

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County GIS, County Legal and Laurel Volunteer Fire Departments (LVFD) staff have reviewed the request (See Request Letter included below this analysis) for a variance from the regulation that requires developers to provide a dry hydrant system for major and subsequent minor subdivisions. The applicant is requesting a variance from Section 4.14(C)(2) which states an approved, minimum 30,000-gallon underground water storage tank with approved dry hydrant type fittings is required to be located not more than one-half (1/2) road mile from the furthest structure in the subdivision. Staff is recommending denial of this variance request.

Not providing a dry hydrant system within one-half (1/2) road mile of the furthest structure within the subdivision would create a life safety issue where the LVFD would not have a water source that meets current code to fight fires should they occur in the subdivision.

In discussion with the LVFD staff, they stated that the existing fire suppression pond facility has not functioned as required for year-round firefighting. The LVFD staff stated that the pond freezes in the winter and during the summer the LVFD staff have gone out to do routine inspections and the pond has either been very low or not had water in it. It is not being filled from the Cove Ditch during the hot dry times in summer, as was expected. LVFD also stated the pond hydrant is over a mile from the farthest lot in the new subdivision layout. Although the existing system may have been approved with the original plat, it does not meet current code and LVFD wants a system that will meet current code with correct distances to be able to be more effective and reliable for firefighting.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; The granting of the variance would be detrimental to public health, safety and general welfare. New regulations since this subdivision was originally platted have been updated to reflect a greater need for rural fire suppression water supplies to be closer together to provide the needed water to be able to effectively fight fires.

2. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced; There are no particular physical surroundings, shape or topographical condition of the land that would prevent the applicant from installing the required fire suppression tank.

3. The variance will not result in an increase in taxpayer burden; The variance will require the home owners to pay into an RSID for maintenance of the fire suppression tank. There is an existing RSID-M for the current fire suppression system and this one would be added to that RSID-M or a new one created.

4. *The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy;* The subdivision is outside of zoning and will not cause a nonconformance with zoning.

5. *The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.* The alternate would be to use the existing fire suppression pond on Monad Road near the entry of the subdivision. This facility does not meet the current code for distance or construction, and is not a reliable water source for firefighting. It is not an acceptable alternative to the requirements of current code.

Therefore, staff is recommending denial of the proposed variance, and recommends that the Planning Board recommend denial to the Board of County Commissioners.

May 11, 2018

P 2-18-00059

Monica Plecker
Planning Division Manager
2825 3rd Ave N
Billings, MT 59101

RE: WEST MEADOWS SUBDIVISION 2nd FILING VARIANCE REQUEST

Dear Ms. Plecker:

On behalf of Jerry Krushensky (Owner), WWC Engineering is submitting a request for variance of Yellowstone County Subdivision Regulations (Regulations) Section 4.14(C)(2) – dry hydrant distance from the furthest structure in the subdivision. As per this section, it is required that no structures in the subdivision be located more than ½ mile from the dry hydrant. As part of West Meadows Subdivision, a dry hydrant and 200,000 gallon lined pond were constructed on the north side of Monad Road within the dedicated park area. It is requested that the requirement for the West Meadows Subdivision 2nd Filing to install an additional dry hydrant be given a variance, for the reasons outlined herein.

As per the Regulations Section 11.1(A) Parts 1-5, the following outlines information as necessary.

Part 1:

Granting of the variance for distance of the furthest structure will not be detrimental to the public health, safety, or general welfare for the following reasons:

1. The distance variance is minimal in comparison to the allowable (3,800 compared to 2,640),
2. This subdivision was previously approved with the single dry hydrant location, which changes to lot boundaries as part of this application do not increase the distance of the further residence from said hydrant, and
3. The lots located beyond ½ mile will be accessed by passing the existing dry hydrant.

Part 2:

As the owner of the West Meadows Subdivision 2nd Filing was the same owner of the original West Meadows Subdivision, enforcing this regulation to the strict letter of the law would cause him to install two separate dry hydrants within a subdivision. In addition, the original dry hydrant was located where it is as at the time of the project, the regulations did not require hydrants within ½ mile of all structures. If it would have been known to the owner at the time of the original subdivision, the original dry hydrant may have been moved further east to provide coverage for all of the lots. In addition, the original pond was oversized to provide excess water for the area. Because of these reasons, it would be an undue hardship on the owner to construct a second dry hydrant in the subdivision when extra costs incurred on construction of the first hydrant cannot be recuperated.

Ms. Plecker
May 11, 2018
Page 2 of 2

Part 3:

As a result of this variance, an additional burden is not placed on the taxpayers for potential care or replacement of public utilities.

Part 4:

This variance is not in nonconformance with zoning regulations, but rather is a variance to County Subdivision Regulations.

Part 5:

The objective of the dry hydrant and water supply system is to have 1) sufficient capacity for fire fighting purposes for rural properties and 2) to have a limited distance that the fire department must travel during in the event of an emergency.

The existing dry hydrant (constructed by the same owner) is connected to a 200,000-gallon lined pond, which is significantly larger than the 30,000-gallon required storage facility. As such, use of the existing lined pond for the West Meadows Subdivision and West Meadows Subdivision 2nd Filing will not result in a shortage of water supply.

Further, the distance of the dry hydrant to the further lots on the property has not been changed by the application for the West Meadows Subdivision 2nd Filing, but rather the density increased in a portion of the subdivision. In addition, the distance to the furthest lot in the proposed application is 3,800 feet, which is less than ¼ mile longer than the allowable distance.

The Laurel Volunteer Fire Department has been contacted to provide an opinion of this variance, but a response has not been received to date. As soon as a response is provided, the County will be notified of their opinion. Please do not hesitate to contact us should you have any questions or require additional clarification.

Sincerely,



Greg Reid, P.E.
Billings Branch Manager

cc: Jerry Krushensky

GR/

Attachments: as noted

K:\Billings\KRUSHENSKY\17325\REPORTS\Comment_Response\2nd_Filing\VarianceLetter.doc