road to the well pad will be from Bairdford Road. The sight distance at the driveway exceeds the minimum sight distances required by PennDOT and Allegheny County. Olympus/Hyperion will utilize flaggers during, as necessary, during large equipment moves and at temporary driveways along the pipeline route if sufficient sight distance cannot be achieved.

[c] The well owner or well operator must install and maintain any access road constructed to access an oil and gas well site in such a manner to ensure a "mud free" gravel surface for at least 200 feet of its intersection with any public or private road.

Olympus/Hyperion will maintain a stabilized gravel access road from Bairdford Road to the well pad.

[d] The well owner/well operator must construct and maintain a "tire cleaning surface" consisting of a minimum of 100 feet of No. 3 PennDOT approved stone having a depth of not less than six inches leading to all intersections with any public road or collector street during construction for drilling operations.

Olympus/Hyperion will maintain rock construction entrances during construction of the well pad and pipeline in accordance with the requirements of the ESCGP-3 permit.

[2] Structure height.

[a] Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.

The proposed well pad is located within the R-1 Zoning District. Olympus/Hyperion will comply with the 35-foot maximum height requirement for permanent structures in the R-1 Zoning District. During active operations, Olympus will require the exemption of maximum height in order to complete drilling and completions operations.

[b] Permanent structures associated with natural gas compressor stations or natural gas processing plants shall comply with the height regulations for the zoning district in which the natural gas compressor station or natural gas processing plant is located.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[c] There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or redrilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an oil or gas well; provided further the time period of such drilling and exemption shall not exceed six months. The well operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

Olympus/Hyperion will provide written notice prior to any drilling operation to receive exemption for maximum height restrictions for 6 months.

[3] Setbacks.

[a] Drilling rigs shall be located a minimum setback distance of 1.5 times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

As provided in the site location map, the drilling rig is not within the setback of the property line, public or private street, or building not related to the drilling operations.

[b] The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the zoning district in which the oil or gas well site is located.

This is understood. The well pad will not encroach on the minimum setback distances for the R-1 Zoning District. This includes a 50-foot front yard, 75-foot rear yard, and 25-foot side yard setbacks.

[c] Natural gas compressor stations or natural gas processing plants shall comply with all setback and buffer requirements of the zoning district in which the natural gas compressor station or natural gas processing plant is located.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[d] Exemption from the standards established in this subsection may be granted by the Township upon a showing by the well operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.

No exemptions from the setback requirements are being requested.

[e] Drilling pads, natural gas compressor stations or natural gas processing plants shall be set back 200 feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

As provided in the site location map, the well pad is not within 200 feet of any preexisting building. No sites eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places are located within 200-feet of the proposed well pad.

[4] Screening and fencing.

[a] Security fencing shall not be required at oil or gas well sites during the initial drilling, or redrilling operations, as long as manned twenty-four-hour on-site supervision and security are provided.

This is understood. Olympus/Hyperion will install security fencing at the well pad following drilling and completions operations, and before stopping on-site security operations.

[b] Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence with a minimum thickness gauge of 11 shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site. All fencing surrounding liquid impoundments shall meet and satisfy all OHSA requirements. Fence support posts shall be set in concrete embedded into the ground. Tension rods shall be three-eighths-inch round steel bolt. Tension bars shall have a minimum thickness of 1/4 by 3/4 inch. Adjustable tightness shall have a six-inch minimum take- up.

Olympus/Hyperion will comply with these requirements for security fencing at the well pad.

[c] Security fencing shall be at least six feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide.

Olympus/Hyperion will comply with these requirements for security fencing at the well pad.

[d] Emergency responders shall be given means to access oil or gas well site in case of an emergency.

Olympus/Hyperion will comply with this requirement.

[e] Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

Olympus/Hyperion will comply with this requirement.

[f] In construction of oil or gas well sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation.

The proposed limit of disturbance has been minimized to the extent practicable to safely construct the proposed well pad and pipeline. Existing vegetation around the perimeter of the well pad will remain undisturbed to the extent practicable.

