

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 27, 2021 – 2 PM

Virtual Meeting – Microsoft Teams

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Time stamps (in green) correspond to meeting recording above. Please click to the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair Strohmaier
Commissioner Slotnick
Commissioner Vero

Staff Present:

Violet Plummer, Administrative Assistant, Commissioners' Office
Tim Worley, Senior Planner, Community and Planning Services
Bailey Minnich, Planner, Community and Planning Services
Mel Fisher, Strategic Initiatives Manager, Communications and Projects
John Hart, Civil Deputy Attorney, Attorney's Office

1. **CALL TO ORDER** *[Time stamp – 0:00]*
2. **LAND ACKNOWLEDGEMENT**
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
3. **PLEDGE OF ALLEGIANCE** *[Time Stamp -- 00:09]*
4. **PUBLIC ANNOUNCEMENTS** *[Time Stamp -- 00:36]*
[None]
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time Stamp -- 00:45]*
[None]
6. **[CURRENT CLAIMS LIST](#)** *[Time Stamp -- 01:26]*
Claims received as of May 6, 2021 to May 18, 2021 by the Commissioners' Office total \$3,940,017.60.
7. **HEARINGS**

- a. **Emerald Lake Estates Phase 2 Final Plat Adjustment** [Time Stamp -- 02:07]
Tim Worley, Senior Planner, Community and Planning Services

Commissioner Slotnick made the motion that the request to adjust the Emerald Lake Estates Phase 2 Final Plat be approved, based on the findings of fact in the staff report, and subject to the recommended conditions of approval.

Commissioner Vero seconded.

[Motion passed 3-0.]

[Letter 2021-127 Mailed to: Greg Hamilton.]

- b. **Anderson Minor Subdivision** [Time Stamp -- 10:01]
Bailey Minnich, Planner, Community and Planning Services

Commissioner Vero made the motion that the Anderson Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report, and subject to the recommended conditions of approval in the staff report.

Commissioner Slotnick seconded.

[Motion passed 3-0.]

[Letter 2021-125 Mailed to: Matthew Anderson]

- c. **C & H Subdivision Condition Amendment** [Time Stamp -- 22:47]
Bailey Minnich, Planner, Community and Planning Services

[Continued to November 4, 2021 Public Meeting.]

8. **OTHER BUSINESS** [Time Stamp -- 56:34]
[None]

9. **ADJOURN**
Chair Strohmaier – Called the meeting to adjourn at 2:57 p.m.

BCC Public Meeting May 27, 2021 – Transcription

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[00:00:03] And the Pledge of Allegiance. So please join me. I pledge

[00:00:10] To the flag of the United States of America and to the Republic for which

[00:00:16] It stands one nation under God, indivisible with liberty and justice for all. All right. Thank you, everyone. We will begin with public announcements, are there any public announcements that staff would like to bring before us today? All right. Seeing none is are there any public comments on items not on today's agenda? Well, any public comment on items down on today's agenda? All right. Seeing none and I should just remind folks, if members of the public are out there and want to answer answer, you can answer questions too. If you ask questions, please raise your virtual hand and I will call on you and the order in which you appear. If there is anyone who is on the phone and I'm not seeing anyone out there. Please unmute yourself, star six and just type right in, but see no public comment on items done on the agenda. Our claims list between May 6th and May 18. These are claims or bills paid by the Commissioner's Office and by Missoula County. Total three million nine hundred and forty thousand seventeen dollars and sixty cents. We have a few public hearings today, actually three and no. And the way we'll work these as usual as we'll begin with a staff report, we'll have an opportunity for the applicant or applicants representative to say a few words or present. We'll open it up for public comment and close the public hearing and then have some questions from the commission and or deliberations, and then we'll vote.

[00:02:04] So to begin with, we have Emerald Lakes Estate Phase two final climate adjustment. And I'm assuming since I'm looking at you, Tim, you are going to be presenting the staff report on this.

[00:02:18] Yes, I will be presenting today. Good. All right. This is the Emerald Lake Estates phase two plot adjustment, and I'm sitting in for Matt Hymel today. This is a project coming from Greg Hamilton and from Professional Consultants Inc.. Just by way of some geographic introduction, this is the Sealy Swan vicinity with Placid Lake to the West. This is Salmon Lake here. Highway eighty three north up to Sealy Big Sky Lake and the arrow is pointing at what was formerly known as Toat Road Lake or Animal Lake. So if we zoom in a little bit, here is what Emerald Lake looks like with Emerald Lake Loop is in that yellow hatch going around the subdivision and then Woodworth Road is the County Road immediately south of the subdivision. So what we're talking about is just a two lots within phase two of Emerald Lake Estates. Lot three and Lot S four, and they have the orange dots on them. And in particular, what we're talking about are no build, no alteration zones which are shown in this hatch here for Lot three.

