

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff and Laurel Fire Department have reviewed the request for a variance from Yellowstone County Subdivision Regulations Section 4.14.C. 2, Major, Commercial, and Subsequent Minor Subdivision. The subdivider shall provide a minimum of one of the following mechanisms for fire suppression. An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank for fire suppression.

The variance request is for this subdivision to use a 20,000-gallon dry hydrant system in the Brey Subdivision to the north.

Laurel Fire Department has stated they are not supportive of the variance. The dry hydrant in the Brey Subdivision to the north is within the Molt Fire Department jurisdiction and the Laurel Fire Department has no control over its functioning and maintenance.

This is the comment from Laurel Fire Department received by the Planning Department:

A little more insight and concern is that the dry hydrant located on the north side of Lipp Road is in Molt Fire Department area. Not Laurel's. Therefore, they are the ones who regulate the agreements and requirements for that hydrant. My understanding is the plan for the second phase of the new subdivision was to install the 30,000-gallon dry hydrant. We would like to see that included in the first phase with our direction and standards applied.

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 this variance would present the issue of Laurel Fire Department using a dry hydrant tank in Molt Fire Departments district with no control on the functioning and maintenance of the tank. This would leave the Laurel Fire Department with unknowns, not knowing if the tank functions properly and not way to obtain funds to make repairs on the tank. In this scenario, Laurel Fire Department may respond to a fire and not have access to water to fight the fire.

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 surrounding physical conditions that would result in an undue hardship to the developer.

3. The variance will not result in an increase in taxpayer burden.

The variance will not increase taxpayer burden.

4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy.

Approval of this variance will not place this subdivision in nonconformance of adopted zoning regulations or the growth policy. This subdivision is outside of the Yellowstone County Zoned area.

5. The subdivider must prove that the alternative design is equally effective, and the objectives of the improvements are satisfied.

The alternate option for the required 30,000-gallon dry hydrant system is the use of a 20,000-gallon dry hydrant system in the subdivision north of Lipp Road. That dry hydrant tank is in the Molt Fire Department jurisdiction. Laurel is not able to maintain it or test to see if it functions for fire suppression. With those unknowns Laurel Fire Department requires a 30,000-gallon dry hydrant tank within the proposed subdivision built to the Laurel Fire Departments specifications.

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

Applicant Variance Request

A. Request for Variance of Section 4.14.C.2 of Yellowstone County Subdivision Regulations

Major, Commercial, and Subsequent Minor Subdivisions. The subdivider shall provide a minimum of one of the following mechanisms for fire suppression: An approved, single, minimum thirty thousand (30,000) gallon underground water storage tank with approved dry hydrant type fittings located not more than one-half (1/2) road mile from the furthest structure in the subdivision. If an approved existing underground water storage tank is located within one-half (1/2) road mile from the furthest structure of the proposed subdivision, it may be used to meet this requirement. In either case, the dry hydrant shall be constructed to the standards set forth by this Section,”

The variance is to lower the minimum 30,000-gallon underground storage tank to 20,000 gallons. There exists a 20,000-gallon dry hydrant tank in Brey Subdivision directly north owned by the developer.

1. The granting of this variance will not create public health, safety, or general welfare concerns nor will it be injurious to adjoining properties. This phase of subdivision will add only 15 small commercial lots for rent. The next filing of Lipp Subdivision will trigger the installation of a new 30,000-gallon dry hydrant tank, following subdivision regulations.
2. It would be a hardship to require the construction of the 30,000- gallon dry hydrant tank at this time when only a third of the total eventual lots within Lipp Subdivision are being created, while a 20,000-gallon tank exists across the street.
3. There will be no increased burden on taxpayers from this variance. The tank we request to utilize already exists.
4. The variance will not result in nonconformance to zoning. The whole subdivision is outside of zoning jurisdiction.
5. The existing dry hydrant tank will provide fire suppression.