[g] Pine trees are to be planted as screening around the fenced well head. The trees shall be of such a height when planted as to provide immediate screening.

Planting trees directly around the well head would cause safety and accessibility concerns, and trees are unlikely to survive due to the compacted gravel well pad surface.

[h] Landscaping shall be done in accordance with Article XXI, Land Development, § 210-110, Development standards.

Olympus/Hyperion will comply with the applicable landscaping requirements.

[5] Lighting.

[a] Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within 100 feet of the oil or gas well development.

Olympus/Hyperion will comply with this requirement. Portable, temporary lighting will be utilized during active operations at the well pad. The light plants will be positioned to direct light downward and inward towards the operations on the well pad. Following completion of the wells, no permanent lighting at the well pad is proposed.

[b] Lighting at a natural gas compressor station or a natural gas processing plant shall, when practicable, be limited to security lighting.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[6] Noise.

[a] The applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development.

This is understood.

[b] Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the continuous seventy-two-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or 100 feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two-hour test the applicant may assume and use, for the purpose of compliance with this Chapter, a default ambient noise level of 65 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standards Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

This is understood.

[c] The applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.

In lieu of an ambient noise study, Olympus/Hyperion will utilize the 65dBA ambient noise level established in subsection [b] above to show compliance with this section.

[d] The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in Subsection A(21)(g)[6][b] by more than:

- i. Five decibels during drilling activities.*
- ii. Ten decibels during hydraulic fracturing operations.*
- iii. Five decibels for a natural gas compressor station or a natural gas processing plant.*
- iv. Allowable increase in Subsection A(21)(g)[6][d] shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period.*

Olympus/Hyperion will comply with these requirements.

[e] Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

Olympus/Hyperion will comply with the sound standards of the Zoning Ordinance. Olympus/Hyperion will install sound walls around the perimeter of the well pad as a sound mitigation measure to maintain compliance with the ordinance requirements.

[f] Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the Township.

No exemptions from these standards are being requested.

[g] Complaints received by the Township shall be addressed by the applicant, within 24 hours following receipt of notification by continuously monitoring for a period of 48 hours at the nearest property line to the complainant's residential or public building or 100 feet from the complainant's residential or public building, school medical, emergency or other public facilities, whichever is closer. The applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if the noise level exceeds the allowable rate.

This is understood.

[h] Natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.

This project is neither a natural gas compressor station nor a natural gas processing plant.

[7] Prohibitions.

[a] No drilling shall be allowed in the floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.

This is understood. Additionally, the proposed well pad is not located within a FEMA delineation floodway.

[b] Oil and gas drilling in the one-hundred-year floodplain is discouraged but may be permitted by the Township in its discretion if the following provisions are met:

- i. *If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the floodplain.*
- ii. *An adequate emergency evacuation plan shall have been produced by the applicant and filed with the Township.*
- iii. *No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a one- hundred-year flood; and further provides security to the Township assuring the applicant's ability to remedy any damage or injury that may occur.*
- iv. *Only necessary and needed structures will be permitted within the floodplain.*
- v. *All structures within the flood zone shall be designed to withstand a one- hundred-year storm event.*
- vi. *An engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.*

This is understood. Additionally, the proposed well pad is not located within a 100-year floodplain.

(h) *Surface water and groundwater.*

[1] If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the well owner/well operator shall submit to the Township, prior to the approval of any conditional use application, a deed of easement, release and right of entry agreement or similar document or agreement, signed by the adjoining property owner(s) and well owner/well operator, in a recordable form, evidencing such property

owner's permission to discharge surface water onto their property. Such surface drainage shall be consistent with rule and regulations adopted and/or enforced by the DEP.

Stormwater runoff from the proposed well pad will be directed to PCSM BMPs. The PCSM BMPs will discharge to existing surface waters on the property. As such, no drainage easements are required for these points.