[00:03:50] And then moving to ask for this hatch here and here and these. No bill, no alteration zone areas preclude practical development to some degree of these lots within the subdivision. And the basic issue amounts to the fact that the no bill, no alteration zones on the property, at least on these two lots, don't reflect current topography because the actual topography is the result of gravel pit reclamation. So the request is essentially to redraw no build zones on these two lots, according to current topography. With the ultimate goal of utilizing the buildable areas. Utilizing buildable areas that are currently deemed too steep for either driveway construction to a home site or a home site itself. Sorry, I seem to have frozen for whatever reason on my end. All right, so we reviewed this plat adjustment against the criteria and Chapter six of our subdivision regulations, and we found that the request meets those criteria, and this is just a quick overview of the criteria in Section six point seven point four. In particular, we felt that this was supportable because topography on the ground is so much different than depicted on the plat based on the fact that really there was a gravel pit in the 1990s and early 2000s on this property, which has since been reclaimed, and so that the topographic reality on the ground is significantly different than depicted on the plat.

[00:06:00] So we felt it was. This request was consistent with what's required in this section of the regs to allow for changes. We do have a couple of conditions. And one of them is to prepare exhibits showing the current state of affairs basically the current no build, no alteration zone reality on the ground, except acceptable grades for emergency access need to be shown for driveways that would access home sites. This includes topographic profiles for driveways, as well as delineation of building sites and driveway access needs to mesh with the basic fire safety requirements that are already recorded in the Emerald Lake Estates covenants. And to conclude, there's your motion for approval of adjustments, these two lots within phase two of Emerald Lake Estates.

[00:07:02] Thank you, Tim. Would the applicant or applicants representative dare to speak?

[00:07:09] Hello, my name is Ron Ewart with PCI. Hi, Ron. Of course, Greg Hamilton is also here. And we agree with the staff reporting that in the recommended conditions of approval. Would you like me to run through my PowerPoint real quick? Yeah, no. Ok, that's fine. Yeah. It was mentioned on Monday. Ok, that's right. It's all out there.

[00:07:40] Leave it to the chair. I'm sorry. I shook my head up prematurely. Please, chair.

[00:07:49] So Juanita do you care to see the PowerPoint on this?

[00:07:53] I feel like it's pretty straightforward with what Ron shared earlier and Tim's recap here, so

[00:08:00] I feel I'm satisfied if you are less wrong. You have something that that's just going to blow our socks off that we would not want to go home without seeing. I think we're probably good.

[00:08:13] Ok, I'll go with that, Dave.

[00:08:17] Does Mr. Hamilton have anything you'd like to say?

[00:08:27] It looks like your looks like your unmuted now. Ok, well, up, try again, Greg. Well, my guess is this this may not be as much of a nail biter as folks might have thought it would be, so any questions from. Well, let me first open it up, any public comment on this proposal? Ok, I will go in and close the public hearing questions from the commission. Tim, one to queue up that motion again.

[00:09:10] I don't have a question. I just have a comment that wasn't known for the record that we were about to make a decision based on the reality on the ground. Not not a map that isn't accurate.

[00:09:25] Go ahead, Josh..

[00:09:26] Oh, thanks, Ron. I would. The request to adjust the Emerald Lakes Phase two final plan be approved based on the findings of fact in the staff report. Subject to the recommended conditions of approval.

[00:09:39] Second.

[00:09:41] Any further discussion on the motion? Seeing none all those in favor, I. Okay, Ron.

[00:09:51] Ron, thanks, Ron. Thanks, Tim.

[00:09:54] Thank you, everyone.

[00:09:55] Thanks, Greg.

[00:09:57] And Greg.

[00:09:59] Ok. Moving on to our second public hearing, which I'll open, this is the Anderson Minor Subdivision Bailey.

[00:10:09] Ok, one second. Can you guys see my PowerPoint?

[00:10:12] Yes, yes.

[00:10:13] Perfect. Ok. So this is the Anderson Minor Subdivision request. It is located at one two one eight zero Pulp Mill Road. The applicant is Matthew Anderson and Imeg is the technical rep for us today. Make sure I click on the right screen. So here's the subject property location I just saw this in, so you can kind of see where we're talking about down towards the the bottom right corner is the or at least on mine, I don't know if it's mirrored for you. I should make that point. Is that the why interchange? So this is up off of Highway 10 off of Pulp Mill Road, which is actually a state secondary road. So the existing zoning out here in this area is zoned. I throw this on just so you can see where the the current line of our county zoning kind of ends is really down there by the Y Interchange with I-90 and ninety three. The existing land use designation is rural, residential and agriculture and our 2019 land use element, and I'll have another slide based off of Monday's update that I'll get into a little bit more about the growth policy and things like that. Uh, so the proposed is a two lot minor subdivision, it is a commercial subdivision, is what they're proposing. It's on six point one nine acres and there is a existing commercial business that's located on the northern portion of the property or what will become lot a Dash two or a two. So as I mentioned, the property in this area is on zoned. There's no zoning out there that regulates permitted conditional uses commercial residential, but it is in the rural residential and agriculture designation. So the area it's actually I threw this on. This is actually let me put my laser pointer on here.

