

Attachment A

Staff Analysis and Recommendation

County Planning, County Public Works, County Legal staff 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.

When a County subdivision is within one half (1/2) road mile of a pressurized municipal hydrant the developer shall pay a fee in lieu of hydrant installation to the Fire Department serving the proposed subdivision.

The variance request is for this subdivision to use a City of Billings pressurized fire hydrant that is .58 miles from the farthest building in the subdivision. Subdivision regulations require the farthest building in the subdivision to be within .5 (1/2) road mile from the pressurized hydrant.

Billings Fire Department has stated they are supportive of the variance. Creekside Subdivision 1st Filing was also granted the same variance. Creekside Subdivision, 1st Filing, is on the north end of Creekside Subdivision, 2nd Filing.

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 will not be detrimental to the adjoining properties. This same variance was granted to the Creekside Subdivision, 1st Filing. The Billings Fire Department has stated they prefer to have a pressurized hydrant for fire suppression needs.

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. There is a preference from the Billings Fire Department for pressurized fire hydrants over dry hydrant systems.

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.

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 municipal pressurized fire hydrant. This hydrant is located at 60th and Grand Avenue. The distance is .58 miles which is just over the subdivision regulation distance of .5 miles.

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

**Variance Request
Creekside Estates, Second Filing**

Creekside Estates, Second Filing is a proposed major subdivision in Yellowstone County. The subdivision is proposing to use the existing pressurized hydrant at 60th Street and Grand Avenue in lieu of installing a dry hydrant and will pay a \$30,000 fee to the Billings Fire Department to use this connection. Per Section 4.14 C.3 a subdivision may use an existing pressurized main if within one half mile. The proposed subdivision is a little over a half mile from the existing hydrant. This variance is supported by the Billings Fire Department as adequate fire suppression.

Below we have included the variance facts of hardship in correlation with Section 23-1101.A. Please see our answers in **bold**.

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
Granting a variance regarding to use the existing pressurized main will not be detrimental to public health and safety. The fire department has stated in the past that they would prefer to utilize the hydrant if available, as the hydrant is connected to City of Billings services. This type of hydrant requires less monitoring than other fire protection options. This variance will allow the subdivision to have adequate fire protection from an active hydrant already monitored by the fire department.
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;
Creekside Estates, Second Filing would have to install a dry hydrant or extend City of Billings municipal services in order to meet the fire protection standards. If the subdivider had to do one of these two options, then the subdivision would be unfeasible due to cost. The subdivision is .58 miles away from the existing hydrant, by road. Subdivision regulations allow for .5 miles. Granting this variance will allow for the development and no undue hardship on the owner.
3. The variance will not result in an increase in taxpayer burden;
The subdivision is .58 miles away from the existing hydrant, by road. Subdivision regulations allow for .5 miles. Granting this variance will not increase taxpayer burden as the fee for this hydrant usage will be paid by the owner.
4. The variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulations or Growth Policy; and
This variance does not place the subdivision in nonconformance with zoning or growth policy regulations.
5. The subdivider must prove that the alternative design is equally effective and the objectives of the improvements are satisfied.
The fire department has stated in the past that they would prefer to utilize the hydrant if available, as the hydrant is connected to City of Billings services. This type of hydrant requires less monitoring than other fire protection options. This variance will allow the subdivision to have adequate fire protection from an active hydrant already monitored by the fire department. The subdivision is .58 miles away from the existing hydrant, by road. Subdivision regulations allow for .5 miles. This variance will be equally as effective for fire protection.