[2] Upon receipt of a written complaint from any property owner that the quantity of the water supply for the property has been affected by the drilling operations thereupon, the Township shall report the same to the well owner and/or well operator. Within 10 days of receipt of such written notice, the well owner and/or well operator shall perform a well recovery rate (flow) test for affected water wells or developed springs on the property and shall submit the results of same to the Township and property owner. The Township shall immediately forward a copy of the original flow test results submitted as part of the conditional use application, together with the post-complaint flow test results to the DEP for disposition pursuant to the Oil and Gas Act (58 P.S. § 601.208), or its successor section, and any regulations associated with same.

This is understood.

[3] In the event the DEP takes, or requires the well owner or well operator to take, remedial action to correct deficiencies in the water quality or quantity on the property, or if private remedial measures to correct deficiencies in the water quality or quantity on the property have occurred, the Township may declare the drilling operations on the property to be a "public nuisance" pursuant to the Oil and Gas Act (58 P.S. § 601.502), or any successor section, and thereafter revoke or suspend any conditional use approval hereunder and pursue its right under law to restrain such conditions pursuant to the Oil and Gas Act (58 P.S. § 601.504), or any successor section.

This is understood.

[4] Nothing in this section shall be deemed or construed to limit the ability of any affected property owner from making a complaint directly to the DEP or pursuing any other private action or claims, at law or in equity, in any court of competent jurisdiction regarding any water supply deficiencies caused, or alleged to be caused, by any well owner or well operator.

This is understood.

[5] The well operator, at the well operator's sole cost and expense, shall test the effluent of all water wells and water sources used by any residence or business within 1,000 feet of any oil and gas well site. The water test shall, at a minimum, establish the base chemical composition of such well and surface water supplies prior to the commencement of any oil and gas development. All test results shall be provided, by certified mail, to the Township and to each owner of the surface rights to the real property upon which such water well or water source is located.

This is understood.

- (i) *Enforcement and violations. Any well owner, well operator, or other person who violates or permits a violation of this chapter, upon being found liable therefor in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not more than \$5,000 per incident per day, plus all court costs, including, but not limited to, reasonable attorneys' fees incurred by the Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including*

injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

This is understood.

ATTACHMENT B

REVISED LAND DEVELOPMENT PROJECT NARRATIVE

**LAND DEVELOPMENT PROJECT NARRATIVE
OLYMPUS ENERGY LLC/HYPERION MIDSTREAM LLC
TYCHE WELL PAD AND ASSOCIATED PIPELINE
WEST DEER TOWNSHIP,
ALLEGHENY COUNTY, PENNSYLVANIA**

Olympus Energy LLC (Olympus)/Hyperion Midstream LLC (Hyperion) proposes to construct and operate the Tyche Well Pad and associated pipeline. The proposed well pad will be located on property owned by Donald J Podczerwinski (Parcel 1835-G-000216-0000-00) and accessed from Bairdford Road. The proposed site improvements will include an approximately 690-foot long by 260-foot wide gravel well pad with associated gravel access road and post-construction stormwater management (PCSM) facilities. Construction of the proposed well pad and access road will require approximately 12 acres of earth disturbance. The existing use of the property includes a residential dwelling and meadow field. The proposed land use generally remains the same as the current land use except for the proposed access road and well pad.

Additionally, two (2) 12-inch diameter steel natural gas pipelines will be constructed within a 50-foot wide permanent right-of-way (ROW) connecting between the proposed Tyche Well Pad and the Leto Well Pad (under separate plan and permits) on properties owned by Donald J. Podczerwinski (Parcels 1835-G-000216-0000-00 and 1835-G-00216-0000-00), Ralph T. and Berdella M. Williams (Parcel 1835-L-00179-0000-00), and Tricia L. Gizienski (Parcel 1668-R-00091-0000-00). The proposed pipelines will be constructed and operated by Hyperion. Hyperion is a wholly owned subsidiary of Olympus. Disturbed areas along the pipeline ROW will be restored to meadow-good condition.