[00:12:05] So this it's actually just right about here, right outside of this kind of yellow blob area, which I took out of the land use element. And these kind of yellow blobs were discussed as potential commercial areas or the kind of these areas where there's this mixing of of uses going on, but it's just outside of it. And so I put in these these three bullet points are the goals of that designation. But I did talk to Andrew Hegemeier before he went on vacation about, you know, if there was any history of why this area wasn't included as part of this kind of blob, which if you go back, it actually kind of matches. Oops, sorry, too far it matches kind of this this area down here. So this is kind of that area where that it was anticipated or thought about of having more of these commercial mixed use type expansions. And the reason why it wasn't designated as as part of that designation, it was rural residential agriculture is because we just don't want to keep allowing sprawl for all intensive purposes, right? We want to keep the uses located higher intensity, more industrial, more commercial uses where we have infrastructure, et cetera, water, sewer, that kind of thing. So that was the intent behind it. However, it is on zoned, so there's nothing that we have that prohibits them from doing any type of commercial development out this far, and the surrounding development is primarily commercial in this area. I know Dan can touch on that a little bit later as well, but there is some residential and some really small scale agriculture, some small kind of nothing too big, but more rural in nature.

[00:13:58] Yeah.

[00:14:03] Oh, I was like, Ron's going to jump in.

[00:14:08] It's all good

[00:14:10] Anyways. So with with that said, though, there is a provision in state law does now not allow us to deny a subdivision based solely on non-compliance with the growth policy. So it is a criteria that we look at, but we can't deny a subdivision solely on non-compliance with the land use designation just for for that out there. So impacts to local services the primary access for the lots is from an existing private drive that's connected to Pulp Mill Road, which is, as I mentioned, a state state secondary highway. There's an existing 40 foot wide private easement that was established with a certificate, a survey for the use and benefit of the current parcel, and that easement was actually relocated. It used to be in like the center of the property, and they relocated it to the western boundary, where it where it's currently shown on the preliminary plat, and that was done prior to submitting the subdivision in February of 2020. Both lots will be served by individual septic systems and wells. There is an existing septic and well, that's for the existing business on that northern a two lot. No parkland dedication is required for minor subdivisions, no pedestrian infrastructure required for minor subdivisions as well.

[00:15:25] And they although it's in the Frenchtown Rural Fire District, the property is under county fire inspector review So Adrian Beck and they are proposing a water storage system for their fire suppression. So we did notify

comment there, agencies for comments French town fire in the county fire commented on the proposed water system, saying it was adequate there. That's what they need to show at this time. They will have to develop more going forward towards final plat. Public Works did comment on the certification of the private road that will have to happen, and then MDC-T had commented that they would need to have their approach permit updated and the applicant is well aware of all of these things too. We did send out notice to adjacent property owners and we've had no comment submitted on the project. So Staff is recommending approval of the subdivision with the proposed conditions that were included with the staff report. And I have a proposed motion for you if interested, and I know Dan was Dan Fultz was going to be on the line if you guys have further questions to.

[00:16:31] Thanks Bailey. Would the applicant or applicants representative like to speak.

[00:16:37] Thanks, Commissioner, thanks, Bailey. This is Dan Fultz with Imag, and also here is Paul Faustin with Imag- and Matt Anderson, the property owner and applicant here. Yeah, we're happy to answer any questions. I thought there might have been some confusion in our Monday kind of update meeting about what the commercial business is or the uses here. But Matt owns our EML, which is Rocky Mountain Line layers, right? And he is in the business of directional, boring or horizontal drilling for things like utilities, fiber optics, kind of trenches, boring. So I just thought I'd throw that out there. That's the business there. And then the surrounding businesses are actually in kind of the same business and industry, like,

[00:17:24] Can you go back so we can see the surrounding businesses because there's other boring companies, I think, next door. Right?

[00:17:33] Bailey, do you have a graphic you could fill us? Oh, I think you'll have to. This doesn't help that much.

[00:17:45] No worries.

[00:17:48] Sorry, I realized I was on mute. I can I'll pull up the property information system, hold on a second.

[00:17:55] Yeah, that'll help, I think.

[00:17:58] Yeah, and your explanation helped to Bailey. It was just just for visual reference.

[00:18:06] Give me one second here. Of course, it's being really slow. Ok, so here is make it a little bigger, so I have the subject property highlighted right now, and I'll zoom in just a little bit so you can kind of see. So this is the parcel. So this imagery is is not accurate or not up to date. So there is a business that's currently out here. And then this is the there's another commercial business here on the front. This is kind of like a junkyard. I don't know if it's a business, but it's definitely like kind of thing. And then there's I want to say, I believe there's another commercial business on this parcel as well that's newer. Additionally, I'm not sure if if you guys know more about that, Dan..