Olympus/Hyperion is committed to health and safety. To this end, Olympus/Hyperion will provide the Township's first responders with appropriate training, including a site orientation, prior to operations at the well pad site. Additionally, an Olympus/Hyperion 24-hour hotline number (412-357-4100) has been established.

Olympus/Hyperion hereby requests land development approval for construction and operation of the well pad and associated pipeline. The following is a summary of the applicable West Deer

Township Subdivision and Land Development Ordinance (SALDO) express standards and criteria for granting land development approval, along with an explanation as to how this project complies with the standards and criteria.

In accordance with SALDO Article IV Application and Review Requirements §185-13 through §185-16:

§ 185-13. Application required

When a subdivision or land development within the Township is submitted for approval, an application for development, on a form provided by the Township, shall be submitted to the Planning Commission for review and recommendation. Said application shall be preceded by a preapplication conference; shall consist of such plans, data, certifications and other supporting documentation and approvals as herein enumerated; shall be filed in stages (preliminary and/or final), where applicable; shall be accompanied by such fees; and shall be subject to such conditions as hereinafter specified or otherwise provided for within this chapter.

This application is being submitted for review and recommendation by the Planning Commission. Olympus/Hyperion met with the Township on July 12, 2023 to discuss the project and timing of the application.

§ 185-14. Preapplication conference

- A. At least five working days prior to the filing of an application for review and approval of a proposed subdivision and/or land development, the developer shall submit a sketch plan to the Township staff for comment on the requirements necessary to achieve conformity to the standards and other provisions of this chapter, except as provided for in § 185-11, as well as make the developer aware of other factors pertinent to the design and approval of the subdivision or land development. The preparation of a sketch plan shall not constitute the filing of an application for approval of a plat.*

See above comment.

- B. Sufficient information shall be provided on the sketch plan to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing natural features conditions and public facilities within the area in which the land is situate. Such submissions should include a map establishing the location of the proposed plat and a plan showing any existing or proposed streets, property lines, building sites, utilities, natural features, including topographic contours, and any other significant elements within the subdivision or land development. Such plans may not be engineered drawings but must be drawn to scale.*

See above comment.

§ 185-15. Preliminary plans

- A. Preliminary plan approval required. Except in the case of minor subdivision (see Subsection G) and those land developments listed in § 185-10C, preliminary plan approval is required where public improvements are proposed, as a condition precedent to the filing of an application for final approval of a proposed subdivision or land development, unless the Planning Commission recommends to the Board of Supervisors that preliminary and final review may be conducted concurrently.*

This application is being filed for final land development review consistent with the standards for land developments listed in §185-10C. No subdivisions or public improvements are proposed with this project.

§ 185-16. Final plans

- A. Relationship to preliminary plans. Submissions for final plan approval shall conform in all substantive details with preliminary plans, as previously approved, except that the final plan shall cover at least 25% of dwelling units proposed on the total subdivision or land development approved as preliminary plan and, furthermore, any conditions specified in the approval of preliminary plans shall be incorporated in the final plans.*

This application is being filed as a stand-alone final land development plan.

B. Final plat requirements. Final plats for the purpose of recording shall be drawn in ink on either sixteen-inch-by-twenty-two-inch or twenty-two-inch-by-thirty-four-inch sheets of linen, Mylar or similar material and shall be accompanied by the following information in the scale and format specified:

(1) Location map: a diagram of the surrounding area sufficient to clearly indicate the location of the proposed subdivision or land development within the Township boundaries.

A site location map and aerial overview depicting the proposed site are shown on the cover sheet (Drawing C000).

(2) Tract information: a scaled drawing showing the boundaries of the entire tract to be subdivided or developed, any previous out-sales or lot transfers, the portion to be subdivided into lots or otherwise developed, and the names and recording data of all abutting subdivision or land developments.

The required information is depicted on the existing conditions plan (Drawing C100).