[00:19:17] Yeah, that's correct. Yep, there's a couple of buildings on there for commercial business, and I believe they also boring company. Yeah, yep. And then two parcels to the West that is a church, outdoor outdoorsman church, I believe so. I just thought that would give you guys some context of what's in the neighborhood around here and kind of how our proposed plan and subdivision kind of matches that existing use. Yep. Other than yeah, other than that, I don't really have anything to present. We've reviewed the staff report and the conditions of approval, and they all look great to us and we appreciate Tim and Bailey's help through this process. Thank you.

[00:20:03] Is there any public comment on the proposed minor subdivision? All right. Seeing none we will close the public hearing questions from the commission.

[00:20:15] No, I just appreciate what Myer was saying about sprawl, but this is not leaking out. It's surrounded by this commercial, this type of commercial activity. So I've. I feel comfortable with this.

[00:20:30] Once again, the reality on the ground will drive the decision making similar to the last one.

[00:20:36] So I guess I do have some. I think the reality on the ground supports what's being proposed. I do have to wonder whether we missed the mark at all in the land use element because given the the level of commercial

development in this area, it does not seem to be aligning real well with the land use designation that we attributed to it. And I would also say if it were not for what we were seeing on the ground, I would want to emphasize that I believe that our growth policy actually does pack a little bit more weight than we sometimes give it credit for. And I've used this example before and we'll use it again today, going back a decade or more in time to the court case Supreme Court case Heffernan v. Missoula, where the city of Missoula was taken to task for one of their subdivision decisions and the court. This would be Sonata Park up the rattlesnake, and the court ruled that there was not substantial compliance with the growth policy and that was vacated. So again, I think what we're seeing on the ground justifies what we have before us today, but I guess I would like to give some finer grained thought to whether the land use designations really are what they need to be going forward. But in any event, we have a motion before us.

[00:22:14] Yeah, well, said Dave, and I motion that the Anderson Minor Subdivision be approved based on the findings of fact and conclusions of law in the staff report and subject to the recommended conditions of the of approval in the staff report.

[00:22:28] I will second, that.

[00:22:30] Any further discussion on the motion, please signify by saying, I.

[00:22:35] I

[00:22:36] I

[00:22:37] Ok, that passes unanimously.

[00:22:39] Thanks everyone.

[00:22:41] Thank you.

[00:22:44] Ok, moving on to our third and final step, well, the third and final public hearing, this is the subdivision condition amendment proposal and Bailey, you have the staff report again.

[00:22:57] I do. So it's always hard to switch between multiple presentations. So hopefully you guys can see this presentation this time. Awesome. Ok, wonderful. So this is the subdivision condition amendment. The property is that eighty nine sixty professional drive. The applicant is Matthew Cavanaugh and the technical rep is PCI. Whoops. Make sure I'm on the right screen. There it goes. So this is the property location just to the top of the screen. There is the Y Interchange, so you can kind of see where we are kind of same area, but we're further south on Highway 10. There. And the current zoning is C.I. one, which is our light industrial and it's in this area and it corresponds to the land use designation, which is also industrial center for this area. So the subdivision was a five lot minor subdivision on two point forty four acres, it was approved in September of twenty eighteen and then the final plat was recorded in July of twenty twenty. The proposed condition amendment is to number eight of the subdivision and that required fire sprinklers within all new buildings for fire protection. So at the time of subdivision their fire suppression plan, they chose fire sprinklers as part of it. Well, thank

[00:24:18] So sorry, I had a small child popping.

[00:24:26] Sorry. It's the joys of working from home.

[00:24:30] Good for you, so.

[00:24:31] Oh, thanks. So the condition to be amended would allow a water storage system for fire suppression in lieu of sprinklers, but it would only pertain to lots four and five of the subdivision. So lots one, two and three would be proposed to remain for fire sprinklers in all buildings. And there currently is a commercial building that's actually under construction on it straddles both lots four and five. And so they are. They did provide water supply calculations, and the proposal would be for a ten gallon system located along the Internal Subdivision Road or that professional drive.

[00:25:11] That was ten thousand gallons.

[00:25:13] Yes, ten thousand. And that's from what I understand in the packet and from the Missoula Rural Fire, which Pete is on the line today for questions related to that. But the minimum required is ten thousand gallons. So they actually I think their calculations require or show that they would need less than that. But that's like the minimum size that they would need to meet fire code. Um, so we did notify agencies for comment on May seven. That's the process for this. There is no legal or no adjacent property owner notification. It's just agency comment. I mean, we did get a comment back from Missoula Rural Fire that they're in opposition to the request, recommending the use of fire sprinklers remain the requirement for all new buildings within the subdivision, and Pete submitted an additional fact sheet and an email as part of the. And that was included as attachments to my staff report and the RCA packet. So we review the request in accordance with the criteria in section six point seven point four. And I've listed out these these are all the what the proposed changes must be. Minor in nature must comply with the regulations. This is everything and the majority of them they do not comply with, and a lot of that is based off of the comment we got from Missoula Rural Fire.