(3) Subdivision or land development plat: a plat of the lot or lots to be formed or developed, drawn to a scale not smaller than 100 feet to one inch and showing:

- a) Primary control points or description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.*
- b) Final rights-of-way, easements and property and/or building lot lines with accurate dimensions, bearing or deflection angles; and radii, arcs and central angles of all curves.*

- c) Edge of existing or proposed street pavement, clear sight triangle and building setback lines with dimensions, including the radii of the edge of pavement at intersections with existing or proposed streets or access drives.*
- d) Street names, purpose of easements and other rights-of-way and block, lot and/or parcel numbers.*
- e) Location and description of all survey monuments and markers.*
- f) Location of all watercourses, wetlands and floodplains and temporary erosion and sediment pollution control facilities.*
- g) Location and size of stormwater detention facilities, including on-lot facilities as shown in Exhibit #5.*
- h) Location and type of wastewater disposal system.*

This information is presented, as applicable, on the Land Development Plans provided with this application.

- (4) Plat data: title identifying the subdivision or land development and the municipality in which located, name and address of the developer, scale and North point of the subdivision plat (and of the tract map if separate diagram), date of plan, narrative of activity proposed number of dwelling units and/or structures by type, certification and seal of the land surveyor and any other professional responsible for the plan in accordance with the Professional Engineers and Professional Land Surveyors Registration Law, certification of title showing that the applicant is the landowner, appropriate worded signature blocks and certificate of recording block.*

The Professional Engineer's and Professional Land Surveyor's seals are included on the Land Development Plans provided with this application.

- C. Data to be submitted with the final plat. Final plat submissions shall be accompanied by the following with all plans and drawings to be on sheets 22 x 34 inches:*

(1) Profiles of all existing and proposed streets showing center-line grades approved by the Township Engineer in accordance with the design standards of this chapter and showing the existing ground line.

No public streets are proposed for this project. A profile of the proposed access road is provided on the Land Development Plans provided with this application.

(2) Cross sections of existing and proposed streets showing the type of construction, depth and type of base material, the width of rights-of-way, width of cartway, curb construction, location and width of sidewalks and locations and size of utility lines, where applicable.

No public streets are proposed for this project. A detail depicting the proposed gravel access road section is provided on the Land Development Plans provided with this application.

(3) Plans and profiles of proposed sanitary and/or stormwater sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system, showing pipe sizes and location of valves and fire hydrants, as applicable.

No sanitary sewers or water distribution systems are proposed for this project. Profiles of the proposed stormwater sewers are provided on the Land Development Plans provided with this application.

(4) A final stormwater management plan with all grades, sizes and facilities located as applicable.

The PCSM Plans are provided with this application.

(5) A final erosion and sedimentation control plan [see § 185-15C(3)], including certification that permits required by the Pennsylvania Department of Environmental Protection have been issued.

The Erosion and Sediment Control (E&S) Plans are provided with this application.

(6) A final development plan of any single-family or multifamily units and nonresidential development, showing the location and dimensions and configuration of all buildings, streets, parking areas, walkways, recreation areas and/or facilities, watercourses, wetlands and floodplains, stands of trees and other natural or man-made development features.

A layout plan is provided with this application depicting the proposed locations of facilities on the well pad. Existing features at the site are depicted on the Land Development Plans provided with this application.

(7) Certification of preliminary plan approval and signed, executed agreement to provide service from the sewer and/or water authority, area water company with jurisdiction and/or a Pennsylvania Department of Environmental Protection approved planning module, for proposed public or private sanitary sewerage disposal and any revision to the Township's Act 537 plan. Water supply and distribution facilities being provided by the developer must be inspected by the municipal authority with jurisdiction or the Pennsylvania Department of Environmental Protection, where applicable.

Neither water service nor sanitary sewers are necessary for permanent operations. Freshwater will be supplied to the site during drilling and completions operations.

(8) Where applicable, notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law."

Access to the proposed well pad site will be from Bairdford Road. Olympus will apply for a permanent driveway permit to Allegheny County. Additionally, Hyperion will apply to Allegheny County for temporary driveway permits along Bairdford Road for construction of the pipeline.