[00:26:39] So things like not reduce protections or safeguards provided by the regulations based on the Missoula Rural Fire comment. We do show that that would the storage would reduce adequate fire protection and therefore the condition should remain for all buildings. The let's see. I was just trying to hit the highlights of my my request or my review criteria. I can't talk now. Request not consistent with the findings of fact and conclusions adopted for the fire for the subdivision as the Fire Suppression State Plan states. That's for fire sprinklers, which was chosen at that time for the water supply for firefighting. The water supply change may be incremental and lead to requested changes on all the other lots because, like I said, this is only four lots four and five, not four lots, one, two and three, which are for commercial use as well. No changes have occurred in the area, necessitating of firefighting water supply change. So just kind of the highlights of it. So therefore, staff is recommending denial of the request based on the comments from Missoula Rural Fire in opposition, along with the conclusions in my staff report. And so I have a proposed finding. I know John Kellogg from PCI is here and again. I do have Pete Giardino from Missoula Rural Fire on as well for discussion.

[00:28:08] Thanks, Bailey. So the applicant or applicants representative would like to speak on.

[00:28:15] Thank you for this opportunity. Commissioners to back up a little bit and what brought us to this place back in January. The applicant would ordered a building a steel structure for this site and in the big picture, it's a relatively small steel structure. The use that's proposed is largely storage. It's going to be used by the company for the employees to come and go periodically. There's going to be no public, you know, it's not a public commercial building. So with everything taken together, we look to contact Pete and and requested of him. The calculation that barely mentioned a little while ago and the calculation that's in our application of the six thousand three hundred forty eight gallons of water storage came from the fire marshal. And so based on that, the numbers that he proposed, we designed a buried water storage system that is compliant with NFPA standards. And in fact, within your staff report, you indicate both fire sprinklers and cisterns are acceptable water supply methods, per NFPA and Missoula County Subdivision regulations. And and I'll let Pete respond, but I believe they're in concurrence with that fact that both of these are NFPA standard. The reason that we've got sprinklers as the main source of water fire suppression is due to the fact that at the initial review of the subdivision, we did not know for certain.

[00:30:29] All of the types of buildings that were going to be constructed within this subdivision. And there are cases where either a larger structure, a structure of different building materials or a different use for the structure would precipitate a need for fire sprinklers. In this particular case, it's fairly unique in that the use, the structure size, the structure materials and the fact that we have an. Opportunity here within a stone's throw the fire station to provide adequate fire protection with this method that meets NFPA standards, and so that's why we pursued it to this point. We think it's a it's a reasonable response. The of course, the reason why the applicant wanted to go down this path is that there is a substantial cost difference. We're talking four times the cost, probably potentially over \$100000 for the sprinkler system. And so that's why we're pursuing this from his perspective. Now I understand economics are not criteria that you need to consider in your decision, but I think your decision can be based on the fact that this is an NFPA compliant system, that it meets the standards necessary to address fire suppression in this particular case. And so that's why we've presented this request to you today.

[00:32:26] Thanks, Mr. Kellogg, Mr. Giardino. Would you like to respond to that providing Missoula rurales perspective and why sprinklers would be superior in this case to the system system?

[00:32:40] Yes, thank you for the time this afternoon. So, yeah, it's been a process that started late last year and we are where we are now. Everything that Mr. Kellogg says is absolutely true regarding NFPA standards. I will make one correction. The ten thousand gallon tank is an authority having jurisdiction reduction with the inclusion of an automatic fire alarm system to provide early warning of a potential fire to give the fire department early notice of an incident if it should occur. And so that ten thousand gallon minimum or the ten thousand gallon cistern is a reduction from a thirty thousand gallon requirement. Nfpa requirement and we allow that reduction with the installation of an automatic approved fire alarm system. And so it is our recommendation at this point to allow the proposed permit to continue with the installation of the ten thousand gallon cistern and fire alarm system. However, I am unfamiliar with with your guys's process, however, the. The other lots, as Bailey mentioned, would fall, may fall or could fall under the same same concerns going forward. So going forward, we would like to to maintain that the sprinkler systems be required for future subdivisions. And the issue that we as a fire department have, or at least I had with this particular project was the wording in paragraph eight of the conditions of approval that states and I'm looking it up right now.

[00:34:41] Failure to install commercial industrial fire sprinklers in any new building may subject the entire subdivision to the cost of installation of a shared water source for firefighting purposes. And please forgive my ignorance. But that implies to me that if a if a building owner or contractor builds a building without a sprinkler system, they could do that. And then, after the fact, just put a tank in the ground and make all the other land owners share in the cost of installation and maintenance of that system. And so going forward, I would like to see that kind of language removed from conditions of approval. And if it is our recommendation through the scoping process to require sprinkler systems for a subdivision, that that's what remains and that's what stays with that subdivision. So with that said, I, I believe that Mr. Kellogg and his associates have some further work to do regarding the amendment changes for this for this particular subdivision. But I can as a fire marshal, deputy fire marshal, having consulted with the rest of our division, go ahead and recommend that provided the building have a NFPA certified and fire alarm system that a ten thousand gallon cistern would suffice for this particular project.

[00:36:04] Ok, I think I certainly know I have some follow up questions on that, but before we do, is there any public comment on on this proposal? Any public comment? It sounds like someone was pinged the commissioner right there with some public comment so far.

[00:36:22] Seeing none we will close the public hearing and and we'll go to questions. But first, I just need some clarification. So this is a little bit different than what Bailey described, kicking things off. So it sounds like the Rural Fire District and and up would be OK with the system, provided there was a fire alarm system integrated into that. Is that correct? And and that would be to say NFPA approved type system.

[00:36:56] That's correct. So the NFA NFPA eleven forty two spells out specifically water supply for rural fire districts. And in that based on the volume of the building, they come up with amount an amount of water that is required for fire protection for that particular building. Given the volume of the building going in at professional drive, it would have required a thirty thousand thirty one thousand gallon water tank. We, as a fire district have allowed reductions in the size of that tank, provided the building have an automatic fire alarm system installed to provide early warning or early notification through 9-1-1 to the fire district of an incident at that location. So that is the reason for the ten thousand gallon size of system. That's that we're that we're recommending or proposing or that there that, excuse me, PCI is proposing and we're allowing.

[00:37:55] Sure, Juania or Josh.

[00:37:57] I believe I need a I'm getting kind of lost in like where we're at and how close we are to the fire department and then which lots are don't need the system and which laws are under sprinkler. So just so I have. Ok. Can you give us a visual?

[00:38:13] I'll throw up the property information system again, just so it's easier to see

[00:38:19] Here, and I'm looking at the stuff that sometimes has buildings on it and doesn't have buildings on it, so I don't really know what the property looks like.

[00:38:27] Well, and that I will say that is kind of the hard part of the property information system is because it's not it's not current as it. So this is the best aerial imagery, it's the clarity one. So these this is let me see. So this is a lot. Five is here. Lot four is here. These are the two. And so currently there is a building that's basically kind of straddling this. They got their building permit in December was when it was approved with the conditions of the fire sprinklers. That's how the building permit was approved. And so it's on these ones. So these lots here one, two and three, they currently don't have any building permits active on them as of right now. They are, they're vacant. So the professional drive there is a road with a cul de sac that actually comes in here. It's paved as all part of the subdivision and everything like that. So it's really just these two lots that we're currently talking about and the one building that's actually on on the property.

[00:39:33] And where's the fire or fire station?

[00:39:38] I'm not 100 percent sure I don't know Peter John Stones.

[00:39:43] It's less than a mile away. It's less than a mile away in the southeast.

[00:39:49] Ok.

[00:39:51] Bailey could or could you refresh our memories as far as what is the trigger that that would in your mind really necessitate the fire sprinkler system? So so right now you're saying that the system plus the fire alarm? System would be adequate. What's the threshold where even that would not be adequate, would it be contingent on the use of the building? That that would then absolutely require a fire sprinkler system as opposed to the system, even with an alarm system?

[00:40:31] It's a good question, and fire code is is is very specific, but it's very convoluted on how to come to the conclusion as to whether a building requires a sprinkler system or not. It really does depend on the occupant use what is actually occurring in that building the size of the building. In some jurisdictions, it can be distance away from a fire station. So there's a lot of factors that that go into the decision as to whether or not a building is a fire suppression system. A sprinkler system is required for a particular building. I can tell you that based on current fire code that the Missoula Rural Fire District has adopted, the building of this size and use would not have required a fire sprinkler system, had conditions of approval several years prior not required it.

[00:41:21] And so what? On an individual permit basis, we can determine whether or not a building has a requirement for a sprinkler system. However, oftentimes subdivisions and when it goes through subdivision reviews, the lot owners or the property owners decide at that time and through through building through caps through the fire department, decide, you know, let's just sprinkle everything that's going to go in here and not knowing what's going in there because it could be three to five years. I think we're dealing with some subdivisions that are even 10 or 15 years old. As far as reviews go for subdivisions, so what? Getting back to your question, if I can't, if I can remember correctly is what is the precipitating factor that requires a building to have a sprinkler system in a storage facility, a storage building? Depending on the type of storage, there's different categories of storage as one as two, if it's in one storage facility, if it's greater than 12000 square feet, it's going to require a sprinkler system. If it's less than 12000, it wouldn't. So this particular building, while it's an office space, I believe it does qualify as an se one. Correct me if I'm wrong, John.