(9) Certification from a qualified engineer that:

a) The proposed development will not cause any environmental hazard or risk of subsidence.

The project has been designed in accordance with applicable environmental regulations. The proposed well pad site is considered low risk for future subsidence and development will not increase the risk for future subsidence.

b) The final plan incorporates all measures and practices recommended in the subsidence risk assessment and/or geotechnical investigation report, and such measures and practices shall eliminate or avoid any environmental hazards or risks of subsidence.

A Geotechnical Report was prepared for this project and is included with this application. The Geotechnical Report includes recommendations to implement during construction of the project, which has been incorporated into the Land Development Plans.

(10) The final plan satisfies all relevant federal, state, county and municipal environmental standards (can be placed in developer's agreement).

The project has been designed in accordance with applicable environmental regulations.

(11) Evidence that the required financial security as a performance guaranty has been deposited with the Township following review by the solicitor.

Olympus/Hyperion will provide the Township with any required financial security following approval of the land development and conditional use applications.

(12) Statement by the developer offering the dedication of any streets, rights-of-way and land for public uses to be so offered; and evidence that the maintenance of any private or semi-public area or facility not being offered for dedication is assured through the creation of an organization for that purpose.

This project does not include development of any public streets or ROWs.

(13) Developer's agreement: agreement between the Township and the developer which specifies conditions which are necessary to guarantee the installation of all required improvements, as well as language which will indemnify the Township in connection therewith. The form shall be acceptable to the Township Solicitor.

Olympus/Hyperion will enter into any required developer's agreements with the Township following approval of the land development and conditional use applications.

D. Review procedure: final plan. Applications for final plan review and approval shall be submitted and processed in accordance with the following:

(1) Application.

a) Applications for final approval shall be submitted to the Township for review by the Planning Commission. Twenty copies of the final plat and five copies of the land development plan, when required, and four copies of all other data required to be submitted with said plat shall accompany the application. Consideration of any such application filed fewer than 10 working days prior to a regularly scheduled meeting of the Planning Commission shall not be accepted.

In accordance with direction received from the Township, eight (8) copies and one (1) electronic copy of the application have been provided to the Township.

b) The final plan submission shall cover at least 25% of all dwelling units proposed on the entire subdivision or land development as shown on the approved preliminary plan. In such cases, the applicant shall submit a tentative schedule for the development of the balance of the tract. The final plan submission requirements as set forth herein and procedures must be followed for each subsequent section prior to installation of improvements, recording and sale or transfer of lots within such sections.

This application includes the entire planned development associated with this project. No additional phases are planned for this project.

(2) Review by other agencies. Upon receipt of said application, the Planning Commission Secretary shall distribute one copy of the final plat and any related documentation to the Allegheny County Planning Department and other pertinent boards and agencies, as appropriate, for their review and comment.

A copy of the Allegheny County subdivision and land development plan application form is provided with this application. Olympus/Hyperion understands the Township will distribute the necessary documentation to the

Allegheny County Department of Economic Development for review and comment.

(3) Approval of plats: final.

a) The Board of Supervisors shall taken action on a final subdivision or land development plat within 90 days of the first scheduled Planning Commission meeting following receipt of the application as follows, unless a request for an extension of time is granted.

This is understood.

b) The action taken by the Board of Supervisors shall consist of approval, approval with conditions or disapproval of the plan, and:

[1] The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed, by certified mail, to him or her at his or her last known address not later than 15 days following the decision.

This is understood.

[2] When the application is not approved in terms as filed, the decision shall specify the defects found in the application and described the requirements which have not been met and shall, in each case, cite to the provision of the statute or ordinance relied upon.

This is understood.

[3] Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed

an approval of the application in terms as presented unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

This is understood.

[4] When the Board of Supervisors grants conditional approval and such conditions have been accepted by the applicant, the plan for recording (Mylar, etc.) shall not be signed by the Board of Supervisors until such conditions have been met. The signature of the plan shall include the date on which the condition(s) has been met, not the date on which the conditional approval was granted.

This is understood.