[00:42:35] Oh, you're muted, John. John, you're muted.

[00:42:38] I believe you're correct, yes.

[00:42:39] Is there? I apologize. Just to finish real quick. So the the the the way the code is applied is to the largest area of of space that the building occupies. So even though there's a small office area or some office area that will be within this building, the larger S. One portion of the building is what we use as a determining factor for sprinklers. And given the size of this particular one facility, it would not be required by fire code.

[00:43:10] Is there any worry that even though the majority of the intended use right now might be storage in nature, that if that changes at some point that it would then warrant sprinklers and then it might cost a whole lot more than a hundred thousand dollars to retrofit the building just hypothetically that that is.

[00:43:31] No, that is absolutely true. And there are conditions in the fire code that talk about change of occupancy. So when a building switches from a tire shop to a restaurant or vice versa, it would bring in fire code based on its occupancy type. And so, yes, going forward, future for the future of this particular building, which is outside of my concern really, until it comes across my desk as a change of occupancy request through the permitting process, we may require sprinkler systems in that building at such time that the building changes occupancy use.

[00:44:09] If I notice, I'm sorry,

[00:44:12] Go ahead, John.

[00:44:13] I could note that I think your commissioners are familiar with the fact that Missoula Water is very near to this property, very likely in the near future will have fire hydrants available in the vicinity of or in this subdivision, if that's the case. Pardon me.

[00:44:37] Where?

[00:44:40] The the I believe the water main is to the North. Oh, a few hundred yards as it follows the railroad track out to the West, I I believe in the near future that this area is probably going to come under the under the water system. If that's the case, providing a sprinkler system to any of those structures in this subdivision will be a simpler process of connecting with the public water system. And so we're in a different level of requirements there, and the cost is reduced accordingly.

[00:45:26] So I have a bunch of questions, but I just wanted to get you. No,

[00:45:33] I've got a process question here in a little bit as far as possibility of of. Adding to the fire alarm system and what that would look like, but go ahead, Josh.

[00:45:50] So thanks, Dave. So, John, why are lots four and five and not one, two and three?

[00:45:58] Because we do not know what structures are going on those three three lots. We know what's going on four and five right now. And since that is a specific steel structure of a limited size and use it since we know that that's why we're proposing the buried storage tank.

[00:46:20] I'm just it just almost seems counterintuitive to me, but I am definitely out of my element here. So if one of them one of these two options cost less than the other. Why propose the expensive option rather than the low, lower cost option, when in either case, you don't know what the building is going to be for four lots one, two and three? I'm just wondering if when we get to lots one, two or three, you guys will be back with the same ask.

[00:46:49] I can't say there's not a potential for that. However, we don't know at this point enough about what is going to be built there. I mean, if if an ammunitions plant is going to be going to be proposed in there, then we wouldn't be requesting it. And so that's there are a lot of things in the near future that will potentially be occurring here. One is possibly connection with Missoula Water, and the others are when the owners of lots one, two and three determine what they want to build. Then at that point, we'll will need to analyze what the needs are for those structures.

[00:47:36] I get that Montana, that Missoula water is not far away, and yet that is no guarantee that in the near term they will move. Just looking at other parts of our city and the urban area, like they've been there and they're not moving. I mean, it might not be great, but unless they have guys, they're moving. And here's the date. I don't think we should bank on that. Mm hmm. So it is a is a story.

[00:48:02] Before you go on and look like Bailey had her hand up, did you want to clarify anything here, Bailey?

[00:48:06] Yeah, I just wanted to let you know that those lots one, two and three, I think lots, one and two are owned by someone different right now, and Lot three is actually owned by Mr. Cavanaugh and this other lot owner. So there is some issues with the property ownership as well, and making lots one, two and three would require another property owner to be on board with changing that condition. And Dave, since you mentioned it as far as like process and things, if this is something that you do want to recommend approval, there would be a number of conditions that would need to be added that we have for water supply system that are kind of standard conditions that I don't have in front of me at the moment, as well as if, if it were to be approved, it would also require a covenant amendment and a plat amendment to the face of the plat because this language is on the face of the plat as well, that sprinkler systems are required. So I just want you to be aware of if that is where we're going, I would definitely recommend that we pick up the approval at a later commission date where I can get you all of those conditions and things like that, et cetera. So just throwing that out there?

[00:49:18] No, that's thank you, Bailey, Josh.

[00:49:22] So here's a question for Mr. Giordano. Some when there is a change of use, do you do? I just want to make sure I understand or you do have the opportunity to say this change of use must have a different type of water system.

[00:49:38] Exactly, exactly. Provided we get that information. Oftentimes, we see change of occupancy where someone sells a building and it doesn't go through the permitting process in the rural setting, and it just becomes something else. But if everyone is following the following the rules and it does go through the proper channels, it does come across our desk as a change of use and then we review that, that building or that the change of use at that time and make our recommendations.

[00:50:07] And Mr. Kellogg, you said this is going to be used for storage. Right?

[00:50:11] The the business is five valleys restoration. And so they operate out of that building to take materials to the location where they're restoring a house that's, you know, had some damage to it from water or whatever. So they'll be coming and going from that building, using materials that they've stored in the building to do the

[00:50:41] Essential that any of the materials used, let's say, to kill mold or something aren't volatile or exceptionally flammable and potentially dangerous.

[00:50:53] I'm certain some of the cleaning chemicals could be. I haven't talked to Matt about whether those will be stored in the building. I would imagine the bulk of the materials would not be volatile, especially if you're talking about mold cleanup and that type of thing. I don't think we're talking about a lot of volatility, but I'm I don't have specific information on that, that storage.

[00:51:32] John, for the. So for the sake of process today, and this is kind of a threshold question, and I don't know where the other commissioners are coming from on this, but would would the applicant even be willing to consider the possibility of installing a fire alarm system?

[00:51:52] Yes, we certainly are. We've been talking to him about that and he's been checking into it. Yes.

[00:52:01] Bailey there any statutory deadlines that we would have to make a decision on this today without the permission of the? Applicant or if the commission so chose to continue the public hearing while additional work was being done. Is that something we could just do?

[00:52:20] Yeah, there's no statutory timeline on this. I would say I was looking at the agenda, so I because everything would be due today for next week, the June 3rd agenda. I'd probably have to have it go on June 10th would be the earliest that I could get it back to you guys to meet, to get all the conditions laid out and in the packet for you to because they are kind of some detailed ones as well.

[00:52:43] Ok, thanks, Josh. Did you have more questions? I might have cut you off then?

[00:52:46] Oh, we're good. Thank you.

[00:52:50] So, Joshua or Juanita, what's your what's your pleasure?

[00:52:53] My pleasure is. Let's talk about this in two weeks and give Bailey, John and Pete time to. Real get get their ducks in a row.

[00:53:07] Josh,

[00:53:08] I'm totally fine with that, I like that idea, actually.

[00:53:13] Ok. And Bailey. And you might have started with this, but how does this align with our? You had a whole list of elements that that were essentially out of compliance here. I'm assuming with our subdivision regulations, although Mr. Giardino made a pretty good case, I thought that that there is if we were to be reviewing the subdivision today, maybe there would have been greater latitude or we might have done something different by way of conditions than what was approved years ago.

[00:53:54] Yeah, I think so. You know, a lot of my conclusions were based off of comment, the comment from Pete. And so I will have to go back if you're leaning towards approval and change a number of those findings and conclusions in support of them, because right now they're based off of the written comment that we had gotten. That was the decision for a lot of those. So that would be part of what I would bring back to you or some amended conclusions for you to review and ultimately accept or not accept and then proposed conditions for the water system, as well as the plat adjustment, the face of the plat address or face of the final plat that would need to be amended and the covenant language would need to be amended, as well as the condition and what. What I would have recommend is that this condition doesn't get struck like they don't what there were. John and PCI was proposing was to strike a lot of this language and I would leave that language and just put an extra sentence in the condition that says for only lots, four and five, could they do this rather than striking the whole condition and leaving kind of a no man's land for these other three lots like, well, what about these three lots? So that was kind of what my brain was going with originally before we got Pete's original comment that they were in opposition to it. So then we had to kind of change our plan here a little bit, but so that we would bring that back. So actually, the two weeks would definitely be enough time to bring you kind of these modified things if that's the way you're wanting to go.

[00:55:29] I think that sounds like a really good idea. Good idea Juan And thanks, Bailey. Thanks.

[00:55:34] John, is that enough time for you to work with staff that?

[00:55:38] That's great. Yes. We're willing to do that.

[00:55:44] Yes, sir. And I apologize to the commissioners. My my comments to Bailey were a bit premature, having had a conversation with Mr. Cavanaugh just later that day or the next day regarding the conclusion of the fire alarm system. So my comments were based solely on on what I knew prior to this the introduction of the fire alarm system. So yeah, I would think two weeks would be enough time for for us to talk about and come up with a reasonable solution. Thank you.

[00:56:14] Great, so glad you were here today

[00:56:16] Yeah, thanks a lot. You're really helpful.

[00:56:19] All right. So we'll keep the public hearing open and reconvene on the 10th of June for this item. Thanks so much, Pete. Thanks, John. And that concludes our final public hearing item today. Is there any other business to come before the commission today? Ok. Seeing none will be adjourned.

[00:56:39] Thanks, Dave, For keeping it to an hour.

[00:56:43] Yeah, thanks.

[00:56:44] Goodbye.